

# REVIEW OF ENVIRONMENTAL FACTORS

Proposed General Housing Development

at

1 Winbourne Street & 6 Mulgoa Way, Mudgee NSW 2580

August 2023





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Department of Planning & Environment

Land & Housing Corporation

Postal address: Locked Bag 5022 Parramatta, NSW 2124

W [www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)

T (02) 9377 6000 | TTY (02) 8270 2167

ABN 24 960 729 253


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## DOCUMENT CONTROL REGISTER

The following register documents the preparation and issue of this Part 5 Review of Environmental Factors (REF), prepared by Mecone Group Pty Limited for the New South Wales Land & Housing Corporation.


No	Date	Version	Change since last version
1	17 Jan 2023	v1 (draft)	Not applicable – initial version
2	4 May 2023	V2 (draft)	Updates following correspondence with Council regarding sewer and water referral
3	11 July 2023	V3 (draft)	Updates following re-notification

## DOCUMENT SIGN-OFF

<b>REF Prepared &amp; Peer Reviewed by:</b>	
Having prepared the Review of Environmental Factors: <ul style="list-style-type: none"><li>• I have declared any possible conflict of interests (real, potential or perceived) to the Acting Head of Policy and Innovation.</li><li>• I do not consider I have any personal interests that would affect my professional judgement.</li><li>• I will inform the Acting Head of Policy and Innovation as soon as I become aware of a possible conflict of interest.</li></ul>	
Name:	Adam Coburn
Designation:	NSW State Director
Signature:	 Date: 15 August 2023
<b>Peer reviewed by:</b>	
Name:	Lucy Broadwell
Designation:	Planning Officer, NSW Land & Housing Corporation
Signature:	 Date: 11 August 2023
<b>REF Reviewed &amp; Endorsed by:</b>	
I certify that I have reviewed this Review of Environmental Factors:	
Name:	Carolyn Howell

Designation: Manager, Planning and Assessment, NSW Land & Housing Corporation

Signature:



Date: 14 August 2023

**REF Authorised for Issue by:**

Having endorsed the Review of Environmental Factors:

1. I have declared any possible conflict of interests (real, potential or perceived) to the Acting Head of Policy and Innovation.
2. I do not consider I have any personal interests that would affect my professional judgement.
3. I will inform the Acting Head of Policy and Innovation as soon as I become aware of a possible conflict of interest.

Name: Yolanda Gil

Designation: Director, Portfolio Services, Delivery South, NSW Land & Housing Corporation

Signature:



Date: 25 Aug 2023

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# 1 Executive Summary

The subject site is located at 1 Winbourne St & 6 Mulgoa Way, Mudgee, and is legally described as Lots 17 & 18 in Deposited Plan 230349.

The proposed development is described as follows:

Demolition of existing dwellings and associated structures, subdivision of 2 lots into 4 Torrens title lots and construction of 4 x single storey dual occupancies, consisting of 7 x 2-bedroom and 1 x 1-bedroom dwellings, with attached garages and associated landscaping, and construction of sewer main extension and easement over Lots 19&20 DP230349, Nos. 1A and 3 Winbourne St.

The proposed activity is permitted on the site under the applicable local environmental planning instrument and can therefore be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 2, Part 2, Division 6 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as it does not result in more than 60 dwellings on the site and does not exceed 9m in height.

Demolition has been considered as part of the proposed activity. Demolition is permitted with consent under the provisions of the applicable local environmental planning instrument and is therefore permitted without consent under the provisions of the Housing SEPP.

Subdivision has also been considered as part of the proposed activity. Subdivision is permitted with consent under the provisions of the applicable local environmental planning instrument and is therefore permitted with consent under the provisions of the Housing SEPP.

The removal of trees on the site is covered by the definition of consent under Section 6 of the Housing SEPP. It has therefore been incorporated in this review of environmental factors under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 8 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* and taken into consideration *Good Design for Social Housing* and LAHC's Design Requirements;
- the site planning and design of the proposed activity adequately addresses the applicable local environmental planning and development controls of Mid-Western Regional (MWR) Council;
- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets;
- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts; and
- Council and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated December 2022 and February 2023.



Comments on the response are provided in Section 5.1 of this REF. Two submissions were received from occupiers of adjoining land and a response is provided in Section 5.2 of this REF.

The proposed activity, when carried out in accordance with the environmental mitigation measures outlined in the REF, will not result in any significant or long-term negative impacts on the environment and can proceed subject to the implementation of the Identified Requirements listed in the Activity Determination.

## 2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving demolition of existing dwellings and associated structures, subdivision of 2 lots into 4 Torrens Title lots and construction of 4 x single storey dual occupancies, consisting of 7 x 2-bedroom and 1 x 1-bedroom dwellings, with attached garages and associated landscaping, and construction of sewer main extension and easement over Lots 19&20 DP230349, No.s 1A and 3 Winbourne St, for the site at 1 Winbourne St & 6 Mulgoa Way, Mudgee.

The activity<sup>1</sup> will be carried out by, or on behalf of, NSW Land and Housing Corporation (LAHC) and is 'development without consent' under the Housing SEPP.

This REF has been prepared by Mecone Group Pty Limited on behalf of LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the Environmental Planning & Assessment Regulation (EP&A Regulations) 2021.

A Statement of Compliance accompanying this REF certifies that in accordance with the requirements of the EP&A Act, all matters affecting or likely to affect the environment by reason of the proposed activity have been taken into account to the fullest extent possible and the activity will not have a significant impact on the environment.

---

### 2.1 Summary of Proposed Activity

The proposal is for demolition of existing dwellings and associated structures, subdivision of 2 lots into 4 Torrens Title lots and construction of 4 x single storey dual occupancies, consisting of 7 x 2-bedroom and 1 x 1-bedroom dwellings, with attached garages and associated landscaping, and construction of sewer main extension and easement over Lots 19&20 DP230349, No.s 1A and 3 Winbourne St, for the site at 1 Winbourne St & 6 Mulgoa Way, Mudgee.

The proposal is detailed in the following plans, drawings and specialist reports and supporting information:

#### Plans, Drawings & Supporting Document Details

The development is outlined in the following plans and drawings:

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
<b>Architectural – Appendix A</b>				
Coversheet & Perspectives	00	D	20.04.2023	Housing Plus
Block Analysis	01	D	20.04.2023	Housing Plus
Survey	02	D	20.04.2023	Housing Plus

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<sup>1</sup> Note: The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the Environmental Planning and Assessment Act 1979.



Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Demolition Plan	03	D	20.04.2023	Housing Plus
Services Plan	04	D	20.04.2023	Housing Plus
Subdivision Plan	05	D	20.04.2023	Housing Plus
Development Data	06	D	20.04.2023	Housing Plus
Proposed Site Plan	07	D	20.04.2023	Housing Plus
Site Analysis Plan	08	D	20.04.2023	Housing Plus
Proposed Landscaping Plan	09	D	20.04.2023	Housing Plus
Solar Access Diagram	10	D	20.04.2023	Housing Plus
Shadow Diagrams	11	D	20.04.2023	Housing Plus
Proposed Roof Plan	12	D	20.04.2023	Housing Plus
Proposed Floor Plans	13	D	20.04.2023	Housing Plus
Units 1 & 2 Layout	14	D	20.04.2023	Housing Plus
Units 3 & 4 Layout	15	D	20.04.2023	Housing Plus
Units 5 & 6 Layout	16	D	20.04.2023	Housing Plus
Units 7 & 8 Layout	17	D	20.04.2023	Housing Plus
Sections & Elevations	18	D	20.04.2023	Housing Plus
Finishes Schedule	19	D	20.04.2023	Housing Plus
Streetscape Perspective	20	D	20.04.2023	Housing Plus
Civil Plans – Appendix B				
Cover Sheet	27736-C00	C	27.03.2023	Barnson
Level and Detail Survey Plan	27736-C01	B	27.03.2023	Barnson
Proposed Site Plan	27736-C02	G	27.03.2023	Barnson
Proposed Sewer Plan	27736-C03	I	27.02.2023	Barnson
Proposed Sewer Details and Long Section	27736-C04	C	27.02.2023	Barnson
Proposed Stormwater Management Plan	27736-C05	H	27.03.2023	Barnson
Proposed Stormwater Details	27736-C06	B	26.05.2022	Barnson
Proposed Water Plan	27736-C07	B	23.03.2023	Barnson
Proposed Sediment and Erosion Control Plan	27736-C07	G	27.02.2023	Barnson
Proposed Sediment and Erosion Control Details	27736-C09	D	27.02.2023	Barnson
Notification Plans – Appendix D				
Cover Page	00	A	24.11.2022	Housing Plus
Site Plan	01	A	24.11.2022	Housing Plus
Development Data	02	A	24.11.2022	Housing Plus
Elevations	03	A	24.11.2022	Housing Plus
Schedule of Finishes	04	A	24.11.2022	Housing Plus
Shadow Diagrams	05	A	24.11.2022	Housing Plus

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Detail and Level Survey – Appendix C	37752 – L01	B	25.01.2022	Barnson
<b>Sustainability – BASIX – Appendix J</b>				
BASIX Certificate Units 1-2	1354705M	/	14.11.2022	Kiho Building Consulting
BASIX Certificate Units 3-4	1355715M	/	14.11.2022	Kiho Building Consulting
BASIX Certificate Units 5-6	1355718M	/	14.11.2022	Kiho Building Consulting
BASIX Certificate Units 7-8	1355719M	/	14.11.2022	Kiho Building Consulting
Sustainability - NatHERS Certificate – Appendix K	0008209360	/	14.11.2022	Kiho Building Consulting
<b>Specialist Reports</b>				
Access Report - Appendix G	220013_WINBOURNE_U1_DESIGN	/	January 2022	Premise
Geotechnical Investigation and Acid Sulfate Soil Assessment - Appendix O	37752-GR01_B	B	4.11.2022	Barnson
Waste Management Plan – Appendix P	37144-WMP01_A	B	14.11.2022	Barnson
Flood Advice Letter – Appendix Q	/	/	7.11.2022	Structa Consulting Engineers
Asbestos Survey Report – Appendix R	S4	0	22.12.2021	GHD

#### Design compliance and checklists – Appendix M

Part 5 Activity Package Submission, Checklist for Development Proposals under the Housing SEPP, prepared by Ben Ogilvie dated 15.11.2022

Architect's Certificate of Building Design Compliance – prepared by Housing Plus dated 04.05.2023

Certificate of Landscape Documentation Compliance – prepared by Outscape dated 15 March 2023

Certificate of Civil Documentation Compliance – prepared by Barnson dated 20.11.2022

#### Seniors Living Urban Design Guidelines, LAHC Dwelling requirements & Good design for social housing – Appendix N

Seniors Living Urban Design Guidelines checklist, prepared by Housing Plus dated 14/11/2022

#### Section 10.7 Planning Certificates – Appendix E

Planning Certificate, Certificate No PC00096/2024, 6 Mulgoa Way, Mudgee – Issued by Mid-Western Regional Council dated 31 July 2023

Planning Certificate, Certificate No PC0095/2024, 1 Winbourne Street, Mudgee – Issued by Mid-Western Regional Council dated 31 July 2023

#### Titles and Deposited Plans – Appendix L

Title Search, Folio: 17/230349, Search date 23 November 2022, First Schedule: New South Wales Land and Housing Corporation.

Title Search, Folio: 18/230349, Search date 23 November 2022, First Schedule: New South Wales Land and Housing Corporation.

Deposited Plan 230349, Search Date 23.11.2022

## AHIMS – Appendix H

AHIMS Search Result, 6 Mulgoa Way, Mudgee – 50m search buffer, date 13 January 2023

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## 2.2 Demolition

The proposed activity includes demolition the existing dwellings and associated structures on the site, as identified in the Demolition Plan (refer to **Appendix A**).

Refer to **Section 4.1.6** of this REF for further assessment of the proposed demolition works.

---

## 2.3 Removal of Trees

Twenty-one trees are located within the site, with the proposal including the removal of 18 of those trees. One tree external to the site, located within the Winbourne Street reserve, will be retained.

The tree removal within the site boundaries is recommended primarily to accommodate the proposed development, or the individual species are recommended for removal. Seven of the trees are considered moderate-high retention value, whilst 11 of the trees are considered very low to low retention value. Four moderate-high rated trees will be retained (refer to submitted Arboricultural Impact Assessment in **Appendix I**).

The original design proposed to remove all trees on site. Following review, it was identified that 4 trees of medium to high significance could be retained (Trees 2, 3, 5 & 14). Additional landscaping was also proposed to further compensate for the proposed tree removal.

More appropriate tree plantings, including 17 trees capable of reaching mature heights of 10m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees (refer to submitted Landscape Plan in **Appendix A**).

---

## 2.4 Subdivision

The proposed activity includes subdivision of the existing 2 lots into 4 Torrens Title lots, as identified in the subdivision plan (refer to **Appendix A**).

Refer to **Section 4.1.6** of this REF for further assessment of the proposed demolition works.

---

## 2.5 Proposed Dwellings

The proposed development will involve the construction of 4 x single storey dual occupancies, consisting of 7 x 2-bedroom and 1 x 1-bedroom dwellings, with attached garages and associated landscaping

The proposed housing represents a contemporary, high quality design, which will be an improvement on the existing dwellings. The use of face brick for external walls and Colorbond metal roofing is consistent with the

existing and developing character of the Mudgee locality. All dwellings will address the street, with bedrooms and bedroom windows facing the street for passive surveillance.

Minor cut and fill is proposed to provide a level building platform. This level of cut and fill is within Council's DCP standards.

A variety of new landscape plantings are proposed to offset the proposed tree removal and enhance the appearance of the site, including 17 trees with a mature height in excess of 10m. New plantings will consist of a mixture of new trees, shrubs and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape.

Each dwelling will be provided with its own enclosed private open space area. All these spaces are directly accessible from the living areas.

A total of 16 car parking spaces will be provided on the site, of which 8 will consist of single attached garages. One surface level car parking space will be available in the driveway forward of each garage.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to Council's kerb and gutter system on Winbourne Street and Mulgoa Way. Roof water will be collected from downpipes and connected to rainwater tanks for recycling with overflow connected to the stormwater pipes.

New 1.8m high Colorbond fencing is proposed around rear private open space areas and the secondary frontage of Unit 7.

Figures 1 – 5 include extracts from the architectural plans illustrating the proposed development.

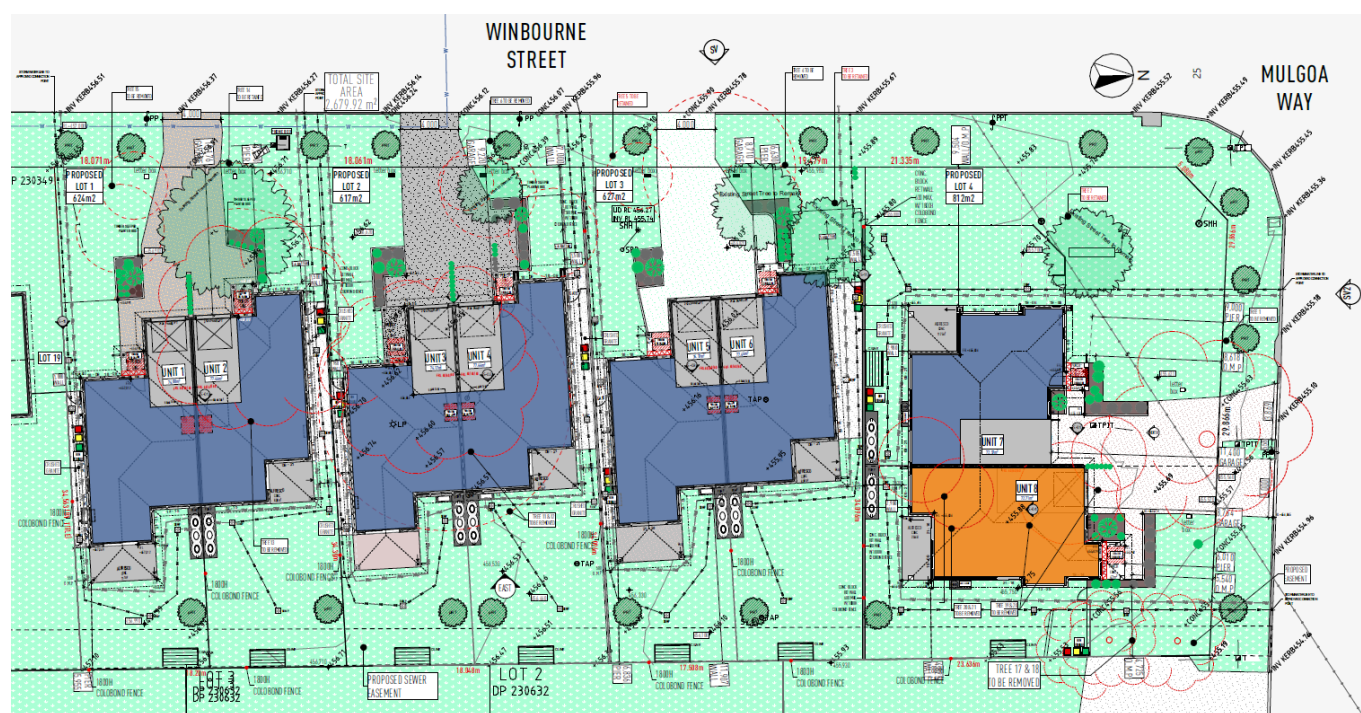


Figure 1 Extract from Architectural Plans – Site Plan  
(Source: Architectural Plans, Housing Plus, dated 20/04/2023)



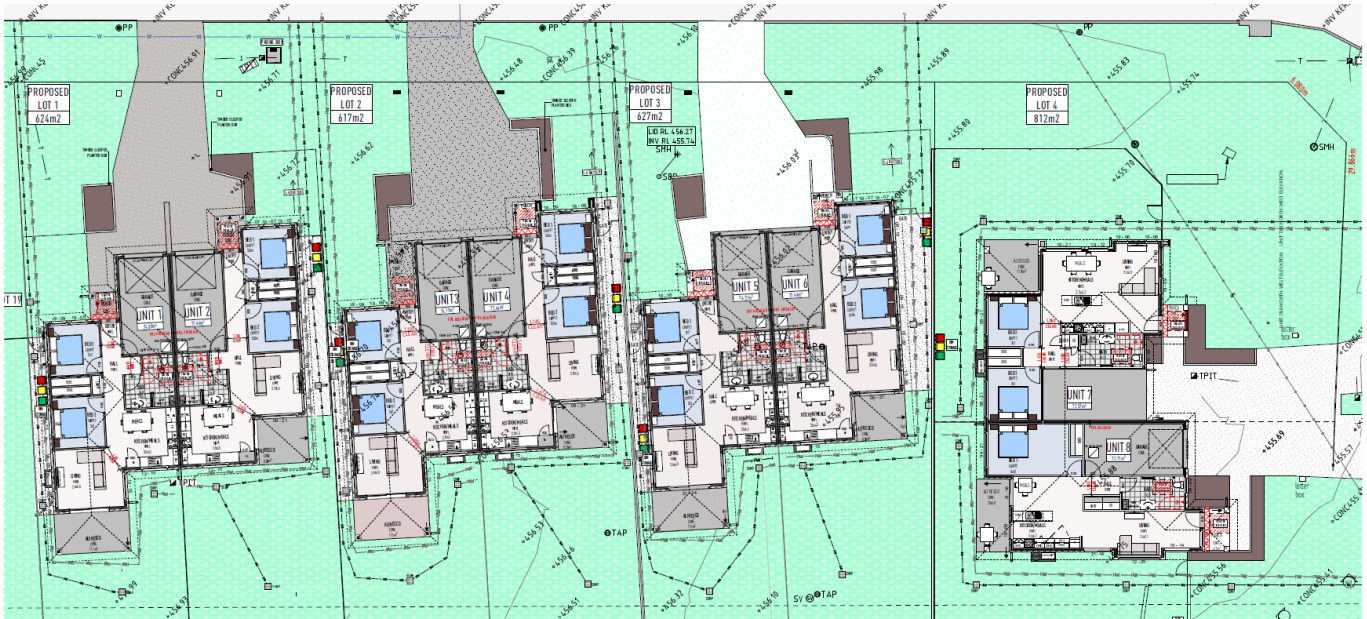


Figure 2 Extract from Architectural Plans – Ground Level  
(Source: Housing Plus, dated 20/04/2023)



Figure 3 Extract from Architectural Plans – Winbourne Street Streetscape Perspective  
(Source: Housing Plus, dated 20/04/2023)



Figure 4 Extract from Architectural Plans – Winbourne Street and Mulgoa Road Streetscape Perspective  
(Source: Housing Plus, dated 20/04/2023)

## 2.6 Sewer Realignment

Two sewer mains cut across the site. One runs in a south westerly direction across the corner of 6 Mulgoa Way, whilst the other runs along a north-westerly/northerly direction across the western portion of 1 Winbourne Street and 6 Mulgoa Way. It is proposed to realign the latter sewer main along the rear eastern boundary of the site in order to accommodate the proposed development. The former sewer alignment would be removed and backfilled. The proposed sewer main is shown in the figure below.

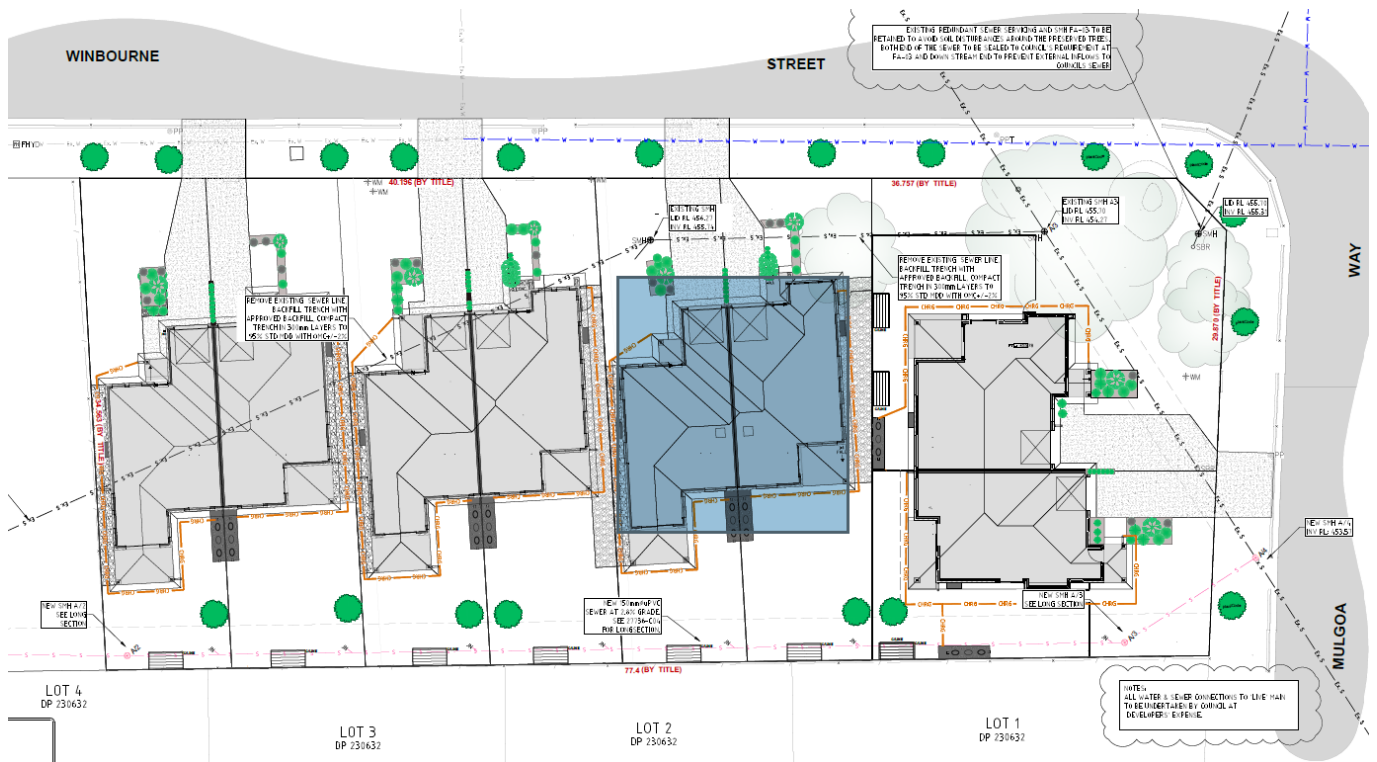


Figure 5 Extract from proposed sewer realignment  
(Source: Barnson, dated 27/02/2023)

The proposed main has been designed in consultation with the Water and Sewer Department of Mid-Western Regional Council. The realignment will enable the logical redevelopment of the site and has been designed to comply with Council's requirements.

The works require owners consent from adjoining landowners at 1A and 3 Winbourne Street. Realignment of the sewer main is required to the eastern rear boundaries of these two properties to connect with the realigned sewer main on the subject site. Landowners consent has been obtained from both properties.

## 3 Existing Site & Locality

### 3.1 Existing Site and Immediately Adjoining Development

The site is located in the Mid-Western Regional local government area (LGA) and comprises 2 residential allotments. A location plan is provided at **Figure 6**

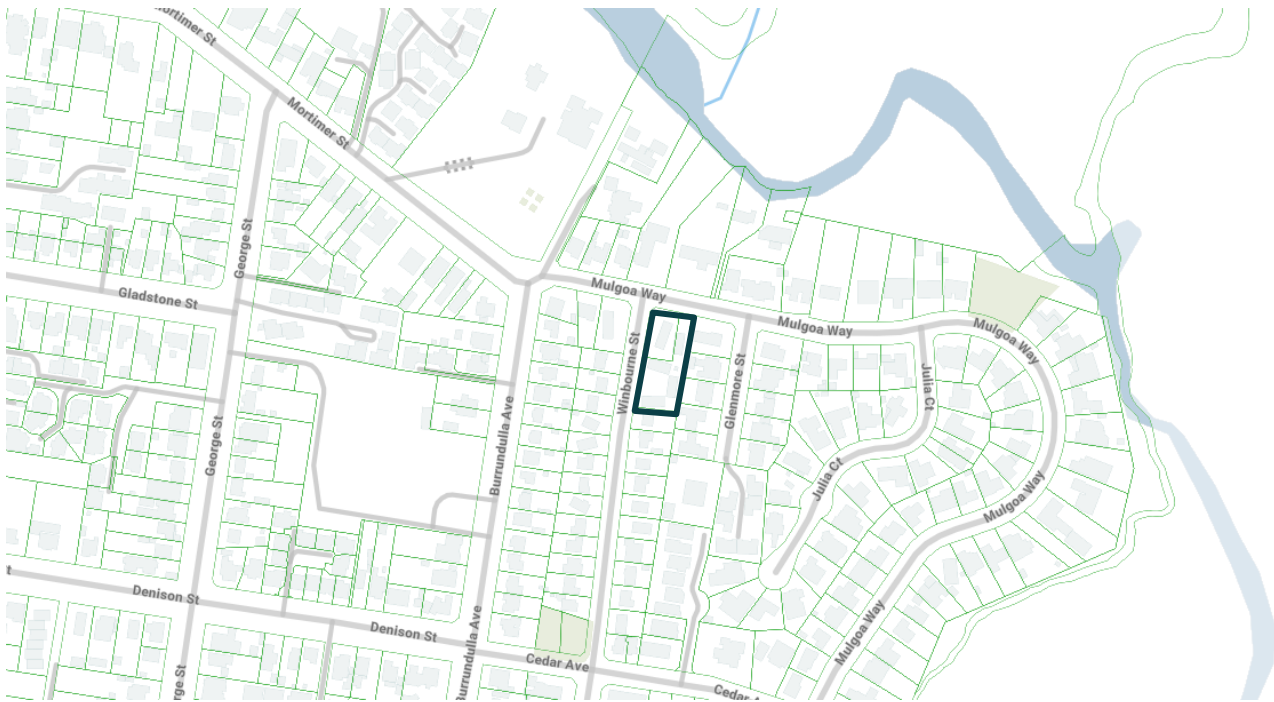


Figure 6 Location Plan  
(Source: Mecone Mosaic)

The site is currently occupied by 5 single storey dwellings (refer to photographs at **Figure 7** & **Figure 8**).





Figure 7 Development site – looking south from Mulgoa Way  
(Source – Google maps)

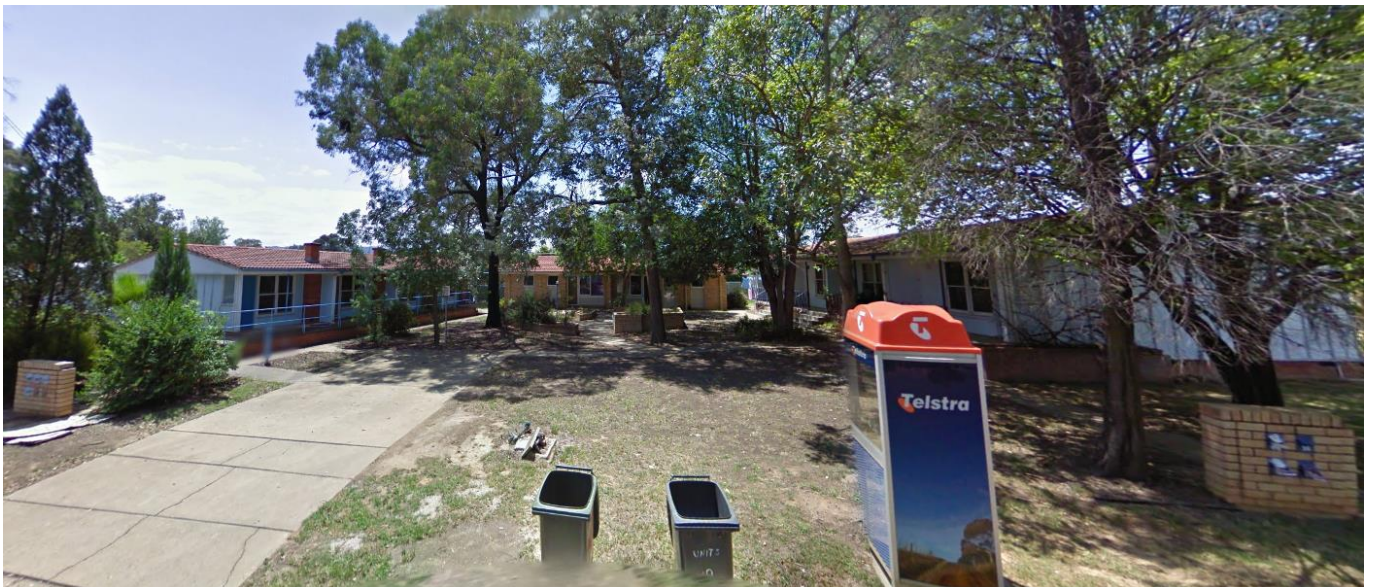


Figure 8 Development site – looking east from Winbourne Street  
(Source – Google maps)

The property immediately to the east (1A Winbourne Street) contains a single-storey dwelling house with tile roof (refer photograph at **Figure 9**). The properties to the east (2-8 Glenmore Street) are developed for single-storey brick dwelling houses with tile roofs (refer to photograph at **Figure 10**).





Figure 9 Adjoining development – 1A Winbourne Street  
(Source – Google maps)



Figure 10 Adjoining development – 6 and 8 Glenmore Street  
(Source – Google maps)



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## 3.2 Site Description

The site has a total area of 2680m<sup>2</sup>, a frontage to Winbourne Street of 76.8m, secondary frontage to Mulgoa Way of 29.8m, side (southern) boundary of 34.5m and a rear (eastern) boundary of 77.4m (refer to the submitted Detail and Level Survey Plan in **Appendix C**).

The site slopes slightly on a northerly aspect from the southern side boundary down to Mulgoa Way by approximately 2m. A new easement for stormwater drainage is not required. An easement for a sewerage line is required along the rear (eastern) boundary of the property.

The site is not within a flood planning area and is not subject to flood related development controls.

There are 21 trees located within the site. One tree is located within the Winbourne Street reserve.

Water, sewer, electricity, and telephone facilities are available to the site (refer to the submitted Contour and Detail Plan for the location of available services at **Appendix C**). Water, electricity and telephone services are located along the road alignment of both Winbourne St and Mulgoa Way. Sewer lines currently cut across the north western portion of the site and south eastern portion of the site.

Both lots are burdened by an easement to drain water measuring 6ft wide, as identified by the Title Plan (Appendix L). As shown on the Survey Plan, the easement runs along a north-western access, primarily cutting through Lot 18.

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## 3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single-storey detached dwelling houses of fibro construction with tiled roofs and more recent single-storey detached brick dwellings (refer to photographs at **Figure 11** and *Error! Reference source not found.*).



Figure 11 Typical older style fibro dwellings located at 2 & 4 Winbourne Street (opposite of the site)  
(Source – Google maps)



Figure 12 More recent brick development at 6 and 8 Glenmore Street (rear of the site)  
(Source – Google maps)

The site is located 1km walking distance from the Mudgee Town Centre. The closest bus stop is located 400m south of the site on Cedar Avenue. It is serviced by Route 560, which infrequently connects Mudgee to Mudgee East in a loop service.

## 4 Zoning and Permissibility

The site is zoned R1 General Residential under *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP 2012). The proposed development is defined as ‘dual occupancies (attached)’ under the provisions of clause 4.1A (3)(a) of the MWRLEP 2012 and is permissible if the area of the lot proposed is equal to or greater than 600m<sup>2</sup>.

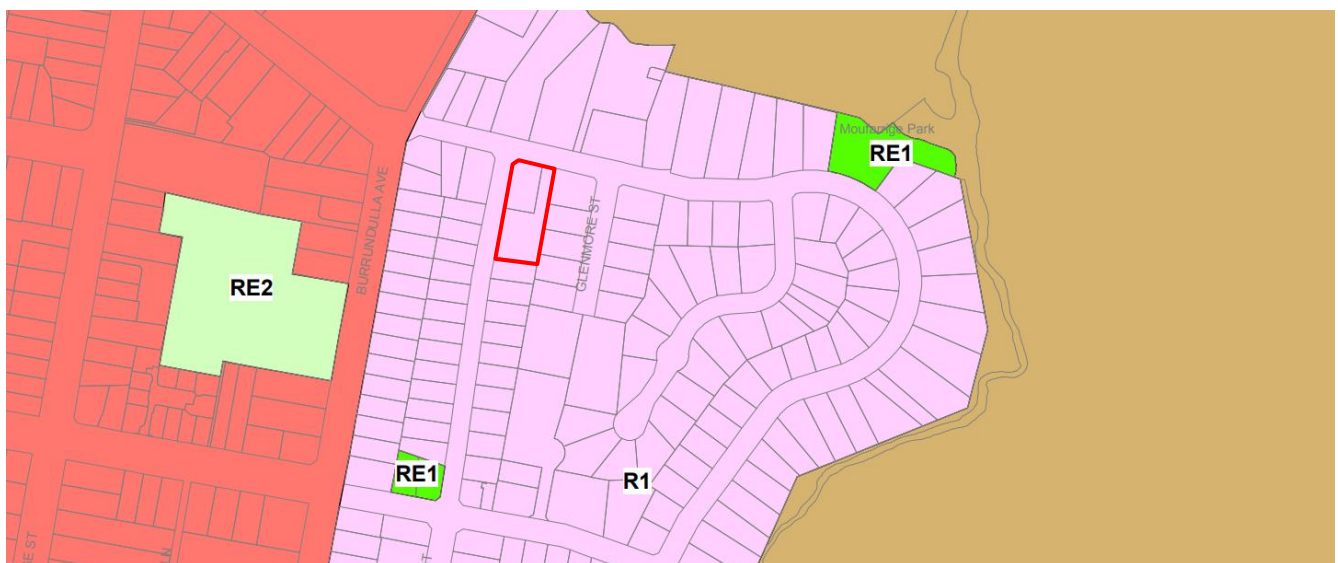


Figure 13 Land zoning map  
(Source: MWRLEP 2012)

As discussed in Section 4.2 of this REF, each proposed lot will be in excess of 600m<sup>2</sup>. The proposed attached dual occupancies are therefore permitted under the MWRLEP 2012.

The relevant objectives of the R1 zone set out in MWRLEP 2012 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 proposed development provides housing that meets the identified needs of the community and will be consistent with the objectives.

Section 42 of the Housing SEPP permits residential development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that clause. The proposed development is permitted with consent under MWRLEP 2012 and therefore may be carried out without consent subject to the provisions set out in Section 42 of the Housing SEPP.

**Table 4** in subsection 4.1.6 of this REF demonstrates compliance with the relevant provisions of Section 42 of the SEPP.

Section 42(2) states that demolition and subdivision can be carried out as development without consent by LAHC where the works are permitted without consent under another environmental planning instrument. The proposed subdivision and demolition are permitted with consent under MWRLEP 2012 and can therefore be carried out by LAHC as development without consent.



## 4.1 State Legislation

### 4.1.1 Environmental Planning and Assessment Act 1979

#### Duty to consider environmental impact [Section 5.5]

Section 5.5(1) states that, for the purpose of attaining the objects of the EP&A Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the Act or the provisions of any other Act or of any instrument made under the EP&A Act or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

**Table 1** below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 1 Compliance with subsection 3 of Section 5.5 of the EP&A Act 1979

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
<b>Sub-section 3</b>  Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <i>Wilderness Act 1987</i> ) in the locality in which the activity is intended to be carried on.	No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i> ).

### 4.1.2 Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly affect threatened species, ecological communities or their habitats. For the purposes of Part 5 of the EP&A Act, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

Based on the criteria set out in Section 7.3 of the BC Act, the proposed activity is unlikely to affect threatened species, ecological communities or their habitats and therefore no further assessment is necessary. This is because the land does not contain threatened species, endangered ecological communities or constitute habitat of threatened species or ecological communities. The proposed activity will neither be a key threatening process and the land is not part of or in the vicinity of any declared area of outstanding biodiversity value.

### 4.1.3 Other Acts

No other State and Commonwealth Acts are applicable to the proposed activity.

### 4.1.4 Environmental Planning and Assessment Regulation 2021

#### Factors that must be taken into account concerning the impact of an activity on the environment [Section 171]

For the purposes of Part 5 of the EP&A Act, the factors in **Table 2** Environmental Planning and Assessment Regulation 2021 Section 171



Factors to be taken into account concerning the impact of an activity on the environment.	Comment
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No specific guidelines. This does not include guidelines such as the Seniors Living Urban Design Guidelines, that are in force under other legislation or instruments.
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes - Department of Planning and Environment issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EPA regulation 2021.

below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 2 Environmental Planning and Assessment Regulation 2021 Section 171

Factors to be taken into account concerning the impact of an activity on the environment.	Comment
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No specific guidelines. This does not include guidelines such as the Seniors Living Urban Design Guidelines, that are in force under other legislation or instruments.
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes - Department of Planning and Environment issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EPA regulation 2021.

Table 3a Factors to be taken into account concerning the impact of an activity on the environment

Guidelines for Division 5.1 assessments require the following environmental factors to be taken into account:	Relevant?	Impact		
	Yes/NA	Temporary	Minor	Significant [Note 1]
(a) environmental impact on the community	Y	x	x	
(b) transformation of a locality;	Y		x	
(c) environmental impact on the ecosystems of the locality;	Y		x	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Y	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	N/A			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	N/A			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	N/A			
(h) long-term effects on the environment;	Y		x	
(i) degradation of the quality of the environment;	Y	x	x	

(j) risk to the safety of the environment;	N/A			
(k) reduction in the range of beneficial uses of the environment;	N/A			
(l) pollution of the environment;	Y	x	x	
(m) environmental problems associated with the disposal of waste;	Y		x	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Y	x	x	
(o) cumulative environmental effect with other existing or likely future activities.	Y		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	N/A			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Y- discussed below in section 4.1.5		x	
(r) other relevant environmental factors.	Y		x	

**Note 1:** A significant impact triggers the preparation of an Environmental Impact Statement.

**Note 2:** The *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* provides guidance on considering projected climate change conditions such as sea level rise.

The proposed housing development is not expected to generate any significant or long-term impacts on the environment. The short-term impacts during construction will be offset by positive social outcomes in the long-term social benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at Section 4.1.5 of this report.

## 4.1.5 Strategic Planning Framework

### Mid-Western Regional 2040 Local Strategic Planning Statement

The MWR Local Strategic Planning Statement was endorsed by MWR Council in May 2020. It is a 20-year plan that identifies 57 Planning Priorities for the LGA, focused around infrastructure, liveability, productivity and sustainability.

Whilst the LSPS does not make specific mention of the site, the following Planning Priority is considered relevant. Priority 2 seeks to make available diverse, sustainable, adaptable and affordable housing options through effective land use planning. The proposed development will be contributing 4 dual occupancies (8 units) to the affordable housing supply in the MWR LGA. It is diversifying residential uses in the LGA by increasing affordable living housing options in proximity to the existing services and infrastructure of the Mudgee CBD.

The proposed development, of 4 dual occupancies contributes to the objectives of the MWR Local Strategic Planning Statement and will increase the provision of affordable living units.

### Mid-Western Regional 2040 Community Strategic Plan

The MWR 2040 Community Strategic Plan is a 20-year plan that outlines five broad inter-related themes that are derived from an extensive community engagement process, which identified priorities for the community's future. These five key strategic directions are supported by key goals that will guide the MWR LGA in the next 20 years. The themes are focused around community, environment, economy, transport and government. The

proposed development for 4 dual occupancies is not in conflict with the MWR 2040 Community Strategic Plan and will provide new affordable housing within the LGA.

## 4.1.6 State Environmental Planning Policy (Housing) 2021

### Development without Consent

Section 42 of the HSEPP permits certain development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to certain provisions set out in sections 42 and 43.

Table 4 below demonstrates compliance with these provisions.

Table 4 Compliance with section 42 and 43 of Housing SEPP

Provision	Compliance
42 (1) – This Division applies to residential development if -	
(a) the development is permitted with consent on the land under another environmental planning instrument, and	<b>Complies</b> Dual occupancies (attached) are permissible under c14.1A of the MWRLEP 2012.
(b) all buildings will have a height of not more than 9m, and	<b>Complies</b> Maximum height proposed in 5.59m.
(c) the development will result in 60 dwellings or less on a single site, and	<b>Complies</b> 4 x dual occupancies proposed, equating to 8 dwellings proposed on the site.
(e) for development on land that is not in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – 1 parking space (iii) for each dwelling containing at least 3 bedrooms – 1.5 parking space, and	<b>Complies</b> 16 spaces provided.  Required :1 x 1 bed = 0.5space 7 x 2 bed = 7 spaces Total required: 7.5 spaces.
(2) This Division applies to the following development if the development is permitted on the land under another environmental planning instrument –	-
(a) the demolition of buildings and associated structures if the building or structure is on land – (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	<b>Complies</b> The site is non-heritage land nor within a heritage conservation area.
(b) the subdivision of land and subdivision works. <b>Note</b> – Section 32 prohibits the subdivision of a boarding house.	<b>Complies</b> Subdivision of 2 into 4 Torrens title lots proposed.
(3) This Division does not apply to – (a) development to which this Part, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.	<b>Noted</b>
(4) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent.	<b>Noted</b>
(5) <i>State environmental planning policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the sections -	<b>N/A</b> Sections 2.15 and 2.17 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> are not applicable to the site or development.
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	<b>Noted</b>
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	<b>Noted</b>

Provision	Compliance
<p>(6) In this section-</p> <p><b>Former section 75P</b> means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011.</p> <p><b>Residential development</b> has the same meaning as in the Housing Act 2001, section 8.</p>	Noted
43 Requirements for carrying out residential development -	
(1) Before carrying out development under this Division, the Land and Housing Corporation must-	-
(a) request the council nominate a person or persons who must, in the council's opinion, be notified of the development, and	Advice was sought from Mid-Western Regional Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 10 August 2022. Council provided a response on 10 August 2022 advising that the notification map is consistent with Council's Community Participation Plan and is acceptable.
<p>(b) give written notice of the intention to carry out the development to –</p> <p>(i) the council, and</p> <p>(ii) the person or persons nominated by the council, and</p> <p>(iii) the occupiers of adjoining land, and</p>	A letter notifying Mid-Western Regional Council of the proposed development activity was sent by LAHC on 10 August 2022. Letters notifying landowners and occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date. Re-notification was also undertaken in June 2023 when LAHC became aware that not all owners were notified during the initial notification process, with letters sent on 6 June 2023.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC's notification by letter dated 15 December 2022 and 9 February 2023. Comments on the response are provided in Section 5.1 of this REF. No submissions were received from adjoining occupiers.
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	<p><b>Complies</b></p> <p>Refer to checklist in <b>Appendix N</b> and subsection 4.1.7 of this REF. These conclude that the development complies with all relevant development standards relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations discussed in subsection 4.1.7 of this report. In these cases, suitable alternatives are proposed which are necessary due to site-specific constraints.</p>
(e) if the relevant authority is the Aboriginal Housing Office – consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	Not applicable

Provision	Compliance
(f) If the relevant authority is the Land and Housing Corporation – consider the relevant provisions of – (i) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation in September 2020, and (ii) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023, and	<b>Complies</b> Refer to section 4.1.8 and 4.1.9 of this report, and the Architect's Statement and Certificate of Building Design Compliance in <b>Appendix M</b> , which indicate that the design and Design Requirements have been considered.
(g) if the development is for the purposes of manor houses or multi dwelling housing (terraces) – consider the relevant provisions of the Codes SEPP, Part 3B.	<b>Not applicable</b>
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	<b>Noted</b>

### 4.1.7 Seniors Living Policy: Urban Design Guidelines for Infill Development

An assessment of the design of the activity against the *Seniors Living Policy: Urban Design Guidelines for Infill Development* is provided at **Appendix N**. The design has followed the Guidelines, except in relation to the following justifiable departures outlined in **Table 5**.

Table 5 Seniors Living Urban Design Guidelines departures

Guideline Requirement	Response
2.02 Provide a mix of dwelling sizes and dwellings both with and without carparking?	The scope of the project required all dual occupancies to have car parking spaces. This is a common design outcome and is considered necessary given the site's location in Mudgee, which does not have a similar level of public transport as could be expected in larger cities.
2.03 Provide variety in massing and scale of build form within the development?	Four separate single storey dual occupancies are proposed across the site, which will provide an appropriate presentation to the streetscape.
2.08 Retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid-block deep-soil planting?	Redevelopment of the site requires the removal of some trees to enable the placement of buildings on the site. However, four trees are proposed to be retained at the site and additional mature trees will be planted in the rear POS to soften the built form and impact on neighbours.
2.12 Provide pedestrian paths?	Pedestrian access will be provided via each individual driveway serving each dual occupancy.

### 4.1.8 Good Design for Social Housing

An assessment of the proposed development against the *Good Design for Social Housing* document, published in September 2020, indicates that the proposed development has adequately considered the goals and principles as outlined in **Table 6** below. Refer to SLUDG Checklist in **Appendix N**.



Table 6 Good Design for Social Housing – Relevant Goals &amp; Principles

Goals	Principles	Comment - <i>Discussion on how the design responds to the principles:</i>
<i>Wellbeing</i>	Healthy environments Good for tenants Quality homes	Safe access is provided via proposed driveways to entries of the building. The units have been designed to ensure residents have privacy and feel safe. The development complies with BASIX requirements ( <b>Appendix J</b> ). The proposal includes high quality landscaping and outdoor areas to enhance the site amenity for residents and the streetscape.
<i>Belonging</i>	Mixed tenure Good shared and public spaces Contribute to local character	Front entrances are easily identified from the streetscape. Attractively designed landscaping has been located along the street frontage. The development is low-density in scale which minimises apparent bulk and scale. The building design and landscaping integrates with the surrounding residential neighbourhood.
<i>Value</i>	Whole of lifecycle approach Sustainability and resilience Make every dollar count	Low-maintenance landscape species and durable building materials have been selected. The orientation of each dwelling and private open space area has been designed to optimise natural light to these areas. Rainwater tanks are provided for the development to assist with sustainability and on-site water retention.
<i>Collaboration</i>	A good partner Place making Continuous improvement	Collaboration and consultation with key stakeholders was also incorporated at critical design milestones.

### 4.1.9 Land and Housing Corporation Design Requirements

The proposed development was designed in accordance with the *Land and Housing Corporation Dwelling Requirements* (refer to Certificate of Compliance from the Architect in **Appendix M**). These requirements were replaced by the *Land and Housing Corporation Design Requirements* in February 2023. The proposed development is generally in accordance with the provisions of the updated requirements, however the development does not however meet the NatHERS target rating minimum for class 1 and class 1A (being 7 Star NatHERS rating) with a maximum rating of 6.4 Star achieved. However, it does meet other requirements, such as, the LAHC Design Requirements preference for light coloured metal roofs, and therefore a lighter colour roof is proposed (Dulux Wallaby and Colorbond Dune). Therefore, in this instance, the proposed variations are considered to be acceptable as the development achieves BASIX targets and meets other requirements.

## 4.1.10 Other State Environmental Planning Policies

**Table 7** below outlines applicability of, and compliance with, other State and Environmental Planning Policies (SEPPs).

Table 7 Compliance with other applicable State and Environmental Planning Policies

State Environmental Planning Policy	Applicability
SEPP (Building Sustainability Index: BASIX) 2004	A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to <b>Appendix J</b> ).
SEPP (Transport and Infrastructure) 2021	The site is not located in close proximity to a classified road, rail infrastructure or electricity infrastructure, nor is the proposed development defined as traffic generating development.
SEPP (Biodiversity and Conservation) 2021	Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. Notwithstanding, Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.
SEPP (Resilience and Hazards) 2021	The site is located within a developed residential area of Mudgee, which has a history of residential uses. LAHC historical layout plans No. C/3753 AND A/3428/23 ( <b>Appendix L</b> ) indicates that the area was being developed for residential purposes from as early as 1966. Given the long-term continuous use of the land for residential purposes, the highly disturbed nature of the site, and given that the Section 10.7 Planning Certificates ( <b>Appendix E</b> ) have not identified the site as being potentially contaminated, it is unlikely that the subject land is affected by contamination. A recommended Identified Requirement (No. 17) requires implementation of management measures in the event of contamination being discovered during construction works.

## 4.2 Local Planning Controls

### 4.2.1 Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)

Compliance with the relevant provisions / development standards set out in the MWRLEP 2012 is demonstrated in

**Table 8** below.

Table 8 Mid-Western Regional Local Environmental Plan 2012

Relevant Provisions / Development Standards for Dual Occupancies			
Clause	Provision / Development Standard	Required	Provided
4.1A	Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing and residential flat buildings	(3) Despite any other provision of this plan, development consent may be granted to development on land to which this clause applies–  (a) for the purposes of a dual occupancy (attached), if the area of the lot is equal to or greater than <b>600 square metres</b> ,	Proposed lot 1 = 624m <sup>2</sup> Proposed lot 2 = 617m <sup>2</sup> Proposed lot 3 = 627m <sup>2</sup> Proposed lot 4 = 812m <sup>2</sup>
4.1B	Exceptions to minimum lot sizes for certain residential development	(2) Despite any other provision of this Plan, development consent may be granted to the subdivision of land to which this clause applies if–  (a) multi dwelling housing or a dual occupancy is lawfully erected on the land, and  (b) the area of each resulting lot will not be less than–  (i) <b>300 square metres</b> for a dual occupancy (attached) or multi dwelling housing, or	N/A – no subdivision of dual occupancies proposed at this stage.
4.3	Height of Buildings	(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 (8.5 metres)	Maximum building height (measured in accordance with the LEP definition) is 5.59m.
4.4	Floor Space Ratio	No maximum floor space ratio control is identified for the site.	N/A
5.10	Heritage	The site is not identified as a heritage item or within a heritage conservation area. The site is located south east of heritage item at 18-26 Mortimer Street Mudgee - General (Local) - 'Loneragans', House	No adverse impacts to heritage are anticipated.
6.4	Groundwater vulnerability	The site is identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map.	The development is not anticipated to have any adverse impacts on groundwater.
6.5	Terrestrial biodiversity	The site is not identified as having biodiversity sensitivity on the Sensitivity Biodiversity Map.	N/A

## 4.2.2 Mid-Western Regional Development Control Plan 2013 (MWRDCP 2013)

Mid-Western Regional Development Control Plan 2013 (MWRDCP 2013) contains specific development controls for dual occupancies (attached) which are addressed in **Table 9** below.

The general controls for all development set out in MWRDCP 213 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

Table 9 Mid-Western Regional Development Control Plan 2013

Compliance with setback controls for dual occupancies		
3.1 Residential Development In Urban Areas (Single Dwellings And Dual-Occupancies)		
Clause	Requirement	Proposed
<b>Front setback</b>	4.5m (front - primary) 5.5m to garage	Proposed Lot 1 = front 8.010m, garage 10.110m Proposed Lot 2 = front 7.175m, garage 9.220m Proposed Lot 3 = front 6.630m, garage 8.710m Proposed Lot 4 = front 6.010m, garage 7.505m
<b>Secondary Frontage for Corner Lots</b>	2m	Proposed Lot 4 = over 9.5m
<b>Side &amp; Rear</b>	900mm	Proposed Lot 1 = min. 1000m Proposed Lot 2 = min 950mm Proposed Lot 3 = min. 950mm Proposed Lot 4 = min. 2980mm
<b>Site coverage</b>	Deem to satisfy is 35% Max 50%	880m <sup>2</sup> site coverage = 33%
<b>Solar access</b>	Deem to satisfy.  Living areas and POS areas are to be located with a northerly aspect (i.e. on the north or eastern side of the building).	The living areas and POS areas are located on the northern or eastern sides of the proposed dwellings to ensure reasonable access to solar.
<b>Privacy</b>	Deem to satisfy  Dwellings must be single storey and have a finished floor level less than 1,000 mm above the natural ground level.	Dwellings are single storey and FFL is less than 1000mm above natural ground level.
<b>Parking</b>	Deem to Satisfy  Two (2) spaces per dwelling	Proposal includes 1 garage space for each dwelling with an additional parking space in front of each of these, providing 2 spaces each dwelling.  The proposal exceeds and satisfies Section 42 of the HSEPP (refer to Section 4.1.6 for details).
<b>Open Space</b>	Deem to satisfy  Private open space to be on the northern or eastern side of	POS proposed is to be located on the northern or eastern side of each dwelling:  Proposed Unit 1 = 79.38m <sup>2</sup>

Compliance with setback controls for dual occupancies		
	<p>dwelling with direct access to living areas.</p> <p>Area to be 80m<sup>2</sup> with a minimum dimension of 5 metres.</p>	<p>Proposed Unit 2 = 114.12m<sup>2</sup></p> <p>Proposed Unit 3 = 84.86m<sup>2</sup></p> <p>Proposed Unit 4 = 120.59m<sup>2</sup></p> <p>Proposed Unit 5 = 86.68 m<sup>2</sup></p> <p>Proposed Unit 6 = 121.57 m<sup>2</sup></p> <p>Proposed Unit 7 = 104.57 m<sup>2</sup></p> <p>Proposed Unit 8 = 87.10 m<sup>2</sup></p> <p>Unit 1 would have a very minor shortfall (0.62m<sup>2</sup>) but all POS has a minimum dimension of 5 metres and it is considered the minor non-compliance is acceptable in this case.</p>

## 5 Notification, Consultation and Consideration of Responses

### 5.1 Council Notification

In accordance with Section 43 of the Housing SEPP, MWR Council was notified of the development by letter dated 25 November 2022 (refer to **Appendix F**). The notification response period formally closed on 19 December 2022 and Council's planning department responded to the notification by email dated 15 December 2022. Comments from Council's Engineering referral and Water and Sewer referral were received on 9 February 2023, with matters raised outlined in **Table 10** below. Specific matters raised in these referrals were predominantly regarding stormwater and sewer requirements, and the Identified Requirements have been prepared taking into consideration Council's comments. Refer to Identified Requirements listed in the *Activity Determination* accompanying this REF.

Table 10 Issues raised in Council submission

Issues raised	Response
<b>Planning Comments</b>	
<i>Council is satisfied that the proposed development is appropriately designed from a town planning perspective. Council would ask that 1.8m high solid screen fencing is provided around all private open space areas.</i>	Plans have been updated to include a 1.8m high fence around all private open space areas.
<i>Matters regarding sewer, water and stormwater servicing will be examined separately by Council's Development Engineers.</i>	
<i>Tree 10 is a Chinese Elm and the arborist's report indicates it has very low retention value. The tree is located near the front boundary of the property. Council gives in principle support for the removal of the tree. As the tree is within the road reserve, approval under Section 138 of the Roads Act 1993 needs to be obtained for the removal of this tree.</i>	Council support for the removal of the tree is noted. Clause 5 of Schedule 2 of the savings, transitional and other provisions of the Roads Act 1993 provides that a Public Authority, such as the Land & Housing Corporation, does not require consent from a Road Authority to exercise its functions in respect of an unclassified road that is not a Crown road.  Consultation with Council in relation to planting any trees within the road reserve is required by Identified Requirement 18.
<b>Engineering Referral Comments</b>	
<i>As previously advised, concerns regarding the proposed stormwater arrangements with comments and concerns are as follows:</i>  <i>- Dwg 27736-C05 Proposed Stormwater Management Plan shows runoff from each dwelling site to be directed to both kerb and channel and inter-allotment drainage. This is generally acceptable.</i>  <i>- Hydraulic Analysis and Rainwater Tank details have been provided. These are also generally acceptable.</i>	Noted.



Issues raised	Response
<b><i>There is no detail provided regarding the proportional catchment split to determine quantities of flow to each proposed outlet.</i></b>	An overall catchment analysis has been provided on the Proposed Stormwater Management Plan ref: 27736-C05. Tank size has been nominated and outflow has been nominated. Proposed Stormwater Management Plan ref: 27736-C05 ( <b>Appendix B</b> ) was updated by the Engineer to show the front areas directly sheet flow to the street and the rear areas to inter allotment pits.
<b><i>Outlets to kerb in Winbourne Street may need to be a charged or wet system.</i></b>	A pit schedule has been added to the Proposed Stormwater Management Plan ref: 27736-C05. Pipe sizes and grades have also been added. Engineer confirmed no outlets to kerb proposed in Winbourne Street.
<b><i>There is no detail provided as to size, grades and levels of the inter-allotment drainage</i></b>	A pit schedule has been added to the Proposed Stormwater Management Plan ref: 27736-C05. Pipe sizes and grades have also been added.
<b><i>There is no detail provided as to pipe size, except for the 2x90mm uPVC pipes to kerb in Mulgoa Way</i></b>	A pit schedule has been added to the Proposed Stormwater Management Plan ref: 27736-C05. Pipe sizes and grades have also been added. The current design proposes a direct stormwater connection to the council's SW system at Mulgoa Way. In plan 27736-C05, an invert at connection has been updated to suit.
<b><i>While 2x90mm uPVC pipes to kerb in Mulgoa Way might be adequate to provide for the restricted rate of runoff from the tanks permitted by detention limiters the overflow from the tanks and inter-allotment drainage need to be sized to provide sufficient capacity for roof runoff generated by a 1:20 year ARI rain event. This is a BCA requirement</i></b>	<p>A pit schedule has been added to the Proposed Stormwater Management Plan ref: 27736-C05. Pipe sizes and grades have also been added. This has been designed to accommodate a 5% ALP (ARI 20 years equivalent).</p> <p>The Engineer has confirmed that inter allotment drainage system has been sized primarily to convey the rear area flow and the control discharge from the rainwater tank (RWT). However, this inter allotment drainage system has the capacity to safely convey the design peak flow that would arise assuming all the control flow from RWT become unfunctional and peak flow leaves the RWT by overflow provision. The Proposed Stormwater Management Plan ref: 27736-C05 shows these details.</p>
<b><i>To achieve adequate grades and capacity (for a 1:20 year ARI rain event to meet BCA requirements) the last internal pit on the inter-allotment drainage is likely to be at least 600mm deep. The 2x90mm uPVC pipe outlets will need to be set at a level closer to the surface to grade down to the kerb resulting in the pit holding water during and after a rain event.</i></b>	A direct stormwater connection to the Mulgoa Way is proposed to address this concern. The Proposed Stormwater Management Plan ref: 27736- C05 shows the updated details.

Issues raised	Response
<b><i>It is requested that Dwg 277-C05 be amended to address the above comments.</i></b>	The Proposed Stormwater Management Plan ref: 27736-C05 has been updated as above.
<b>Water and Sewer Comments</b>	
<b>Water</b>  <b><i>Noting that the proposal indicates Subdivision is to be undertaken an individual and separately metered water connection will need to be provided for each dwelling.</i></b>	Noted.  This has been included as Identified Requirement 79.
<b><i>This will require works to extend water main to link existing mains generally as shown on attached 'Water Main Extension Options' sketch as multiple road crossings are not preferred.</i></b>  <b><i>Extension Option 2 is the Council preferred option.</i></b>	A Proposed Water Plan has been added to the drawing set (ref: 27736-C07). This plan follows councils' recommendations.
<b><i>Proposed locations for Water Meter (WM) connections should also be shown on amended plans.</i></b>	Proposed water meter locations have been added to the drawing set on the Proposed Water Plan (ref: 27736-C07). This plan follows councils' recommendations.
<b>Sewer</b>  <b><i>The proposed sewer grades generally meet WSA minimum requirements.</i></b>  <b><i>However, construction of a new Sewer Manhole (SMH) in the Mulgoa Way road pavement is not acceptable.</i></b>	Noted.  Amended sewer plans and long section have been updated on plans refs: 27736-C03 and 27736-C04. This follows councils' recommendations.
<b><i>Please arrange for the sewer design to be amended generally as shown on the 'Sewer Amended Alignment' sketch attached so that the new SMH is located in the footpath / verge area.</i></b>	
<b><i>The amended design should also show where all new and amended proposed sewer junctions for each dwelling are to be located.</i></b>	Amended sewer plan have been updated on plan ref: 27736-C03. This shows sewer junction locations.
<b><i>Please clarify if the existing connection to SMH 'FA_03' is to be retained for Proposed Unit 7. If not utilised this line may be able to be de-commissioned.</i></b>	To ensure the retention of Tree 2, the pipeline will remain in situ. A note has been added to the plan to say connection will remain with both ends capped.
<b>General Notes</b>  <b><i>A Plan of Subdivision will need to extinguish any redundant easement and create appropriate easements over new services as necessary.</i></b>	Noted.  Identified Requirement 5 has been imposed to address this.
<b><i>Council policy is that any connections to 'live' mains (water and sewer) must be undertaken by Council. A Private Works application to quote for all alterations / connections to 'live' mains must be submitted at which time Council will advise whether Council will undertake the works or permit the work to be carried out under supervision.</i></b>	Noted.  This has been included as Identified Requirement no. 80.

Issues raised	Response
<i>Applications under the provisions of Section 138 of the Roads Act 1993 will also be required for all works to be undertaken in the road reserves.</i>	<p>Not required - Clause 5 of Schedule 2 of the savings, transitional and other provisions of the Roads Act 1993 provides that a Public Authority, such as the Land &amp; Housing Corporation, does not require consent from a Road Authority to exercise its functions in respect of an unclassified road that is not a Crown road.</p> <p>Identified requirement 18 has been imposed to ensure that council is consulted regarding any planting within the road reserve.</p>

## 5.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 43(1)(b) of the Housing SEPP, Mid-Western Regional Council was requested to nominate any other persons who should, in the Council's opinion, be notified of the development.

Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 10 August 2022. Council provided an email response on 10 August 2022 advising that the notification map is consistent with Council's Community Participation Plan and acceptable to Council. **Figure 13** illustrates the properties in which the occupiers and landowners were notified of the development.



Figure 14 Map of Properties Notified of the Proposed Development  
(Source: LAHC)

Under section 43(1)(b) of Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 25 November 2022. Copies of the notification letters are provided at **Appendix F**.

The notification response period formally closed on 19 December 2022, with no submissions received.

Occupiers of adjoining land were later re-notified in June 2023 regarding the proposed development, by letter dated 6 June 2023. Copies of the letters are provided at **Appendix F**.

Re-notification was undertaken because LAHC became aware that not all owners were notified during the initial notification process. Re-notification was necessary to ensure all owners and occupiers were given an opportunity to comment. Furthermore, the neighbour notification plans included in the original package did not include anything to indicate the scope or location of the sewer re-alignment that forms part of the proposal.

The subsequent notification response period formally closed on 30 June 2023. Two submissions were received.

Table 11: Issues raised by adjoining neighbours/owners

Issues raised	LAHC Response
<p><b>Submission 1:</b></p> <p><b>What are the seven structures shown on the plans along the rear fence line?</b></p> <p><b>No drainage drawing included in the notification package – request to view this plan.</b></p> <p><b>Request an existing bottlebrush tree that is not marked on the plan along the rear fence line in Lot 1 remains</b></p> <p><b>Ensure asbestos removal practices follow correct and legal procedures</b></p>	<p>The structures identified are washing lines.</p> <p>A copy of the stormwater plan was provided.</p> <p>As the tree is only 2-3 metres it was not part of the Arborist Impact Report and therefore not depicted on the Landscape Plan. In response it was advised, if possible, we will try to retain the tree but as its located on the rear fence line it's likely that it will need to be removed, as there is a plan to put in a new sewer line that will run along the back fence line. It was advised that if it is removed, then it will be replenished with something equivalent.</p> <p>Contractors will be reminded of their obligations to notify residents before any asbestos removal. Appropriate Identified Requirements related to asbestos removal is included in the Activity Determination.</p>
<p><b>Submission 2:</b></p> <p><b>Support for NSW LAHC undertaking the development and a suggestion that the number of 1 bedroom units in the development be increased, due to an unmet demand for low cost secure 1 bedroom properties in Mudgee.</b></p>	<p>This feedback is important for understanding local context and has been taken into consideration, however in this instance the proposal for 7 x 2-bedroom and 1 x 1-bedroom dwellings is considered appropriate for this site.</p>

## 5.3 Notification of Specified Public Authorities

The development is “residential development” under section 42 of the Housing SEPP. As required by section 42(5) of the Housing SEPP, consideration has been given to the need to notify the “specified public authorities” identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.

## 6 Review of Environmental Factors

Environmental factors associated with the proposed activity in terms of location, character, bulk and density, privacy, solar access and overshadowing have been considered in accordance with the provisions of the Housing SEPP and discussed in Section 4.1.6 of this REF. A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

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### 6.1 Neighbourhood Character

The site is located within an established low-density residential area characterised by older style, single storey detached dwelling houses of brick and fibro construction. Single storey 'cottage' style detached dwelling houses, similar to those on the subject site, adjoin the site to the north, south, east and west.

The wider surrounding locality is generally comprised of one to two-storey dwelling houses.

The proposed development is consistent with the existing character of the neighbourhood. The development presents as four detached dwelling houses on separate allotments, as opposed to larger dual occupancies. The proposal provides adequate separation between adjoining buildings, consists of a sloped roof, brick materials, and provides a front garden setting and perimeter plantings to deliver a built form outcome that is generally consistent with the planning controls and the character of the locality, and makes a positive contribution to the streetscape.

#### Mitigation Measures

No mitigation measures are required.

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### 6.2 Bulk and Density

The proposed development is compatible with the bulk and scale existing in the area, and satisfies Council's LEP controls for height. Council's LEP specifies a height control of 8.5m, whereas the proposed development provides a total height of 5.59m. There is no applicable FSR control under the LEP, however the dual occupancies have been designed to present as single storey detached dwelling houses, with a bulk and scale compatible for the surrounding locality.

The development is fully compliant with the key building envelope controls of the Mid-Western Regional DCP. The development has appropriately considered the context of the site and has been designed to complement its surroundings. The proposal exceeds the minimum landscaped area, private open space and deep soil requirements, which ensures the development makes a positive contribution to the streetscape and general locality.

The development has been designed to comply with *Seniors Living Policy: Urban design guidelines for infill development*. This policy requires the siting of the building envelope to minimise visual, privacy and overshadowing impacts on neighbours, increased landscaped areas between driveways, dwellings and boundaries and provides planting within side setbacks.

It is therefore considered that on balance, the proposed development provides an acceptable bulk and scale as viewed from the streetscape, that is consistent with the single storey residential character of the immediate locality.

#### **Mitigation Measures**

No mitigation measures are required.

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## **6.3 Streetscape**

The proposed development activity will make a positive contribution to the streetscape of Winbourne Street and Mulgoa Way, by virtue of the following:

- The proposed development will replace ageing housing stock that has reached the end of its economic life with a new contemporary, architecturally designed residential development.
- The development presents as four single storey detached dwellings, consistent with the low density scale of the locality.
- The front façade is modulated by projecting and recessed elements and further articulated through the use of different materials and textures.
- Significant landscaping being provided throughout the development, which will benefit the streetscape interactions, including the retention of the existing street tree on Winbourne Street, and planting of 209 plants, including 21 trees with a mature height ranging between 9-10m.

#### **Mitigation Measures**

No mitigation measures are required.

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## **6.4 Visual Impact**

The proposed development will have a short-term visual impact on the surrounding area during construction, with an altered long term positive visual impact associated with the establishment of new dwellings in an existing urban residential context. The retention of the existing mature tree within the front setback will help screen impacts during construction, and integrate the new dwelling into the existing streetscape once completed.

The proposed development will make a positive contribution to the residential streetscape through construction of new contemporary dwellings that respond to the site context and neighbourhood character. New landscape plantings within the setbacks and along the boundaries of the site will add to the long-term visual amenity of the surroundings.

#### **Mitigation Measures**

No mitigation measures are required.

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## **6.5 Privacy**

A reasonable level of privacy will be maintained by the proposed development, by virtue of the following:

- The dwellings are limited to a single storey and will therefore not result in elevated overlooking of adjoining properties.
- No elevated balconies, windows or openings are proposed that would overlook adjoining properties.



- Ground floor windows facing the side boundaries are adequately set back and boarded by 1.8m high boundary fencing and perimeter landscaping.

#### **Mitigation Measures**

No mitigation measures are required.

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## **6.6 Solar Access**

The proposed development has been designed to maximise direct sunlight access in midwinter. All units will achieve at least 3 hours of solar access to their living areas and POS at midwinter, which complies with the minimum of 70% stipulated in Section 108 of the Housing SEPP.

#### **Mitigation Measures**

No mitigation measures are required.

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## **6.7 Overshadowing**

The shadow diagrams in **Appendix A** indicate that the adjoining dwellings will continue to receive a minimum 3 hours of midwinter solar access to primary living and open space areas, by virtue of the development's single storey nature.

#### **Mitigation Measures**

No mitigation measures are required.

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## **6.8 Traffic & Parking**

Eight attached garages are provided, one for each dwelling proposed, will be available on site to serve the proposed development with an additional car space provided in front of each garage. . The provision of on-site car parking far exceeds the parking requirements set out in the Housing SEPP for developments carried out by LAHC. Additional parking is available on Winbourne Street and Mulgoa Way to accommodate any overflow parking demand generated by the proposed development.

Proposed on-site parking provision (16 spaces) exceeds the Housing SEPP, (Section 108), requirement by 8 spaces. The low-density nature of the use, availability of car parking and regional location means the development is likely to have a negligible increase in both the morning and afternoon peak periods. This generation of traffic will be slightly more than the existing dwellings on the site, however it is apparent that the proposed development will not result in any unsatisfactory traffic implications.

#### **Mitigation Measures**

No mitigation measures are required.

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## **6.9 Flora and Fauna**

An Arborist Impact Assessment has been prepared for the development by McArdle Arboricultural Consultancy (**Appendix I**). The report assessed the 22 trees which are located on the site or on the adjacent surrounding area.

A total of 3 trees are considered to have high retention value (Tree Numbers 1, 2 and 12) and 8 trees are considered to have moderate retention value (Tree Numbers 3, 5, 13, 14, 15, 17, 18 and 20). A further 11 trees are considered to be of low or very low retention value (Tree Numbers 4, 6, 7, 8, 9, 10, 11, 16, 19, 21 and 22).

The Arborist Impact Report recommends 18 trees are to be removed including Trees 1, 4, 6 – 13 & 15 – 22.

These trees are considered suitable for removal for a number of reasons. They either do not have special ecological or amenity value and therefore not considered to be worthy of preservation or they are considered very poor specimens, potentially hazardous or considered to be weed species which are best removed.

A total of 4 trees are to be retained including Trees 2, 3, 5 & 14, which are all of moderate to high retention value. These include a Red Spotted Gum tree (Tree 2), a Bottlebrush tree (Tree 3), a Silky Oak (Tree 5) tree and a Swamp Mahogany tree (Tree 14).

Replacement tree planting is proposed to replenish the trees to be removed at the site. A total of 21 replacement trees are to be planted (as shown in the Proposed Landscaping Plan in **Appendix A**). It is considered the replacement tree planting alongside the trees to be retained at the site, together with the proposed landscaping of the open spaces, will ensure appropriate canopy cover and help to provide habitat for indigenous species. The majority of the trees at the site were assessed as being low or very low retention value and as such it is considered the replacement tree planting with appropriate canopy sizes will ensure a positive landscape outcome for the site.

An extract of the proposed tree protection plan is provided below.

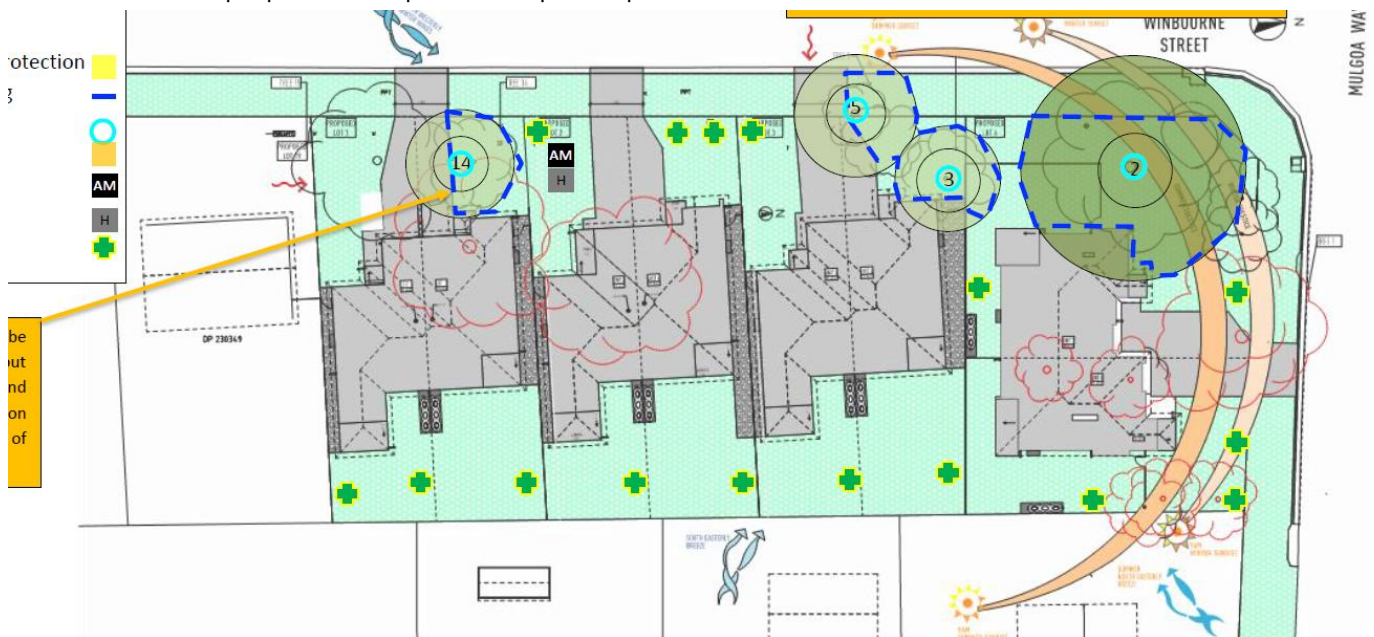


Figure 15 Tree Management Plan  
(Source: McArdle Arboricultural Consultancy)

## Mitigation Measures

The 4 trees to be retained require tree protection measures as follows (refer to Identified Requirement No. 74.):

- Tree protection fencing around the Tree Protection Zone (TPZ) during demolition to preserve the root zone around the TPZ and mature certified mulch spread 50-75mm deep to the extent of the dripline (not to exceed 100mm depth and not to have contact with the tree trunk).



- Tree trunk protection is required around the stems of the retained trees and are to consist of hessian, padding or geotextile fabric wrapped around the trees' trunk, with 1.8 metre lengths of timber spaced at small intervals and strapped over the top of the padding, not nailed or screwed into the trees.
- The retained trees require ground protection using rumbles boards over the TPZ to mitigate adverse impacts to the root zone and provide an elevated path for foot traffic.
- Trees 3, 5 and 14, which are near the proposed driveways and foundations, will require supervision so that these trees are not damaged during building works. They will require suspended slabs on beams and piers on geofabric on grade. A low-impact driveway is to consist of concrete reinforced slab laid on grade on 300mm width piers. Piers will need to be hand excavated or under supervision of an AQF level 5 arborist to reduce root damage to the preserved (retained) trees. Refer to Identified Requirement No. 73.
- All measures must be certified by an AQF level 5 arborist in accordance with AS 4970-2009 Protection of Trees on Development Sites. Refer to Identified Requirement No. 73.

The proposed replenishment planting includes 21 new trees in 45L volume pots, as shown on the proposed landscaping plan (**Appendix A**), which is in accordance with Council requirements for new tree plantings which also requires new trees to be native species or from a vegetation community present on site to compensate for loss of amenity. In this case the new trees are to be Dwarf Red Spotted Gum or Coral Gum species, both of which are native species.

Identified Requirement No. 73 requires the recommendations made in Section 5 of the Arborist Report to be implemented prior to and during construction of the development.

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## 6.10 Access

An Access Report has been prepared by Premise. This includes a design assessment of the proposed development under the Living Housing Design Silver Level performance criteria which is applied under the sub-headings of Dwelling Access, Dwelling Entrance, Internal Doors and Corridors, Toilet, Shower, Reinforcement of bathroom and toilet wall, and Internal Stairways (which in this case is not applicable as the development is single storey).

As detailed in the report, the proposed development achieves all applicable performance criteria.

### Mitigation measures

No mitigation measures are required.

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## 6.11 Geotechnical

A Geotechnical Investigation Report has been prepared for the development by Barnson to investigate the soil conditions of the site (**Appendix P**).

The report found the following general sub-surface conditions:

- A 0.2m-0.3m thick layer of topsoil was encountered at the boreholes. The topsoil material comprised of sandy silt.
- Alluvial soils were encountered throughout the boreholes. These generally comprised of slightly moist silty clay, clayey silt with traces of gravel and sandy clayey silt with traces of gravel to depths.
- Rock was not encountered during the investigation.

### Mitigation Measures

Identified Requirement No.74 is recommended to ensure the project proceeds in accordance with the recommendations detailed in sections 7 and 8 of the Barnson Geotechnical Report.

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## 6.12 Heritage (European / Indigenous)

No heritage items are identified in Mid-Western Regional Council's Section 10.7(2) & (5) Planning Certificates located on or in the vicinity of the site.

### Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 13 January 2023 (**Appendix H**), did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an Identified Requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

### Other Cultural Heritage

No cultural heritage items have been identified in MWR Council's Section 10.7(2) & (5) Planning Certificates and the likelihood of any heritage relics being discovered during excavation / construction is considered to be minimal.

### Mitigation Measures

A standard Identified Requirement (No. 46) has been applied should any cultural heritage relics be discovered on the site during excavation/construction.

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## 6.13 Contamination / Acid Sulfate Soils / Salinity

### Contamination

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by a policy restriction relating to contaminated land. Furthermore, a Geotechnical Investigation Report by Barnson was prepared for the proposal (**Appendix O**). This investigation including 3 boreholes dug on site including field mapping near the site. The conclusions of the report do not raise any concerns for contamination at the site and given the historical use of the site as residential accommodation it is unlikely the site poses any contamination concerns.

### Mitigation Measures

A standard Identified Requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition/construction works.

### Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not identified as being affected by acid sulfate soils.

### Mitigation Measures

No mitigation measures are required.

### **Salinity**

Council's Section 10.7(2) & (5) Planning Certificates indicate that the site is not affected by salinity.

### **Mitigation Measures**

No mitigation measures are required.

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## **6.14 Flood Prone Land / Drainage / Hydrology/ Water Quality**

### **Flooding**

According to Council's Section 10.7(2) & (5) Planning Certificates, the land has been identified as a flood control lot.

A Flood Certificate has been prepared by Structa Consulting Engineers which has reviewed the flood requirements of the proposed development. The report concluded that, based on a review of the available flood information from Mid-Western Regional Council, the location of the proposed dwelling has been identified as outside of any flood areas.

The flood certificate certifies the dwellings will comply with the flood requirements referenced in the Council's DCP and the requirements of the SEPP 2008 flood requirements as a whole under Clause 3.5 of Exempt and Complying Development Codes 2008, compliance with ABCB Standard for Construction in Building in Flood Hazard Areas - Class 1 building and/or accepted engineering principles.

### **Mitigation Measures**

No mitigation measures are required.

### **Stormwater drainage**

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements. Stormwater will be collected via a series of stormwater inlet pits draining to Winbourne Street at the site frontage for Units 1 to 6 and to Mulgoa Way for Units 7 & 8.

The proposed development has been designed to have no adverse impact on the hydrology or water quality within the local area.

### **Mitigation Measures**

Identified Requirements (Nos. 6-9, 14 & 35) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

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## **6.15 Bushfire Prone Land**

The Section 10.7(2) & (5) Planning Certificates issued by MWR Council for the subject site advise that the land is not bushfire prone.

### **Mitigation Measures**

No mitigation measures are required.

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## 6.16 Noise and Vibration

### During Demolition/Construction

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours consistent with the requirements for complying development. .

### During Occupation

Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development.

Buildings will be constructed to comply with the deemed-to-comply provisions of *the Building Code of Australia* with respect to noise transmission. Buildings to be designed and constructed to achieve internal noise level design targets.

### Mitigation Measures

Demolition/construction noise will be controlled to within acceptable limits by sound attenuation measures and undertaking construction activities within EPA/Council requirements.

Buildings will be constructed to comply with the deemed-to-comply provisions of the *Building Code of Australia* and EPA criteria with respect to noise transmission.

Appropriate standard Identified Requirements (Nos. 2, 60 & 61) have been applied to ensure compliance with the above mitigation measures.

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## 6.17 Air Quality / Asbestos

Temporary and localised air quality impacts including dust, smoke, grit, odours, and fumes might be generated during the clearing and excavation of the site and construction of the proposed development.

### Mitigation Measures

Appropriate standard identified requirements (Nos. 63 & 64) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

### Asbestos

An Asbestos Building Materials (ABM) Survey was undertaken by GHD for the proposed development to assess and document a risk assessment for all suspected asbestos containing materials (ACM) within the 5 buildings at the site to be demolished.

A register for asbestos containing materials found is detailed within Section 5.1 of the report including areas like wall linings, fascia panels, eaves lining etc.

### Mitigation Measures

All identified ACM must be removed prior to demolition in accordance with the Code of Practice: How to Safely Remove Asbestos, 2019 - SafeWork NSW. Refer to Identified Requirement No. 75.

This investigation was not exhaustive and the potential for ACM in areas not accessed remains. Prior to demolition, asbestos containing materials likely to be disturbed by those works must be removed in accordance with legislative requirements. Refer to Identified Requirement No. 76 & 77.

Should suspect materials be identified that are not identified within the asbestos building materials register or supporting systems, then the material should be sampled and analysed for the suspected hazard. If applicable, any associated works with potential to disturb the material are to cease and the area made safe. If the suspect material has already been disturbed, then the overarching provisions of an Asbestos Management Plan or similar, are to be followed, including advice sought from a suitably qualified and experienced professional. Refer to Identified Requirement No. 78 in the Activity Determination.

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## 6.18 Waste Minimisation

The following waste minimisation and management measures have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the demolition/building contractor.

### During Demolition

Demolition materials will be stored wholly within the site prior to removal for recycling or disposal. Demolition waste will be removed from the site to an approved waste management facility or will be recycled, as follows:

- concrete and bricks will be transported to an approved building waste collection facility;
- any asbestos sheeting and fibrous insulation will be handled according to SafeWork NSW requirements and disposed of to an approved building waste collection facility;
- mixed demolition materials will be transported to an approved building waste collection facility; and
- timber, metal, wall and roof cladding and other salvageable materials will be resold to various salvage yards where appropriate or disposed of at an approved building waste collection facility.

Specific intentions for recycling/re-use disposal of demolition waste will be determined by the demolition contractor prior to commencement of demolition.

### During Construction

Construction materials must be stored wholly within the site prior to removal for recycling or disposal. Construction materials waste must be removed from the site to an approved waste management facility or shall be recycled as follows:

- bricks, tile and concrete to be transported to building recycling facility;
- concrete shall be crushed and reused for filling, levelling or temporary road base;
- tiles shall be crushed and reused for filling, levelling or temporary road base;
- timber shall be sent to second hand suppliers;
- plasterboard shall be sent to building recycling facility; and
- metal offcuts from gutter and downpipes, etc. shall be recycled wherever possible.

### During Occupation

General and non-recyclable waste will be disposed of in Council's standard waste storage bins located in the garbage storage enclosures and placed on the street kerb by a LAHC contractor for collection by Council's waste services.



Paper / metal / glass will be disposed of in Council's standard waste recycling bins to be located in the garbage storage enclosures and placed on the street kerb by a LAHC contractor for collection by Council's waste services.

#### **Mitigation Measures**

Standard Identified Requirements (Nos. 41b, 48-56) are recommended to ensure construction/demolition waste is appropriately managed and disposed of.

A standard Identified Requirement (No. 45) is recommended to require the preparation of a final waste management plan for the demolition, construction and occupation phases of the development.

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## **6.19 Resource Use & Availability**

The proposed activity will not result in any discernable depletion or degradation of natural resources. The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal.

The recycling and reuse of materials during demolition, construction and on-going occupation of the proposed development will reduce the consumption of natural resources.

The proposed development is for the replacement of existing housing that has reached the end of its economic lifespan. The proposed development will provide contemporary housing that will satisfy current State Government environmental sustainability requirements, particularly through improved energy and water efficiency. These factors will ensure reduced depletion and degradation of natural resources in the long term.

#### **Mitigation Measures**

No additional mitigation measures are required.

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## **6.20 Community / Social Effects**

The proposed development will generate a number of positive community and social effects, including:

- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the MWR local government and surrounding area;
- assist LAHC in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing;
- improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency; and
- provide more accessible housing on the site.

#### **Mitigation Measures**

No mitigation measures are required.

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## **6.21 Economic Impact**

The proposed development is likely to contribute to a range of economic benefits in the MWR local government and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services;
- local sourcing of construction materials, where possible;
- the local sourcing of tradesmen and other construction-related professionals, where possible;
- on-going consumption from new/ additional households;
- the reduced maintenance costs of the newer housing; and
- savings associated with improved energy and water efficiency.

#### **Mitigation Measures**

No mitigation measures are required.

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## **6.22 Cumulative Impact Assessment**

The proposed activity is not likely to have singular or cumulative environmental impacts which would result in unacceptable adverse effects for the following reasons:

- the proposed activity will not result in any adverse cumulative impact when considered in conjunction with any other proposals or developments in the area;
- there will be no synergistic effects of individual project impacts from the proposed activity when considered in combination; and
- there are no known environmental stresses in the area of the proposed activity that would be increased.

#### **Mitigation Measures**

No mitigation measures are required.

## 7 Conclusion

The proposed activity, given its scale, location and design, will be sympathetic with its residential environment. Following a review of the site constraints, it has been determined that the subject land does not contain any significant environmental hazards and that there are no key issues that have been identified that require further assessment.

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Section 171 of the EP&A Regulation. Following an analysis of the potential impacts associated with the proposed activity it was determined that an environmental impact statement is not required.

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, MWRLEP 2012, and the design principles and better practices set out in the relevant guidelines.

In addition, and as demonstrated by the environmental impact analysis and assessment undertaken in this REF, the proposed activity will have environmental impacts that can be mitigated to an acceptable level in accordance with current applicable standards, will have a number of positive environmental effects in terms of the built environment and will deliver a range of social and economic benefits.

The proposed development will enable LAHC to meet the increasing demand for 1 and 2 bedroom dwellings in the local area. Therefore, the proposed development is clearly in the public interest.

## 8 Recommendation

Given the above review of environmental factors, it is recommended that LAHC proceed with the proposed activity subject to the implementation of the Identified Requirements listed in the Activity Determination.

## APPENDIX A – ARCHITECTURAL PLANS

## APPENDIX B - CIVIL PLANS



## APPENDIX C – SURVEY PLANS

## APPENDIX D – NOTIFICATION PLANS

## APPENDIX E – S.10.7 PLANNING CERTIFICATES

## APPENDIX F – NOTIFICATION LETTERS AND PUBLIC AUTHORITY RESPONSE

## APPENDIX G – ACCESS REPORT



## APPENDIX H – AHIMS

## APPENDIX I – ARBORIST REPORT

## APPENDIX J – BASIX CERTIFICATES

## APPENDIX K – NATHERS CERTIFICATE

## APPENDIX L – TITLES & DP

## APPENDIX M – DESIGN COMPLIANCE CERTIFICATES



## APPENDIX N – SENIORS LIVING POLICY CHECKLIST

## APPENDIX O – GEOTECH

## APPENDIX P – WASTE MANAGEMENT PLAN

## APPENDIX Q – FLOOD CERTIFICATE

## APPENDIX R – ASBESTOS REPORT