

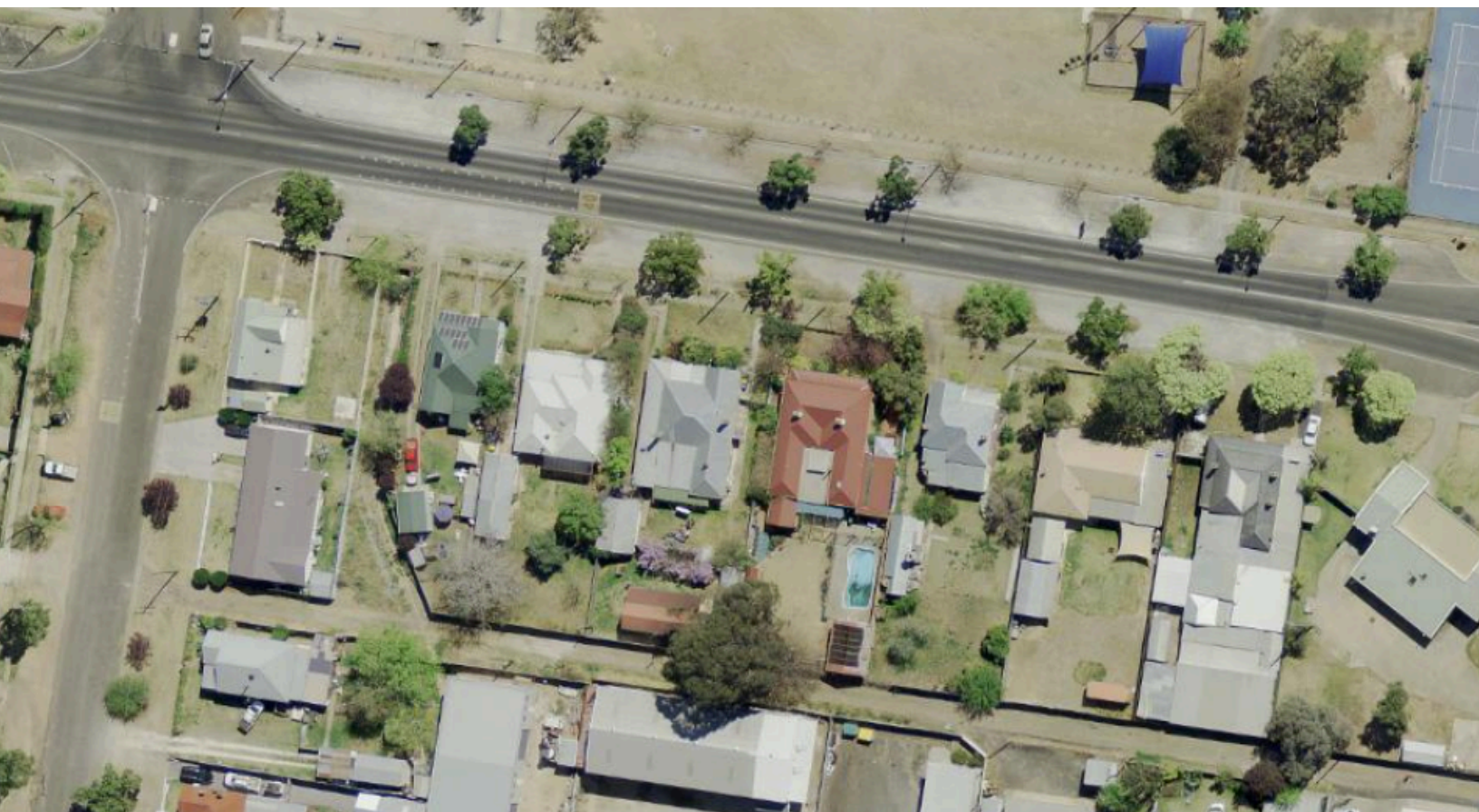


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STATEMENT OF ENVIRONMENTAL EFFECTS



107 HORATIO STREET, MUDGEE

Change of Use to Health Consulting Rooms

16 October, 2025

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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 change of use from a dwelling to health consulting rooms at 107 Horatio Street, Mudgee.

The objective of this proposal is to create a new health facility that services the Mudgee region whilst minimising any impacts upon the amenity of the surrounding area.

The proposal is in accordance with the relevant zone objectives contained in the *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP 2012) and generally satisfies the relevant objectives and controls of the *Mid-Western Regional Development Control Plan 2013* (MWRDCP 2013) 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 Act 1979* (EP&A Act 1979), and Section 6 concludes the report. The following details accompany this SEE:

- Architectural Plans;

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 dual frontage lot located on the south side of Horatio Street in the inner residential core of Mudgee and is known as 107 Horatio Street, Mudgee or Lot B DP160286.

The site is regular in shape, generally flat in topography and contains a total area of approximately 1107m², which is typical for sites in the immediate area.

Existing improvements on the site consist of a single storey 3 bedroom dwelling facing Horatio Street, single bedroom granny flat at the rear of the site, detached single garage and various structures and landscaping throughout.

2.3 Existing Character and Context

The surrounding area is of a mixed-use nature, characterised by a mixture of residential types, together with other mixed uses including light industrial and commercial operations. Charles Park is directly opposite the site to the north, together with the Mudgee skatepark.

The outcome of the development is considered to be in keeping with the character of the mixed-use area in that it will have no unreasonable impacts upon the function, environmental criteria, traffic movements or the residential amenity of those dwellings within the immediate locality.

2.4 Surrounding Road Network

The site has frontage to both Horatio Street and Lyons Lane with vehicular access gained via an existing driveway crossing on both streets. Horatio Street is a two lane sealed road that provides a direct connection to Church Street through to the Mudgee downtown core.

Horatio Street is identified as a Classified Road in accordance with the Roads Act 1993 with Transport for NSW the designated roads authority. However, no new works within the road reserve are proposed or required and additional traffic movements are negligible.

3 Details of the Proposal

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

- Change of use from a dwelling to health consulting rooms for 3 allied health practitioners;
- Change of use of the secondary dwelling to a dwelling house.
- Each practitioner is proposed to be capped to 3 consultation sessions at the property per day;
- Provision of parking both on-site and on Horatio Street.

The proposal will result in the establishment of an essential service upon the site that will operate in a sympathetic manner to the surrounding area.

4 Planning Controls

Pursuant to section 4.15(1)(a) of the *EP&A Act 1979*, 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 (Resilience & Hazards) 2021*;
- *State Environmental Planning Policy (Biodiversity & Conservation) 2021*;
- *State Environmental Planning Policy (Transport & Infrastructure) 2021*;
- *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.

However, 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 SP3 – Tourist under Council's *MWRLEP 2012* (see Figure 3). 'Health consulting rooms' is permissible with consent in the zone and the proposal is considered to satisfy the objectives of the zone.

Health consulting rooms are defined as follows:

'health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.'

Comment: The proposal includes the use of 3 rooms within the existing dwelling for the purposes of the provision of health care in the form of extended one-on-one consultations including speech therapy, occupational therapy and the like.

Please also note that the existing secondary dwelling will also require a technical change of use to a dwelling house, as the secondary dwelling will no longer be ancillary to a principal dwelling upon the site. However, there will be no material change in the residential nature of the use of the dwelling.

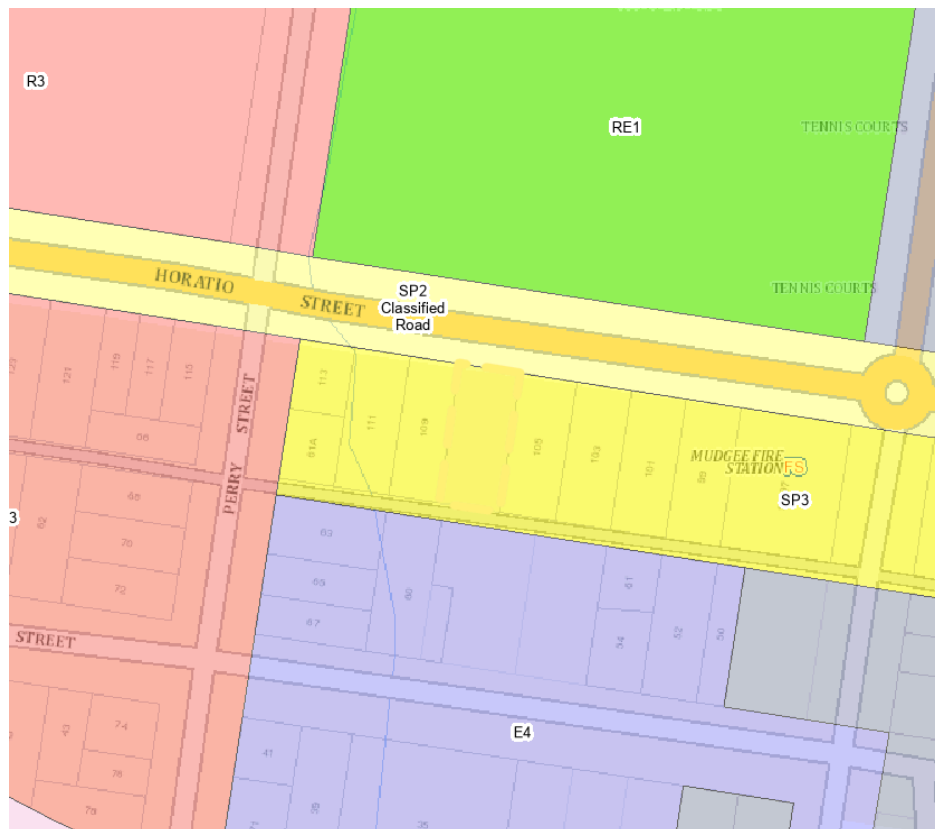


FIGURE 3: EXTRACT FROM ZONING PLAN
(SOURCE: *MID-WESTERN REGIONAL LEP 2012*)

4.2.1 Zone Objectives

The relevant objective for Zone SP3 is stated:

1. *To provide for a variety of tourist-oriented development and related uses.*

Comment: The proposed health consulting rooms are considered a related use and appropriate in the zone. The facility would not prevent other uses from being considered in the immediate area with the operation not likely to result in any conflict with other permissible uses.

Furthermore, the change of use of the secondary dwelling to a dwelling house will have no material impact upon the residential nature of that existing use.

In our opinion the proposal is consistent with the relevant objective of the SP3 Tourist zone as detailed above. The proposal involves minimal changes to the property or buildings, which ensures that any future change of use back to residential or the like would be readily achievable.

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 – <i>Mid-Western Regional LEP 2012</i>	
Site Area : 1107m ²	
LEP Provisions	Complies / Comments
Clause 5.10 Heritage Conservation	
(1) Objectives The objectives of this clause are as follows— (a) to conserve the environmental heritage of Mid-Western Regional, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	The buildings and site are not listed as an item of environmental heritage but the site is located within the Mudgee Heritage Conservation Area (HCA). The proposal is considered to respectfully conserve the Mudgee HCA in that there are no changes to the built form with the site continuing to present to the street in a sympathetic manner to the surrounding streetscape.
(2) Requirement for consent Development consent is required for any of the following— (a) demolishing or moving any of the following or altering the exterior of any of the following	Development consent is being sought for the works described in this SEE However, as no changes to the physical form of the building is proposed or necessary the

(including, in the case of a building, making changes to its detail, fabric, finish or appearance)— (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (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, (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 discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	requirement for consent pursuant to this clause may be void.
(3) When consent not required However, development consent under this clause is not required if— (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— (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 (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or (b) the development is in a cemetery or burial ground and the proposed development—	N/A. Development consent is being sought.

(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 (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 (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 (d) the development is exempt development.	
(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).	Refer to the comments above.
(5) Heritage assessment The consent authority may, before granting consent to any development— (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), 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.	N/A. No heritage management document considered necessary.
(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.	N/A. A heritage conservation management plan is not considered necessary.
(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an	N/A. No archaeological sites present on the property.

archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)— (a) notify the Heritage Council of its intention to grant consent, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	
(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— (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 (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.	N/A. No Aboriginal place of heritage significance present on the site.
(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— (a) notify the Heritage Council about the application, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	N/A. The site is not a State heritage item.
(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— (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and	N/A. Clause not proposed to be utilised.

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the 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.	
5.21 Flood planning	
(1) The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.	The proposal results in no change to the existing built form across the site including parking and pedestrian access. Accordingly, there are no significant implications with regards to flooding considerations, as the proposal is simply a change of use. It should be noted that professional consulting rooms are identified within the 'residential' land uses of the urban floodplain matrix contained within Appendix A of the MWRDCP 2013 and therefore the change of use from residential to professional consulting rooms will not require any further flooding considerations.
(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and	As noted above, the proposal does not result in any physical changes to the site or buildings and professional consulting rooms are considered 'residential' for the purposes of Appendix A of the MWRDCP 2013. Subsequently, there will be no changes with regards to all the listed considerations of this clause.

(d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	
(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.	No significant impact expected. No changes to the built form proposed. No changes to the risk factors associated with the site. No changes to built form are proposed or considered necessary in the context of flood mitigation.
(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.	Noted.
6.1 Salinity	The proposal does not involve any major physical works. Subsequently, no impacts related to salinity are expected.
6.4 Groundwater vulnerability	The proposal does not involve any major physical works. Subsequently, no impacts related to the groundwater table are reasonably expected.
6.9 Essential services	All essential services associated with an urban location are already available and connected to the site. These are not expected to be affected by the proposal with the extension of services readily able to occur as necessary.

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 sits within Mid-Western Regional Council LGA, as noted under Schedule 2 and also within the SP3 - Tourist zone.

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 change of uses. Subsequently, no further consideration of this SEPP is necessary.

Clause 4.9 of the SEPP also 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 change of uses. Subsequently, no impact upon koala feed species will occur and no further consideration of this SEPP is necessary.

4.5 State Environmental Planning Policy (Transport & Infrastructure) 2021

Horatio Street is identified as a classified road in accordance with the Roads Act 1993 and the Schedule of Classified Roads published by Transport for New South Wales. Subsequently, the consent authority is to consider various relevant clauses under SEPP (Transport & Infrastructure) 2021 as follows:

Chapter 2, Division 17 'Roads and traffic', clause 2.119 prescribes as follows:

(1) The objectives of this section are—

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

Comment: Additional traffic movements associated with the change of use are considered negligible with the 3 consulting rooms replacing an existing 3 bedroom dwelling. The nature of the practices of the speech pathologists and occupational therapists are considered low key and involve a significant scope of home visits and consultations based at local schools and aged care facilities in the area. As such, the expected traffic movements associated with the practice are comparable to the site continuing to be used for residential purposes.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment: The existing vehicular access point is considered sufficient in accommodating the traffic movements associated with the staff parking. It should be noted that there is no other reasonable location to provide adjusted ingress/egress points given the layout of the site and existing built form.

The alternative access from Lyons Lane is not considered appropriate for use in association with the health consulting rooms. This access currently services the existing smaller dwelling located upon the site and is limited to a small area to the east of the dwelling. This area remains entirely separated from the main dwelling and to utilise this area for health consulting parking would remove the only available and reasonable location for the smaller dwelling parking.

Overall, the proposed parking on site and on the street will involve negligible change to the existing traffic movements from the site. The proposed use is also not considered sensitive to noise, emissions and the like.

Furthermore, clause 2.122 'Traffic generating development' prescribes the following:

(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—

(a) new premises of the relevant size or capacity, or

(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

Comment: Schedule 3 includes two uses that may be applicable to the proposal. These prescribed uses include a carpark (whether or not ancillary to other development) where the parking spaces amount to 50 or more spaces and ‘any other purpose’ where vehicle movements exceed 50 or more vehicles per hour.

The proposal results in 3 consulting rooms and a dwelling in total across the site and 7 parking spaces servicing the proposal in total. Accordingly, the proposal results in vehicle parking numbers and expected vehicle movements that will comfortably not exceed the thresholds contained in Schedule 3, and therefore, ensure the proposal is not identified as traffic generating development in accordance with clause 2.122.

The proposal does not therefore trigger the need for the consent authority to undertake a referral to Transport for NSW in accordance with the provisions of clause 2.122.

4.6 Mid-Western Regional Development Control Plan 2013

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

Part 5.4 ‘*Environmental Controls*’ contains some relevant provisions including protection of aboriginal archaeology, riparian lines and vegetation management. The proposal generally satisfies these provisions, which are also discussed in various sections throughout this report. No significant impact with respect to the local ecology or groundwater is expected as a result of the proposal.

No other specific controls relate to the proposed development type. However, Part 5.1 ‘*Car Parking*’ provides a set of controls relating to the provision of parking. The table contained in Part 5.1 prescribes on-site parking at a rate of 3 spaces per consulting room, plus staff parking, for medical centres.

A review of the site and surrounding context has revealed the following points:

- Therapists are predominantly mobile, servicing clients at schools, daycare centres, homes, and aged care facilities lessening the demand on consultation rooms whereby clients are attending the site;

- All sessions are one-on-one consultations (not group), extensive in length given the nature of the consultations required and require additional time between sessions for the practitioner to prepare paperwork associated with the patient's progress throughout the session and other NDIS related paperwork. The nature of this operation ensures that no wait times are experienced that would result in congested parking arrangements.
- A typical medical centre, to which a rate of 3 spaces per consulting room would traditionally apply, operates at a higher capacity and constantly includes patients on wait lists for same day treatment and the like. As discussed above, an occupational therapy practice does not endure similar patient volumes and delays.
- Sessions are proposed to be capped at a total of 9/day (3 sessions per consultation room per day) due to clinician KPI's. Subsequently, the parking numbers are expected to be minimal.

In consideration of the above factors, that will constrain the use of the site to minimal levels, the 3 street frontage parking credits together with stacked parking within the driveway for staff is considered readily sufficient in accommodating the minor parking demand created from the proposed use.

It should be noted that in addition to the above parking availability the on-street parking available directly opposite the site along Charles Park is in the direct vicinity of the site and has been observed as highly vacant throughout the day. The singular frontage to Charles Park only, together with the lack of any other land uses that would generate a high demand for parking in the immediate vicinity, both ensure that this parking will consistently be available to the proposed use should the need arise from time to time. However, this is not expected to be a common occurrence as discussed throughout the points raised above.

Furthermore, the proposal results in the conversion of the existing secondary dwelling to a dwelling house and thereby requiring 2 car spaces to be provided to service this dwelling in accordance with Part 5.1. The dwelling currently benefits from one undercover parking space accessed from Lyons Lane to the rear of the site. The proposal does not materially change the expected use of this dwelling, which only incorporates one bedroom and is small in footprint. Accordingly, the continued provision of one parking space only is considered appropriate for the scale of the dwelling and is comparable to the parking provisions for a one bedroom unit of 1 space, which is prescribed in Part 4.1 of the MWRDCP 2013.

Overall the proposal achieves a good parking outcome for the low key intended uses and readily satisfies the objectives of parking provision.

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.

Stormwater will continue to discharge to the Council stormwater network in the same manner as existing.

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 residential densities and commercial/industrial development directly to the south. 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 no changes to the built form are proposed.

5.2.3 Aural & Visual Privacy Impacts

The proposed development, being within a standard mixed-use 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 Horatio Street and Lyons Lane. As the site already contains an existing use, services including electricity, water, sewer, stormwater, internet and telephone are also readily available.

5.3.2 Traffic, Parking & Access

Given the nature of the proposal and comparable traffic generation to the existing use for residential purposes, the proposal results in negligible impacts with regards to parking, traffic and access. Also refer to the various comments throughout this report addressing the parking and traffic arrangements for the proposed 3 x health consulting rooms.

5.3.3 Hazards

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

However, the site is identified within the Mudgee Flood Study 2021 as prone to flooding from the drainage channel that is located to the west. Refer to the comments within Table 1 that address clause 5.21 of the *MWRLEP 2012*, which is the predominant legislation for consideration of flooding impacts.

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 creation of an additional medical facility and the continuation 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 SP3 Tourist 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 establishment of a low-key health consulting practice that will blend seamlessly into the existing area with no exacerbated impacts with regards to the Mudgee Heritage Conservation Area and no additional significant impact upon any adjoining residential properties.

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