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Mid – Western Regional Council  
PO Box 156  
MUDGEE 2850

Dear Mr Rourke

### **VARIATION TO CLAUSE 20 – HEIGHT OF BUILDINGS IN CERTAIN AREAS**

Pursuant to Clause 21 of the Mid-Western Interim Local Environmental Plan it is considered that compliance with Clause 20 which requires a height limitation of 5 metres in the heritage conservation area is unreasonable and unnecessary in the circumstances of the development of the Southbank Regional Library for following reasons:

- The Mudgee LEP 1998 only extended the height restriction to the Gulgong Conservation Area. Under the 1998 plan the commercial area of Mudgee was covered by a *streetscape protection area* which did not include a height limitation. Unfortunately, the 5 metre height restriction was extended to the Mudgee commercial area in error under the Interim Local Environmental Plan when the *streetscape protection area* was converted to a conservation area. It is intended to increase the height limit in the Comprehensive LEP currently being prepared by Council to reflect the height of existing buildings in the commercial area.
- It is considered that the 7.3 metre high building is consistent with the height of buildings in the vicinity of the site and therefore would not adversely impact the visual amenity of the area. Buildings within the immediate vicinity include the Lawson Park Hotel, Regent Theatre and Big W. It is considered that the scale and height of the building is consistent with the commercial scale of the buildings in the area.
- Having regard to the stand alone nature of the building, it will not adversely impact on adjoining development through overshadowing.
- The buildings in the vicinity of the subject site are not oriented or designed to take advantage of any views across the subject site. Being commercial in nature the focus of the buildings is towards the main streets. There is no particular focus of views in the area with outlooks either being commercial or rural/ open space in nature. The Southbank building is designed to contribute positively to the landscape providing a landmark regional facility in a parkland setting.

There are no specific objectives for the height limit stated in the Interim LEP. It is considered that the most common reason for imposing such a development standard would be to ensure compatibility of design with surrounding development, protection from over shadowing and protection of views. As stated above it is considered that the imposition of the 5 metre height limitation is unreasonable and unnecessary in the circumstance of this building as the building can achieve these objectives with the current design.

The subject site is currently zoned Local Open Space. The objectives of the Open Space zone are:

- *To enable land that is or is to be owned by the Council to be used for open space or recreational purposes.*
- *To enable development to be carried out for the recreational needs of the local community.*
- *To enable related uses that will encourage the enjoyment of the land for recreational purposes.*
- *To enhance, restore and protect the natural environment for recreational purposes.*

It is considered that the proposal is not inconsistent with the objectives of the zone and that the proposed height of the building does not impede consistency with the objectives.

An objective of the Commercial Core, which is applied to land to the south of Short Street is:

*“To protect the historic building character and streetscapes of the town centres, and promote new and infill development that complements the scale and built form of existing buildings”*

As discussed previously the scale of the proposed building is consistent with the scale of commercial building in the vicinity of the site and therefore it is considered that the proposal is consistent with this objective.

The intent of the project is to provide a regional library facility that will cater for all age demographic groups in the community. It is considered that the public interested is served by the development proceeding and that the variation of the height limitation will cause no adverse impacts and therefore the standard is considered unnecessary and unreasonable in the circumstance of this development.

Should you have any queries in relation to this matter please contact Catherine Van Laeren on 63 782 832.

Yours faithfully



**WARWICK BENNETT**  
**GENERAL MANAGER**