

**STATEMENT OF ENVIRONMENTAL EFFECTS  
V3**

**DEVELOPMENT APPLICATION FOR TWO  
LOT SUBDIVISION AND DUAL  
OCCUPANCY DEVELOPMENT**

**127 Gladstone Street, Mudgee**



Navigate Planning

15 August 2024

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# 1 INTRODUCTION

This Statement of Environmental Effects (SEE) supports a development application for a two lot subdivision and dual occupancy development at Lot 1 DP 1296212, 127 Gladstone Street, Mudgee.

The development site is zoned R3 Medium Density Residential under the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012). The combined subdivision of land and erection of a dual occupancy development is permissible pursuant to clause 4.1B (3) of the MWRLEP 2012.

The subject land is 998.8m<sup>2</sup> in size. The proposed lot sizes are 505m<sup>2</sup> (Proposed Lot 11) and 493.8m<sup>2</sup> (Proposed Lot 12). The proposal complies with clause 4.1B (3) of the MWRLEP 2012.

The dwellings have been designed for accommodation for persons with a disability. They have been designed to meet the class 3 building requirements under the National Construction Code. However, as this development application is for two single dwellings (class 1a buildings), BASIX Certificates have been provided.

The development is not “state significant development”, “regionally significant development”, “designated development” or “integrated development”.

This SEE addresses the environmental, social and economic impacts of the proposed development.

# 2 PROPOSED DEVELOPMENT

The proposed development is the subdivision of Lot 1 DP 1296212 into two lots, each over 300m<sup>2</sup> in size and the construction of a detached dual occupancy resulting on one dwelling on each lot. The development is permitted under clause 4.1B (3) of the MWRLEP 2012.

Lot 11 will be 505m<sup>2</sup> in size, while Lot 12 will be 493.8m<sup>2</sup> in size.

The dwelling on Lot 11 will be single storey with a floor area of 181m<sup>2</sup> and will contain three bedrooms and a combined living/dining/kitchen area, with a single car garage. Two of the bedrooms and their ensuites are designed to comply with the high physical support requirements of the National Disability Insurance Scheme. The dwelling has a height of 5.25m.

The dwelling on Lot 12 will be two storeys and will have a floor area of 271m<sup>2</sup> and will contain three bedrooms and two living areas, with a single car garage. Two of the bedrooms and their ensuites are designed to comply with the high physical support requirements of the National Disability Insurance Scheme. As these bedrooms are located at the upper level, a lift is proposed to be installed. The dwelling has a height of 7.7m.

Both dwellings will gain vehicular access from Gladstone Street. One new vehicular crossing will be required.

Private open space areas for both dwellings are located to the rear (south) of the dwellings. Both private open space areas are deep enough to ensure adequate solar access is available. An existing sewer main runs through the private open space areas and the dwellings will have a minimum 1.7m setback from the sewer main. Minimal earthworks of up to 425mm cut and 400mm fill is proposed across the site.

# 3 SITE ANALYSIS AND SERVICES

The development site has a gentle fall from the rear towards Gladstone Street. The site is vacant of any structures and contains no native vegetation. An existing driveway crossing is off Gladstone Street.

There are no defined watercourses in the vicinity of the site. The site does not contain a heritage item and there are no heritage items in the vicinity of the site. The site is located in the Mudgee Heritage Conservation Area.

A sewer main crosses the site, providing availability of service connections to both proposed dwellings. The sewer plan provided by Council shows the sewer entering the site from the east and then turning at a right angle near the western boundary to head south. The exact location and depth of the sewer main has been surveyed and is shown on the survey plan submitted with the development application. The point at which the sewer main heads south is more towards the centre of the site. It is noted that the survey has uncovered a pipe heading to the west of the manhole. It is assumed that this pipe is no longer in use.

The land is also serviced by water, electricity and telecommunications and both proposed lots can be adequately serviced. Stormwater from both dwellings can be directed to Gladstone Street.

## **4 COMPLIANCE WITH RELEVANT LEGISLATION**

### **4.1 Environmental Planning and Assessment Act 1979 (NSW)**

#### *4.1.1 Section 4.5 – Designation of consent authority*

Pursuant to clause 4.5 (d) of the *Environmental Planning and Assessment Act 1979* (EPA Act), the Mid-Western Regional Council is the consent authority.

#### *4.1.2 Section 4.13 – Consultation and concurrence*

Section 4.13 provides for an environmental planning instrument to identify where consultation or concurrence is required before determining a development application. There are no consultation or concurrence requirements for the modification under any relevant environmental planning instrument.

#### *4.1.3 Section 4.15 – Evaluation*

The following matters are relevant to the proposal under section 4.15 of the EPA Act. Detailed assessment against each of these matters is provided in Section 8 of this SEE.

#### **State Environmental Planning Policies**

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

#### **Local Environmental Plans**

- *Mid-Western Regional Local Environmental Plan 2012*

#### **Draft Environmental Planning Instruments**

Nil

#### **Development Control Plans**

- *Mid-Western Regional Development Control Plan 2012*

#### **Planning Agreements**

Nil

#### **Environmental Planning and Assessment Regulation 2021**

Nil.

#### **Impacts on the built environment**

The proposed development will have a positive impact on the built environment by facilitating the construction of infill residential development in a manner that will contribute to the streetscape. The Statement of Heritage Impact prepared for the development concludes as follows:

*“The proposed houses form an excellent infill to the Conservation Area. They are sympathetic to the scale, character, and materials of the past, yet provide new housing themes and will be a quality addition to the streetscape. The infill of the vacant lot will consolidate the streetscape visually and culturally.”*

#### **Impacts on the natural environment**

The proposed modification will have minimal impacts on the natural environment. No native vegetation is proposed to be removed as part of the development.

#### **Social and economic impacts**

The proposed modification will have positive social and economic impacts on the locality through the provision of an additional housing opportunities for persons with a disability and employment opportunities in construction.

#### **Suitability of the site**

The site is capable of subdivision for residential purposes in compliance with the relevant provisions of the MWRLEP 2012 for subdivision and dual occupancy development. The proposed development provides an acceptable level of amenity for future occupants in terms of solar access and private open space. The design of the development is appropriate for the heritage context of the site. The site is therefore considered suitable for the development.

#### **The Public Interest**

The proposed development is in the public interest as it facilitates the provision of additional housing opportunities for persons with a disability in a manner that will have minimal impacts on adjoining properties and the environment and positive impacts on the streetscape.

#### **4.1.4 Section 4.46 – Integrated Development**

Section 4.46 of the EPA Act identifies development that requires other approvals and is therefore integrated development. The development is not integrated development. This Section therefore does not apply to the development.

#### **4.1.5 Sections 7.11 and 7.12 – Development contributions**

Should development consent be granted, it is anticipated that a condition requiring development contributions for the new lot will be included on the consent.

## **4.2 Biodiversity Conservation Act 2016**

The *Biodiversity Conservation Act 2016* (BC Act) outlines the processes for biodiversity assessments, approvals and offsets where required. The BC Act also defines biodiversity values, and these are shown as the purple areas on the Biodiversity Values Map. The subject land is not included on the Biodiversity Values Map.

No clearing of native vegetation is required to facilitate the development. Therefore, the proposal does not require a Biodiversity Development Assessment Report or biodiversity offsets.

Notwithstanding the above, consideration must be given to potential direct and indirect impacts on threatened ecological communities as a result of the development.

It is considered that the proposal will have no direct impacts on threatened ecological communities. There will also be no indirect impacts from the proposed development on threatened ecological communities as works associated with the development will be predominantly on previously cleared and developed land and all services are connected to existing Council infrastructure. The proposal will have no impact on biodiversity.

## 5 COMPLIANCE WITH PLANNING CONTROLS

### 5.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4 of this SEPP relates to the remediation of contaminated land. The subject land has a long history of residential and some commercial use. While there is no record of any contamination on the site, a search of historical photos identified a period of time where large amounts of rubbish and vehicles were stored in the rear yard of the previous dwelling on the site.

A Site Contamination Investigation was undertaken for the development. The report identified that levels of contamination were below human health and environmental standards. Fragments of bonded asbestos were found on the surface of the site and it was recommended that these be removed. This work has been undertaken and a Clearance Report is submitted with the development application.

Based on the above, the site is considered suitable for the proposed subdivision and residential use of the land.

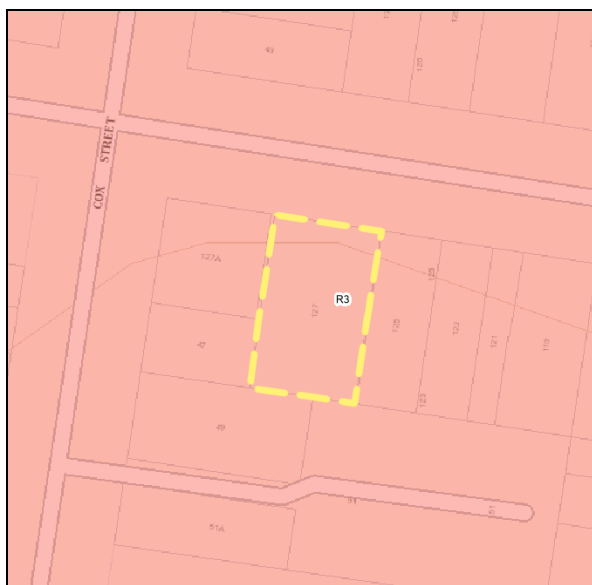
### 5.2 State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 of this SEPP requires BASIX Certificates for certain residential development. BASIX Certificate number 1755711M\_02 has been submitted with the development application along with NatHERS Certificates for each dwelling.

### 5.3 Mid-Western Local Environmental Plan 2012

#### 5.3.1 Zoning and zone objectives

The development is proposed on land included within the R3 Medium Density Residential zone under the *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP 2012), as shown on the map below.



Source: NSW Planning Portal Spatial Viewer, Land Zoning Map

The objectives of the R3 Medium Density Residential zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage higher-density residential development that is sympathetic to and compatible with the existing character of the Mudgee Heritage Conservation Area.

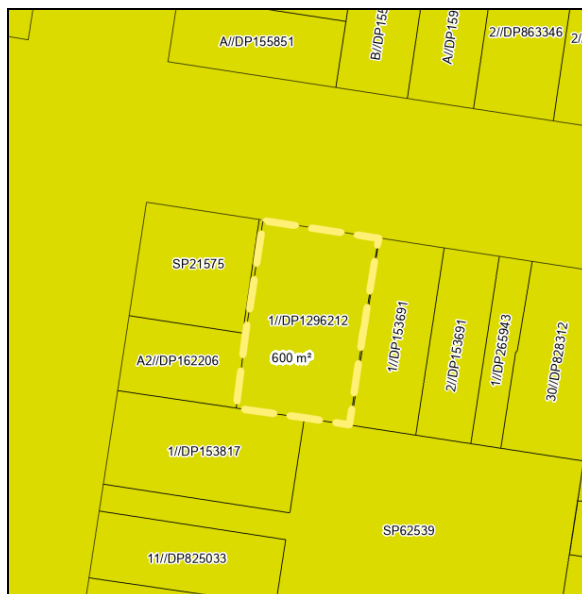
The proposal is considered to be consistent with the objectives of the zone as it provides additional housing opportunities in a medium density environment. The proposed dwellings are designed for persons with a disability and therefore increase the variety of housing types in the area. The two dwellings are also different in height and design and are compatible with the streetscape. A Statement of Heritage Impact has concluded that the dwellings are compatible with the heritage conservation area.

### 5.3.2 Land Use Permissibility

Clause 2.6 of the MWRLEP 2012 provides for subdivision, to be permitted with consent. The proposed subdivision and dual occupancy development is permitted with consent in the R3 Medium Density Residential Zone under clause 4.1B (3).

### 5.3.3 Lot Size

The land has a minimum lot size of 600m<sup>2</sup>, as shown on the map below.



Source: NSW Planning Portal Spatial Viewer, Minimum Lot Size Map

Clause 4.1 (3) of the MWRLEP 2012 states that the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Despite clause 4.1 (3), the subdivision of the land into minimum 400m<sup>2</sup> sized lots in conjunction with a detached dual occupancy development is permitted under clause 4.1B (3) of the MWRLEP 2012.

### 5.3.4 Exceptions to minimum lot sizes for certain residential development

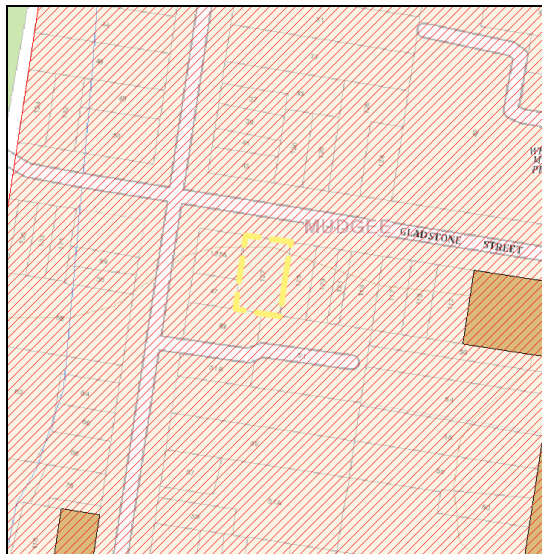
Clause 4.1B (3) of MWRLEP 2012 provides for the combined subdivision of land into minimum 400m<sup>2</sup> lots and erection of a detached dual occupancy development. The proposed development is submitted under and complies with this clause.

The subject land is 998.8m<sup>2</sup> in size. The proposed lots will be 505m<sup>2</sup> (Proposed Lot 11) and 493.8m<sup>2</sup> (Proposed Lot 12) in size. A detached dual occupancy is proposed on the land.



### 5.3.5 Heritage

The site does not contain a heritage item but is located within the Mudgee heritage conservation area. There are no heritage items in the vicinity of the land that are likely to be impacted by the proposed development. The heritage map is provided below.



Source: NSW Planning Portal Spatial Viewer, Heritage Map

A Statement of Heritage Impact has been prepared for the development application. The report assesses the impact of the proposed development on the Mudgee Heritage Conservation area and states that

- *The proposed residential units are designed to fit well into the existing setting on Gladstone Street, complementing their scale, materials and character, but with modern design elements. The surrounding streetscape contains modest houses in a range of ages.*
- *The two proposed houses are different from each other. This adds aesthetic interest to the street. One residence is single storied with a decorative gable facing the street, a recessed central entry door and a garage on the RHS. The second house is two storied due to the site limitations of a sewer line behind. It features a simple gable above a garage and entry to one side; a parapeted deck, with the second floor level is set back from the road.*
- *The designer has created houses that fit comfortably with the features of their neighbours and will contribute well to the continuity of the streetscape. The new houses introduce new and interesting aspects to their design such as the first level parapeted deck. Both houses take advantage of the solar aspects of the site.*

The report concludes that the proposed houses are sympathetic to the scale, character, and materials of the past, yet provide new housing themes and will be a quality addition to the streetscape. The only recommendation of the report was to include the standard condition regarding unexpected finds.

Based on the above, it is considered that there will be no adverse effect on the significance of the Mudgee Conservation Area.



### 5.3.6 Flood planning

Clause 5.21 of MWRLEP 2012 requires consideration of the impacts on a development by flooding and of the impacts of development on flood behaviour. The subject land is not identified as flood prone on the LEP Map and there are no watercourses in the vicinity of the proposed development.

Further, the Mudgee Flood Study completed in February 2021 does not identify the subject land as being affected by overland flow.



Source: Mudgee Flood Study, 2021

### 5.3.7 Earthworks

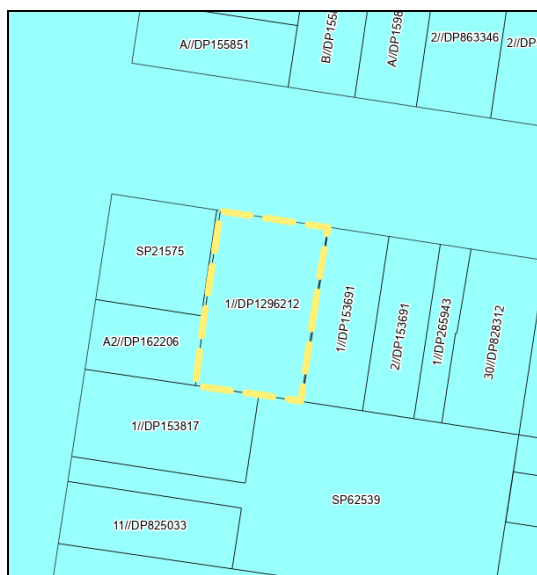
Clause 6.3 of MWRLEP 2012 requires separate development consent for earthworks unless the earthworks are ancillary to other development for which development consent has been given.

Minimal earthworks proposed as part of the development, with cut of up to 425mm to create a level pad for the dwellings and a relatively level private open space area. Fill of up to 400mm is proposed towards the front of the site. A retaining wall of up to 425mm in height is proposed along the southern boundary and the rear part of the eastern and western boundaries. The retaining wall will be located approximately 1m off the side boundaries.

The extent of earthworks will have no significant impact on drainage patterns or soil stability. The extent of earthworks will not be noticeable upon completion of the development. With extensive disturbance of the soil from past activities, there is minimal likelihood of disturbing relics. No fill will be required to be brought to the site. The extent of earthworks will have no impact on the amenity of adjoining properties or the environment.

### 5.3.8 Groundwater Vulnerability

Clause 6.4 of MWRLEP 2012 requires consideration of the impact of development on groundwater. The subject land is identified as groundwater vulnerable on the Groundwater Vulnerability Map in MWRLEP 2012.



Source: NSW Planning Portal Spatial Viewer, Groundwater Vulnerability Map

The proposed development involves minimal earthworks that are unlikely to have an impact on groundwater. The development will be connected to reticulated water, sewer and stormwater systems.

#### 5.3.9 Biodiversity

Clause 6.5 of MWRLEP 2012 requires consideration of the impacts of development on biodiversity. The subject land is not identified as containing high biodiversity sensitivity on the Sensitive Biodiversity Map in MWRLEP 2012.

## 5.4 Mid-Western Regional Development Control Plan 2012

The following provisions of the *Mid-Western Development Control Plan 2012* (MWDGP) are relevant to the proposed development:

#### 5.4.1 Section 3.1 - Residential Development In Urban Areas (Single Dwellings And Dual-Occupancies)

Issue	Requirement	Comment
<b>Building Setbacks</b>	<ul style="list-style-type: none"> <li>4.5m to building line</li> <li>5.5m to the garage</li> <li>900mm to side and rear boundaries</li> </ul>	<p>Dwelling A has a setback to Gladstone Street of 6.1m, with a setback to the garage of 7.006m and therefore complies.</p> <p>Dwelling B has a setback to Gladstone Street of 4.94m, with a setback to the garage of 5.372m. A minor variation to the garage setback is requested.</p> <p>The variation is a result of the need to avoid building in close proximity to the sewer line through the rear of the property. The proposed setback will allow an average sized car to park in front of the garage without impacting on the Gladstone Street footpath area.</p> <p>The minimum side boundary setback to</p>

		<p>the adjoining properties to the east and west will be 1.067m and therefore complies. The minimum side boundary setback to the new lot boundary between the two proposed dwellings will be 880mm. This is at the location of the garage for Dwelling B which is a double brick wall with no openings.</p> <p>The minimum rear setback will be 4.5m and therefore complies.</p>
<b>Building height</b>	Deemed to satisfy - Single storey	<p>Dwelling A is single storey and complies with the deemed to satisfy criteria.</p> <p>Dwelling B is two storeys in height and is under 8.5m in height which complies with the maximum height of buildings under MWRLEP 2012.</p>
<b>Site Coverage</b>	Deemed to satisfy - 50%	The development has an area of 445m <sup>2</sup> which represents 34.55% of the total site area and therefore complies.
<b>Solar Access</b>	Deemed to satisfy – living areas and private open space have a northerly aspect.	<p>Dwellings A and B both have ground level living areas directly accessing the private open space areas to the south of the dwellings. While these areas do not have a northerly aspect, the private open space areas are deep enough to ensure adequate solar access is available.</p> <p>The internal ground level living areas have both east and west facing windows providing adequate light penetration.</p> <p>The upper level living area for Dwelling B has a northerly aspect.</p> <p>Given the site has a northerly frontage, it is considered that the design provides for adequate solar access.</p>
<b>Privacy</b>	Deemed to satisfy – single storey with a FFL less than 1m above natural ground level.	<p>Dwelling A is single storey and complies with the deemed to satisfy criteria.</p> <p>Dwelling B is two storeys in height and is designed to minimise overlooking of adjoining properties, with windows in the eastern façade offset from windows in the adjoining dwelling and a privacy screen is proposed along part of the rear balcony.</p>
<b>Parking</b>	Deemed to satisfy – 2 spaces per dwelling.	Parking for two vehicles is proposed to be provided for each dwelling, with one space for each dwelling in a garage and one space per dwelling provided in the driveway area. The proposal complies.

<b>Landscaping</b>	<ul style="list-style-type: none"> <li>Landscaping must enhance the quality of the built environment.</li> <li>Species selection and location should improve energy efficiency through reducing heat gain through windows and deflecting winter winds.</li> <li>Plants with low maintenance and water requirements should be selected.</li> </ul>	Noted. Future landscaping will comply with these requirements. New trees and shrubs are proposed to be planted on site.
<b>Open Space</b>	Deemed to satisfy - 80m <sup>2</sup> of private open space is provided with a minimum dimension of 5 metres and a northern or eastern aspect.	<p>Dwelling A has a 83m<sup>2</sup> private open space area with a minimum dimension of 5.591m.</p> <p>Dwelling B has a 143m<sup>2</sup> private open space with a minimum dimension of 9.645m.</p> <p>The proposal complies.</p>
<b>Corner lots</b>		Not applicable. The lot is not a corner allotment.
<b>Fencing</b>		Not applicable. No fencing is proposed with the development application, other than an internal fence along the new lot boundary.
<b>Infrastructure</b>	<ul style="list-style-type: none"> <li>Surface infrastructure (e.g. tanks, clotheslines) must not be located within front setback.</li> <li>Surface infrastructure must not be visible from the street.</li> <li>Garbage storage locations must be included in landscape plan and show how they will be screened.</li> </ul>	Complies. No infrastructure is proposed to be located in the front setback or visible from Gladstone Street. Garbage bins can be located in the side or rear setbacks.
<b>Garages, Outbuildings</b>	<ul style="list-style-type: none"> <li>Maximum size of 50m<sup>2</sup>.</li> <li>A maximum building height of 4.5 metres from natural ground level to the ridge applies in urban areas where the lot is under 2000m<sup>2</sup></li> </ul>	<p>Complies. The garages are single car garages and are attached to the dwellings.</p> <p>Note: The height control applies to detached garages and outbuildings.</p>
<b>Development near Ridgelines</b>		Not applicable
<b>Slopes</b>	<ul style="list-style-type: none"> <li>Cut is to be limited to 1,000mm.</li> <li>Fill is restricted to 600 mm.</li> </ul>	Complies. The subject land is relatively flat. Minimal earthworks of up to 425mm cut and 400mm fill is required for building

	<p>It must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard.</p> <ul style="list-style-type: none"> <li>Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300 mm from any boundary.</li> <li>Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.</li> <li>Cut and fill is not permitted within water or sewer easements.</li> </ul>	<p>footings.</p> <p>A retaining wall is proposed around the rear private open space areas, located more than 300mm off the side and rear boundaries.</p> <p>All drainage will be directed to Gladstone Street.</p> <p>The area of cut is located above the existing sewer main, however the amount of cut is minimal (up to 425mm) and it is considered that this will have no impact on the sewer main which is 1.53m below the current ground surface. Approval is sought for the proposed cut and retaining wall above sewer main in this instance.</p>
<b>Access</b>	<ul style="list-style-type: none"> <li>All weather vehicle access to ensure that emergency services are able to access the dwelling at all times.</li> </ul>	Access will be constructed to Council's requirements.
<b>Relocated dwellings</b>		Not applicable.
<b>Adaptability</b>	<ul style="list-style-type: none"> <li>Adaptable housing design must incorporate practical and flexible features to meet the changing needs of residents of different ages and abilities over time. For example, hobless shower area, space for wheelchair access, height of light switches, arrangement and size of rooms</li> </ul>	Not applicable as the dwellings are designed for persons with a disability.
<b>Design principles</b>	<ul style="list-style-type: none"> <li>No mirror-reversed or duplication design for dual occupancy.</li> <li>For attached and detached dual occupancies, any separation between the two dwellings is to be a minimum of 3 metres apart.</li> </ul>	<p>The proposed dwellings are not a mirror-image design and therefore comply.</p> <p>The dwellings are separated by 2.53m at the front of the dwellings and 3.216m at the rear of the dwellings. A variation to the control is required.</p> <p>The variation is minor and for a relatively small length of the dwellings. It is considered that the variation will have no impact on the amenity of Dwelling A as the bedroom in this location has north facing windows.</p>

	<ul style="list-style-type: none"> <li>• Design should maximise surveillance with clear sightlines between public and private places, effective lighting of public places and landscaping that makes places.</li> <li>• Physical and symbolic barriers should be used to attract, channel or restrict the movement of people to minimise opportunities for crime and increase the effort required to commit crime.</li> <li>• Must be sympathetic with existing adjoining and surrounding developments in relation to bulk and height.</li> <li>• Well-proportioned building form that contributes to the streetscape and amenity.</li> <li>• Density appropriate to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</li> <li>• Design must demonstrate efficient use of natural resources, energy and water throughout its full life cycle, including construction.</li> <li>• Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</li> </ul>	<p>Complies. Front door and habitable room windows are provided in the front facade. A front balcony is also provided at the first floor of Dwelling B to provide additional surveillance of the street.</p> <p>Future front fencing and/or landscaping will effectively delineate the public and private domains.</p> <p>The proposal presents as a well-articulated development that will fit well in the streetscape. The upper level of Dwelling B is set back from the ground level to reduce its perceived bulk.</p> <p>The development has excellent articulation in the front façade and the roof form and, as outlined in the Statement of Heritage Impact, the development will contribute positively to the streetscape and the Heritage Conservation Area.</p> <p>The development provides an appropriate density for the site which is well located in relation to the Mudgee town centre and available infrastructure.</p> <p>Living areas have east and west facing windows. Energy assessments have been provided with the development application.</p> <p>Future landscaping will comply with these requirements.</p>
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	<ul style="list-style-type: none"> <li>• Optimise amenity (e.g. appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility).</li> <li>• Optimise safety and security, both internal to the development and for the public domain.</li> <li>• Design must demonstrate response to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</li> <li>• Council will not support dual occupancy development where both dwellings are pre-manufactured or relocatable homes in urban zones.</li> </ul>	<p>Living areas and private open space east and west facing windows. The design provides for adequate natural ventilation. Energy assessments have been submitted with the development application.</p> <p>The proposal presents no significant safety issues.</p> <p>The proposal adds to the supply of housing in Mudgee, particularly for persons with a disability.</p> <p>The dwellings are not pre-manufactured or relocatable.</p>
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#### 5.4.2 Section 5.3 Stormwater Management

Stormwater from the development will be directed to Gladstone Street via rainwater tanks. Energy Assessments have been submitted with the development application.

#### 5.4.3 Section 7.1 – Urban Subdivision

Issue	Requirement	Comment
<b>Lot Size</b>	(a) All lots must have street frontage.	Both lots have street frontage. Proposal complies.
	(b) Slope 0-10degrees – 600m <sup>2</sup>	Not applicable. The MWRLEP provides for 400m <sup>2</sup> lots in conjunction with a detached dual occupancy development.
	(c) All lots must have a minimum width of 16m at the building line (4.5m from the front property boundary).	Both proposed lots have a width of 12.535m at the building line. A variation to this control is requested. With an overall lot width of 25.07m, it is impossible for both lots to have a 16m width.



		<p>There are a mix of lot widths in the immediate vicinity of the site, from as low as 7m to up to 24m. The adjoining lot to the east has a lot width of 14m.</p> <p>The proposed lot widths are within the parameters of existing lot widths in the area and the proposed development, with strong variation in the façade and different setbacks, will not be out of character with the streetscape in terms of lot width.</p> <p>A variation to this control is considered acceptable in the circumstances.</p>
<b>Lot design</b>	(a) For infill developments in established areas, lot orientation should optimise solar access while taking account of the existing pattern and solar orientation of development.	The proposed lot design is consistent with the prevailing lot pattern in the area. Given the lot frontage is to the north, it is unavoidable that private open space areas will be to the south of the dwellings. The depth of the private open space areas ensures adequate solar access will be provided.
	(b) Applies to subdivision in new release areas.	Not applicable.
	(c) Lots should be generally rectangular in shape. Lots on the southern side of the road should provide a greater frontage to allow better solar orientation of the future dwelling.	Both lots are rectangular in shape. The lot is located on the southern side of Gladstone Street. The proposed lot width has not limited the achievement of adequate solar access into living areas of the dwellings.
	(d) Corner lots should be created of a sufficient area to allow development for the purposes of dual occupancies with the supply of appropriately located independent utility connection points.	Not applicable.
<b>Street Design and Layout</b>	Applies to subdivisions creating new streets.	Not applicable.
<b>Cycleways and footpaths</b>	Applies to subdivisions creating new streets.	Not applicable.
<b>Open Space</b>	Applies to greenfield subdivisions.	Not applicable
<b>Landscaping</b>	Applies to the public domain.	Not applicable
<b>Utility</b>	A servicing plan is required to be	All utility services are able to be connected to both lots. Sewer

<b>Services</b>	submitted.	infrastructure runs through the rear of the site. Water, electricity and telecommunications are available from Gladstone Street. Stormwater will be directed to Gladstone Street.
<b>Drainage</b>	Refer to section 5.3 Stormwater and Drainage.	Stormwater will be directed to Gladstone Street.

#### 5.4.4 Section 5.4 Environmental Controls

<b>Issue</b>	<b>Requirement</b>	<b>Comment</b>
<b>Protection of Aboriginal Archaeological items</b>	Development should not disturb or destruct relics without a permit.	A basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land. The site has been developed, disturbed and used over a long period of time for residential and commercial purposes. It is considered that there is minimal potential for disturbance of Aboriginal archaeology and that no further detailed Aboriginal cultural heritage assessment is warranted. However, the development will be undertaken in accordance with the legislative requirements to protect any Aboriginal item uncovered during works.
<b>Bushfire Management</b>	Buildings should be designed to withstand bushfire.	The subject land is not mapped as bushfire prone.
<b>Riparian and drainage line environments</b>	Development should be set back from waterways.	There are no riparian lands or drainage lines on or near the site.
<b>Pollution and Waste Management</b>	Development should address all waste streams and avoid pollution.	Each dwelling will be provided with Council issued waste bins that will be collected weekly from Gladstone Street.
<b>Threatened Species and Vegetation Management</b>	The impact of development on native flora and fauna should be assessed.	No native vegetation is proposed to be removed to facilitate the development. The proposal will have no impact on flora or fauna.
<b>Building in Saline Environments</b>	Development should be constructed to avoid problems associated with saline soils.	The subject land is not known to be highly saline.

## 6 CONCLUSION

The proposed development is a two-lot subdivision and dual occupancy development at Lot 1 DP 1296212, 127 Gladstone Street, Mudgee.

The development site is zoned R3 Medium Density Residential under the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012). The combined subdivision of land and erection of a dual occupancy development is permissible pursuant to clause 4.1B (3) of the MWRLEP 2012.

The subject land is 998.8m<sup>2</sup> in size. The proposed lot sizes are 505m<sup>2</sup> (Proposed Lot 11) and 493.8m<sup>2</sup> (Proposed Lot 12). The proposal complies with clause 4.1B (3) of the MWRLEP 2012.

The dwellings have been designed for accommodation for persons with a disability. They have been designed to meet the class 3 building requirements under the National Construction Code. However, as this development application is for two single dwellings (class 1a buildings), BASIX Certificates have been provided.

The proposed development is considered worthy of approval as it creates two new residential housing opportunities in a manner that complies with the MWRLEP 2012. While there are a small number of minor variations to the Council's Development Control Plan, it is considered that the design provides both dwellings with a good level of amenity, solar access and private open space. There will be no amenity impacts on adjoining properties as a result of the development.

The proposed development is permissible with consent. Subject to the variations to the Council's DCP being considered acceptable, there is no impediment to the development application being approved.

