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STATEMENT OF ENVIRONMENTAL EFFECTS



34 GLADSTONE STREET, MUDGEE

Demolition & Erection of a New Dwelling

4 July, 2024

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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 demolition of the existing dwelling and shed and erection of a replacement dwelling and workshop area at 34 Gladstone Street, Mudgee.

The objective of this proposal is to create a highly desirable and modern dwelling with an improved layout for future occupants.

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

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

- Architectural Plans;
- BASIX Certificate;
- Statement of Heritage Impact.

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 (SIX MAPS)

2.2 Site Description

The subject site is a standard lot located on the north side of Gladstone Street within the downtown area of Mudgee and is known as 34 Gladstone Street, Mudgee or Lot 100 DP 1300907.

The site is regular in shape, generally flat in topography and contains a total area of 506m², which is typical for residential properties in the area.

Existing improvements on the site consist of a single storey dwelling house, mature landscaping, a detached shed and fencing.

2.3 Existing Character and Context

The surrounding area is predominantly residential, characterised by a mixture of single dwellings, multi dwelling housing and commercial uses further to the west.

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

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

2.4 Surrounding Road Network

The site has frontage to Gladstone Street with vehicular access gained via an existing driveway crossing. Gladstone Street is a two lane sealed road that provides a connection through Mudgee providing direct access to the downtown core.

Gladstone Street is not identified as a Classified Road in accordance with the Roads Act 1993 with Council the designated roads authority. However, no works are proposed within the road reserve with the existing driveway being utilised to service the development.

It should be noted that the proposal is for a replacement dwelling only. Subsequently, no significant additional vehicular movements result from the proposal.

3 Details of the Proposal

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

- Demolition of the existing dwelling and shed;
- Erection of a new single storey dwelling comprising 3 bedrooms, open plan living/kitchen area, single garage and rear alfresco area; and
- Erection of a detached workshop including an open outdoor living area.

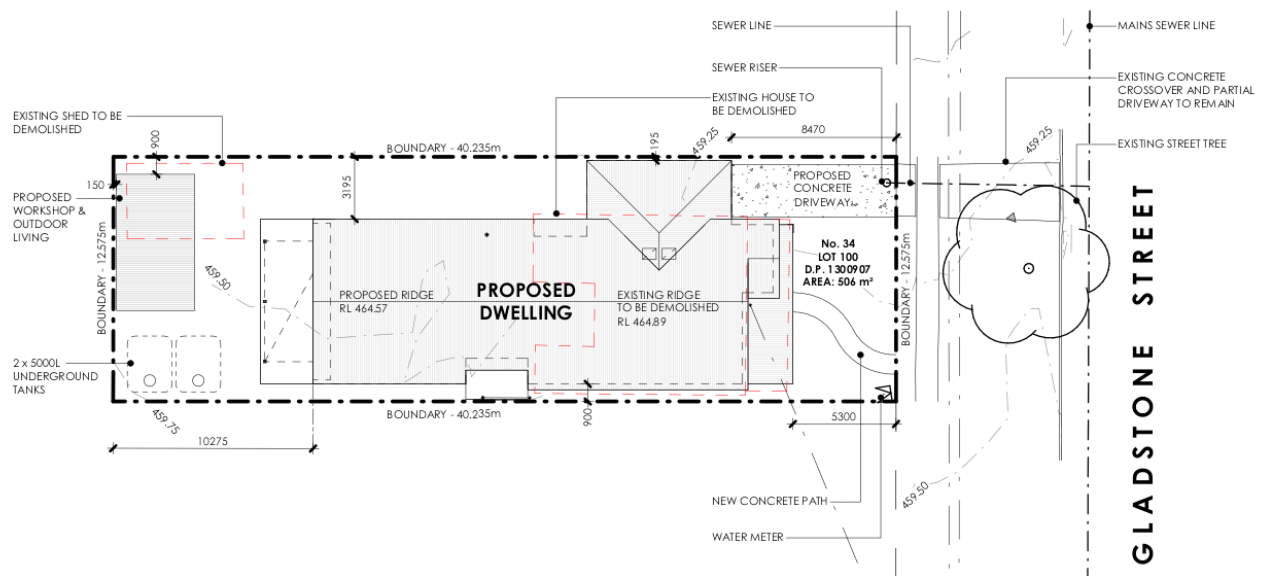


FIGURE 2: LAYOUT (SUNRAI DESIGNS)

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

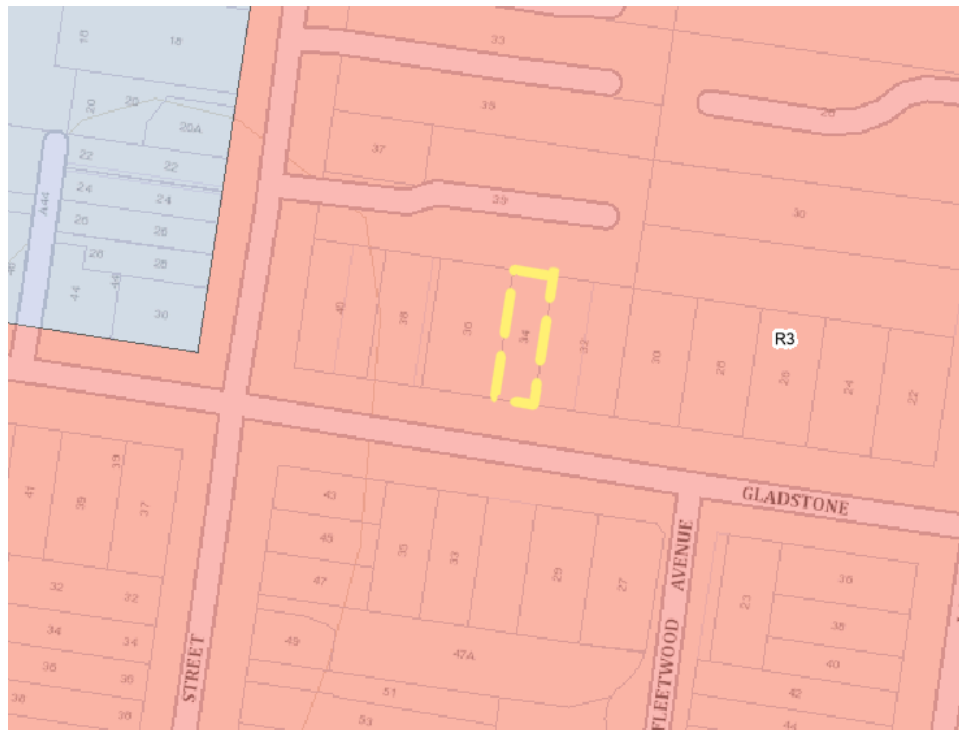
4 Planning Controls

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

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

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

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



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

4.1.1 Zone Objectives

The relevant objectives for Zone R3 are stated:

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

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

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

Comment: The proposal is for a new replacement dwelling, which will not impede a variety of other housing types being developed in the area.

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

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

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

Comment: The site is considered too small for a higher density development.

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

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

4.1.2 Other LEP Provisions

TABLE 1: PROJECT COMPLIANCE – Mid-Western Regional LEP 2012	
Site Area : 514.5m ²	
LEP Provisions	Complies / Comments
Clause 4.3 Height of Buildings	

<p>(1) The objectives of this clause are as follows—</p> <p>(a) to establish a maximum height limit to which buildings can be designed in particular locations,</p> <p>(b) to enable infill development that is of similar height to existing buildings and that is consistent with the heritage character of the towns of Mudgee, Gulgong, Kandos and Rylstone.</p>	<p>The proposed dwelling is of an appropriate height for the context of the area with a combination of hipped and gable roofing utilised over a single storey dwelling form.</p> <p>This is considered the best design outcome in keeping with the heritage character of Mudgee and the single storey rhythm of the immediate streetscape.</p>
<p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>The maximum height prescribed is 8.5m</p> <p>The proposed dwelling will include a maximum height of 5.2m to the top of the ridge from ground level (existing).</p>
<p>Clause 5.10 Heritage Conservation</p>	
<p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Mid-Western Regional,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The proposal is considered to respectfully conserve the Mudgee HCA in that the new dwelling will present as a sympathetic single storey residence of appropriate proportions within the predominantly single storey streetscape.</p> <p>The existing dwelling is of a 1930's bungalow style that has been heavily modified over time. The new dwelling will continue to sit comfortably within the streetscape in a similar manner to the existing dwelling.</p> <p>Refer to the Statement of Heritage Impact (SOHI) prepared by Barbara Hickson Heritage Adviser for further details and justification.</p>
<p>(2) Requirement for consent Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause</p>	<p>Development consent is being sought for the works described in this SEE.</p>

<p>to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land— (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,</p> <p>(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.</p>	
<p>(3) When consent not required However, development consent under this clause is not required if—</p> <p>(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development— (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</p> <p>(b) the development is in a cemetery or burial ground and the proposed development— (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</p> <p>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</p>	<p>N/A. Development consent is being sought.</p>

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

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

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

4.2 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.

4.3 Mid-Western Regional Development Control Plan 2013

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

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

TABLE 2: PROJECT COMPLIANCE – Mid-Western Regional DCP 2013												
Relevant sections applicable to this proposal.												
DCP Provisions				Complies / Comments								
<p>Building setbacks</p> <p>The deem to satisfy controls for a lot size of 711.4m² are:</p> <table border="1"> <thead> <tr> <th>Zone</th> <th>Street</th> <th>Side/Rear</th> <th>Secondary Frontage for Corner Lots *</th> </tr> </thead> <tbody> <tr> <td>R1, R2 and R3 where Lot size is less than 900m²</td> <td>4.5m to building line 5.5m to the garage</td> <td>900mm</td> <td>0m for garages in laneways 2m to side boundary</td> </tr> </tbody> </table>				Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *	R1, R2 and R3 where Lot size is less than 900m ²	4.5m to building line 5.5m to the garage	900mm	0m for garages in laneways 2m to side boundary	<p>Southern Street setback: 5.3m.</p> <p>Western side setback: 900mm.</p> <p>Eastern side setback: 195mm to the garage, 900mm to shed.</p> <p>Rear northern setback: 6.67m to the alfresco, 150mm to shed.</p> <p>Refer to discussion at the end of this table regarding variations..</p>
Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *									
R1, R2 and R3 where Lot size is less than 900m ²	4.5m to building line 5.5m to the garage	900mm	0m for garages in laneways 2m to side boundary									
<p>Building height</p> <p>The deem to satisfy controls are:</p> <p>Deem to satisfy is a single storey building with a FFL of less than 1 metre above Natural Ground Level.</p>				<p>Proposal is single storey with a FFL generally at ground level with some minor elevation to cater for local site topography.</p>								

<p>Site coverage</p> <p>The deem to satisfy control is:</p> <p style="background-color: #00838f; color: white; padding: 2px; text-align: center;">Deem to satisfy is 35% site coverage</p>	<p>41.9% site coverage proposed.</p> <p>Refer to the discussion below regarding this variation.</p>
<p>Solar access</p> <p>The deem to satisfy control is:</p> <p style="background-color: #00838f; color: white; padding: 2px;">Deem to satisfy Living areas and private open space areas are to be located with a northerly aspect (i.e. on the north or eastern side of the building).</p>	<p>The open plan living area, rear deck and backyard area are all orientated to the north for optimal solar access.</p> <p>An open gable form and highlight windows have also been incorporated into the design of the rear living area to provide additional light into the living area.</p>
<p>Privacy</p> <p>The deem to satisfy control is:</p> <p style="background-color: #00838f; color: white; padding: 2px; text-align: center;">Deem to satisfy Dwellings must be single storey and have a finished floor level less than 1,000 mm above the natural ground level.</p>	<p>Complies, as noted previously.</p>
<p>Parking</p> <p>The deem to satisfy control is:</p> <p style="background-color: #00838f; color: white; padding: 2px; text-align: center;">Deem to Satisfy Two (2) spaces per dwelling</p>	<p>Two spaces provided on site. One space has been provided in the garage with the other space allocated as an open hard stand space on the driveway.</p>
<p>Landscaping</p> <p>The DCP requires landscaping of a quality nature, low maintenance and positioned to improve energy losses and gains to the dwelling.</p>	<p>The proposal is capable of incorporating high quality landscaping throughout, including the retention of one tree in the road reserve.</p> <p>Hard surface areas within the front setback area have been limited to ensure maximum opportunity for landscaping.</p>
<p>Open space</p> <p>The deem to satisfy control is:</p> <p style="background-color: #00838f; color: white; padding: 2px;">Deem to satisfy Private open space to be on the northern or eastern side of dwelling with direct access to living areas. Area to be 80m² with a minimum dimension of 5 metres.</p>	<p>The rear deck and backyard area are both orientated to the north, extend directly from the living area and incorporate a total area of approximately 112m² with a minimum dimension of 5m.</p>
<p>Corner lots</p> <p>The DCP requires the development to address both street frontages and not incorporate utility windows into a street elevation.</p>	<p>N/A. Site not a corner lot.</p>

<p>Fencing</p> <p>The deem to satisfy control is:</p> <div style="background-color: #e0f2f1; padding: 5px; border: 1px solid #ccc;"> <p style="text-align: center; margin: 0;">Deem to Satisfy</p> <p style="margin: 0;">1.8 metre high fence to all boundaries including private open space areas. All fencing forward of building line cannot be 'Colorbond' (All Residential zones excluding R5 zone).</p> </div>	<p>N/A. No new fencing proposed.</p>
<p>Infrastructure</p> <p>The DCP requires surface infrastructure to not be within street setback or visible from the street.</p> <p>Garbage storage areas are to be screened.</p>	<p>No infrastructure is proposed within the front setback area of the site.</p> <p>Garbage bins will be stored in the rear yard area of the site and can be readily maneuvered through the site down the eastern setback area, through the garage, to the street.</p>
<p>Garages, outbuildings</p> <p>The DCP identifies several controls relating to garages and outbuildings including floor area and height.</p>	<p>A maximum outbuilding size of 50m² and height of 4.5m applies for a lot size of 506m².</p> <p>The proposed workshop has a floor area of 28m² and a height of 3.2m.</p>
<p>Development near ridgelines</p> <p>The DCP prescribes controls relating to sensitive architectural design and building placement in proximity to ridgelines.</p>	<p>N/A. Property not near a ridgeline.</p>
<p>Slopes</p> <p>The deem to satisfy controls are:</p> <div style="background-color: #e0f2f1; padding: 5px; border: 1px solid #ccc;"> <p style="text-align: center; margin: 0;">Deem to Satisfy</p> <ul style="list-style-type: none"> Cut is to be limited to 1,000 mm. Fill is restricted to 600 mm. It must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard. Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300 mm from any boundary. Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided. Cut and fill is not permitted within water or sewer easements </div>	<p>Some minor fill is proposed at a height of 300mm, however is contained wholly within the footprint of the dwelling.</p>
<p>Access</p> <p>All weather vehicle access is required to ensure that emergency services (fire, ambulance, police) are able to access the dwelling at all times.</p>	<p>The site will continue to have suitable access.</p>
<p>Relocated dwellings</p> <p>Dwellings proposed to be re-sited must be of a suitable standard both aesthetically and structurally.</p>	<p>N/A. No relocated dwelling to be utilised.</p>

<p>Adaptability</p> <p>Adaptable housing design must incorporate practical and flexible features to meet the changing needs of residents of different ages and abilities over time. For example, hobless shower area, space for wheelchair access, height of light switches, arrangement and size of rooms.</p>	<p>N/A. No adaptable housing proposed.</p>
<p>Design principles</p> <p>The DCP lists 11 broad design principles to be considered when undertaking residential development.</p>	<p>The proposal is considered to achieve all of the relevant design principles as discussed throughout this report and within the SOHI prepared by Barbara Hickson Heritage Adviser.</p>

Site Coverage Variation

The proposal results in a variation to the ‘deemed to satisfy’ control regarding site coverage. A site coverage of 41.9% is being proposed, which includes the dwelling (excluding the unenclosed balconies, decks etc as per the definition) and the workshop.

The DCP notes that a variation can be considered where there are circumstances to support the proposal and the objectives of the relevant standard are still achieved. This is discussed below and concludes that the objectives and intent of the control are readily achieved and that support can be given by the consent authority.

The objectives of the ‘site coverage’ standard are as follows:

a) Stormwater runoff must not exceed infrastructure capacity.

Comment: Stormwater will continue to discharge to the existing network, which is capable of handling the expected discharge rates. It should be noted that 2 x 5,000L rainwater tanks are also being installed with the proposal to further reduce the discharge of stormwater into the network. It should be noted that 10,000L is in excess of the BASIX requirements, further reducing the impacts of stormwater discharge.

b) Development must be an appropriate bulk and scale for the existing residential surrounds.

Comment: The proposal is not considered an overdevelopment of the site with the dwelling only comprising 3 bedrooms, single garage and the standard living room dimensions expected for a modern standard dwelling. Subsequently, the bulk and scale are of a level commensurate with the immediate surrounding area and the prevailing mixture of cottages on smaller lots and grander dwellings that are of a size respective of the period in which they were erected.

The site sits within the R3 Medium Density Residential zone where it is expected a higher density of housing will be developed that is closer to the downtown for accessibility. This

expectation not only relates to housing types but also to bulk and scale, which is reflected in the R3 zone objectives. Whilst the 35% site coverage standard is considered appropriate and workable in the R1 zone that generally exists around the periphery of Mudgee where lot sizes are generally larger, the R3 zone (and overlaying HCA) exhibits a different set of characteristics where the 35% restriction is not necessarily considered appropriate and workable.

The primary objective of the proposal is to facilitate a modern dwelling within the heritage context of Gladstone Street and to ensure minimal impact results with regards to the rhythm of the streetscape. The importance of this design intent is amplified within the SOHI prepared by Barbara Hickson Heritage Adviser and has resulted in the need to ensure the dwelling stays as single storey. Whilst site coverage could be readily achieved with the same floor area spread over two storeys instead of one storey, preserving the single storey rhythm of the streetscape is considered the primary goal and should supersede any other requirement in this instance.

Side and Rear Setback Variations

The proposal results in a variation to the 'deemed to satisfy' controls regarding side and rear setbacks. A side setback of 195mm to the garage is being proposed to the eastern boundary, whilst a rear setback of 150mm to the detached workshop building is also being proposed.

The DCP notes that a variation can be considered where there are circumstances to support the proposal and the objectives of the relevant standard are still achieved. This is discussed below and concludes that the objectives and intent of the control are readily achieved and that support can be given by the consent authority.

The two relevant objectives of the 'setback' standards for this circumstance are as follows:

- a) Setbacks must be compatible with the existing and/or future desired streetscape.*

Comment: The workshop will generally not be visible from the streetscape as it is set within the rear of the site, low in height and is of a minor footprint.

The site is comparatively narrow, which results in only a minimal frontage to Gladstone Street, with the street elevation of the dwelling consisting of a single garage and the 'standard two bedrooms and front door' that is experienced in abundance throughout the immediate streetscape. Subsequently, the perceived bulk/scale will be minimal when viewed from the street. The existing dwelling currently extends the entire width of the site with only a 300mm setback to the western boundary and 130mm setback of the carport to the eastern boundary.

The proposed dwelling opens up the separation to the western boundary by a further 480mm, creating the separation in built form necessary to contribute positively to the streetscape, whilst allowing the narrower 195mm setback on the eastern boundary.

b) Side or rear building setbacks are to demonstrate no unreasonable adverse impact on the privacy or solar access of adjoining properties.

Comment: The workshop will generally have no impact upon adjoining properties as the northern boundary adjoins a communal play area where those properties are unable to utilise for the purposes of building footprint or private open space. Refer to figure 4 below depicting the general area referenced.

Furthermore, the workshop structure is minimal in height, being only 2850mm high for the northern facade, and also very minimal in footprint, being only 28m². Subsequently, the presence of the structure as viewed from the north is diminished, as are impacts associated with solar access and privacy, to an acceptable level. To require compliance would further erode the POS available to the dwelling, which is already burdened by the undersized 506m² lot size.

Similarly, the proposed garage setback is not expected to have any significant impact related to privacy or solar access upon surrounding properties with the structure being single storey in nature, reaching a height of only 3010mm above ground level (existing) and not incorporating any windows or internal uses that would conflict with the adjoining property to the east.

The garage includes a door width of 2.6m only and has not been oversized, maintaining the standard expected single car space width throughout. Given the narrow width of the property there is no other reasonable opportunity to provide an enclosed parking space on the site with the garage generally replacing the existing carport structure and allowing enclosed parking rather than open parking, which is expected to generate lesser acoustic impacts for the adjoining site.

It should be noted that the adjoining dwelling to the east currently achieves a side setback of approximately 3m, further reducing the potential for any conflicts between the two sites, with the adjoining dwelling benefiting from an abundance of private open space orientated to the rear of the site and not within the side setback area.

Both the workshop and garage are readily capable of being constructed in accordance with the relevant BCA requirements with regards to fire separation.



**FIGURE 4: CONTEXT PLAN
(SOURCE: SIXMAPS)**

It should also be noted that a garage built within close proximity to the boundary associated with the dwelling immediately to the west at 36 Gladstone Street has been previously supported by Council.

For the reasons stated above the variations are considered warranted in this instance with the small lot size being the primary driver in dictating the development potential of the site.

5 Planning Assessment

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

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

5.1.1 Micro Climate Impacts

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

5.1.2 Water & Air Quality Impacts

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

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

5.2.1 Impact on the Areas Character

The surrounding built environment comprises a mix of single dwellings, higher density residential development and commercial developments within the Mudgee HCA. The proposal will not impact this character as discussed throughout this report and as outlined in the SOHI prepared by Barbara Hickson Heritage Adviser.

5.2.2 Privacy, Views & Overshadowing Impacts

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

5.2.3 Aural & Visual Privacy Impacts

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

5.2.4 Environmentally Sustainable Development

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

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

5.3.1 Proximity to Service and Infrastructure

As outlined, the site is accessible via Gladstone Street. As the site already contains an existing dwelling, electricity, water, sewer, internet and telephone are also readily available.

5.3.2 Traffic, Parking & Access

The development will not increase the traffic volume for the area, as the proposal is for a dwelling replacement. It is expected that the current road network is capable of continuing to support the minimal traffic movements.

5.3.3 Hazards

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

5.4 The Public Interest – 4.15(1)(e)

5.4.1 Social and Economic Impact

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

5.4.2 The Public Interest

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

6 Conclusion

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

As discussed throughout the SEE, the crux of the proposal is to facilitate the erection of an updated and modern dwelling that will blend seamlessly into the existing streetscape with no exacerbated impacts with regards to the Mudgee Heritage Conservation Area and no impact upon any nearby items of environmental heritage. The proposal is generally compliant with the provisions of the MWRDCP 2013, with the site coverage and setbacks considered reasonable for the circumstances of the site and on balance with all other considerations.

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