

BUILDING DESIGNERS | INNOVATIVE | AFFORDABLE | INDIVIDUAL



STATEMENT OF ENVIRONMENTAL EFFECTS

Rev B

Date August 2024

CWC Ref HAY030

Lot 12 DP1282112 | 30 Robertson Street, Mudgee



Statement of Environmental Effects

Proposed Multi-Unit Development with Community Title Subdivision at 30 Robertson Street, Mudgee

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1.0 Introduction

Collins W Collins Pty Ltd has been engaged to prepare a development application for a proposed multi-unit development with Community Title subdivision at 30 Robertson Street, Mudgee. This Statement of Environmental Effects is to accompany the plans and specifications, and forms part of the application.

2.0 Property Details

Lot	12	Section No	-	DP	1282112
Street No	30	Street Name	Robertson Street		
Suburb	Mudgee		Post Code	2850	



Figure 1: Aerial View, image from Six Maps (sourced: August 2024)

2.1 Site Characteristics

The subject site has an area of 1868m² with east orientation to Robertson Street and west orientation to Honey Lane. The subject site is located within the south-eastern corner of the Mudgee Conservation Area.

A dwelling was previously situated on the subject site. The dwelling and associated buildings were demolished several years ago, and the site is currently vacant.

The neighbouring properties comprise of single dwellings and multi-unit developments with a variety of external materials and finishes, and Mudgee Gold Club is located to the east of the site. The site is adjoined by a multi-unit development to the south, and vacant buildings to the north.

The subject site is not identified as being bushfire prone.

2.2 Existing and Proposed Services

Water

Council's records indicate that there is an existing water service at Robertson Street to the east of the site. It is proposed to install 6 water meters to the south-eastern corner of the site to connect to the proposed dwellings.

Sewer

Council's records indicate that there is an existing sewer easement to the south-western corner of the site.

Telecommunication and Electricity

There are telecommunication and electricity connections available via the street.

3.0 Proposal Overview

The proposal is for the construction of a new multi-unit development with Community Title subdivision at 30 Robertson Street, Mudgee. The proposed multi-unit development comprises of six (6) attached, single-storey dwellings, each with an attached single garage.

Proposed unit 1, unit 2, unit 3, and unit 4 each provide three bedrooms, two bathrooms, an open plan kitchen/dining/living area, and attached single garage with laundry. Private open space comprising a covered alfresco and open yard is proposed to the northern rear of each unit.

Proposed unit 5 and unit 6, to the west of the development, each provide two bedrooms, one bathroom, an open plan kitchen/dining/living area, and attached single garage with laundry. Private open space comprising a covered alfresco and open yard is provided to the northern rear of unit 5, and is provided to the western side and northern rear of unit 6.

The proposal includes an application for community title subdivision to create six (6) community title lots and Association Property. The Association Property includes the shared driveway, visitor parking spaces, common landscaped areas, water meters and letterboxes.

Access to the development is by way of one shared driveway to the south of the site. As a dual frontage site, vehicular access is provided by way of a driveway crossover to Robertson Street to the east of the site, and from Honey Lane to the west. Pedestrian access is also provided to unit 1 from Robertson Street via a proposed footpath at the east of the site.

1.8m high Colorbond fencing is proposed to the northern, southern and western boundaries of the site. To support an attractive streetscape, the proposal incorporates a timber picket fence to the Robertson Street frontage, to a maximum fencing height of 1.2m.

The proposal includes the removal of one (1) palm tree for the proposed development, located to the east of the site.

Each unit has been designed with an individual façade, thereby providing visual interest by incorporating articulation, a mix of windows and variety of external materials and finishes. Furthermore, proposed unit 1 has been designed with eastern frontage to Robertson Street, and therefore incorporates articulation, landscaping and variety of external materials to support an attractive streetscape and provide amenity for residents. The subject site is located within Mudgee Conservation Area, and a Statement of Heritage Impact is submitted with this application identifying that the proposed houses form a good infill to the Conservation Area and will contribute to the streetscape by strengthening the residential aspect of the locality and addressing the street.

4.0 General Information

Site Suitability	
Will the development:	
<ul style="list-style-type: none"> Affect any neighbouring residences by overshadowing or loss of privacy? 	No
<ul style="list-style-type: none"> Result in the loss or reduction of views? 	No
<ul style="list-style-type: none"> Impact on any item of heritage or cultural significance? 	Site is located within Mudgee Conservation Area
<ul style="list-style-type: none"> Result in land use conflict or incompatibility with neighbouring premises? 	No
<ul style="list-style-type: none"> Be out of character with the surrounding areas? 	No
<ul style="list-style-type: none"> Be visually prominent with the existing landscape/streetscape? 	No
<ul style="list-style-type: none"> Require excavation or filling in excess of 1 metre? 	No
<ul style="list-style-type: none"> Require the erection of any advertising signage? 	No
Will the proposal:	
<ul style="list-style-type: none"> Result in any form of air pollution (smoke, dust, odour)? 	No
<ul style="list-style-type: none"> Have the potential to cause any form of water pollution? 	No
<ul style="list-style-type: none"> Emit noise levels that could affect neighbouring properties? 	No

<ul style="list-style-type: none"> • Be considered potentially hazardous or offensive (refer SEPP Resilience and Hazards for definitions)? 	No
<ul style="list-style-type: none"> • Affect native or aquatic habitat? 	No
<ul style="list-style-type: none"> • Have an impact on a threatened species or habitat? 	No
<ul style="list-style-type: none"> • Involve the removal of any trees? 	Yes, 1 palm tree to be removed
<u>Access, Traffic & Utilities</u>	
<ul style="list-style-type: none"> • Are electricity and telecommunications services available to the site? 	Yes
<ul style="list-style-type: none"> • Is lawful and practical access available to the site? 	Yes
<ul style="list-style-type: none"> • Will the development increase local traffic movements and volumes? 	Yes
<ul style="list-style-type: none"> • Are appropriate manoeuvring, unloading and loading facilities available on site? 	Yes
<u>Waste Disposal</u>	
Provide details of waste management, including reuse and recycling: Individual bins to be collected via Council's Contractors	
How and where will the wastes be stored: Within the designated bin storage area to the west of the site	
<ul style="list-style-type: none"> • Does the proposed use generate any special wastes? 	No
<ul style="list-style-type: none"> • Will the use generate trade wastes (i.e. greasy or medical wastes)? 	No

5.0 State Environmental Planning Policy

5.1 Sustainable Buildings 2022

A BASIX Certificate, and a NatHERS Certificate to satisfy the Thermal Comfort section, have been submitted demonstrating that the proposed development will comply with the requirements of the SEPP.

5.2 Biodiversity and Conservation 2021

The subject site is not mapped as being a Koala Habitat area and is not located within an area of an approved Koala Plan of Management.

The proposal includes the removal of one (1) palm tree.

5.3 Transport and Infrastructure 2021

The subject site does not have frontage to a classified road. The proposal has considered SEPP (Transport and Infrastructure) in regards to infrastructure and telecommunications relating to the subject site and proposed development.

6.0 Mid-Western Regional Local Environmental Plan 2012

Clause 2.3 Zone Objectives and Land Use Table

The subject site is zoned R1 – General Residential. The objectives of this zoning are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed multi-unit development with Community Title subdivision is a permissible land use and provides a housing type that will meet the needs of a community segment. In this regard, the proposal is consistent with the R1 zone objectives.

Clause 4.1 Minimum Subdivision Lot Size

The minimum lot size specified on the Lot Size Map is 600m². However, it is noted that, as per Clause 4.1(4), the minimum lot size does not apply to land that is to be subdivided under the Community Land Development Act 2021.

Clause 4.1AA Minimum Subdivision Lot Size for Community Title Schemes

This clause applies to subdivision under the Community Land Development Act 2021 of land in Zone RU1, Zone RU4 and Zone C3.

The subject site is zoned R1, and therefore Clause 4.1AA does not apply to the development.

Clause 4.1A Minimum Lot Sizes for Dual Occupancies, Manor Houses, Multi Dwelling Housing and Residential Flat Buildings

Despite any other provision, development consent may be granted to development on land for the purpose of multi dwelling housing, if the area of the lot is equal to or greater than 1,200m².

The subject site has an area of 1,868m² and the proposal is therefore consistent with clause 4.1A.

Clause 4.1B Exceptions to Minimum Lot Sizes for Certain Residential Development

Development consent may be granted to the subdivision of land to which this clause applies if multi dwelling housing or a dual occupancy is lawfully erected on the land, and the area of each resulting lot will not be less than 300m² for multi dwelling housing, and only one dwelling will be located on each lot resulting from the subdivision.

Additionally, development consent may be granted to a single development application for development to which this clause applies that is both the subdivision of land into 2 or more lots, and the erection of multi dwelling housing on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 300m² for multi dwelling housing.

The proposed development comprises multi dwelling housing with Community Title subdivision, with only one dwelling located on each lot resulting from the subdivision. Proposed Lot 2 (Unit 1) and Lot 7 (Unit 6) are to exceed 300m², and are therefore compliant with clause 4.1B.

The nature of the proposed multi dwelling development is such that proposed Lot 3 (Unit 2), Lot 4 (Unit 3), Lot 5 (Unit 4), and Lot 6 (Unit 5) are to have lot areas of less than 300m², with lot areas ranging from 158m² to 170m². This is not consistent with clause 4.1B, and a clause 4.6 variation is therefore sought, as per Section 7 below.

Clause 4.3 Height of Buildings

The maximum height of building specified on the Height of Buildings Map is 8.5m.

The proposed new single-storey development has a maximum ridge height of 5.762m above existing ground level which complies with the LEP and is consistent with neighbouring developments.

Clause 5.10 Heritage Conservation

The subject site is identified as being within Mudgee Heritage Conservation Area, an item of local significance.

A Statement of Heritage Impact is submitted with this application, identifying that the proposed development will conserve the heritage significance of the conservation area, and the proposal is therefore consistent with the objectives of clause 5.10.

Clause 5.21 Flood Planning

The subject site is not identified as being within a Flood Planning Area.

Clause 6.4 Groundwater Vulnerability

The subject site is identified as Groundwater Vulnerable. However, the proposed development is designed, sited and will be managed to avoid any significant adverse environmental impact.

Clause 6.5 Terrestrial Biodiversity

The subject site is not identified as Moderate Biodiversity Sensitivity or High Biodiversity Sensitivity on the Sensitivity Biodiversity Map.

7.0 Clause 4.6 Variation to Clause 4.1B

As per clause 4.6 of the Mid-Western Regional Local Environmental Plan 2012, variations to development standards are permissible in certain circumstances. Clause 4.6 (3) requires that a written request is provided to the consent authority demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify the contravention of the development standard.

The development standard being varied is clause 4.1B Exceptions to minimum lot sizes for certain residential development.

a) Compliance with the development standard is unreasonable or unnecessary in the circumstances

Wehbe v Pittwater Council [2007] NSWLEC 827 established the 'Five Part Test' in considering that a development standard is unreasonable or unnecessary:

1. The objectives of the standard are achieved notwithstanding noncompliance with the standard
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary
3. The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

With respect to the Wehbe Five Part Test, in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, the Chief Judge clarified that:

"It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way."

It is noted that there are no objectives of clause 4.1B, and therefore point 1 cannot be considered relevant in this instance. However, the matters of point 4 are of particular relevance, because other multi-unit developments with subdivision that result in lot areas of less than 300m², and therefore depart from this development standard, have been approved by Council. As a result,

it is considered that compliance with clause 4.1B is unnecessary and unreasonable.

An example of this is the multi-unit development with Community Title subdivision currently under construction at 57A Cox Street, Mudgee. This development (DA0352/2016) was approved in September 2016 and comprises of a multi-unit development of eight (8) dwellings and Community Title subdivision, with one dwelling located on each lot resulting from the subdivision, and the area of resulting lots being less than 300m². As a result of Council granting consent for DA0352/2016, the development standard of clause 4.1B has been virtually abandoned, and hence compliance with clause 4.1B is unnecessary and unreasonable in this instance.

Furthermore, the proposed multi-unit development contributes to the variety of housing types and densities in Mudgee, and provides for the housing needs of the community. The proposed Community Title subdivision is required for the feasibility of this development, and the proposal is consistent with the R1 zone objectives.

Clause 4.1 of the LEP sets out the minimum lot size, with clause 4.1(3) stating that the size of any lot resulting from a subdivision of land is not to be less than the minimum size shown on the *Lot Size Map* in relation to that land. However, clause 4.1(4) states that this clause does not apply in relation to the subdivision of any land by any kind of subdivision under the Community Land Development Act 2011. In this regard, the minimum lot size of clause 4.1 does not apply to Community Title subdivision, and therefore clause 4.1B is considered to be unreasonable.

It is therefore considered that the proposal, despite the non-compliance with clause 4.1B, is appropriate for the locality, contributes to the variety of housing types and densities in Mudgee, and is consistent with other existing and approved multi-unit developments with subdivision of lots less than 300m² in the region. Consequently, with respect to the Wehbe Five Part Test, compliance with clause 4.1B is therefore considered to be unnecessary and unreasonable in this instance.

b) There are sufficient environmental planning grounds to justify the contravention of the development standard

By their nature, environmental planning grounds relate to the subject matter, scope and purpose of the Environmental Planning and Assessment Act 1979. The objects of the Environmental Planning and Assessment Act 1979 are set out in clause 1.3, as follows:

- 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 proposed multi-unit development has been designed to contribute to the variety of housing types and densities in the region. The existing lot area provides for the good design and amenity of the site, and the variation to clause 4.1B therefore supports an efficient building design. The proposal has been designed in consideration of the needs of residents, and the proposed lot size variation enables the provision of dwellings that meet the housing needs of the community. Strict compliance with clause 4.1B would therefore hinder the variety of housing types and the attainment of good design and amenity of the built environment. Furthermore, the subject site had a previous dwelling and has existing services, and the proposed development thereby utilises infill development and minimises the environmental impacts associated with the development of a new subdivision.

The variation to clause 4.1B allows for a functional built form of the multi-unit development, and strict compliance with the resulting 300m² lot size of the subdivision would therefore not allow for the economic use and development of the land.

It is considered that the proposed multi-unit development with Community Title subdivision is consistent with the objectives of the Environmental Planning and Assessment Act and there are sufficient environmental planning grounds to justify contravening the development standard.

8.0 Development Control Plan

8.1 Mid-Western Regional Development Control Plan 2013

	DCP Requirements	Proposal	Complies Yes/No
4.1 Multi Dwelling Housing			
	Multi-dwelling housing only permissible on lots with an area of at least 1,200m ²	Site area 1,868m ²	Yes
	Be located within the Heritage Conservation Areas or Mudgee or Gulgong and/or within a Village Zone; or	Subject site located within Mudgee Heritage Conservation Area	Yes
	Be on a lot with two street frontages; or	Subject site has eastern frontage to Robertson Street and western frontage to Honey Lane	Yes
	Be on any residential lot within a frontage width greater than 25m; or	Subject site has frontage width of 28.365m	Yes
	Must not be located on a lot which adjoins a lot which is approved for or contains multiple dwellings outside the Heritage Conservation Areas of Mudgee or Gulgong and or within a Village zone	Subject site adjoined by a multi-unit development to the south, located within Mudgee Heritage Conservation Area	Yes
Built Form – Design	Where existing buildings are to be retained as part of an overall proposal, those structures are to be upgraded to integrate with the new development.	N/A – vacant residential lot	N/A
	Verandahs, steps in the roof line or other architectural features should be incorporated in the design to provide visual relief and to minimise the bulk and scale of development.	Proposal is a single-storey development and incorporates articulation by way of an articulated roofscape, covered alfrescos and articulated walls to reduce perceptions of bulk and scale	Yes

Built Form – Design	<p>The design of the proposal must:</p> <ul style="list-style-type: none"> • Optimise solar access and lot orientation; and • Be consistent with the appearance of the streetscape – the scale, spacing, setbacks and landscaping of buildings; and • Positively enhance the streetscape 	<p>Proposal has been designed to optimise northern solar access for private open space and living room windows, to be consistent with the streetscape in regards to a single-storey development with front landscaping and consistent front setbacks, and to positively enhance the streetscape with visual interest provided to the frontage</p>	Yes
Built Form – Building Scale Height and Bulk	<p>Development, particularly when viewed from the street should be compatible with the scale of buildings in the immediate locality, consistent with the objectives of the zone and should not be visually obtrusive as a consequence of their height.</p> <p>In determining appropriate building heights Council shall have regard for the scale of future development for which provision is made in the locality.</p> <p>The maximum height of the building at any point shall be measured as the vertical distance between the ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communications devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.</p> <p>Buildings shall not exceed two storeys and generally should not exceed 8.5 metres in height.</p>	<p>The proposal comprises a single-storey development, and is therefore consistent with the scale of existing neighbouring dwellings. Unit 1 fronts Robertson Street and contributes to the character of the streetscape and objectives of the R1 zone</p> <p>Proposal is compliant with the maximum building height of the LEP, and is a single-storey development only</p> <p>The maximum height of the building is measured from existing ground level to the highest point of the roof.</p> <p>Single-storey building with maximum height of 5.762m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Built Form – Building Scale Height and Bulk	Each development or building will be assessed on its merits in terms of its visual impact on the streetscape and impact on the amenity, privacy, views and solar access of the surrounding properties.	The proposal has been designed in consideration of its visual impact on the streetscape, and to minimise impacts to surrounding properties The proposal will not lead to privacy impacts, will not affect view access, and will not adversely overshadow adjoining dwellings or private open spaces	Yes								
	Council may require an applicant to prepare and submit to Council shadow diagrams in order to determine the impact of a proposal on buildings and landscaped areas. Such diagrams should be based on a survey of the relevant site and adjoining development. It is essential that shadows diagrams be based on such detailed information in view of the fact that the shadows are the result of the relative height of structures and not just the height of a structure above ground level.	Proposal is a single-storey development that exceeds the southern side setback and will therefore not adversely overshadow any adjoining dwellings or private open spaces	N/A								
Setbacks	4.5 metres to street frontage	5.0m front setback to Robertson Street	Yes								
	3 metres to side and rear boundaries	North side: 2m to alfresco 5m to unit walls South side: 8.795m	No Yes Yes								
	3 metres to secondary frontages	3.29m to Honey Lane	Yes								
Development Density	Gulgong and Mudgee Conservation areas:	Proposal provides 2x 2-bedroom units and 4x 3-bedroom units	Yes								
	<table border="1"> <thead> <tr> <th>Unit Type</th> <th>Site Area</th> </tr> </thead> <tbody> <tr> <td>1 Bed Unit</td> <td>1 dwelling unit per 250m² of site</td> </tr> <tr> <td>2 Bed Unit</td> <td>1 dwelling unit per 280m² of site</td> </tr> <tr> <td>3 Bed Unit</td> <td>1 dwelling unit per 310m² of site</td> </tr> </tbody> </table>	Unit Type	Site Area	1 Bed Unit	1 dwelling unit per 250m ² of site	2 Bed Unit	1 dwelling unit per 280m ² of site	3 Bed Unit	1 dwelling unit per 310m ² of site	2x 2-bed units require a site area of 560m ² 4x 3-bed units require a site area of 1,240m ² Required site area = 1800m ² Total site area = 1868m ²	
	Unit Type	Site Area									
	1 Bed Unit	1 dwelling unit per 250m ² of site									
2 Bed Unit	1 dwelling unit per 280m ² of site										
3 Bed Unit	1 dwelling unit per 310m ² of site										

Development Density	Minimum floor area (excluding balconies and garages) for multi-dwelling housing:	Proposal provides 2x 2-bedroom units: Unit 5 floor area = 113m ² Unit 6 floor area 141m ²	Yes							
	<table border="1"> <thead> <tr> <th>Unit Type</th> <th>Floor Area</th> </tr> </thead> <tbody> <tr> <td>1 Bed Unit</td> <td>55m²</td> </tr> <tr> <td>2 Bed Unit</td> <td>70m²</td> </tr> <tr> <td>3 Bed Unit</td> <td>85m²</td> </tr> </tbody> </table>	Unit Type	Floor Area	1 Bed Unit	55m ²	2 Bed Unit	70m ²	3 Bed Unit	85m ²	Proposal provides 4x 3-bedroom units: Unit 1 floor area = 126m ² Unit 2 floor area = 121m ² Unit 3 floor area = 121m ² Unit 4 floor area = 120m ²
Unit Type	Floor Area									
1 Bed Unit	55m ²									
2 Bed Unit	70m ²									
3 Bed Unit	85m ²									
Landscaping	Site landscaping must not be less than 40% of the site area.	Site landscaping approx. 29%	No							
	Landscaping shall consist of well-advanced trees and shrubs, preferably with a predominance of native species.	The proposed landscaping incorporates a variety of trees, shrubs and groundcovers, with predominantly native species	Yes							
	The area of the site between the front building line and the street frontage must be landscaped as common property to a depth of at least 5m.	Proposal incorporates landscaping within the front setback of unit 1 and to the south-eastern corner of the site	Yes							
	Landscaping is to be completed prior to the release of the Construction Certificate.	Landscaping to be completed as part of the development construction	Yes							
Site Coverage and Private Open Space	Each dwelling shall have a principal private open space with a minimum area of 40 square metres and a minimum dimension of 5 metres (width and depth). These areas must be directly accessed from the living areas. For the purposes of this clause, living area means any room or rooms within the dwelling which are generally available for day-to-day use by residents and visitors and include such rooms as lounge, dining and rumpus rooms.	Unit 1 = 76m ² with 5m dim and accessed from kitchen	Yes							
		Unit 2 = 43m ² with 5m dim and accessed from kitchen	Yes							
		Unit 3 = 43m ² with 5m dim and accessed from kitchen	Yes							
		Unit 4 = 43m ² with 5m dim and accessed from kitchen	Yes							
		Unit 5 = 40m ² with 5m dim and accessed from living area	Yes							
		Unit 6 = 151m ² with 5m dim and accessed from principal living area	Yes							

Site Coverage and Private Open Space	The maximum site coverage (excluding driveways) for residential development on land identified for medium density development, as a percentage of the total site area, shall not exceed 40%.	Site coverage approx. 39.72%, excluding porch and alfrescos	Yes
	Rainwater tanks are not to be located within the principal private open space	Rainwater tanks located within private open space for each unit, but not located within principal 40m ² for units 1-4 and unit 6 Tank located within the 40m ² area of unit 5	Yes No
	Patios, decks, balconies at or near ground level may only be counted as principal private open space, under the same roof, when they have a direct northerly aspect and are less than 25% of the overall private open space requirement.	Units 1-4 and unit 6 provided with an alfresco that covers less than 25% of open space requirement and has northern aspect Unit 5 alfresco approx. 31% of the private open space	Yes No
	Wherever a dimension is less than 5 metres, it will not be counted as part of the calculation for a principal private open space.	Principal private open spaces incorporate 5m dimension	Yes
	Where principal private open space in the front setback is permitted, these shall be located behind a suitably landscaped area with a minimum width of 1.5 metres to the front boundary. Such landscaping shall be maintained at all times to Council's satisfaction. Fencing of such areas will be incorporated into the landscaped area. The use of 'Colorbond' or similar fencing of these is prohibited in favour of timber or masonry materials.	Unit 1 incorporates private open space within the front setback, located behind the front landscaped area of 1.5m dimension, with maximum 1.2m high timber picket fencing	Yes

Site Coverage and Private Open Space	For all forms of development, at least 75% of each required principal private open space area and internal living areas shall receive at least three hours effective sunlight between the hours of 9.00 am and 3.00 pm on 21 June (Winter solstice). Council may require submission of shadow diagrams to demonstrate compliance with the requirement above.	Each private open space area has northern orientation and will therefore receive more than 3 hours solar access on 21 June Each unit incorporates northern windows and skylights to ensure sunlight is received for more than 3 hours on 21 June	Yes
Vehicular Access and Parking	<p>One space only is to be allocated as resident parking for each dwelling with the remainder of the total requirement to be provided as visitor car parking, which is to remain available for use at all times. The second space must be provided as general visitor parking or as an open space associated with the unit</p> <p><u>Residential Parking</u> 1 space per 1 bedroom flat</p> <p>2 spaces per 2 bedroom flat (other than in the Conservation Areas of Mudgee where the provision is 1 space per 2 bedroom flat)</p> <p>2 spaces per 3 bedroom flat or cluster dwelling</p> <p><u>Overflow Parking</u> 1 space per 5 units – not required for developments of 3 or less units</p> <p><i>Car parking calculations shall be rounded up to the nearest whole number</i></p>	<p>Each unit is provided with one attached garage space, and visitor parking is provided to the south of the site</p> <p>N/A</p> <p>2x 2-bed units provided, each with one garage space</p> <p>4x 3-bed units provided, each with one (1) garage space. Five (5) visitor spaces are provided for the units.</p> <p>Proposal comprises 6 units, with one overflow parking space provided to the south of the site</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Vehicular Access Design	Driveways are not to be continuous straight lines and are to be offset by landscaped sections and/or unit layout.	Driveway located to south of the site, offset by landscaped areas of 2.5m wide. The driveway provides access/egress to both Robertson Street and Honey Lane, with variation in width	Yes

Vehicular Access Design	<p>Driveways are to be designed as follows:</p> <ul style="list-style-type: none"> • A pavement width of 3 metres is required for developments of 3 to 4 dwellings. • A pavement width of 6 metres is required for developments of 5 or more dwellings. • Where the length of driveway exceeds 30m, the width of pavement must be 6m at intervals. This width may be varied along its length subject to provision being made for passing along the driveway. 	<p>Driveway 6.295m wide</p>	<p>Yes</p>
	<p>Where access is to a major road a pavement width of not less than 6 metres for the first 5 metres of the driveway adjoining the road boundary is to be provided.</p>	<p>Driveway length 66m, with width 6.295m from Robertson Street</p>	<p>Yes</p>
	<p>Driveways are to be offset a minimum of 2 metres from any side boundary for the full length of the required front setback (i.e. 6 metres or 7.5 metres). The setback area should be suitably landscaped to screen the hardstand driveway surfaces and to provide visual appeal to the streetscape</p>	<p>Driveway and crossover 6.295m wide from Robertson Street</p>	<p>Yes</p>
Privacy and Amenity	<p>Where windows or balconies of dwellings are within 6 metres and facing windows or balconies of adjacent dwellings, windows must be offset by a minimum of 1 metre from the edge of the opposite window and balconies be screened or oriented to ensure visual privacy.</p>	<p>Driveway setback 2.5m from the southern boundary, with landscaping provided between parking spaces and up to the front boundary to support an attractive streetscape</p>	<p>Yes</p>
	<p>Window openings at first floor level and above should be orientated or designed to minimise the potential for overlooking of adjacent properties and the consequent loss of privacy.</p>	<p>Windows and balconies are not located within 6m of neighbouring windows or balconies</p>	<p>N/A</p>
		<p>N/A – single-storey development</p>	<p>N/A</p>

Privacy and Amenity	Windows which are orientated towards adjoining properties and do not adequately restrict overlooking will be required to be opaque finish or located at appropriate heights above floor level to minimise overlooking of adjoining properties.	Single-storey units with 1.8m high boundary fencing providing screening	N/A
	All developments are required to provide a 1.8m high fence on the boundary of the development site and between private open space areas of individual units.	1.8m high boundary fencing proposed to the northern, southern and western boundaries	Yes
	All fencing is to be provided at full cost to the developer. All fencing which is in front of the building line shall be constructed of timber and/or masonry materials.	Fencing to be provided at cost to the developer Timber picket fencing proposed to the Robertson Street frontage	Yes
Acoustic Privacy	Site layout should separate active recreational areas, parking areas, vehicle accessways and service equipment areas from bedroom areas of dwellings.	Proposed development has been designed to separate private open spaces and principal living areas from the driveway and parking areas	Yes
	Development adjacent to high levels of uncontrollable external noise shall incorporate a building design to minimise the entry of that noise.	N/A	N/A
Waste Disposal	Development applications should provide details of an appropriate means of waste disposal via the provision of individual 240 litre mobile garbage, recycling bins to each dwelling.	Each unit is provided with garbage and recycling bins, with a dedicated bin storage area to the west of the site	Yes
	All dwellings should provide an external access to the rear of the development (private open space area) to enable garbage bins to be taken to the street without the need for moving the bins through the dwelling. A garage can be used for this purpose if it provides direct access to the rear courtyard.	Bin storage area located to the west of the site, allowing for ease of access to the street without moving bins through the units	Yes

Waste Disposal	Waste disposal collection points should not compromise the amenity of future residents in terms of noise, odour or aesthetic impact.	Waste collection point does not compromise amenity of residents	Yes
Part 5 Development Standards			
Landscaping	Parking facility design shall consider the likely visual impact of the parking facility in the locality and provide an integrated landscape design addressing amenity impacts.	Proposal incorporates landscaping of 2.5m wide to the parking area to reduce visual impacts of the driveway and parking area	Yes
	A landscaping plan including details of species selection of mature shade trees, species condition, size of beds, understorey and ground cover planting, irrigation provision shall be submitted to Council for approval.	Landscaping plan incorporated into site plan, demonstrating landscaped areas, garden bed sizes and selection of trees and shrubs	Yes
	Landscaping shall be provided to separate pedestrian and vehicle conflict points where possible.	Landscaping provided within the driveway and parking areas	Yes
	Landscaping provision for sun control (shading) shall be provided at the rate of 1 shade tree for every 6 car parking spaces.	Parking located to the south of the site	N/A
	Existing trees on site are to be retained where possible.	The proposal includes the removal of one palm tree to allow for the construction of unit 1	Yes
5.4 Environmental Controls Bushfire Management	Where the development site is affected by a bushfire hazard as identified on the Bushfire Prone Land Map produced by the NSW Rural Fire Service, the design and management of the development shall comply with the guideline "Planning for Bushfire Protection" and where required; the Australian Standard AS 3959 - Construction of Buildings in Bush Fire Prone Areas	N/A – subject site is not bushfire prone	N/A

<p>5.4 Environmental Controls</p> <p>Protection of Aboriginal Archaeological Items</p>	<p>Aboriginal archaeological relics are protected by the provisions of the National Parks and Wildlife Act 1974, which makes the disturbance or destruction of these relics, without permission of the Director, an offence</p>	<p>N/A – no aboriginal relics to be disturbed or destroyed</p>	<p>N/A</p>
<p>5.4 Environmental Controls</p> <p>Riparian and drainage line Environments</p>	<p>Proponents must identify all drainage lines, streams, creeks and rivers on development plans and identify how the development has been designed to respect and be setback from such waterways and their vegetation</p>	<p>N/A</p>	<p>N/A</p>
<p>5.4 Environmental Controls</p> <p>Pollution and Waste Management</p>	<p>Proponents should indicate all waste streams i.e. trade, liquid, chemical, solid, medical, and clarify how they will be managed and contained safely on-site and disposed of such that there are no environmental impacts or effects on adjoining properties, stormwater or sewerage systems or waterways</p>	<p>Residential units only, with garbage bin and recycling collection</p>	<p>Yes</p>
<p>5.4 Environmental Controls</p> <p>Threatened Species and Vegetation Management</p>	<p>An assessment of any potential impact on native flora and fauna is to accompany a DA. If considered necessary by Council a Flora and Fauna Impact Assessment will be required from a suitably qualified professional.</p> <p>Buildings and access areas should be sited to avoid removal of trees.</p>	<p>The subject site is a vacant residential lot and the proposal will not impact on native flora and fauna</p> <p>The proposal includes the removal of one palm tree only, to provide for the construction of unit 1. To compensate, the proposal incorporates landscaping within the front setback of the development, including at the location of the existing palm tree</p>	<p>N/A</p> <p>Yes</p>

8.2 Non-Compliances

We provide the following in relation to the non-complying issues identified in the table above:

Issue: Site landscaping less than 40% of the site area

The proposal provides site landscaping to approximately 29% of the site area. This is not consistent with Part 4.1 of the DCP, which states that site landscaping must not be less than 40% of the site area.

The proposal comprises a multi-unit development of six units, with landscaping provided to the northern side setback as private open space, to the western secondary frontage setback as private open space and front landscaping, to the south of the site as landscaped areas to screen the parking, and to the eastern front setback to support an attractive streetscape. Landscaping is proposed across the site, and is considered to be adequate for the nature of the development and character of the locality.

Each unit is provided with a minimum of 40m² private open space, including open yard area. Each private open space area therefore incorporates landscaping that is sufficient to meet the needs of residents and increase amenity to enjoy a variety of outdoor activities with northern orientation.

Unit 1 and unit 6 are provided with additional landscaped private open space areas to the eastern primary front setback and to the western secondary front setback. To Robertson Street, landscaping is provided up to the front boundary and extends for the length of the frontage, excluding the driveway and footpath. This front landscaping incorporates a variety of trees, shrubs, plants and groundcovers to provide visual interest and to soften the visual impact of the development on the streetscape. With approximately 70% of the front setback area being landscaped, the proposal will support an attractive streetscape that is consistent with the character of the Conservation Area.

A portion of the front landscaping is dedicated to Unit 1, and the proposal therefore incorporates front fencing to ensure privacy and security is maintained. To support an attractive streetscape and ensure the front landscaping presents to Robertson Street, 1.2m high timber picket fencing is proposed, which is identified as being appropriate for the Conservation Area and an enhancement to the streetscape. The proposed development has been designed so that unit 1 addresses Robertson Street, and the proposed front landscaping and fencing has been designed to support the

character of the locality and to be sympathetic to the older style dwellings in the Conservation Area.

Furthermore, additional front landscaping is proposed adjacent to the driveway to both the Robertson Street primary frontage and Honey Lane secondary frontage. The driveway is setback 2.5m from the southern side boundary, with landscaping proposed up to the front boundaries and for a minimum length of 7.5m to ensure that the hardstand areas are suitably screened and to enhance the visual appeal to the streetscape. To the Robertson Street frontage, this area of landscaping also provides screening to the proposed water meters and incorporates the mailboxes to soften the visual impacts at the south-eastern corner of the site. To both the primary and secondary street frontages, the front landscaping therefore provides a welcoming entrance, softens the visual impact of the driveway, provides screening of the parking areas, and incorporates a variety of shrubs and trees to further support an attractive streetscape.

Additional areas of landscaping are also proposed to the south of the site, separating the visitor parking areas with a minimum width of 2.5m to provide for a variety of plants and trees. These landscaped areas enhance the hardstand parking areas, whilst providing further amenity to residents with additional landscaping to the south of the site to be viewed from the bedroom windows of each unit.

It is therefore considered that the proposed landscaping to approximately 29% of the site area is sufficient for the site, meets the needs of residents for private open space areas, provides amenity, and supports the character of the streetscape. The proposal has been designed in consideration of locality and Conservation Area, and therefore provides adequate landscaping that incorporates a variety of trees, plants and groundcover to enhance the visual impact of the development and support an attractive streetscape.

Issue: Northern side setback 2m to alfrescos | 5m to unit walls

The proposal provides a northern side setback of 2m to the alfrescos. This is not consistent with Part 4.1 of the DCP, which states that the setback requirement is 3m to side and rear boundaries.

The proposal has been designed to provide each unit with northern private open space areas, comprising a covered alfresco and open yard with a

minimum area of 40m² to allow for a variety of outdoor activities and landscaping. Each covered alfresco is accessed from the principal living area or kitchen of the unit, with the alfrescos of units 1-5 located to the northern rear of the unit. Whilst the walls of the building are setback 5m from the northern side boundary, thereby exceeding the 3m side setback requirement, the proposed alfrescos of units 1-5 have a northern side setback of 2m.

To the north, the subject site is adjoined by vacant buildings. Notwithstanding, the proposed development will not overshadow the northern vacant buildings or vacant private open space area, and will therefore not overshadow any potential future development of the northern adjoining lots. With northern orientation, the proposal will maintain solar access to the northern adjoining lots, and with the proposed alfrescos setback 2m from the northern side boundary, will maintain adequate natural light and ventilation between the dwellings and to the private open spaces.

Furthermore, the proposal has been designed to maintain privacy to neighbouring dwellings and private open spaces. The proposal comprises a single-storey development with 1.8m high boundary fencing to ensure privacy and amenity is provided for future residents. Whilst the alfresco has a northern side setback of 2m, the proposed building walls and windows have a northern side setback of 5m, thereby exceeding the 3m setback requirement. The proposal will therefore not lead to any adverse visual or acoustic privacy impacts to any neighbouring dwellings or private open spaces.

To reduce perceptions of building bulk and ensure compatibility with the character of the streetscape, the development is a single-storey building that incorporates articulation to each elevation. The proposal incorporates an articulated roofscape and a variety of external materials including cladding, brickwork and metal sheet roofing, to provide further visual interest. To the northern elevation, the proposed northern alfrescos assist in providing articulation, with the single-storey building designed to reduce perceptions of building bulk from the northern adjoining lots and to provide a visually interesting multi-unit development.

The proposal has been designed to provide each unit with a northern private open space area, including a covered alfresco and open yard area. Notwithstanding the proposed alfrescos being setback 2m from the northern side boundary, the proposed single-storey development will not lead to any overshadowing impacts to the northern adjoining lots, and with windows setback 5m and the inclusion of 1.8m high boundary fencing, will maintain visual and acoustic privacy to neighbouring dwellings and private

open spaces. To reduce perceptions of building bulk from the street and from the northern adjoining lots, the proposed single-storey building incorporates articulation, a variety of external materials and finishes, and landscaping within the northern side setback. With the walls of the units setback 5m from the northern boundary, the proposal provides sufficient private open space for each unit, including a covered alfresco, to enhance amenity for future residents.

Issue: Unit 5 rainwater tank located within the 40m² principal private open space area | Unit 5 alfresco exceeds 25% of the private open space requirement

The proposal is for the construction of a multi-unit development comprising six units. Units 1-4 and unit 6 are provided with principal private open space areas of 40m² that exclude the rainwater tank location and incorporate a covered alfresco that equates to less than 25% of the private open space requirement. Proposed units 1-4 and unit 6 are therefore compliant with the private open space requirements of the DCP.

Unit 5 is provided with 40m² of principal private open space, including the rainwater tank location. This is not consistent with Part 4.1 of the DCP, which states that rainwater tanks are not to be located within the principal private open space. Additionally, the private open space of unit 5 incorporates a covered alfresco that equates to approximately 31% of the private open space area. This is not consistent with Part 4.1 of the DCP, which states that patios at ground level may only be counted as principal private open space, under the same roof, when they have a direct northerly aspect and are less than 25% of the overall private open space requirement.

Unit 5, as per all of the units, is provided with northern private open space area of 40m², with minimum dimension of 5m and direct access from the principal living area. In this regard, the private open space of unit 5 is consistent with the private open space requirement of the DCP, and will provide for a variety of recreation activities and landscaping with northern orientation, and with 1.8m high fencing to ensure privacy.

As per the BASIX requirements, each unit is to be provided with a 2,000L water tank. The water tank is proposed to be located within the rear private open space of each unit, for connection to the laundry and garden tap of the unit. Proposed unit 5 incorporates the rainwater tank into the principal private open space area of 40m², to the rear of the unit. Locating the

rainwater tank in this principal private open space area ensures usability as per the BASIX requirements, safety of the water tank, ease of access for maintenance, and locates the water tank out of view to ensure the proposal provides an attractive façade and supports an attractive streetscape within the Conservation Area.

Notwithstanding the location of the water tank within the private open space area, unit 5 is provided with sufficient private open space to provide for recreation, clothes drying and landscaping to meet the needs of residents. Excluding the rainwater tank, proposed unit 5 is provided with approximately 38.75m² of northern private open space, which is minimally less than the 40m² principal private open space requirement and is sufficient to provide for a variety of outdoor activities. Furthermore, garbage bin storage is not located within this private open space area, thereby further maximising its usability for residents. It is therefore considered that the private open space area is sufficient to include the rainwater tank location without impacting on the usability of the private open space for a variety of outdoor activities, clothes drying and landscaping with northern orientation.

The 40m² private open space area of unit 5 comprises a covered alfresco of 12.72m², and open yard area. The alfresco equates to approximately 31% of the private open space area and is of a sufficient size to provide for eating and relaxation with direct access from the principal living area. The alfresco is considered to be fundamental to the private open space area and incorporates a roof to provide shade to the private open space from the northern sunlight. The alfresco will therefore provide for a variety of recreation activities as an extension of the living area, and provides access to the open yard.

With approximately 31% of the private open space area provided as a covered alfresco, 69% of the private open space area is provided as open yard. This is therefore sufficient to meet the needs of residents, and ensures that the alfresco will not dominate the private open space area, but rather, will provide a shaded hardstand area with direct access from the principal living area of the unit. Unit 5 is therefore provided with adequate private open space in the form of a covered alfresco and open yard area, to provide for a variety of outdoor activities, clothes drying and landscaping with northern solar access.

The proposed multi-unit development has been designed to contribute to the variety of housing types in this locality, including unit 5 which will provide a two-bedroom dwelling with 40m² of northern private open space comprising a covered alfresco and open yard area. Unit 5 therefore

contributes to the housing mix of the proposed multi-unit development, and will meet the needs of residents for private open space, privacy, solar access, and amenity.

9.0 Conclusion

The above assessment has been completed and the proposed multi-unit development with Community Title subdivision at 30 Robertson Street, Mudgee complies with:

- the State Environmental Planning Instruments;
- Mid-Western Regional Local Environmental Plan 2012; and
- Mid-Western Regional Development Control Plan 2013.

The proposal will not adversely impact on the natural or built environment.

The proposal will benefit the community, both socially and economically.

The proposal is suitable for the site.

This Statement of Environmental Effects is submitted to Mid-Western Regional Council for review.