

STATEMENT OF ENVIRONMENTAL EFFECTS

DEVELOPMENT APPLICATION FOR THREE LOT SUBDIVISION, DEMOLITION OF SHEDS, ALTERATIONS AND ADDITIONS TO A DWELLING AND A SECONDARY DWELLING

176 Gladstone Street, Mudgee



Navigate Planning

21 February 2025

TABLE OF CONTENTS

1	INTRODUCTION.....	1
2	PROPOSED DEVELOPMENT.....	1
3	SITE ANALYSIS AND SERVICES	2
4	COMPLIANCE WITH RELEVANT LEGISLATION.....	2
4.1	Environmental Planning and Assessment Act 1979 (NSW)	2
4.2	Biodiversity Conservation Act 2016	3
5	COMPLIANCE WITH PLANNING CONTROLS	4
5.1	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	4
5.2	State Environmental Planning Policy (Housing) 2021	4
5.3	State Environmental Planning Policy (Resilience and Hazards) 2021	6
5.4	State Environmental Planning Policy (Sustainable Buildings) 2022	6
5.5	Mid-Western Local Environmental Plan 2012	6
5.6	Mid-Western Regional Development Control Plan 2012	10
6	CONCLUSION	18

1 INTRODUCTION

This Statement of Environmental Effects (SEE) supports a development application for a three lot subdivision, demolition of sheds, alterations and additions to a dwelling and a secondary dwelling at Lot 12 DP 770278, 176 Gladstone Street, Mudgee.

The proposed subdivision seeks to create two residential lots plus a road widening for an extension of Roth Circuit. The existing dwelling on the lot is a heritage item and will be wholly contained on one of the proposed lots (Lot 121). The secondary dwelling is also proposed on this lot. The second proposed residential lot will be a vacant lot.

The development site is zoned R1 General Residential under the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012).

The subject land is currently 1667m² in size. The proposed lot sizes are 143m² (proposed road widening), 666m² (Proposed Lot 121) and 858m² (Proposed Lot 122). The proposed subdivision complies with the minimum lot size under clause 4.1 of the MWRLEP 2012.

The development is not “state significant development”, “regionally significant development”, “designated development” or “integrated development”.

This SEE addresses the environmental, social and economic impacts of the proposed development.

2 PROPOSED DEVELOPMENT

The proposed development is the subdivision of Lot 12 DP 770278 into three lots, one for a road widening and two for residential development purposes. Both of the proposed residential lots exceed the minimum lot size of 600m².

Lot 121 will be 666m² in size, while Lot 122 will be 858m² in size.

Alterations are proposed to the existing dwelling on proposed Lot 121. This dwelling is a heritage item. A Heritage Impact Statement has been prepared to assess the impact of the proposed development on the significance of the item.

The existing dwelling has a floor area, including verandah, of 116m². The area of this dwelling proposed to be demolished is 28m². The dwelling as modified will be 125m² in size, including verandah and alfresco area.

The proposed secondary dwelling will be located on Lot 121 and this dwelling will be 59.57m² in size, excluding the porch.

Both dwellings will gain vehicular access from Gladstone Street, utilising an existing vehicular crossing. A new carport for one vehicle is proposed to the north-west of the existing dwelling with an open car space to be provided beside the carport. The carport and car space provides for vehicles to enter and leave the site in a forward direction.

A sewer main crosses through the centre of the site. The sewer main will be retained on proposed Lot 122 and a new sewer connection will be provided to Lot 121. The existing sewer main and the extension will be contained within easements.

Water supply and electricity to proposed Lot 121 will be retained from Gladstone Street. Water supply and electricity to proposed Lot 122 will be provided from Roth Circuit. New water main and electricity supply lines will be required to be provided from Second Street.

It is anticipated that half road construction of Roth Circuit along the lot frontage will be required as a condition of consent.

3 SITE ANALYSIS AND SERVICES

The development site has a gentle fall from the Gladstone Street towards the rear of the site. The site contains a dwelling and sheds and a number of trees. The dwelling is a heritage item. An existing driveway crossing is located off Gladstone Street. There are no defined watercourses in the vicinity of the site.

A sewer main crosses the site. A minor extension of this sewer main will be required to provide connection to proposed Lot 121.

Water, electricity and telecommunications are currently provided to the site from Gladstone Street. These connections will be retained for proposed Lot 121. Proposed Lot 122 will be serviced with water, electricity and telecommunications from Roth Circuit as part of the works to provide practical access to proposed Lot 122.

Stormwater from the existing dwelling and the secondary dwelling will be directed to Gladstone Street. Stormwater from future development on Lot 122 will be directed to Roth Circuit.

4 COMPLIANCE WITH RELEVANT LEGISLATION

4.1 Environmental Planning and Assessment Act 1979 (NSW)

4.1.1 Section 4.5 – Designation of consent authority

Pursuant to clause 4.5 (d) of the *Environmental Planning and Assessment Act 1979* (EPA Act), the Mid-Western Regional Council is the consent authority.

4.1.2 Section 4.13 – Consultation and concurrence

Section 4.13 provides for an environmental planning instrument to identify where consultation or concurrence is required before determining a development application. There are no consultation or concurrence requirements for the modification under any relevant environmental planning instrument.

4.1.3 Section 4.15 – Evaluation

The following matters are relevant to the proposal under section 4.15 of the EPA Act. Detailed assessment against each of these matters is provided in Section 8 of this SEE.

State Environmental Planning Policies

- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

Local Environmental Plans

- *Mid-Western Regional Local Environmental Plan 2012*

Draft Environmental Planning Instruments

Nil

Development Control Plans

- *Mid-Western Regional Development Control Plan 2012*

Planning Agreements

Nil

Environmental Planning and Assessment Regulation 2021

Nil.

Impacts on the built environment

The proposed development will have a neutral impact on the built environment of Gladstone Street as the alterations and additions will not have a significant impact on the front façade of the heritage item. The secondary dwelling is well set back from Gladstone Street.

Impacts on the natural environment

The proposed modification will have minimal impacts on the natural environment. No native vegetation is proposed to be removed as part of the development.

Social and economic impacts

The proposed modification will have positive social and economic impacts on the locality through the provision of an additional housing opportunities and employment opportunities in construction.

Suitability of the site

The site is capable of subdivision for residential purposes in compliance with the relevant provisions of the MWRLEP 2012 for subdivision and residential development. The design of the development is appropriate for the heritage context of the site. The site is therefore considered suitable for the development.

The Public Interest

The proposed development is in the public interest as it facilitates the provision of additional housing opportunities in a manner that will have minimal impacts on adjoining properties and the environment and the streetscape.

4.1.4 Section 4.46 – Integrated Development

Section 4.46 of the EPA Act identifies development that requires other approvals and is therefore integrated development. The development is not integrated development. This Section therefore does not apply to the development.

4.1.5 Sections 7.11 and 7.12 – Development contributions

Should development consent be granted, it is anticipated that a condition requiring development contributions for the new lot will be included on the consent.

4.2 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) outlines the processes for biodiversity assessments, approvals and offsets where required. The BC Act also defines biodiversity values, and these are shown as the purple areas on the Biodiversity Values Map. The subject land is not included on the Biodiversity Values Map.

No clearing of native vegetation is required to facilitate the development. Therefore, the proposal does not require a Biodiversity Development Assessment Report or biodiversity offsets.

Notwithstanding the above, consideration must be given to potential direct and indirect impacts on threatened ecological communities as a result of the development.

It is considered that the proposal will have no direct impacts on threatened ecological communities. There will also be no indirect impacts from the proposed development on threatened ecological

communities as works associated with the development will be predominantly on previously cleared and developed land and all services are connected to existing Council infrastructure. The proposal will have no impact on biodiversity.

5 COMPLIANCE WITH PLANNING CONTROLS

5.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The subdivision of the lot required for the extension of Roth Circuit is exempt development under Clause 2.75 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

5.2 State Environmental Planning Policy (Housing) 2021

Part 1 of Chapter 3 of this SEPP relates to secondary dwellings. In the absence of detailed controls for secondary dwellings in the Mid-Western Regional Development Control Plan, the proposed secondary dwelling has been assessed in accordance with the complying development provisions of the SEPP.

The proposal complies with clause 51 of the SEPP as no subdivision of the principal dwelling and secondary dwelling is proposed.

The proposal complies with clause 52 of the SEPP as there will be no dwelling other than the principal dwelling and the secondary dwelling on the site and the secondary dwelling is not greater than 60m² in size.

The proposal complies with clause 53 (2) of the SEPP as the site is larger than 450m². A dedicated on-site parking space for the secondary dwelling is not proposed to be provided. With two parking spaces proposed for the principal dwelling (one carport and one space beside the carport) in compliance with the Mid-Western Regional Development Control Plan, no additional car parking is required for the secondary dwelling. Clause 2 (3) of Schedule 1 of the SEPP also states that there are no additional parking spaces required for a secondary dwelling.

The following table assesses the proposed secondary dwelling against the development standards in Schedule 1 of the SEPP:

Development Standard	Compliance
Lot Requirements <ul style="list-style-type: none"> • Minimum lot width at site frontage – 12m • Lawful access to a public road 	Complies. The lot has a width of 20.32m and has lawful access to Gladstone Street.
Maximum Site Coverage <ul style="list-style-type: none"> • 50% of the lot 	Complies. The proposed site coverage on proposed Lot 121 is 30.8%.
Maximum floor area for principal and secondary dwellings <ul style="list-style-type: none"> • Secondary dwelling – 60m² • Principal and Secondary Dwelling – 330m² 	Complies. The secondary dwelling is 59.57m ² and the total floor area is 184.57m ² .
Setbacks and maximum floor area for balconies, decks, patios, terraces and verandahs	Complies. The proposed porch is less than 12m ² in size, is more than 3m from the side property boundary and does not have a finished floor level

	more than 600mm above natural ground level.
<p>Building heights</p> <ul style="list-style-type: none"> Maximum 8.5m height 	<p>Complies. The secondary dwelling is single storey with a height less than 8.5m.</p> <p>Note: No ancillary structures are proposed with the secondary dwelling.</p>
<p>Setbacks from roads</p> <ul style="list-style-type: none"> At least the average distance of the setbacks of the 2 nearest dwellings 	Complies. No change is proposed to the setback of the existing dwelling and the secondary dwelling has a large setback to Gladstone Street.
<p>Setbacks from side boundaries</p> <ul style="list-style-type: none"> Minimum 900mm. 	Complies. The setback to the nearest side boundary is 900mm.
<p>Setbacks from rear boundaries</p> <ul style="list-style-type: none"> Minimum 3m 	<p>Does not comply. The proposed setback to the proposed rear boundary is 900mm.</p> <p>The proposed rear setback is considered appropriate having regard to the relationship of the secondary dwelling to the existing dwelling which is a heritage item. The secondary dwelling has been given the greatest separation to the heritage dwelling to minimise heritage impacts. The secondary dwelling has also been located to avoid the removal of an existing tree on site.</p>
<p>Building articulation</p> <ul style="list-style-type: none"> Principal or secondary dwelling must have a front door and window of a habitable room facing the primary road. 	Complies. Both the principal and secondary dwellings have a front door and a habitable room window facing Gladstone Street.
Privacy	Not applicable to the proposed development.
<p>Landscaped Area</p> <ul style="list-style-type: none"> Minimum 20% with at least 50% behind the building line. Minimum dimension of 2.5m. 	Complies. The total landscaped area of the site is 69%. 62% of the landscaped area is located behind the building line. The large majority of the landscaped area has a width greater than 2.5m.
<p>Principal private open space</p> <ul style="list-style-type: none"> Minimum 24m² (may be shared by dwelling and secondary dwelling) 	Complies. The development provides more than 24m ² of principal private open space for both the primary and secondary dwellings.
<p>Earthworks, retaining walls and structural support</p> <ul style="list-style-type: none"> Maximum 1m cut or fill 	Complies. Minimal earthworks are required for building foundations. No cut or fill is required.
<p>Drainage</p> <ul style="list-style-type: none"> Stormwater to be discharged to a public drainage system, inter-allotment drainage system or an on-site disposal system. 	Complies. Stormwater will be directed to Gladstone Street.

Setbacks from protected trees	Complies. The secondary dwelling is located to ensure the retention of existing trees on the site.
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5.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4 of this SEPP relates to the remediation of contaminated land. The subject land has a long history of residential commercial use. There is no record of any contamination on the site. The site is considered suitable for the proposed subdivision and continued residential use of the land.

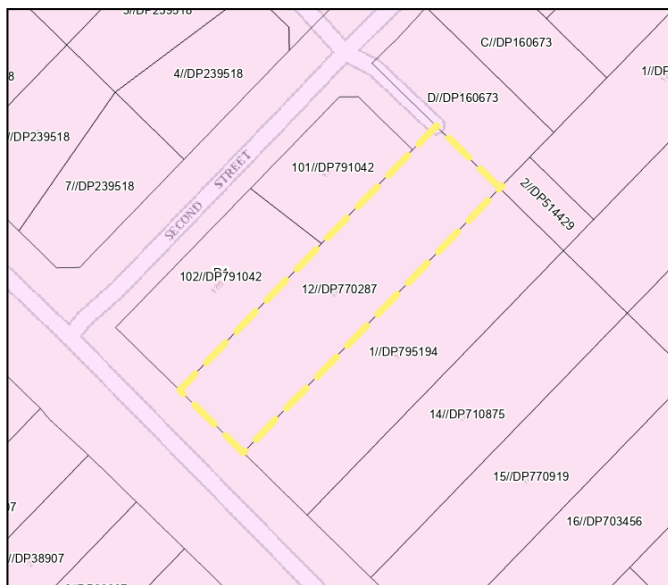
5.4 State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 of this SEPP requires BASIX Certificates for certain residential development. BASIX Certificate numbers A1784120 and 1784119S have been submitted with the development application.

5.5 Mid-Western Local Environmental Plan 2012

5.5.1 Zoning and zone objectives

The development is proposed on land included within the R1 General Residential zone under the *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP 2012), as shown on the map below.



Source: NSW Planning Portal Spatial Viewer, Land Zoning Map

The objectives of the R1 General Residential zone are:

- 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.

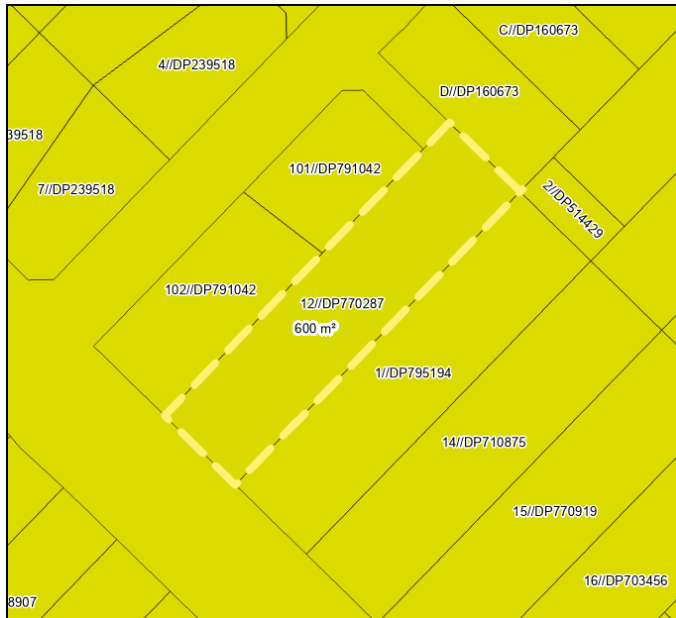
The proposal is considered to be consistent with the objectives of the zone as it provides additional housing opportunities to meet the needs of the community. The proposed development upgrades an existing heritage listed dwelling to ensure its conservation and provides an alternative form of accommodation in the form of a secondary dwelling. The proposed new Lot 122 will provide for a range of potential future housing opportunities.

5.5.2 Land Use Permissibility

Clause 2.6 of the MWRLEP 2012 provides for subdivision, to be permitted with consent. The proposed subdivision is permitted with consent in the R1 General Residential Zone under clause 4.1 of MWRLEP 2012.

5.5.3 Lot Size

The land has a minimum lot size of 600m², as shown on the map below.



Source: NSW Planning Portal Spatial Viewer, Minimum Lot Size Map

Clause 4.1 (3) of the MWRLEP 2012 states that the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

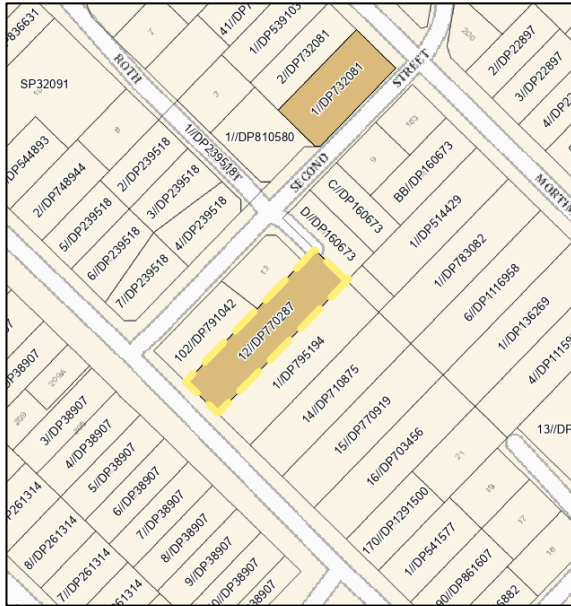
Both lots proposed for residential purposes exceed 600m² in size. The proposal therefore complies.

The subdivision of the lot required for the extension of Roth Circuit is exempt development under Clause 2.75 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

5.5.4 Heritage

The site contains a heritage item, listed as item I70 "House" under the MWRLEP 2012.

The site is not located within the Mudgee heritage conservation area and there are no heritage items in the vicinity of the land that are likely to be impacted by the proposed development. The heritage map is provided below.



Source: NSW Planning Portal Spatial Viewer, Heritage Map

A Statement of Heritage Impact has been prepared for the development application. The report assesses the impact of the proposed development on the significance of the heritage item and states that

- *Retaining the significant house fabric but removing or rebuilding the non-significant fabric, allows space for the house to be better planned without loss of significance.*
- *The removal of non-significant sheds at the rear will also allow for another residential development on this site. In this case a proposed small secondary dwelling is proposed as a well setback 'infill' building. Its modest design and placement do not compete with the setting of the original Victorian cottage.*
- *The proposed new car parking for both dwellings will be set behind the front building line under a gable roof of similar scale and proportions to the original house.*
- *The subject land is proposed to be subdivided. The subdivision will leave the existing house and the new secondary dwelling on a suitable sized block addressing Gladstone Street. The new rear lot will address a rear lane. The subdivision and secondary dwelling will not affect the significance of the listed house, nor will it affect the views to the item from the streetscape. The listed house retains a comfortably large backyard.*

Based on the above, it is considered that there will be no adverse effect on the significance of the heritage item as a result of the proposed development.

5.5.5 Flood planning

Clause 5.21 of MWRLEP 2012 requires consideration of the impacts on a development by flooding and of the impacts of development on flood behaviour. The subject land is not identified as flood prone on the LEP Map and there are no watercourses in the vicinity of the proposed development.

Further, the Mudgee Flood Study completed in February 2021 does not identify the subject land as being affected by overland flow.



Source: *Mudgee Flood Study, 2021*

5.5.6 *Earthworks*

Clause 6.3 of MWRLEP 2012 requires separate development consent for earthworks unless the earthworks are ancillary to other development for which development consent has been given.

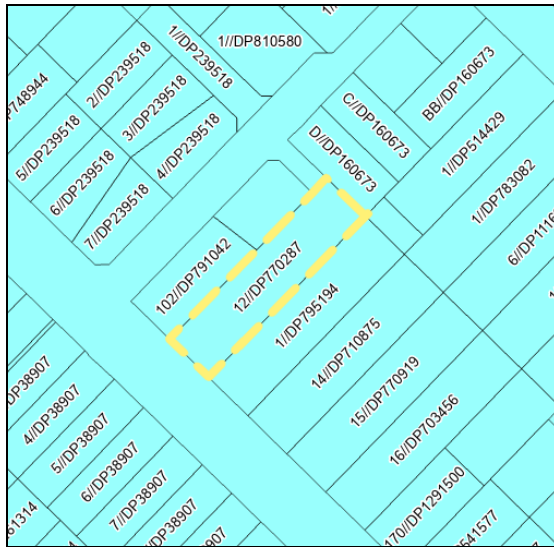
Minimal earthworks are proposed as part of the development, with earthworks only required for building foundations, service connections and half construction of Roth Circuit along the frontage of proposed Lot 122.

Given the site is flat where the alterations and additions to the existing dwelling and the proposed secondary dwelling are located, not cut and fill is required for these works.

The extent of earthworks will have no significant impact on drainage patterns or soil stability. With extensive disturbance of the soil from past activities, there is minimal likelihood of disturbing relics. No fill will be required to be brought to the site. The extent of earthworks will have no impact on the amenity of adjoining properties or the environment.

5.5.7 *Groundwater Vulnerability*

Clause 6.4 of MWRLEP 2012 requires consideration of the impact of development on groundwater. The subject land is identified as groundwater vulnerable on the Groundwater Vulnerability Map in MWRLEP 2012.



Source: NSW Planning Portal Spatial Viewer, Groundwater Vulnerability Map

The proposed development involves minimal earthworks that are unlikely to have an impact on groundwater. The development will be connected to reticulated water, sewer and stormwater systems.

5.5.8 Biodiversity

Clause 6.5 of MWRLEP 2012 requires consideration of the impacts of development on biodiversity. The subject land is not identified as containing high biodiversity sensitivity on the Sensitive Biodiversity Map in MWRLEP 2012.

5.6 Mid-Western Regional Development Control Plan 2012

The following provisions of the *Mid-Western Development Control Plan 2012* (MWDCP) are relevant to the proposed development:

5.6.1 Section 3.1 - Residential Development In Urban Areas (Single Dwellings And Dual-Occupancies)

The following assessment relates to the proposed primary dwelling (as there are no specific provision in the DCP relating to secondary dwellings).

Issue	Requirement	Comment
Building Setbacks	<ul style="list-style-type: none"> 4.5m to building line 5.5m to the garage 900mm to side and rear boundaries 	<p>No change is proposed to the front setback of the existing dwelling. As the dwelling is a heritage item, retention of the existing setback is appropriate.</p> <p>The proposed carport has a 6.6m setback and is behind the front façade of the existing dwelling.</p> <p>The side and rear setbacks will exceed 900mm.</p>
Building height	Deemed to satisfy - Single storey	Complies. The development is single storey.

Site Coverage	Deemed to satisfy - 35%	Complies. The deemed to satisfy control applies to single dwellings. The proposed primary dwelling has a site coverage of 18.7%. Combined with the secondary dwelling and carport, the total site coverage is 30.8%.
Solar Access	Deemed to satisfy – living areas and private open space have a northerly aspect.	Complies. The private open space and living areas for the primary dwelling have a northern aspect and will achieve adequate solar access.
Privacy	Deemed to satisfy – single storey with a FFL less than 1m above natural ground level.	Complies. The development is single storey and will have a FFL less than 1m above natural ground level.
Parking	Deemed to satisfy – 2 spaces per dwelling.	Complies. Parking for two vehicles is proposed to be provided for the primary dwelling, with one space in a carport and one open hardstand space. Both spaces are behind the building line. As noted above, no additional car parking is required for a secondary dwelling under the Housing SEPP.
Landscaping	<ul style="list-style-type: none"> • Landscaping must enhance the quality of the built environment. • Species selection and location should improve energy efficiency through reducing heat gain through windows and deflecting winter winds. • Plants with low maintenance and water requirements should be selected. 	Noted. Future landscaping will comply with these requirements.
Open Space	Deemed to satisfy - 80m ² of private open space is provided with a minimum dimension of 5 metres and a northern or eastern aspect.	Complies. More than 80m ² of private open space with a minimum dimension of 5m is provided for the primary dwelling.
Corner lots		Not applicable. The lot is not a corner allotment.
Fencing		Not applicable. No fencing is proposed with the development application, other than an internal fence along the new lot boundary.
Infrastructure	<ul style="list-style-type: none"> • Surface infrastructure (e.g. tanks, clotheslines) must not 	Complies. No infrastructure is proposed to be located in the front setback or

	<p>be located within front setback.</p> <ul style="list-style-type: none"> • Surface infrastructure must not be visible from the street. • Garbage storage locations must be included in landscape plan and show how they will be screened. 	<p>visible from Gladstone Street. Garbage bins can be located in the side or rear setbacks.</p>
Garages, Outbuildings	<ul style="list-style-type: none"> • Maximum size of 50m². • A maximum building height of 4.5 metres from natural ground level to the ridge applies in urban areas where the lot is under 2000m² 	<p>Complies. The carport is 16.5m² in size and has a height of 3.365m.</p>
Development near Ridgelines		<p>Not applicable</p>
Slopes	<ul style="list-style-type: none"> • Cut is to be limited to 1,000mm. • 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. 	<p>Complies. The subject land is relatively flat. Minimal earthworks are required for building foundations.</p> <p>No retaining walls are proposed.</p> <p>All drainage will be directed to Gladstone Street.</p> <p>No cut or fill is proposed near the sewer main (other than for works to provide a sewer main extension to proposed Lot 121).</p>
Access	<ul style="list-style-type: none"> • All weather vehicle access to ensure that emergency services are able to access the dwelling at all times. 	<p>The proposed development utilises an existing access to Gladstone Street.</p>
Relocated dwellings		<p>Not applicable.</p>
Adaptability	<ul style="list-style-type: none"> • Adaptable housing design must incorporate practical and flexible features to meet 	<p>Noted. The primary dwelling and secondary dwelling can be adapted for the changing needs of residents over</p>

	<p>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>time.</p>
<p>Design principles</p>	<ul style="list-style-type: none"> • Design should maximise surveillance with clear sightlines between public and private places, effective lighting of public places and landscaping that makes places. • Physical and symbolic barriers should be used to attract, channel or restrict the movement of people to minimise opportunities for crime and increase the effort required to commit crime. • Must be sympathetic with existing adjoining and surrounding developments in relation to bulk and height. • Well-proportioned building form that contributes to the streetscape and amenity. • Density appropriate to the regional context, availability of infrastructure, public transport, community facilities and environmental quality. • Design must demonstrate efficient use of natural resources, energy and water throughout its full life cycle, including construction. • Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management. 	<p>Complies. The front door and a sitting room windows are provided in the front facade.</p> <p>Existing front fencing effectively delineates the public and private domains.</p> <p>No significant change is proposed to the front façade of the existing dwelling.</p> <p>The proposal has been assessed by a heritage architect who has advised that the development will contribute to the streetscape.</p> <p>The development of a two-bedroom dwelling and a one-bedroom secondary dwelling provides an appropriate density for the site which is well located in relation to the Mudgee town centre and available infrastructure.</p> <p>Living areas have a northerly aspect. BASIX Certificates have been submitted with the development application.</p> <p>Future landscaping will comply with these requirements.</p>

	<ul style="list-style-type: none"> • Optimise amenity (e.g. appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility). • Optimise safety and security, both internal to the development and for the public domain. • Design must demonstrate response to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. • Council will not support dual occupancy development where both dwellings are pre-manufactured or relocatable homes in urban zones. 	<p>Living areas and private open space have a northerly aspect. The design provides for adequate natural ventilation. BASIX Certificates have been submitted with the development application.</p> <p>The proposal presents no significant safety issues.</p> <p>The proposal adds to the supply of affordable housing in Mudgee.</p> <p>Not applicable.</p>
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5.6.2 Section 5.3 Stormwater Management

Stormwater from the development will be directed to Gladstone Street. BASIX Certificates have been submitted with the development application.

5.6.3 Section 7.1 – Urban Subdivision

Issue	Requirement	Comment
Lot Size	(a) All lots must have street frontage.	Both lots will have street frontage. Proposal complies.
	(b) Slope 0-10degrees – 600m ²	Complies.
	(c) All lots must have a minimum width of 16m at the building line (4.5m from the front property boundary).	Complies. Both lots have a width of 20.12m.
Lot design	(a) For infill developments in established areas, lot orientation should optimise solar access while taking account of the existing pattern and solar orientation of development.	The proposed lot design is consistent with the prevailing lot pattern in the area.

	<p>(b) Applies to subdivision in new release areas.</p> <p>(c) Lots should be generally rectangular in shape. Lots on the southern side of the road should provide a greater frontage to allow better solar orientation of the future dwelling.</p> <p>(d) Corner lots should be created of a sufficient area to allow development for the purposes of dual occupancies with the supply of appropriately located independent utility connection points.</p>	<p>Not applicable.</p> <p>Both lots are rectangular in shape. Adequate lot width is provided for good solar orientation.</p> <p>Not applicable.</p>
Street Design and Layout	Applies to subdivisions creating new streets.	It is anticipated that half road construction of Roth Circuit along the lot frontage will be required as a condition of consent.
Cycleways and footpaths	Applies to subdivisions creating new streets.	Not applicable.
Open Space	Applies to greenfield subdivisions.	Not applicable
Landscaping	Applies to the public domain.	Not applicable
Utility Services	A servicing plan is required to be submitted.	<p>A sewer main crosses through the centre of the site. The sewer main will be retained on proposed Lot 122 and a new sewer connection will be provided to Lot 121. The existing sewer main and the extension will be contained within easements.</p> <p>Water supply and electricity to proposed Lot 121 will be retained from Gladstone Street. Water supply and electricity to proposed Lot 122 will be provided from Roth Circuit. New water main and electricity supply lines will be required to be provided from Second Street.</p>
Drainage	Refer to section 5.3 Stormwater and Drainage.	Stormwater will be directed to Gladstone Street.

5.6.4 Section 5.4 Environmental Controls

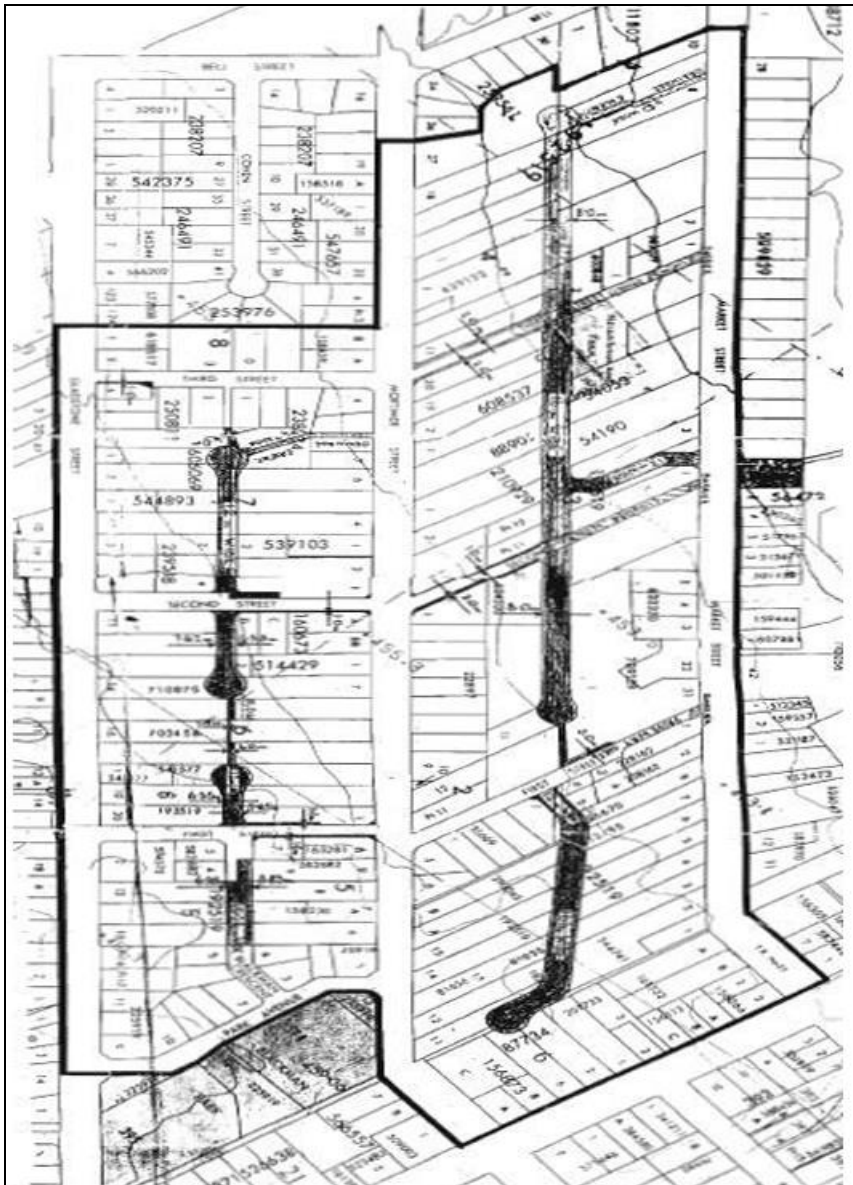
Issue	Requirement	Comment
Protection of Aboriginal Archaeological items	Development should not disturb or destruct relics without a permit.	A basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land. The site has been developed, disturbed and used over a long period of time for residential purposes. It is considered that there is minimal potential for disturbance of Aboriginal archaeology and that no further detailed Aboriginal cultural heritage assessment is warranted. However, the development will be undertaken in accordance with the legislative requirements to protect any Aboriginal item uncovered during works.
Bushfire Management	Buildings should be designed to withstand bushfire.	The subject land is not mapped as bushfire prone.
Riparian and drainage line environments	Development should be set back from waterways.	There are no riparian lands or drainage lines on or near the site.
Pollution and Waste Management	Development should address all waste streams and avoid pollution.	Construction waste will be taken to Council's waste management facility. Waste from use of the dwelling and secondary dwelling will be collected weekly from Gladstone Street.
Threatened Species and Vegetation Management	The impact of development on native flora and fauna should be assessed.	No native vegetation is proposed to be removed to facilitate the development. The proposal will have no impact on flora or fauna.
Building in Saline Environments	Development should be constructed to avoid problems associated with saline soils.	The subject land is not known to be highly saline.

5.6.5 Section 8.2 West Mudgee

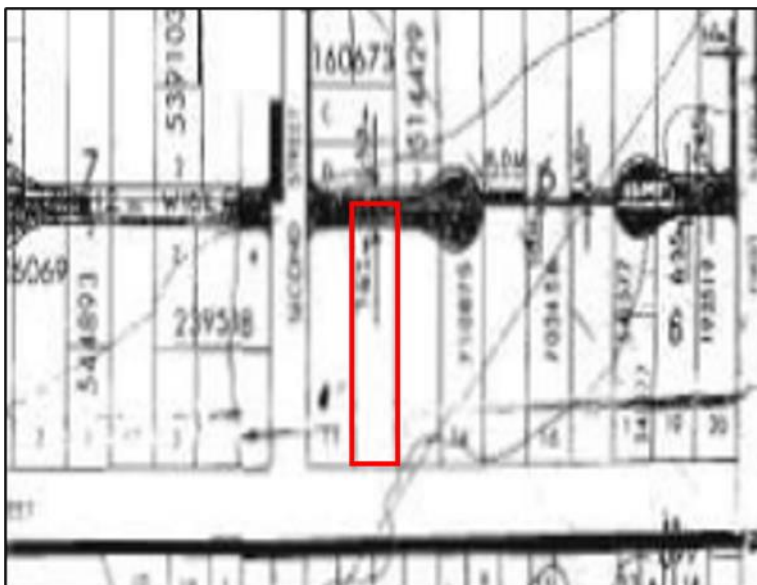
Section 8.2 of the DCP states as follows:

A person shall not subdivide land to which this plan applies (other than by strata subdivision) for the purpose of a dwelling house unless the site area of the lot to be created has an area of not less than 600m² and frontage at the front of the building alignment of not less than 15 metres.

Any subdivision shall occur generally in accordance with the layout in the plan below.



An extract of the above plan showing the subject site is provided below.



The proposed subdivision is consistent with Section 8.2 of the DCP as it provides for the extension of Roth Circuit as shown in the plan above.

6 CONCLUSION

The proposed development is a three lot subdivision, demolition of sheds, alterations and additions to a dwelling and a secondary dwelling at Lot 12 DP 770278, 176 Gladstone Street, Mudgee.

The proposed subdivision seeks to create two residential lots plus a road widening for an extension of Roth Circuit. The existing dwelling on the lot is a heritage item and will be wholly contained on one of the proposed lots (Lot 121). The secondary dwelling is also proposed on this lot. The second proposed residential lot will be a vacant lot.

The development site is zoned R1 General Residential under the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012).

The subject land is currently 1667m² in size. The proposed lot sizes are 143m² (proposed road widening), 666m² (Proposed Lot 121) and 858m² (Proposed Lot 122). The proposed subdivision complies with the minimum lot size under clause 4.1 of the MWRLEP 2012.

The proposed development is permissible with consent and complies with all relevant requirements. There is no impediment to the development application being approved, subject to conditions.

