

STATEMENT OF ENVIRONMENTAL EFFECTS



72 MORTIMER STREET, MUDGEE
Dual Occupancy (Detached)

29 April, 2025

Contents

| | |
|--|-----------|
| 1 Introduction | 3 |
| 2 Site Analysis | 4 |
| 2.1 The Locality | 4 |
| 2.2 Site Description | 4 |
| 2.3 Existing Character and Context | 5 |
| 2.4 Surrounding Road Network | 5 |
| 3 Details of the Proposal | 6 |
| 4 Planning Controls | 7 |
| 4.1 Biodiversity Conservation Act 2016 | 7 |
| 4.2 Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) | 8 |
| 4.2.1 Zone Objectives | 8 |
| 4.2.2 Other LEP Provisions | 9 |
| 4.3 State Environmental Planning Policy (Resilience and Hazards) 2021 | 15 |
| 4.4 State Environmental Planning Policy (Biodiversity & Conservation) 2021 | 16 |
| 4.5 Mid-Western Regional Development Control Plan 2013 | 18 |
| 5 Planning Assessment | 22 |
| 5.1 Assessment of Natural Environmental Impact – S4.15 (1)(b) | 22 |
| 5.1.1 Micro Climate Impacts | 22 |
| 5.1.2 Water & Air Quality Impacts | 22 |
| 5.2 Assessment of Built Environment Impacts – S4.15 (1)(b) | 22 |
| 5.2.1 Impact on the Areas Character | 22 |
| 5.2.2 Privacy, Views & Overshadowing Impacts | 22 |
| 5.2.3 Aural & Visual Privacy Impacts | 22 |
| 5.2.4 Environmentally Sustainable Development | 23 |
| 5.3 Assessment of the Site Suitability – 4.15(1)(c) | 23 |
| 5.3.1 Proximity to Service and Infrastructure | 23 |
| 5.3.2 Traffic, Parking & Access | 23 |
| 5.3.3 Hazards | 23 |
| 5.4 The Public Interest – 4.15(1)(e) | 23 |
| 5.4.1 Social and Economic Impact | 23 |
| 5.4.2 The Public Interest | 23 |
| 6 Conclusion | 24 |

1 Introduction

This Statement of Environmental Effects (SEE) has been prepared for Sunrai Designs and forms part of a development application to Mid-Western Regional Council for the erection of a single dwelling to form a dual occupancy at 72 Mortimer Street, Mudgee.

The objective of this proposal is to create a highly desirable and modern dwelling with an optimal layout for future occupants within close proximity to the Mudgee downtown core and with minimal impact upon the surrounding heritage character.

The proposal is in accordance with the relevant zone objectives contained in the Mid-Western Regional Local Environmental Plan (MWR LEP) 2012 and generally satisfies the relevant objectives and controls of the Mid-Western Regional Development Control Plan 2013 (MWRDCP) where necessary.

This document is divided into 6 sections. Section 2 contains a site analysis, Section 3 contains details of the proposal, Sections 4 and 5 contain the detailed assessment of the application in accordance with Section 4.15(1) of the Environmental Planning & Assessment (EP&A) Act 1979, and Section 6 concludes the report. The following details accompany this SEE:

- Architectural Plans; and
- BASIX Certificate.

2 Site Analysis

This section contains a description of the following: The Locality; Site Description; Existing Character and Context; and Surrounding Road Network.

2.1 The Locality

The subject site is located within the town of Mudgee and is located within the Local Government Area (LGA) of Mid-Western Region.

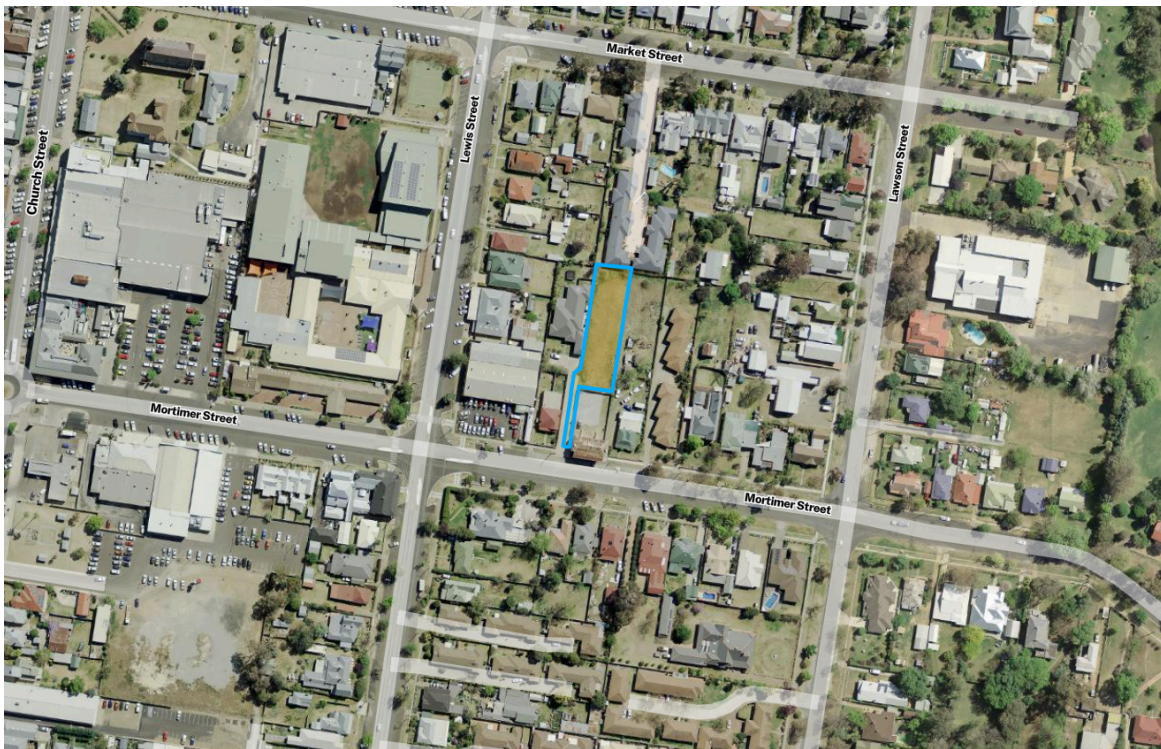


FIGURE 1: LOCATION PLAN (NSW EXPLORER)

2.2 Site Description

The subject site is a standard battle-axe lot located on the north side of Mortimer Street within the downtown area of Mudgee and is known as 72 Mortimer Street, Mudgee or Lot 1 2 DP 1132208. The site is the subject of a separate development consent for subdivision (DA0186/2020), which is understood to have been physically commenced.

The site is regular in shape, generally flat in topography and contains a total area of 1407m², which is typical for residential properties in the area.

Existing improvements on the site consist of a single storey dwelling house, mature landscaping and vehicular accesses.

2.3 Existing Character and Context

The surrounding area is predominantly residential, characterised by a mixture of single dwellings, multi dwelling housing and a number of commercial buildings immediately to the west including the Oriental Hotel, Three Tails Brewery, One Life Church and a new shop top housing development, which has recently been completed.

The property also sits within the Mudgee Heritage Conservation Area (HCA) with many buildings in the immediate area listed as items of environmental heritage or contributory buildings to the HCA.

The outcome of the development is considered to be in keeping with the character of the residential area in that it will have no unreasonable impacts upon the function, environmental criteria, heritage fabric or the residential amenity of the locality.

2.4 Surrounding Road Network

The site has frontage to Mortimer Street with vehicular access gained via an existing battle-axe driveway extending from Mortimer Street. Mortimer Street is a two lane sealed road that provides a connection through Mudgee providing direct access to the downtown core.

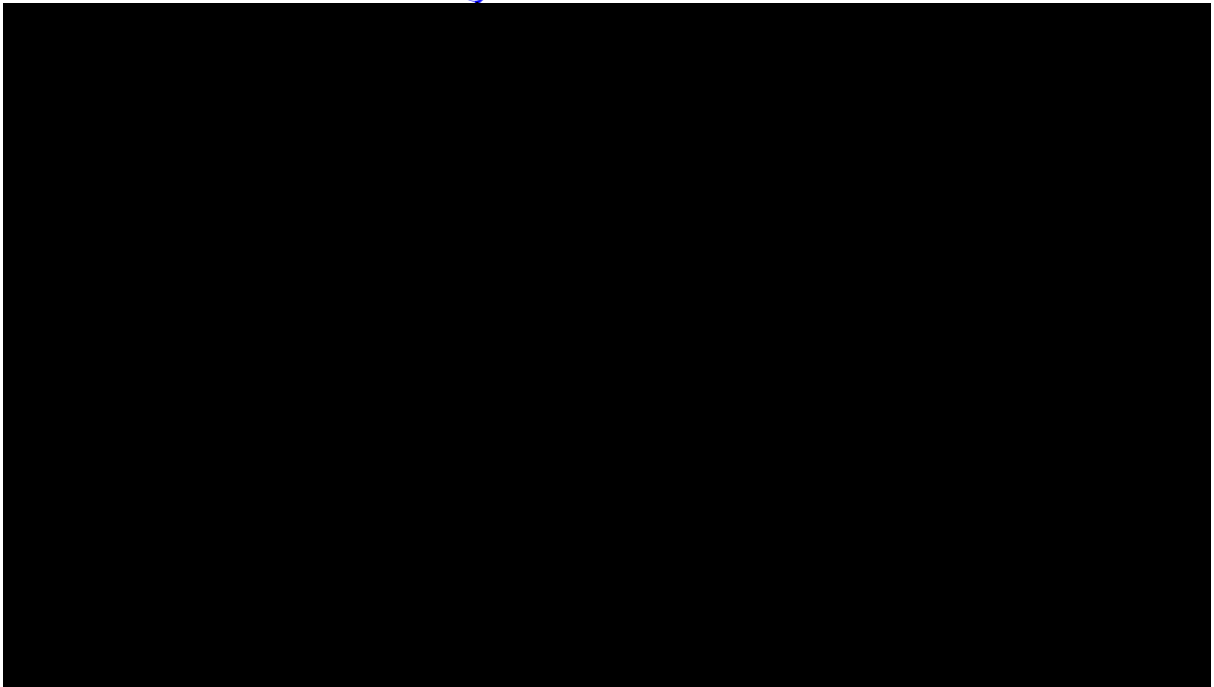
Mortimer Street is not identified as a Classified Road in accordance with the Roads Act 1993 with Council the designated roads authority, however, no new works within the road reserve are required to facilitate the development. Subsequently, no S138 application is necessary.

It should be noted that the access handle formed part of subdivision DA0186/2020 to service the site of the proposed dwelling.

3 Details of the Proposal

It is proposed to undertake the following works upon the site:

- Erection of a new single storey dwelling comprising 3 bedrooms, open plan living/kitchen area, double garage and rear alfresco area;



It should be noted that the dwelling will be erected upon the existing lot 2 DP 1132208 and will therefore technically form part of a dual occupancy (detached) upon the site. However, the site is also subject to development consent DA0186/2020 for a two lot subdivision, which has physical commencement.

It is expected that the subdivision will be finalised once the occupation of the proposed dwelling occurs. Subsequently, the development proposal includes details throughout demonstrating that the dwelling would also be compliant with the relevant planning controls on the future lot, upon registration of the subdivision.

The proposal will result in an optimal dwelling layout throughout the site with a high quality of amenity, whilst presenting to the streetscape in a sensitive manner and commensurate with the qualities of the Mudgee Heritage Conservation Area.

4 Planning Controls

Pursuant to section 4.15(1)(a) of the EP&A Act, this section will assess the compliance with the planning controls applicable to the site and relevant to the proposal pursuant to the relevant heads for consideration. The relevant controls include:

- Biodiversity Conservation Act 2016;
- Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012);
- State Environmental Planning Policy (Biodiversity & Conservation) 2021;
- State Environmental Planning Policy (Resilience & Hazards) 2021; and
- Mid-Western Regional Development Control Plan 2013 (MWRDCP 2013).

4.1 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 prescribes the requirements for addressing impacts on biodiversity from development, particularly where clearing is also proposed. The Biodiversity Offsets Scheme applies to development that triggers the Biodiversity Offsets Scheme threshold, or, is likely to significantly affect threatened species based on the test of significance in section 7.3 of the Biodiversity Conservation Act 2016.

The Biodiversity Assessment Method (BAM) is the assessment protocol that details how an accredited person assesses impacts on biodiversity in connection to a development proposal. The assessor documents the results of the biodiversity assessment in a Biodiversity Development Assessment Report (BDAR). A proponent must provide the BDAR to the Council as part of their development application.

The Biodiversity Offsets Scheme Threshold is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method (the BAM) to assess the impacts of a proposal. The threshold is triggered either when:

1. The amount of native vegetation being cleared exceeds a threshold area.

or,

2. When the impacts on vegetation occur on an area mapped on the Biodiversity Values map published by the Minister for the Environment.

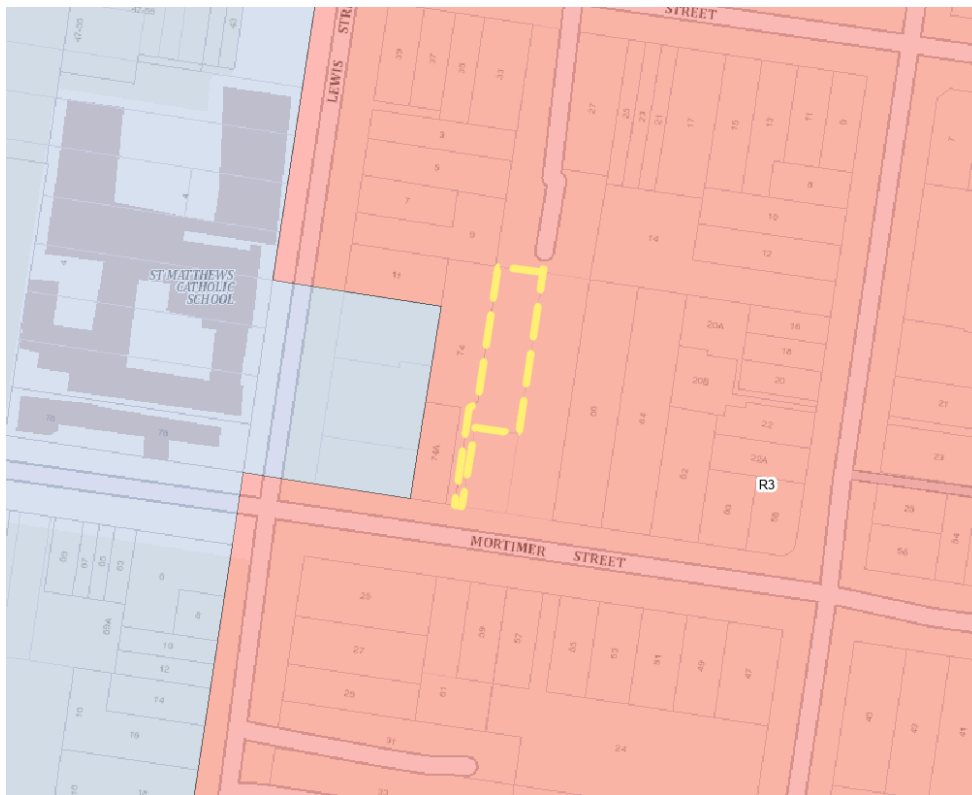
If clearing exceeds either of the above triggers, the Biodiversity Offset Scheme applies to the proposed development.

No part of the site is mapped on the Biodiversity Values map and the proposal does not involve the clearing of vegetation or impact upon any threatened species. Subsequently, no further consideration of this legislation is necessary.

4.2 Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)

The subject site is zoned R3 – Medium Density Residential under Council's MWRLEP 2012 (see Figure 3). *Dual Occupancies (detached)* are permissible with consent in the zone under the group definition of *residential accommodation* and the proposal is considered to satisfy the objectives of the zone.

It should be noted that the dwelling will also remain permissible with consent in the zone, as a dwelling house, upon registration of the subdivision certificate associated with DA0186/2020.



**FIGURE 3: EXTRACT FROM ZONING PLAN
(SOURCE: MID-WESTERN REGIONAL LEP 2012)**

4.2.1 Zone Objectives

The relevant objectives for Zone R3 are stated:

1. *To provide for the housing needs of the community within a medium density residential environment.*

Comment: The proposed dwelling will allow the site to benefit from a residential use in the medium density residential environment.

2. *To provide a variety of housing types within a medium density residential environment.*

Comment: The proposal is for a single dwelling on a conducive sized lot, which will not impede a variety of other housing types being developed in the area.

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

Comment: The proposal is for a new dwelling, which will not impede other land uses from being considered in the area.

4. *To encourage higher-density residential development that is sympathetic to and compatible with the existing character of the Mudgee Heritage Conservation Area.*

Comment: The proposal creates one additional dwelling where it is most appropriate to do so within the downtown area of Mudgee with close access to services. The design will complement the existing character of the Mudgee HCA and create infill housing that is in keeping with the rhythm of Mortimer Street.

In our opinion the proposal is consistent with the relevant objectives of the R3 Medium Density Residential zone as detailed above. The proposal is intended to create one additional dwelling that is commensurate with the size of the property whilst continuing to provide a sympathetic rhythm to the streetscape within the immediate vicinity.

A summary of our assessment of the proposed development against the relevant LEP provisions is in the following table (see Table 1):

4.2.2 Other LEP Provisions

| TABLE 1: PROJECT COMPLIANCE – Mid-Western Regional LEP 2012 | |
|---|---|
| Site Area : 1407m ² | |
| LEP Provisions | Complies / Comments |
| 4.1A Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing and residential flat buildings | |
| (1) The objective of this clause is to achieve planned residential density in certain zones. | The overall lot size of 1407m ² is appropriate and of a sufficient size to facilitate the development of the site as a dual occupancy including providing sufficient curtilage around each dwelling for POS and separation to adjoining sites. |

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| | It should be noted that the final layout also neatly aligns with the subdivision layout associated with DA0186/2020. |
| <p>(2) This clause applies to the following land—</p> <p>(a) land within Zone R1 General Residential,</p> <p>(b) land within Zone R3 Medium Density Residential,</p> <p>(c) land in Rylstone or Kandos that is within Zone RU5 Village,</p> <p>(d) for the purposes of a manor house, any land that is within Zone RU5 Village.</p> | Site is zoned R3 Medium Density Residential. |
| <p>(3) Despite any other provision of this plan, development consent may be granted to development on land to which this clause applies—</p> <p>(a) for the purposes of a dual occupancy (attached), if the area of the lot is equal to or greater than 600 square metres, or</p> <p>(b) for the purpose of a dual occupancy (detached), if the area of the lot is equal to or greater than 800 square metres, or</p> <p>(c) for the purposes of multi dwelling housing, if the area of the lot is equal to or greater than 1,200 square metres, or</p> <p>(d) for the purposes of a residential flat building, if the area of the lot is equal to or greater than 1,200 square metres, or</p> <p>(e) for the purposes of a manor house, if the area of the lot is equal to or greater than 1,200 square metres.</p> | Proposal is for a <i>dual occupancy (detached)</i> and the subject site is >800m ² . |
| Clause 4.3 Height of Buildings | |
| <p>(1) The objectives of this clause are as follows—</p> <p>(a) to establish a maximum height limit to which buildings can be designed in particular locations,</p> <p>(b) to enable infill development that is of similar height to existing buildings and that is consistent with the heritage character of the towns of Mudgee, Gulgong, Kandos and Rylstone.</p> | <p>The proposed dwelling is of an appropriate height for the context of the area with skillion roofing utilised over a single storey dwelling form.</p> <p>This is considered the best design outcome in keeping with the heritage character of Mudgee and the predominant single storey rhythm of the immediate streetscape, with the exception of 70 Mortimer Street.</p> |

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| <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> | <p>The maximum height prescribed is 8.5m</p> <p>The proposed dwelling will include a maximum height of approximately 4.5m to the top of the ridge from ground level (existing).</p> |
| <p>Clause 5.10 Heritage Conservation</p> | |
| <p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Mid-Western Regional,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p> | <p>The proposal is considered to respectfully conserve the Mudgee HCA in that the new dwelling will present as a sympathetic single storey residence of appropriate proportions within the predominantly single and two storey streetscape.</p> <p>The new dwelling is positioned directly behind the two storey building at 70 Mortimer Street and will be generally concealed from view to the streetscape. Although the proposal includes a skillion roof it is expected the impacts will be negligible as the nearby 2 storey buildings will continue to be the dominant presence in the streetscape.</p> <p>It should be noted that development consent was recently issued for two storey development immediately to the east of the site, which also incorporated skillion roofing. It is expected that the adjacent development will form a more dominant position in the streetscape when compared to the small single storey dwelling that is the subject of this development application.</p> |
| <p>(2) Requirement for consent Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being</p> | <p>Development consent is being sought for the works described in this SEE and as detailed on the plans accompanying the development application.</p> |

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| <p>discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p> | |
| <p>(3) When consent not required However, development consent under this clause is not required if—</p> <p>(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—</p> <p>(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and</p> <p>(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or</p> <p>(b) the development is in a cemetery or burial ground and the proposed development—</p> <p>(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and</p> <p>(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or</p> <p>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</p> <p>(d) the development is exempt development.</p> | <p>N/A. Development consent is being sought.</p> |

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| <p>(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p> | <p>Refer to comments in subclause (1) above.</p> <p>No negative effects expected as a result of the proposal.</p> |
| <p>(5) Heritage assessment The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p> | <p>N/A. No heritage management document considered necessary.</p> |
| <p>(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p> | <p>N/A. A heritage conservation management plan is not considered necessary.</p> |
| <p>(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> | <p>N/A. No archaeological sites present on the property.</p> |

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| <p>(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—</p> <p>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p> <p>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</p> | <p>N/A. No Aboriginal place of heritage significance present on the site.</p> |
| <p>(9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—</p> <p>(a) notify the Heritage Council about the application, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p> | <p>N/A. The site is not a State heritage item.</p> |
| <p>(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—</p> <p>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</p> <p>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</p> <p>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</p> <p>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the</p> | <p>N/A. Clause not proposed to be utilised.</p> |

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| heritage significance of the Aboriginal place of heritage significance, and (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area. | |
| 6.1 Salinity | The proposal does not involve any major physical works apart from standard footings for the dwelling. Subsequently, no impacts related to salinity are expected. Any salinity related impacts are expected to be addressed with a condition of consent. |
| 6.4 Groundwater vulnerability | The proposal does not involve any major physical works apart from standard footings for the structures. Subsequently, no impacts related to the groundwater table are reasonably expected. |
| 6.9 Essential services | All essential services associated with a residential location are already available and connected to the site, or able to be, as a result of the approved subdivision DA0186/2020. These are not expected to be affected by the proposal. |

4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The object of this policy is to provide a mechanism to ensure remediation of contaminated land is undertaken within the planning framework.

Part 4 of the SEPP requires the consent authority (Mid-Western Regional Council), before determining a development application, to consider whether the land is potentially contaminated and if so whether the land is suitable in its current state for the proposed use.

Clause 4.6(1) of the SEPP prescribes the specific considerations for the consent authority as noted below:

(1) A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Comment: No potentially contaminating activities are undertaken on the property or have been known to have been undertaken on the property. No further consideration of the SEPP is considered necessary.

4.4 State Environmental Planning Policy (Biodiversity & Conservation) 2021

The Biodiversity and Conservation SEPP 2021 applies to the site as the site is zoned R3 Medium Density Residential.

Clause 2.6 of the SEPP prescribes as follows:

2.6 Clearing that requires permit or approval

(1) A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.

(2) A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.

(3) Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.

(4) Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.

(5) Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.

(6) For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.

Comment: No clearing of vegetation is proposed or necessary to facilitate the erection of the dwelling. Subsequently, no further consideration of Chapter 2 of this SEPP is necessary.

Additionally, Clause 4.9 of the SEPP prescribes as follows:

4.9 Development assessment process—no approved koala plan of management for land

(1) This section applies to land to which this Chapter applies if the land—

(a) has an area of at least 1 hectare (including adjoining land within the same ownership), and

(b) does not have an approved koala plan of management applying to the land.

(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.

(3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.

(4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.

(5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—

(a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—

(i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or

(ii) is not core koala habitat, or

(b) information the council is satisfied demonstrates that the land subject of the development application—

(i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or

(ii) includes only horticultural or agricultural plantations.

(6) In this section—

koala assessment report, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts.

Comment: No clearing of vegetation is proposed or necessary to facilitate the erection of the dwelling. Subsequently, no impact upon koala feed species will occur and no further consideration of Chapter 4 of this SEPP is necessary.

4.5 Mid-Western Regional Development Control Plan 2013

The Mid-Western Regional DCP 2013 applies to the site and the proposed development.

Part 3.1 'Residential Development in Urban Areas' contains specific controls relating to the proposal and the relevant sections, as they relate to a dual occupancy, are addressed in the table below.

| TABLE 2: PROJECT COMPLIANCE – Mid-Western Regional DCP 2013 | | | | | | | | | | | | | | |
|---|---|-----------|---|--|------|--------|-----------|--------------------------------------|--|---|---|-------|---|--|
| Relevant sections applicable to this proposal. | | | | | | | | | | | | | | |
| DCP Provisions | | | Complies / Comments | | | | | | | | | | | |
| Building setbacks The deem to satisfy controls for a lot size of <900m ² for each of the resultant lots are: | | | Southern street setback: >5.5m. Western side setback: 1910mm. Northern rear setback: 6050mm. Eastern side setback: 1000mm. | | | | | | | | | | | |
| <table><tr><td>Zone</td><td>Street</td><td>Side/Rear</td><td colspan="2">Secondary Frontage for Corner Lots *</td></tr><tr><td>R1, R2 and R3 where Lot size is less than 900m2</td><td>4.5m to building line 5.5m to the garage</td><td>900mm</td><td colspan="2">0m for garages in laneways 2m to side boundary</td></tr></table> | | | | | Zone | Street | Side/Rear | Secondary Frontage for Corner Lots * | | R1, R2 and R3 where Lot size is less than 900m2 | 4.5m to building line 5.5m to the garage | 900mm | 0m for garages in laneways 2m to side boundary | |
| Zone | Street | Side/Rear | Secondary Frontage for Corner Lots * | | | | | | | | | | | |
| R1, R2 and R3 where Lot size is less than 900m2 | 4.5m to building line 5.5m to the garage | 900mm | 0m for garages in laneways 2m to side boundary | | | | | | | | | | | |
| Building height The deem to satisfy controls are: | | | Proposal is single storey with a FFL generally at ground level with some minor elevation to cater for local site topography. | | | | | | | | | | | |
| <div>Deem to satisfy is a single storey building with a FFL of less than 1 metre above Natural Ground Level.</div> | | | | | | | | | | | | | | |
| Site coverage The deem to satisfy control is: | | | The DCP allows for a maximum site coverage of 50% for dual occupancy development. | | | | | | | | | | | |
| <div>Deem to satisfy is 35% site coverage</div> | | | | | | | | | | | | | | |
| | | | <u>Total</u> 36%. | | | | | | | | | | | |

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| | <p><u>Lot 21 after subdivision</u></p> <p>39% site coverage proposed.</p> <p><u>Lot 22 after subdivision</u></p> <p>32% site coverage proposed.</p> <p>Please note, the dwelling on future lot 21 is existing and the subdivision to create lot 21 is in place.</p> |
| <p>Solar access</p> <p>The deem to satisfy control is:</p> <p>Deem to satisfy Living areas and private open space areas are to be located with a northerly aspect (i.e. on the north or eastern side of the building).</p> | <p>The open plan living area and POS are both orientated to the north and east for excellent solar access.</p> |
| <p>Privacy</p> <p>The deem to satisfy control is:</p> <p>Deem to satisfy Dwellings must be single storey and have a finished floor level less than 1,000 mm above the natural ground level.</p> | <p>Complies, as noted previously.</p> |
| <p>Parking</p> <p>The deem to satisfy control is:</p> <p>Deem to Satisfy Two (2) spaces per dwelling</p> | <p>A double garage has been provided to accommodate 2 vehicles on site.</p> <p>Furthermore, appropriate space upon the driveway and within the property boundaries has been provided for one additional visitor parking space, given the battleaxe handle nature of the site.</p> <p>All vehicles are able to enter and exit in a forward direction. Refer to turning paths provided with the architectural plans.</p> |
| <p>Landscaping</p> <p>The DCP requires landscaping of a quality nature, low maintenance and positioned to improve energy losses and gains to the dwelling.</p> | <p>The proposal is capable of incorporating high quality landscaping throughout.</p> |
| <p>Open space</p> <p>The deem to satisfy control is:</p> <p>Deem to satisfy Private open space to be on the northern or eastern side of dwelling with direct access to living areas. Area to be 80m² with a minimum dimension of 5 metres.</p> | <p>A minimum 80m² of POS with minimum dimension of 5m is provided with excellent northern orientation and direct connection to the internal open plan living area.</p> |

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| <p>Corner lots</p> <p>The DCP requires the development to address both street frontages and not incorporate utility windows into a street elevation.</p> | N/A. |
| <p>Fencing</p> <p>The deem to satisfy control is:</p> <div> <p>Deem to Satisfy</p> <p>1.8 metre high fence to all boundaries including private open space areas. All fencing forward of building line cannot be 'Colorbond' (All Residential zones excluding R5 zone).</p> </div> | New fencing at a height of 1.8m will be able to be incorporated into the development of the site as necessary. |
| <p>Infrastructure</p> <p>The DCP requires surface infrastructure to not be within street setback or visible from the street.</p> <p>Garbage storage areas are to be screened.</p> | <p>No infrastructure is proposed within the front setback areas of the site.</p> <p>Garbage bins will be stored in the garage area of the dwelling and can be readily maneuvered through the site to the street.</p> |
| <p>Garages, outbuildings</p> <p>The DCP identifies several controls relating to garages and outbuildings including floor area and height.</p> | N/A. |
| <p>Development near ridgelines</p> <p>The DCP prescribes controls relating to sensitive architectural design and building placement in proximity to ridgelines.</p> | N/A. Property not near a ridgeline. |
| <p>Slopes</p> <p>The deem to satisfy controls are:</p> <div> <p>Deem to Satisfy</p> <ul style="list-style-type: none"> • Cut is to be limited to 1,000 mm. • Fill is restricted to 600 mm. It must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard. • Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300 mm from any boundary. • Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided. • Cut and fill is not permitted within water or sewer easements </div> | The site is generally flat and only minor earthworks will be required to prepare the site for construction. |
| <p>Access</p> <p>All weather vehicle access is required to ensure that emergency services (fire, ambulance, police) are able to access the dwelling at all times.</p> | Access to the site is existing and readily negotiated by emergency services. |

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| <p>Relocated dwellings</p> <p>Dwellings proposed to be re-sited must be of a suitable standard both aesthetically and structurally.</p> | <p>N/A. No relocated dwelling to be utilised.</p> |
| <p>Adaptability</p> <p>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.</p> | <p>N/A. No adaptable housing proposed.</p> |
| <p>Design principles</p> <p>The DCP lists 11 broad design principles to be considered when undertaking residential development.</p> | <p>The proposal is considered to achieve all of the relevant design principles as discussed throughout this report.</p> |

5 Planning Assessment

This section will consider the following: the Assessment of Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15(1)(b),(c) and (e).

5.1 Assessment of Natural Environmental Impact – S4.15 (1)(b)

5.1.1 Micro Climate Impacts

The proposed development is unlikely to result in any adverse effects to the micro-climate in the locality.

5.1.2 Water & Air Quality Impacts

The proposed development is unlikely to result in any adverse effects on the locality in terms of water and air quality.

5.2 Assessment of Built Environment Impacts – S4.15 (1)(b)

5.2.1 Impact on the Areas Character

The surrounding built environment comprises a mix of single dwellings, higher density residential development and commercial developments within the Mudgee HCA. The proposal will not impact this character as discussed throughout this report.

5.2.2 Privacy, Views & Overshadowing Impacts

The proposed development will not impede the existing privacy or views of the subject or surrounding lots. The development will not provide overshadowing within the subject or adjoining lots given the single storey nature of the proposal.

5.2.3 Aural & Visual Privacy Impacts

The proposed development, being within a standard residential area and generally compliant with the relevant planning provisions, will not result in any significant privacy concerns for adjoining properties.

5.2.4 Environmentally Sustainable Development

The proposal will have minimal impact with regards to ESD subject to standard conditions imposed by the consent authority.

5.3 Assessment of the Site Suitability – 4.15(1)(c)

5.3.1 Proximity to Service and Infrastructure

As outlined, the site is accessible via an existing access handle to Mortimer Street. As the site already contains an existing dwelling, electricity, water, sewer, stormwater, internet and telephone are also readily available. These are expected to be readily extended to the dwelling.

5.3.2 Traffic, Parking & Access

The development will not increase the traffic volume for the area, as the proposal is for a dual occupancy upon a site that already benefits from a 2 lot subdivision. It is expected that the current road network is capable of continuing to support the minimal traffic movements.

5.3.3 Hazards

The site is not subject to any known hazards such as bushfire threat, flooding, landslip and the like that are relevant to residential development.

5.4 The Public Interest – 4.15(1)(e)

5.4.1 Social and Economic Impact

The proposal will make a positive contribution to the Mid-Western Region by facilitating the improvement of housing stock and the creation of employment.

5.4.2 The Public Interest

The proposal is in the public interest as it satisfies the objectives of the MWRLEP 2012 and MWRDCP 2013 and will not set any undesirable planning precedents.

6 Conclusion

The proposed development has been assessed in accordance with Section 4.15(1) of the EP&A Act 1979 and Council's planning instruments. The proposal is permissible in the R3 Medium Density Residential Zone under the Mid-Western Regional LEP 2012 and in our opinion is consistent with the relevant objectives of the Zone.

As discussed throughout the SEE, the crux of the proposal is to facilitate the erection of an additional dwelling that will blend seamlessly into the existing streetscape with no exacerbated impacts with regards to the Mudgee Heritage Conservation Area and no impact upon any nearby items of environmental heritage. The proposal is generally compliant with the provisions of the MWRDCP 2013, with the site already the subject of a development consent for the creation of the lot.

For the above reasons the proposal is considered to be in the public interest and is recommended for approval subject to standard conditions.