



STATEMENT OF ENVIRONMENTAL EFFECTS

Project Details

Proposal: Installation of 'Manufactured Dwelling as Secondary Dwelling

Subject Site: Lot 8 / DP 238892 – 185 Church Street MUDGEE 2850

Zone: R1 – General Residential

Lot Size: 557 sqm

Date: October 2024



185 Church Street Mudgee

This statement has been prepared by Progressive Project Solutions at the request of the application in support of a development application to the Mid-Western Regional Council.

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1. PROJECT SUMMARY

1.1 Proposal

This Statement of Environmental Effects (SoEE) is attached to a proposal at 185 Church Street MUDGEE NSW 2546. The proposal is for the 'Installation of a Manufactured Dwelling as a Secondary Dwelling'.



View to 185 Church Street looking to the east.

1.2 Site Details / Context / Scope of Works

Site Details

The subject site is located on an established R1 General Residential property in the township of Mudgee in the Mid-Western Regional Council Local Government Area. The site is in an area with many residential properties in and around the subject property. It is not evident as to how long this land has been subdivided into residential however, it is on older area of the Mudgee township.

The lot lies in the Mudgee township in an area that could well be described as a typical Australian urban location. The property subject to this proposal is basically totally cleared except for some introduced trees and scrubs around the existing dwelling that make up the landscaped area of the property. Most of the properties in and around the subject property are older type dwellings with established gardens. All the properties in and around the subject lot have homes, sheds, and other structures that would be found in any urban area.

The lot is predominately a rectangular lot laying from the east to west. The northern boundary and southern boundaries are 45.72mtrs with the is 391mtrs, the western and eastern boundaries being 15.24 creating a total lot size of just under 558sqm.

The survey indicates the property falls from south to north of only just over 200mm which will have no influence on this proposal.

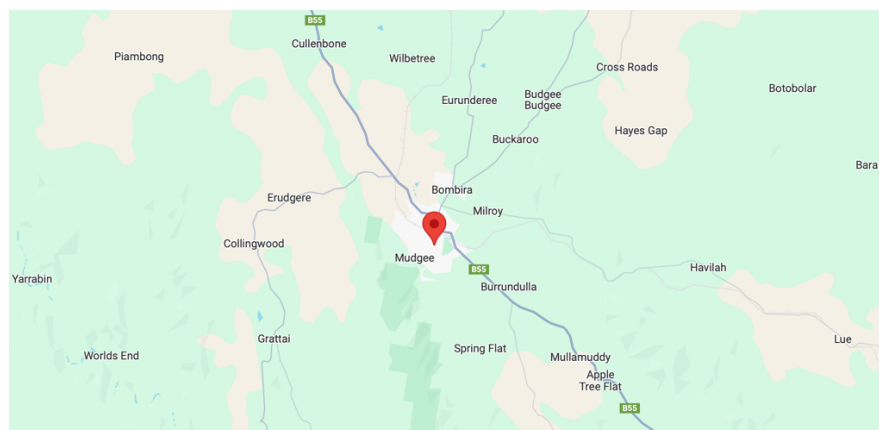
The lot has an existing dwelling and no other structures. This proposed new Secondary Dwelling is located at the rear of the dwelling and has no impact on neighbouring properties. The proposed dwelling will be barely visible from any public vantage point because of its location at the rear of the primary dwelling with dwelling in either direction of the subject property. The properties to the north, south and east only containing garages behind the respective dwellings.

The property has access to council sewer and water and as such will be connected to the council provided infrastructure. Stormwater will be directed to the street to connect to council managed stormwater. Electricity and communications are available to the site.

The lot is accessed from Church Street which is sealed. The property can have the "Manufactured Dwelling installed a Secondary Dwelling" as per the application without having any adverse effect on the environment or neighbours.

Site Context

The property is located approximately 2 kilometres from the Mudgee Post Office. Mudgee is a township in the Mid-Western Local Government Area in central NSW some 266 kilometres west of Sydney.



The property located in residential area of Mudgee and is zoned R1 – General Residential. The lot is just less than 558sqm and is located on Church Street.

To the north, south, east & west there are established residential properties of which all have a dwelling. These dwellings are all different designs and have differing finishes and various degree of established landscaped areas

Scope of Works

The proposed works is for the 'Installation of a Manufactured Dwelling as a Secondary Dwelling'.

Physical works resulting from the installation the new dwelling requires interaction with existing council services such as water, sewer & stormwater as they are available and currently connected to the property.

Access and Parking

The existing driveway access from Church Street as demonstrated on the plans set. Church Street is sealed and has curb & gutter.

Water, Sewer and Drainage

Reticulated water services, stormwater and sewerage systems are available to the site with both water storage, stormwater, and wastewater are proposed to be connected to the dwelling.

Energy and Telecommunications

Energy and telecommunications services are available to the site with this proposed dwelling being connected to those services.

Landscaping

The landscaping proposed with this proposal is minimal due to the dwelling being in a rural area.

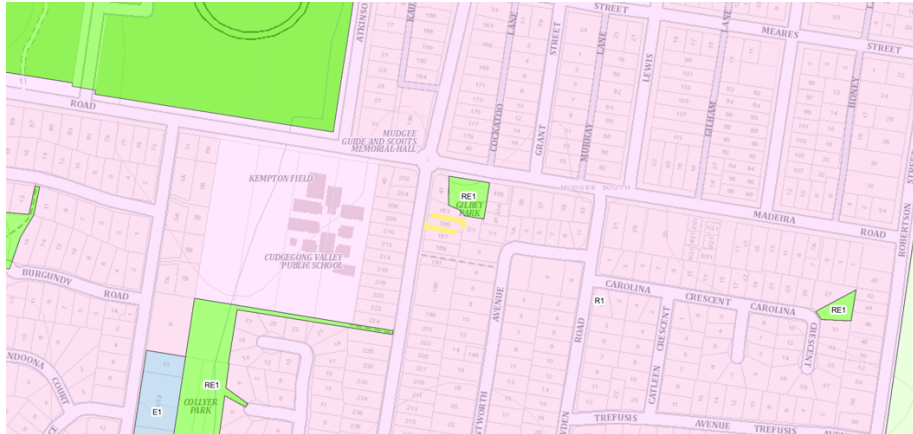
Other Considerations

Nil.



1.3 Land Zoning

The site is zoned R1 – General Residential under the Mid-Western Regional Council LEP 2012 (ESC LEP 2012). Manufactured Homes are permitted under the Local Government Act. The proposal satisfies the development standards and objectives contained within the MWRC LEP 2012 & MWRC DCP 2013



Subject Property Zoning Map

1.4 EP&A 1979 - Considerations

4.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment (EPA) Act 1979 is the principal piece of legislation governing the use and development of land in NSW. The objects of the Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The objects of the EPA Act are intended to guide land planning and management. Section 4.15 of the Act lists matters for consideration when assessing and determining an application for development.

This proposal satisfies these aims as referred to further in this document

1.5 State Environmental Planning Policies - Considerations

The State Environment Planning Policies (SEPPs) align with the new thematic framework developed by the Department of Planning and Environment. This framework includes the following focus areas: Housing, Transport and Infrastructure, Primary Production, Biodiversity and Conservation, Resilience and Hazards, Industry and Employment, Resources and Energy and Planning Systems.

State Environmental Planning Policy – Exempt & Complying Development Codes 2008

Not Applicable to this application

State Environmental Planning Policy – Biodiversity and Conservation 2021

The Biodiversity Conservation Act, 2016 was formally implemented to conserve and protect biodiversity values and systems across the State. The legislation lists threatened species and ecological communities (EECs) and outlines processes and procedures in the assessment of these valuable and sensitive environmental species and communities. Council's mapping system which shows where biodiversity and EECs exist, and this site is subject to an Endangered Eco Community and Native Vegetation.

The land is not Biodiversity mapped.

State Environmental Planning Policy – Building Sustainability Index: BASIX 2004

The trigger for BASIX Certification is when the estimated cost of works for residential development (new dwelling(s)/alterations and additions) is equal to or above \$50,000. BASIX Certification is also triggered when proposing a swimming pool with a volume of 40,000 litres.

The estimated cost of development proposed is noted within the cost analysis, and a BASIX Certificate has been prepared by, the designer satisfying the minimum requirements of SEPP (Building Sustainability Index: BASIX) 2004.

A Basix Certificate is not required for this proposal.

State Environmental Planning Policy – Resilience and Hazards 2021

SEPP – Resilience and Hazards required council to consider whether the land is contaminated, and to determine whether the proposed use is suitable with or without contamination. Council can require the applicant to conduct a preliminary investigation and subsequent more details investigation if warranted.

Where contamination exists and remediation is necessary, council must be satisfied that the remediation will take place before the land is used for the proposed purpose. The property is not listed on either the EPA or Council register of potentially contaminated land and there has been no known historical or current usage that would cause the land to be contaminated.

The property is not listed on the council register or the EPA register for potentially contaminated land and given it has been used for residential purposes for over 50 years contamination is highly unlikely.

State Environmental Planning Policy – Housing 2021

Full compliance

State Environmental Planning Policy – Industry and Employment 2021

Not applicable to this application

State Environmental Planning Policy – No. 47 Moor Park Showground

Not applicable to this application

State Environmental Planning Policy – No. 65 Design Quality of Residential Apartment Development

Not applicable to this application

State Environmental Planning Policy – Planning Systems 2021

Not applicable to this application – not State or Regional significant development

State Environmental Planning Policy – Precincts ‘Central River City’ 2021

Not applicable to this application

State Environmental Planning Policy – Precincts Regional 2021

Not applicable to this application – not a Part 3A Project

State Environmental Planning Policy – Precincts Western Parkland City 2021

Not applicable to this application

State Environmental Planning Policy – Primary Production 2021

Not applicable to this application

State Environmental Planning Policy – Resources and Energy 2021

Not applicable to this application

State Environmental Planning Policy – State Significant Precincts 2005

Not applicable to this application

State Environmental Planning Policy – Transport and Infrastructure 2021

Not applicable to this application

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Part 1. Preliminary

Aims of Plan

This Plan aims to make local environmental planning provision for land in Mid-Western Regional LGA in accordance with the relevant standard Environmental Planning Instrument under Section 3.2 of the Act.

(2) *The particular aims of this Plan are as follows—*

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

The land is zoned R5 with the proposal being for the 'Installation of a Manufactured Home as 'Secondary Dwelling' and as such has no bearing on this intent.

(a) to promote growth and provide for a range of living opportunities throughout Mid-Western Regional,

With the proposal being for the 'Installation of a Manufactured Home as a Secondary Dwelling' this satisfies this intent as it is providing another form of accommodation in the LGA.

(b) to encourage the proper management, development and conservation of resources within Mid-Western Regional by protecting, enhancing and conserving—

(i) land of significance to agricultural production, and

The land is zoned R1 General Residential and is in an established residential area and as such has no agricultural opportunities.

(ii) soil, water, minerals and other natural resources, and

This proposal will have no effect on the above intent as it is a residential proposal with a minimal footprint.

(iii) native plants and animals, and

The proposal will have no effect on plants or wildlife.

(iv) places and buildings of heritage significance, and

The location is not impacted by any heritage items or issues.

(v) scenic values,

The proposed location of the Secondary Dwelling at the rear of an established primary dwelling in the middle of Mudgee and as such does not impact any views.

(c) to provide a secure future for agriculture through the protection of agricultural land capability and by maximising opportunities for sustainable rural and primary production pursuits,

This is a residential proposal is not tied to any form of agriculture or primary production proposal.

(d) to foster a sustainable and vibrant economy that supports and celebrates the Mid-Western Regional's rural, natural and heritage attributes,

This is a residential proposal that will have little if no effect on the rural, natural and heritage values of the area.

(e) to protect the settings of Mudgee, Gulgong, Kandos and Rylstone by—
 (i) managing the urban and rural interface, and
 (ii) preserving land that has been identified for future long- term urban development, and
The subject lot is zoned both R1 General Residential and this application is not for Subdivision.

(iii) promoting urban and rural uses that minimise land use conflict and adverse impacts on amenity, and

The proposal being for the 'Installation of a Manufactured Home as a Secondary Dwelling' will not create any conflict or adverse impacts because of the location of the proposal being in an established residential are of Mudgee

(iv) conserving the significant visual elements that contribute to the character of the towns, such as elevated land and the rural character of the main entry corridors into the towns,

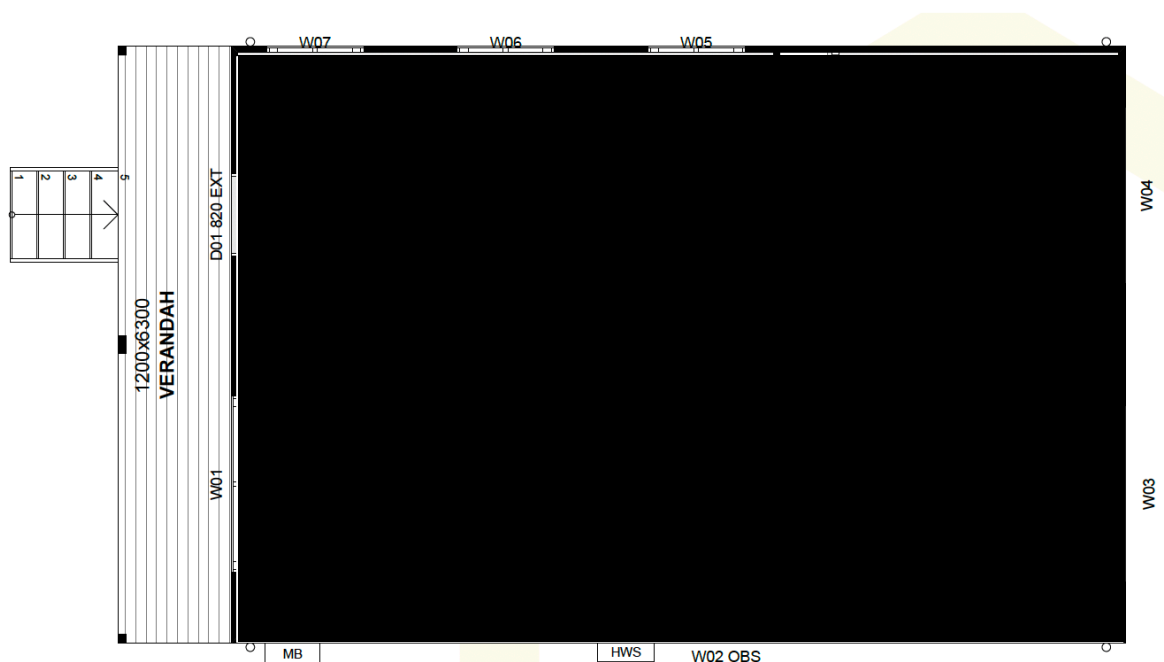
This low-key proposal for a 'Secondary Dwelling' is proposed behind an established primary dwelling in the middle of Mudgee an as such has no influence on this intent.

(f) to match residential development opportunities with the availability of, and equity of access to, urban and community services and infrastructure,

The proposal is in the middle of the Mudgee township. Council has hard infrastructure in the urban areas that exists, is maintained and subject to ongoing renewal as required. As such it the access to community infrastructure ad facilities already exists and will continue to exist into the future.

(g) to promote development that minimises the impact of salinity on infrastructure, buildings and the landscape

Not applicable to this proposal.



Proposed Dwelling – Floor Plan

Land Use Table

The property is zoned R1 General Residential in the Mid-Western Regional LEP 2012.

Objectives of Zone R1

- *To provide for the housing needs of the community.*

The application relates to a proposed Secondary Dwelling that provides increased accommodation for the community.

- *To provide for a variety of housing types and densities.*

A Secondary Dwelling is a unique housing variety and, in this case, increase the density of an urban lot utilising existing infrastructure.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

With this proposal located in an established urban area the service and facilities to meet the needs of residents exists and can be utilised further in this instance.

The proposal meets the objectives of the zone.

The site is mapped in the MWRC LEP 2013 with no constraints.



Rear Yard of 185 Church Street – Site of the proposed Secondary Dwelling

Part 4 Principal Development Standards – Clause 4.2A

4.2A Erection of dwelling houses, dual occupancies and tourist and visitor accommodation on land in certain zones

(1) The objectives of this clause are as follows—

- (a) to minimise unplanned rural residential development,*
- (b) to enable the replacement of lawfully erected dwelling houses in rural and conservation zones,*
- (c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.*

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,*
- (b) Zone RU4 Primary Production Small Lots,*
- (c) Zone RU5 Village,*
- (d) Zone R5 Large Lot Residential,*
- (e) Zone C3 Environmental Management.*

Not Applicable - This property is Zoned – R1 General Residential

(3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land—

(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or

Not Applicable

(b) is a lot or holding that existed before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or

Not Applicable

(c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or

Not Applicable

(d) is an existing holding that is not within Zone R5 Large Lot Residential, or

The property is Zoned R1 – General Residential

(e) would have been a lot or a holding referred to in paragraphs (a)–(d) had it not been affected by—

(i) a minor realignment of its boundaries that did not create an additional lot, or

No Applicable

(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or

Not Applicable

(f) is, in the case of land within 500 metres of land within Zone RU5 Village, a lot that has an area of at least 5 hectares, that has a sealed road frontage and that is connected to the sealed road network, or

Not Applicable

(g) is a holding within Zone R5 Large Lot Residential that has an area of at least 5 hectares, that has all weather access, including all weather vehicular access, to which adequate services provided by public utility undertakings are available and that is suitable for the on-site disposal of domestic wastewater, or

The property is Zoned R5 – Large Lot Residential and is over 10 Hectares

(h) is a former holding, or

Not Applicable

(i) is a former rural lot that has an area of at least 40 hectares.

Not applicable

(3A) Development consent must not be granted to development for the purposes of tourist and visitor accommodation on land to which this clause applies unless a dwelling house or dual occupancy is permitted to be erected on the land under subclause (3).

Not Applicable

(4) Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.

Not Applicable

(5) In this clause—

existing holding means land that—

(a) was a holding on the relevant date, and

(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in the ownership of the holding since the relevant date and includes any other land adjoining that land acquired by the owner since the relevant date.

former holding means land—

(a) that was a holding on 9 August 2012, and

(b) that is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in ownership of the holding since 9 August 2012, and

(c) that is at least the minimum lot size applicable under the environmental planning instrument that applied to the land immediately before the commencement of this Plan.

former rural lot means a lot—

- (a) located in the former Mudgee, Rylstone or Merriwa local government areas, and
 - (b) that was created prior to the commencement of this Plan, and
 - (c) on which the erection of a dwelling house was permissible immediately before that commencement, and
 - (d) that is in Zone RU1 Primary Production, and
 - (e) in respect of land in the former Mudgee local government area—that was held in separate ownership from any adjoining land on 11 February 1985.
- holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.

Note—

The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

relevant date means—

- (a) in relation to land marked “Mudgee” on the Former LEP Boundaries Map—29 November 1967, or
- (b) in relation to land marked “Merriwa” on the Former LEP Boundaries Map—18 April 1975, or
- (c) in relation to land marked “Cudgegong” on the Former LEP Boundaries Map—24 November 1967, or
- (d) in relation to land marked “Rylstone” on the Former LEP Boundaries Map—31 July 1970.

Part 5. Miscellaneous Provisions

5.4 Controls relating to miscellaneous permissible uses

(9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 50% of the total floor area of the principal dwelling.

Proposal complies as the Primary Dwelling is 83.11 sqm with the Secondary Dwelling being 59.9sqm or just under the 60sqm permitted under the LEP

Part 6. Additional Local Provisions

6.1 Salinity
Not applicable

6.2 Repealed
Not applicable

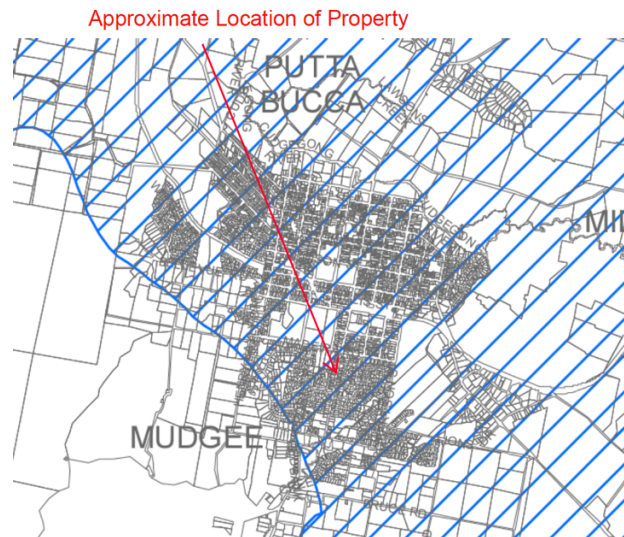
6.3 Earthworks
LEP & DCP Compliant

6.4 Groundwater Vulnerability

(1) The objectives of this clause are as follows—

- (a) to maintain the hydrological functions of key groundwater systems,
- (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.

(2) This clause applies to land identified as “Groundwater vulnerable” on the [Groundwater Vulnerability Map](#).



The property is located in a 'Groundwater Vulnerable' Location

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—

- (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),

The proposal is in an established urban area that is full of homes, streets and public roads. It is a residential proposal that will have minimal effect on the land and property.

- (b) any adverse impacts the development may have on groundwater dependent ecosystems,

The installation of the manufactured home will require some piers to be dug down to a depth of 600mm and some drainage lines at the same depth. These works are likely to have no effect on any ecosystems if they exist in this area because of the minimal depth of the digging.

(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),

It is firmly believed that the proposal will have zero impact on the groundwater of this area and potable water is not extracted in the immediate area.

(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The minimal earthworks required for this proposal safeguard any potential impacts to the groundwater.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

The proposed secondary dwelling is on an established residential lot in the middle of an urban area and as such should not impact groundwater in any way.

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

There are no impacts envisaged with this proposal.

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Mitigation is not required because the impact of the proposal is minimal and will not in any way affect groundwater in the area or surrounding area.

6.5 Terrestrial Biodiversity

Not Applicable

6.6 Location of Sec Premises

Not applicable

6.7 Active Street Frontages

Not applicable

6.8 Airspace Operations – Mudgee Airport

Not applicable

6.9 Essential Services

Not applicable

6.10 Visually sensitive land near Mudgee

Not applicable

6.11 Temporary Workers Accommodation

Not applicable

6.12 *Development in a designated Buffer Area*
Not applicable

6.13 *Commercial premises on land in Zone MU1 and known Caerleon*
Not applicable

6.14 *Minimum Subdivision Lot Size for Community Title Scheme on certain land in R5*
Not applicable

6.15 *Development at 134 Loins Drive, Burrundulla*
Not applicable

6.16 *Development on Land in Zone E4*
Not applicable

1.7 Other Planning Strategies

Mid-Western DCP 2013

See attached Compliance Statement



Rear Yard of 185 Church Street Mudgee

1.8 Environmental Considerations

Historical & Current Use of Land

The lot is located inside an established residential area of Mudgee in the in the Mid-Western Regional Council LGA. This land has been subdivided for residential purposes for many years and has had homes on, in and around the area many years. The subject lot has a dwelling.

Demolition

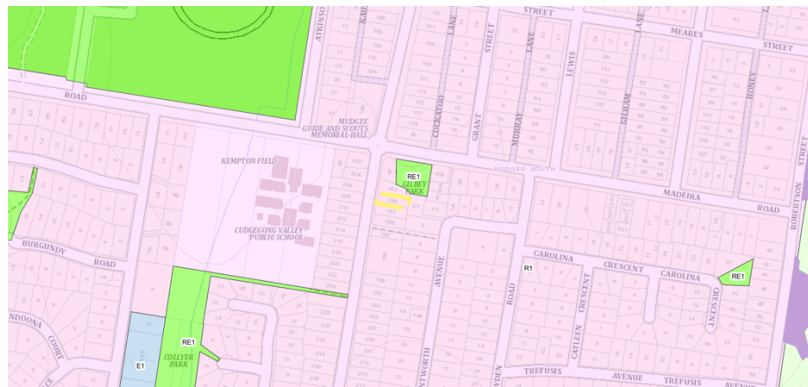
No demolition required with this proposal.

Contamination

There is no known contamination on this site. It is not listed on the ESC or EPA list of contaminated sites.

Site Constraints

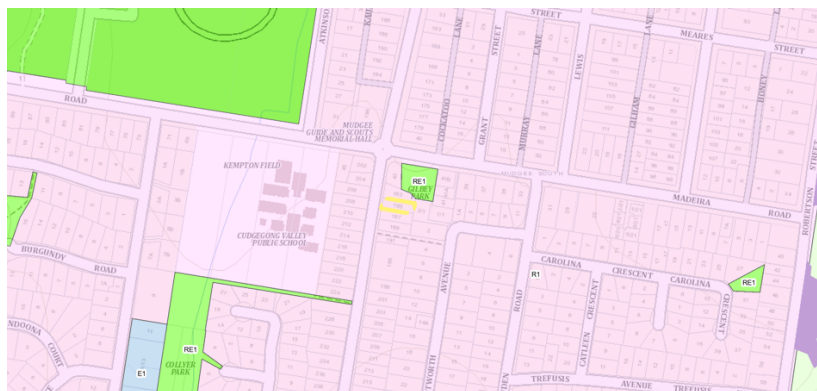
The site has no constraints that would affect the proposal in this application.



Bush Fire Mapping – Site not Bush Fire affected.

Clearing of Vegetation & Biodiversity Implications

There is no clearing proposed with this application.



Biodiversity Mapping- site not Biodiversity affected.

Proposed Earthworks

The extent of earthworks is minimal set out in the DA drawings and does exceed the LEP and DCP limits.

Sediment Control Measures

See attached DA documentation

Site Engineering Considerations

There are no engineering implications outside of the engineering requirements of the building. The dwelling is proposed to be connected to council infrastructure.

Energy Efficiency

Basix Certificate is not required for this proposal

BCA Compliance

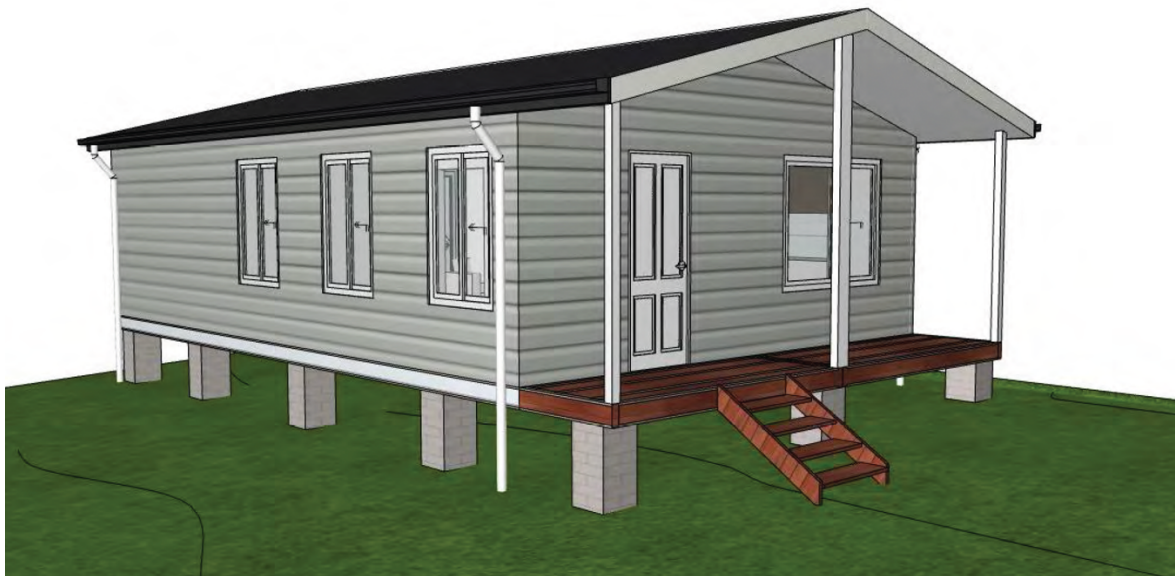
The construction to be undertaken is fully BCA compliant

Heritage Implications

There are no heritage implications with this proposal.

Indigenous Due Diligence

An Indigenous Due Diligence Report and an AHIMS search are attached to this application.



1.9 Impact of the Proposal

Existing Structures on Land

The subject has an existing dwelling.

Boundary Setbacks

Boundary setbacks comply with the DCP.

Building Height

The building achieves full compliance with the height requirements of the DCP with the proposed detached shed finishing at a height of approximately 4.433 at the highest point above NGL for any structure.

Bulk & Scale

There are no issues with the 'Bulk and Scale' of the proposal. The lot size is 557sqm and the proposed structures footprint combined of just under 150sqm or well less than 27% of the total site.

General Design Principles

The design of the shed has consideration for sound design principles in relation to solar access, energy efficiency, noise and privacy issues that provides a sound outcome for the property.

Shadowing

There are no shadowing issues with this proposal.

Streetscape Influence

This proposal is will not change the streetscape in any way shape or form because of its location in the rear yard of the property.

Impacts on Neighbouring Properties

a. Privacy Effects

Nil effect on any neighbours.

b. Noise Effects

Nil effect on any neighbours.

c. Loss of Views

Nil effect on any neighbours.

Site Area – Private Open Space

Ample with this proposal as clearly indicated on DA plans.

Access to Site

Existing access is from Church Street.

Fencing

Fencing is not part of this proposal

Construction Management Plan

Attached to application

Waste Management Plan

Attached to this application

2.0 Conclusion

The site, described in this report, Lot 8 / DP 238892 is capable of having the 'Manufactured Home' as proposed in this application.

Considerations include impacts on biodiversity, constraints, indigenous, heritage and other issues do not impact this proposal.

Dwellings are permissible under Mid-Western Regional Council LEP 2012 and satisfactory to the objectives of R1 General Residential Zone.

There are no departures from the any planning instruments and the proposed development is consistent with the provisions of the EP&A Act, Local Government Act, SEPP's, MWRC LEP & DCP.

In this regard, the subject site would be suitable for the proposed development as presented in this application.