

Statement of Environmental Effects

Pro-forma for minor development

ABOUT THIS FORM

This statement must be completed by the applicant and/or their representative to comply with the requirement of Section 4.15 of the *Environmental Planning and Assessment Act, 1979*. The completed statement must accompany the Development Application and accompanying plans.

Each of the following categories must be completed for all forms of development, building works or activity requiring development consent. The level of detail required will depend upon the nature and scale of the proposed development. Should you be uncertain of any aspect, you should contact Council's Planning and Development Group for advice.

1. PROPERTY DETAILS

Lot Number

Lot 3

Section no.

Property No: 8207

DP / SP

DP 737071

Unit / Street number

14

Street name

Perry Street,

Suburb / Locality

MUDGEES

Postcode

2850

2. DESCRIPTION OF THE PROPOSAL

What is the proposed development?

Erection of a Boundary Fence.

Describe your proposal in detail. (Include details such as whether the development will use whole or part of the building(s) or land(s), whether new buildings are proposed, the physical features of the proposed building(s), the nature of the building(s) [eg office, retail industrial etc], materials and colour scheme, signage, disabled access and facilities, seating capacity, tree or vegetation removal).

Boundary Fence will be an 'L' design approximately 11.595m x 6.425m. The 11.595m side has already been constructed as originally instructed by council when told the project was an exempt development. Construction is of hardwood timber palings with iron posts. Its height is 1.8 metres. There is no tree or vegetation removal. Shrubs may be planted along side the fence. The fence is not touching Lovejoy House which is classed as heritage, but goes alongside the veranda of the coffee shop building adjoining Lovejoy House. The coffee shop building was only built 30-35 years ago, and hence is not heritage, although it compliments the Lovejoy House building. It has different bricks, brick size, mortar, windows and no corbells. See site Plan Maps 1+2
see pictures 1, 2, 3, 4, 5, 6.

3. DESCRIPTION OF THE SITE

What is the area of the site?

727m²

Describe the site (elaborate on the information provided on the site analysis plan. Include information such as the physical features of the site, for example slope and vegetation, existing services).

The site comprises 'Lovejoy House' occupying Steve Flynn Solicitors and 14, Lovejoy Village which comprises 6 offices and 1 unit. The site is flat with verandas around the buildings, a footpath leading to the verandas and the rest is lawn/gardens.

Describe the use of lands adjoining the site. Will the proposal impact on adjoining property? (Consider issues such as noise, privacy, overland flow of stormwater and other amenity impacts).

The proposal of erecting a boundary fence is to eliminate NOISE and TRESPASSING, coming from the coffee shop patrons onto our site; with the scattering of pushbikes and children riding trikes on our lawn and footpath - this makes it hard for clients to attend appointments with the various tenants occupying my rental offices. A lot of these clients are elderly and need to be able to walk along the footpath without hindrance of bikes or being run into by trikes. This is a case of occupational health and safety with elderly people placed in a situation of tripping and breaking a hip. The fence will also lower the noise level coming from the coffee shop.

4. PRESENT AND PREVIOUS USES

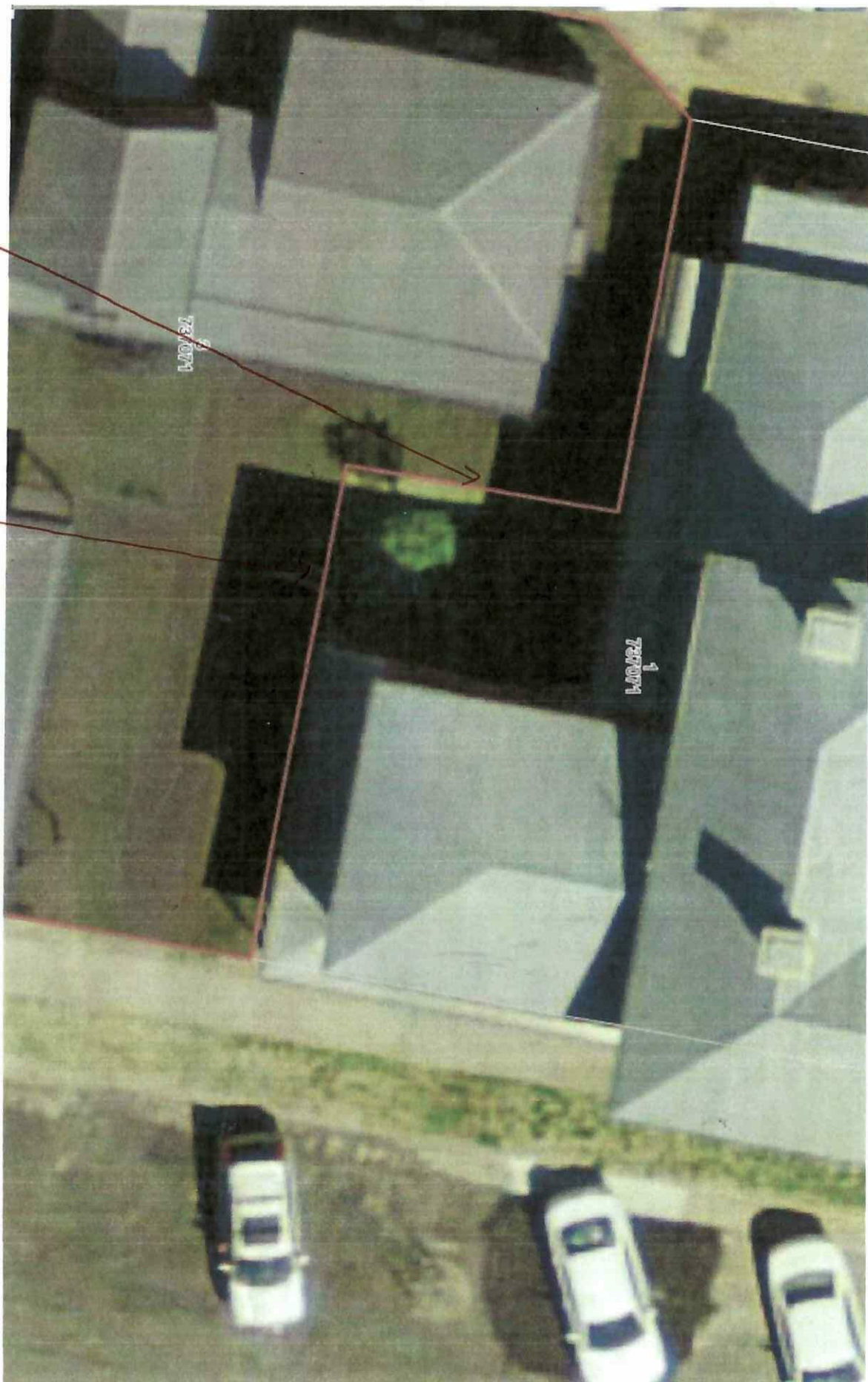
What is the present use of the site and when did this use commence? Did this use receive development consent?

Coffee shop - 4 years operating

The erection of the fence will keep the elements of wind/rain off the coffee patrons - very beneficial

List the previous uses of the site.

BOUNDARY
FENCE



ERECTION OF BOUNDARY FENCE
FOR MR + MRS STEWART - LOVEJOY VILLAGE
14 PERRY STREET, MUDGEE



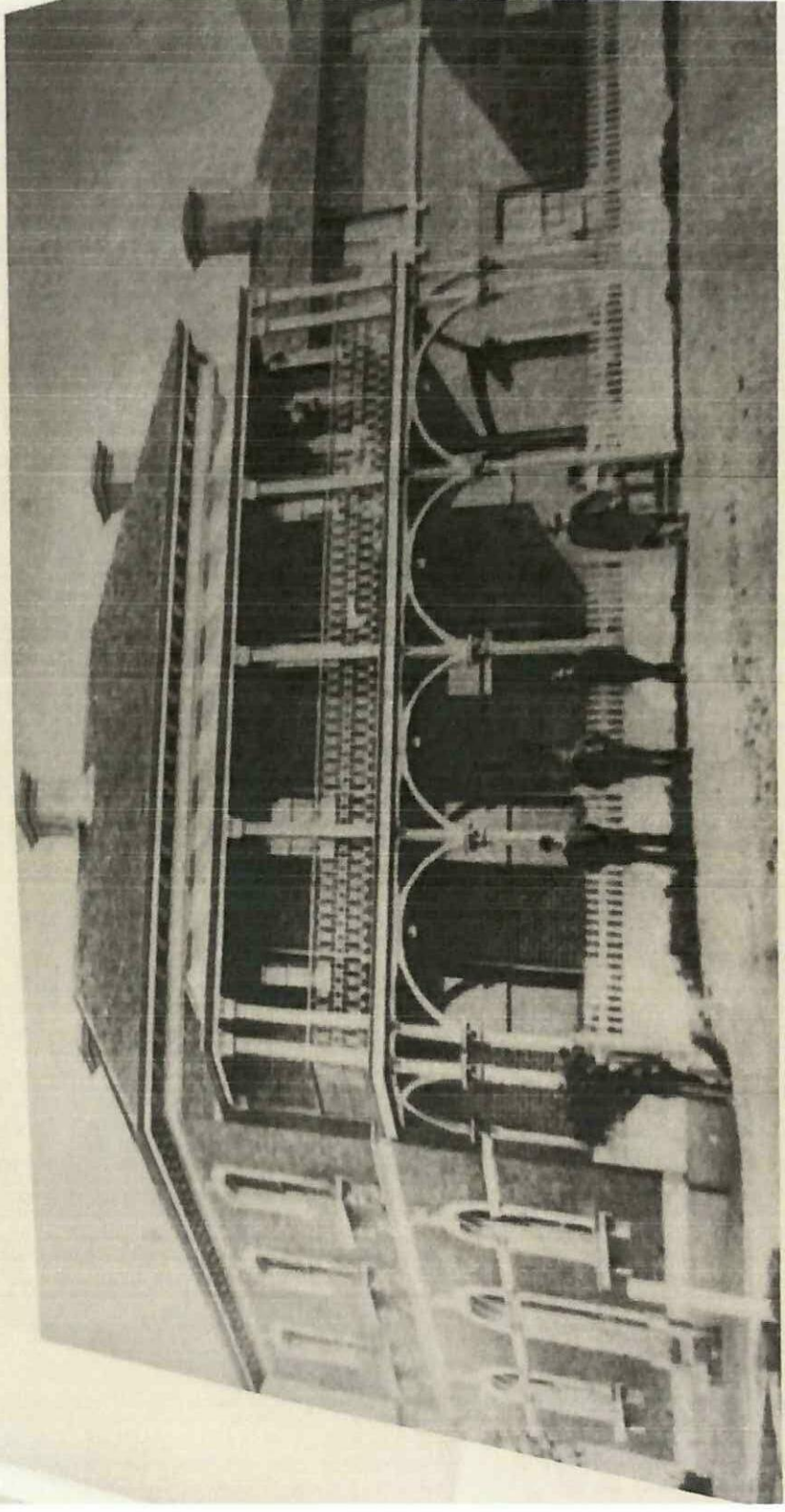
fence
already
erected
as
initially
instructed by
Council

Picture
2





Rural Bank in Market Street. 1967. Previously Bank of New South Wales.
Now Hannaford, Cox, Connellan and McFarland Solicitors



↑ Australian Joint Stock Bank. Corner of Perry & Lovejoy Streets, c.1870'
Built 1866. Now Flynn's Solicitors

no coffee shop
here. originally -
only a recent
addition



Built 1980's 90's

Built 1866

COFFEE SHOP

FLYNN'S SOLICITORS

Picture
6 -
Back
of
coffee
shop.



STATEMENT OF ENVIRONMENTAL EFFECTS | MID-WESTERN REGIONAL COUNCIL

Have any potentially contaminating activities been undertaken on the property? (Apart from obvious activities such as petrol bowsters and industries, there may be less obvious sources of contamination such as asbestos disposal, old sheep dips and sawmills).

☒ No

☐ Yes – please identify:

If yes, you will need to provide the relevant documentation as outlined in Council's Development Control Plan (DCP).

5. ENVIRONMENTAL CONSTRAINTS

Has the proposed development been designed to respond to the following environmental constraints, where applicable? (Indicate yes, no, or not applicable to each of the following).

	YES	NO	NOT APPLICABLE
Flooding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bushfire (if yes, is a bushfire report included in your application?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Groundwater vulnerability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sensitive biodiversity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Saline soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Threatened species or habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Minimise vegetation removal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If yes to any of the above, indicate how the proposed development responds to the constraints

No removal of trees/vegetation necessary.

6. UTILITIES AND SERVICES

Provide details of the existing and proposed method of **stormwater** disposal.

N/A

Provide details of proposed **electricity** supply.

N/A

Provide details of proposed **water** supply.

N/A

Provide details of proposed **bushfire** firefighting water supply, where relevant.

N/A

Provide details of proposed **sewage management**.

N/A

7. OPERATIONAL AND MANAGEMENT DETAILS (E.G. HOME BUSINESS)

NOTE: This section is not applicable to the construction of a dwelling-house, additions and alterations to a dwelling-house or structures ancillary to a dwelling-house.

Describe in detail the proposed business activity.

Total number of staff

Max no. of staff on duty
at any one time

Max no. of clients / customers
expected in a day

Max no. of clients / customers
expected at any one time

Hours and days of operation

<input type="text"/>	AM	to	<input type="text"/>	PM	Monday to Friday
<input type="text"/>	AM	to	<input type="text"/>	PM	Saturday
<input type="text"/>	AM	to	<input type="text"/>	PM	Sunday
<input type="text"/>	AM	to	<input type="text"/>	PM	Extended hours on:

What are the existing and proposed fire safety measures for the building?

8. MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012 (MWRLEP)

What is the land zoned?

E2 commercial centre

What is the proposal for (as defined by MWRLEP)? (There are parent definitions and child definitions in MWRLEP – please use the child definition)

Erection of a timber, hardwood paling boundary fence.

Is this use permissible within the zone??



Yes



No – are you relying on existing use rights?



Yes



No – the development is prohibited in the zone and cannot be approved by Council

Expand on how your proposal meets the objectives of the zone.

Materials in construction of the fence being hardwood timber palings meet the requirements of heritage fencing. Timber paling fences are timeless and known as heritage or traditional fences. Therefore it conserves the environmental heritage of MWRLEP (1a) See Picture 7.

Does the proposal comply with all the relevant requirements of the MWR LEP? (Please list and address all relevant clauses to your development from the LEP – add extra pages if necessary)

Having read 5.10 Heritage Conservation of MWRLEP, we feel that the timber paling fence meets all the relevant heritage requirements.

1. There is not a heritage building being erected, or changed so objectives 1b,c,d don't apply
2. Erecting a boundary fence in materials such as timber hardwood palings is in accordance with historic/heritage buildings (1a.) See Picture 7
3. Fence suggestions have been:
 - a) Wrought iron construction which is way too expensive and wouldn't combat noise
 - b) Masonry construction- very expensive, only allowed 1.2m high and wouldn't counteract the noise of the coffee patrons and music
 - c) Grow a Hedge which would take far too long to grow, would be a dumping ground for coffee cups and litter, needs to be constantly pruned and manicured by both parties, Flynn's and Stewarts which is time consuming and costly.
 - d) A picket fence which again does not combat noise and is open to vandals to break the pickets off the top of it
 - e) This leaves a timeless, heritage paling fence as the best option
4. The fence is a side boundary fence and not at the front of the Heritage building so does not affect/block its beauty and appearance or view from the front of the building or from the street.
5. No vegetation or trees are going to be removed to erect the fence
6. Shrubs may be placed along side the fence to enhance its beauty

Side and Rear Fences

Unless there is other historic evidence, a timber paling fence is typical for side and rear boundaries of historic dwellings and buildings.

The timber can be oiled or left to weather to silver grey. Landscaping and hedging can be used to soften fence lines.

Sheet metal panel fences are not appropriate in the setting of a heritage item and are not likely to be supported.



A heritage or traditional fence is a fence that incorporates materials and stylistic elements from previous periods. The terms often refer to styles of fencing that are 'timeless,' which means they will never go out of fashion because they have been in the design vernacular for years.

9. MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013 (DCP)

Mid-Western Regional DCP 2013 is structured into sections that are relevant to specific development.

- Part 1 – Introduction
- Part 2 – Fast Track Development Applications
- Part 3 – Discretionary Development Standards
- Part 4 – Specific Types of Development
- Part 5 – Development Standards
- Part 6 – Development in Rural Areas
- Part 7 – Subdivision
- Part 8 – Site Specific Controls
- Appendix A – Flood schedules
- Appendix B1 – MWRC Auspec Stormwater Drainage Design
- Appendix B2 – Stormwater to Stormwater
- Appendix C – Carleon Development Control Plan
- Appendix D – Implementing a Subdivision Consent

NOTE

Mid-Western Regional Community Participation Plan 2019 may require the development to be neighbour notified and/or advertised.

Please list and address the relevant clauses to your development based on the zone of your land (add extra pages if necessary).

Where the proposed development does not comply with a relevant "deemed to satisfy" standard in the DCP, please provide justification for the variation to the standard. (Refer to Section 1.7 of the DCP).