

ATTACHMENT C:

ASSESSMENT: DEVELOPMENT CONTROL PLAN - MULTI DWELLING HOUSING

DEVELOPMENT CONTROL REQUIREMENT	PROPOSAL	COMPLIES?
Permissibility		
<p>The provisions of this section apply to multi dwelling housing, residential flat buildings, villa and town house forms of development.</p> <p>The location of multi-dwelling housing is only permissible on lots with an area of at least 1,200 m² and should comply with the following:</p> <ul style="list-style-type: none"> • Be located within the Heritage Conservation Areas of Mudgee or Gulgong and or within a Village Zone; or • Be on a lot with two street frontages; or • Be on any residential lot with a frontage width greater than 25m; or • Must not be located on a lot which adjoins a lot which is approved for or contains multiple dwellings outside the Heritage Conservation Areas of Mudgee or Gulgong and or within a Village zone. <p>It is Council's intent to strictly apply this criteria to manage expectations of residents and developers</p>	<p>Site area = 1.66 hectares</p> <p>Development is located on a lot that is >1200sqm and is located on a lot with two street frontages being George Street and Burrundulla Avenue. The frontage to Burrundulla Avenue is greater than 25m at 78.995m</p>	Complies
Built form – Design		
(a) Where existing buildings are to be retained as part of an overall proposal, those structures are to be upgraded to integrate with new development.	Not applicable – the site is vacant	Not applicable

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(b) Verandahs, steps in the roof line or other architectural features should be incorporated in the design to provide visual relief and to minimise the bulk and scale of the development.

Suitable architectural features such as verandahs, a variety of roof forms and exterior finishes have been incorporated to provide visual relief and to minimise the bulk and scale of the development.

Complies

- (c) The design of the proposal must:
- Optimises solar access and lot orientation; and
 - Be consistent with the appearance of the streetscape – the scale, spacing, setbacks, landscaping of buildings; and
 - Positively enhance the streetscape

- The majority of dwellings will have optimal solar access and orientation.
- Development will be consistent with the existing streetscape and adjoining dwellings that will positively enhance the streetscape.
- Image below provides an image montage of the proposed development within the existing streetscape.

Complies



Figure 1: Extract from *Design Verification Statement* provided with the application

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Built form – Building scale, height and bulk		
(a) Development, particularly when viewed from the street should be compatible with the scale of buildings in the immediate locality, consistent with the objectives of the zone and should not be visually obtrusive as a consequence of their height.	The development will be compatible with existing streetscapes. Single storey development will front Burrundulla Avenue on the south side and double storey on the north side, consistent with the scale of existing adjoining development. The proposed double storey development will not exceed the proposed building height limit of 8.5m and will not be visually obtrusive from the street.	Complies
(b) In determining appropriate building heights Council shall have regard for the scale of future development for which provision is made in the locality.	Single and double storey development is considered appropriate in the context of the surrounding established residential site and the scale of future development.	Complies
(c) The maximum height of the building at any point shall be measured as the vertical distance between the ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communications devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like	Maximum building height is 7.245m between ground level to ridge	Complies
(d) Buildings shall not exceed two storeys and generally should not exceed 8.5 metres in height.	Single and double storey units proposed with a maximum height of 5.08m and 7.245m respectively. The maximum height of 8.5m will not be exceeded.	Complies
(e) Each development or building will be assessed on its merits in terms of its visual impact on the streetscape and impact on the amenity, privacy, views and solar access of the surrounding properties.	Single storey dwellings are proposed to the south side of Burrundulla Avenue and double storey dwellings on the north side consistent with the existing streetscape. No dwellings will directly front George Street, however distant views to the development will be visible from the George Street access point. Internal amenity of the development is satisfactory. Impact on the amenity, privacy and solar access of the surrounding properties is assessed elsewhere in this report. The development is considered to be satisfactory, subject to conditions.	Complies
(f) Council may require an applicant to prepare and submit to Council shadow diagrams in order to determine the impact of a proposal on buildings and	Suitable shadow diagrams have been provided.	Complies

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landscaped areas. Such diagrams should be based on a survey of the relevant site and adjoining development. It is essential that shadow diagrams be based on such detailed information in view of the fact that the shadows are the result of the relative height of structures and not just the height of a structure above ground level. In this regard the resultant shadow cast by a structure can vary greatly depending whether the structure is uphill or downhill of the area in question.

The development will not unreasonably overshadow any adjoining properties. Overshadowing of POS within the development is discussed later in this report.

Setbacks

(a) 4.5 metres to street frontage

Minimum setback to Burrundulla Avenue is 4.5m

Complies

(b) 3.0 metres to side and rear boundaries

North

Unit 5 - 2.0m to north boundary to garage – **does not comply - variation of 33.3%**

Unit 6 – 3.0 complies

Unit 45 – complies

West

Units 20 to 39 – complies

South

Unit 20 – 3.0m – complies

Units 2 to 19 – complies

Unit 1 – 2.0m to garage – **does not comply - variation of 33.3%**

Partial non-compliance to side boundary in two locations (north and south boundaries at the Burrundulla frontage). The setback will be 2.0m instead of 3.0m representing 33.3% variation.

This variation is considered to be acceptable and is discussed at the end of this table.

(c) 3 metres to secondary frontages

Minimum setback to George Street is well in excess of 50m

Complies

Development density

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(a) The number of units accommodated on a specific site shall be as follows:

(i) These density standards apply to the towns of Kandos and Rylstone and to the areas of Mudgee and Gulgong outside the conservation areas, on lots with a single frontage of at least 25m or lots with two street frontages.

Unit Type	Site Area
1 Bedroom unit	1 dwelling unit per 300m ² of site
2 bedroom unit	1 dwelling unit per 380m ² of site
3 bedroom unit	1 dwelling unit per 450m ² of site

(ii) These density standards apply to the Gulgong and Mudgee Conservation areas:

Unit Type	Site Area
1 Bedroom unit	1 dwelling unit per 250m ² of site
2 bedroom unit	1 dwelling unit per 280m ² of site
3 bedroom unit	1 dwelling unit per 310m ² of site

(iii) the minimum floor area (excluding balconies and garages) for multi-dwelling housing are as follows;

(i) Part (i) applies as the site is located outside the Mudgee conservation area and has two street frontages. It is proposed to provide the following number of units:

- 10 x 1 Bedroom units
- 25 x 2 Bedroom units
- 12 x 3+ Bedroom units

Which equates to the following density requirements:

- $10 \times 300\text{m}^2 = 3000\text{m}^2$
- $25 \times 380\text{m}^2 = 9500\text{m}^2$
- $12 \times 450\text{m}^2 = 5400\text{m}^2$

Total site area required = 17,900m²

Actual site area = 16,660 m²

Accordingly the proposal does not comply with this standard.

(ii) Not applicable – site is outside the Mudgee Conservation area.

(iii) The proposed units comply with the standard, with floor area ranges as follows:

1 bed – 75.82m²

2 bed – 76.09m² to 95.49m²

3+ bed – 115.68m² to 138.93m²

(i) **Does not comply - variation considered acceptable**

The site requirements are 1.79ha and the site is 1.66ha. This represents a variation of 7%.

This is a minor variation which is considered acceptable, the variation is further discussed at the end of the table.

(ii) Not applicable – the site is located outside of the Mudgee Conservation area.

(iii) Complies

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Unit Type	Floor Area m ²
1 Bedroom unit	55
2 bedroom unit	70
3 bedroom unit	85

A residential flat building may contain any combination of one, two and three bedroom units.

Landscaping		
(a) Site landscaping must not be less than 40% of the site area.	Site landscaping is 42%.	Complies
(b) Landscaping shall consist of well advanced trees and shrubs, preferably with a predominance of native species.	Landscaping plans provided with the application indicated that native trees and shrubs are proposed to be utilised throughout the development.	Complies
(c) The area of the site between the front building line and the street frontage must be landscaped as common property to a depth of at least 5m.	Front building setback required under this table is 4.5m which is made available for landscaping	Complies
(d) landscaping is to be completed prior to the release of the Construction Certificate	The landscaping is more suited to be completed prior to the occupation of the development rather than the release of a construction certificate, in order to minimise damage during the construction phase.	<p><u>Variation to standard considered appropriate –</u></p> <p>Landscaping to be completed prior to release of Occupation Certificate.</p> <p>An appropriate landscaping plan has been provided with the application and will be included in the approved documents.</p>

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Site coverage and Private open space		
(a) The maximum site coverage (excluding driveways) for residential development on land identified for medium density development, as a percentage of the total site area, shall not exceed 40%.	Maximum site coverage calculated as 23%	Complies
(b) Each dwelling shall have a principal private open space with a minimum area of 40 square metres and a minimum dimension of 5 metres (width and depth). These areas must be directly accessed from the living areas. For the purposes of this clause, living area means any room or rooms within the dwelling which are generally available for day-to-day use by residents and visitors and include such rooms as lounge, dining and rumpus rooms	All dwellings except Unit 46 will have a POS of 40sqm with a minimum dimension of 5m which is accessible from living areas. The POS of Dwelling 46 is not compliant as it does not have a minimum dimension of 5m.	Partially complies except for Dwelling 46 - The suitability of the POS for this unit is further discussed at the end of this table.
(c) Rainwater tanks are not to be located within the principal private open space.	No rainwater tanks are located within the calculated POS areas.	Complies
(d) Patios, decks, balconies at or near ground level may only be counted as principal private open space, under the same roof, when they have a direct northerly aspect and are less than 25% of the overall private open space requirement.	Not applicable. No covered areas are included in the calculations of POS.	Not applicable
(e) Wherever a dimension is less than 5 metres, it will not be counted as part of the calculation for a principal private open space	No POS areas with a dimension of less than 5m have been included in their calculation.	Complies
(f) Where principal private open space in the front setback is permitted, these shall be located behind a suitably landscaped area with a minimum width of 1.5 metres to the front boundary. Such landscaping shall be maintained at all times to Council's satisfaction. Fencing of such areas will be incorporated into the landscaped area. The use of 'Colorbond' or similar fencing of these is prohibited in favour of timber or masonry materials	Dwelling 3 is proposed to have POS in front setback. Suitable conditions have been included in relation to this requirement.	Complies subject to condition.

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(g) For all forms of development, at least 75% of each required principal private open space area and internal living areas shall receive at least three hours effective sunlight between the hours of 9.00 am and 3.00 pm on 21 June (Winter solstice). Council may require submission of shadow diagrams to demonstrate compliance with the requirement above

85% of dwellings (i.e 40 out of the 47 units) will receive at least 75% to the private open space area.
89% of dwellings (i.e 42 out of the 47 units) will receive a minimum of 3 hrs daylight to living areas.

Partially complies
7 dwellings do not achieve minimum requirements for daylight to POS and 5 dwellings do not achieve minimum requirements for daylight to living areas.
Justification for this variation is provided at the end of this table.

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Vehicular Access and Parking

(a) The table for calculating the total number of car parking spaces required is shown below. One space only is to be allocated as resident parking for each dwelling with the remainder of the total requirement to be provided as visitor car parking, which is to remain available for use at all times. The second space required for a unit must be provided as general visitor parking or as an open space associated with the unit.

Type of Parking	Spaces provided
Residential Parking	1 space per 1 bedroom flat
	2 spaces per 2 bedroom flat (other than in the Conservation Areas of Mudgee and Gulgong and Village Zones in Rylstone and Kandos where the provision is 1 space per 2 bedroom flat)
	2 spaces per 3 bedroom flat or cluster dwelling
Overflow Parking	1 space per 5 units – not required for developments of 3 or less units

It is proposed to provide the following number of units:

- 10 x 1 Bedroom units
- 25 x 2 Bedroom units
- 12 x 3+ Bedroom units

This will require the following number of car spaces:

1 space x 10 1BR unit = 10 spaces

2 spaces x 25 2BR unit = 50 spaces

2 spaces x 12 3+BR unit = 24 spaces

Overflow parking (1 space per 5 units) @ 47 units = 9.4 spaces

Total car spaces required = 93.4 spaces.

A total of 93 spaces is provided on site either on the internal private road or in conjunction with individual units.

Complies

(b) For dwellings above commercial premises, car parking shall be provided at the abovementioned rates, except in the case of a single dwelling, which requires one car parking space only.

Not applicable

Not applicable

(c) Car parking must be designed so that either ingress to or egress from each space can be achieved in one movement.

Suitable car parking spaces have been provided.

Complies

(d) Parking shall be located so that vehicles can enter and leave in a forward direction

Yes

Complies

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(e) All geometric standards applicable to site access and car parking layout are to be in accordance with Council's Development Control Plan – Car Parking.	Yes, details shown on plan	Complies
Vehicle access design		
(f) Driveways are not to be continuous straight lines and are to be offset by landscaped sections and/or unit layout.	Internal access road to contain landscaped area.	Complies
(g) Driveways are to be designed as follows: <ul style="list-style-type: none"> • A pavement width of 3 metres is required for developments of 3 to 4 dwellings. • A pavement width of 6 metres is required for developments of 5 or more dwellings. • Where the length of driveway exceeds 30m, the width of pavement must be 6m at intervals. This width may be varied along its length subject to provision being made for passing along the driveway. 	Individual driveways will have a minimum width of 3m. The internal access roads will have a pavement width of between 6m and 8.7m	Complies
(h) Where access is to a major road a pavement width of not less than 6 metres for the first 5 metres of the driveway adjoining the road boundary is to be provided.	The development access local residential streets and does not link to a major road. Notwithstanding this the internal access road will have a minimum pavement width of 6m.	Complies
(i) Driveways are to be offset a minimum of 2 metres from any side boundary for the full length of the required front setback (ie. 6 metres or 7.5 metres). The setback area should be suitably landscaped to screen the hardstand driveway surfaces and to provide visual appeal to the streetscape	Driveways to Burrundulla Avenue have a minimum setback of 2m to the side boundary.	Complies
Privacy and amenity		
Where windows or balconies of dwellings are within 6 metres and facing windows or balconies of adjacent dwellings, windows must be offset by a minimum of 1 metre from the edge of the opposite window and	The internal layout of the development has been appropriately designed to ensure visual privacy throughout the development. Where overlooking cannot be avoided, windows have been offset from each other or high window sills incorporated.	Complies

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balconies be screened or oriented to ensure visual privacy.		
Window openings at first floor level and above should be orientated or designed to minimise the potential for overlooking of adjacent properties and the consequent loss of privacy.	<p>A row of 20 double storey dwellings will face the west boundary and consist of Types 6 and 7. The ground floor of the dwellings (including deck) have a minimum setback of 6.1m to the adjoining boundary, with upper floor windows setback a minimum of 8.0m. Only Dwelling Types 7A, 7B and 7C have upper floor windows facing the boundary.</p> <p>West Boundary</p> <p><u>Units 20-25 adjoining west boundary</u> Unit 20 will not result in overlooking (south wall has no windows and Type 7A does not have a west facing b/room window).</p> <p>Unit 21 is a Type 6A and may have direct views into the POS of Unit 4, 12 Denison Street – accordingly, screening required.</p> <p>Units 22-25 will be opposite the rear open space of 27 George Street. This is not the primary open space of this dwelling and accordingly no unreasonable overlooking resulting from dwellings.</p> <p><u>Units 26-35 adjoining 21 George Street</u> Units 26 to 35 are double storey and are located adjacent to 21 George Street which contains a dwelling and swimming pool close to the boundary – refer Figure 2 below which shows an aerial image.</p>	<p>Generally complies. Windows which overlooking will required screening as per below:</p> <ol style="list-style-type: none"> 1. Units 26, 28, 31, 32 and 34 (Type 6 dwellings) to upper floor bedroom windows facing the west boundary (protect views to 21 George Street). 2. Unit 21 to upper floor bedroom windows facing the west boundary (protect views to 4/12 Denison). 3. East facing living areas of Type 4A Units 40 and 46 (one bedroom unit above garage) to protect direct views into the POS of 8

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Burrundulla Avenue.

Figure 2: Aerial image showing location of dwelling at 21 George Street located to the west of subject site and highlighted in yellow.

Units 26 to 34 relate to dwelling types 6A, 6B, 6C and 7A, 7B and 7C. Dwelling Types 6A, 6B and 6C will have an upper storey bedroom window which faces the adjoining property. These types of dwellings are located at 5 of the 10 dwellings (Units 26, 28, 31, 32 and 34) and screening will be required to prevent overlooking as per the requirements of the standard below. The remaining types (7A, 7B and 7C) whilst double storey do not have any windows which face the adjoining property.

Units 35-39 adjoining west boundary

Units 35-39 will be located to the rear of 19 George Street, the upper storey windows will only have views over the very rear of this site and not the primary open space of the dwelling (which is located closed to the

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	<p>dwelling fronting George Street). No unreasonable overlooking and therefore no additional screening requirements necessary.</p> <p>North and East Boundary <u>Units 40-45 facing north and east boundary (Type 4A).</u></p> <p>Unit 45 does not have any habitable upper storey windows. The only window is an ensuite. The flat above the garage will have a bedroom window which faces the north boundary however this is opposite a driveway. The living room window will face the east boundary and have direct views into the POS of 8 Burrundulla Ave. Accordingly this window is to be treated as per the following standard.</p> <p>The one bedroom unit above the garage associated with Unit 40 will also have a living room window which will face the east boundary and will look into the same property as above and accordingly will also require treatment to manage unreasonable overlooking.</p>	
<p>Windows which are orientated towards adjoining properties and do not adequately restrict overlooking will be required to be opaque finish or located at appropriate heights above floor level to minimise overlooking of adjoining properties.</p>	<p>As per the assessment against the previous standard, treatment to protect privacy to adjoining properties will be required as follows:</p> <ul style="list-style-type: none"> • West facing upper storey bedroom window of Unit 21 to protect direct views into the POS of Unit 4, 12 Denison Street. • West facing upper storey bedroom windows directly opposite 21 George Street associated with Types 6A, 6B and 6C units (Units 26, 28, 31, 32 and 34) to be screened to protect views into the POS. • East facing living areas of Type 4A Units 40 and 46 (one bedroom unit above garage) to protect direct views into the POS of 8 Burrundulla Avenue. 	<p>Complies subject to conditions.</p>
<p>All developments are required to provide a 1.8m high fence on the boundary of the development site and between private open space areas of individual units</p>	<p>A 1.8m will be provided where necessary</p>	<p>Complies</p>

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All fencing is to be provided at full cost to the developer. All fencing which is in front of the building line shall be constructed of timber and/or masonry materials.	Yes. Condition of consent	Complies
Acoustic privacy		
(a) Site layout should separate active recreational areas, parking areas, vehicle accessways and service equipment areas from bedroom areas of dwellings.	The site layout is considered adequate with recreation, parking, accessways and service equipment suitably separated from bedroom areas.	Complies
(b) Development adjacent to high levels of uncontrollable external noise shall incorporate a building design and external wall treatments to minimise the entry of that noise.	Design has been incorporated to minimise noise. Notwithstanding this, the site is located in a residential area and is not located in the vicinity of high levels of uncontrollable noise.	Complies
Waste disposal		
Development applications should provide details of an appropriate means of waste disposal via the provision of individual 240 litre mobile garbage, recycling bins to each dwelling.	Each dwelling will have their own 240L garbage and recycling bin.	Complies
All dwellings should provide an external access to the rear of the development (private open space area) to enable garbage bins to be taken to the street without the need for moving the bins through the dwelling. A garage can be used for this purpose if it provides direct access to the rear courtyard. All garbage bins should be stored within the private open space or garage of the dwelling.	A waste management plan has been provided with the application which provides adequate areas for bin storage either within the property or at within a bin storage area close to the dwelling.	Complies
Waste disposal collection points should not compromise the amenity of future residents in terms of noise, odour or aesthetic impact	Private waste service will be required to access and collect bins along the internal private road.	Complies

VARIATIONS TO STANDARDS

1. **Setbacks** – The side setback of the development is required to be 3m. A 2m setback is provided on the north and south side setbacks where the development fronts Burrundulla Avenue, representing a variation of 33.3%. The applicant has provided the following justification for this variation:

“3m side and rear setbacks has been achieved generally for all dwellings within the subdivision, however, proposed Dwellings 1 and 4 propose a small encroachment on the 3 metre side setback to the adjoining properties, this encroachment is only for the extent of the proposed garage and are in locations where potential for adverse impacts on neighbouring property (or streetscape) is minimal. The garages in this location proposed two metre setbacks to the side boundary.”

The above justification is considered to be acceptable.

2. **Development density** - The site requirements are 1.79ha and the site is 1.66ha, representing a variation of 7%. The applicant has provided the following justification for the variation:

“Whilst the development density provisions are important to consider, density controls are one element in ensuring appropriate design outcomes are achieved. Controlling density in the absence of Floor Space Ratio controls is also intended to ensure appropriate densities are achieved with relation to existing services and infrastructure.

In respect to the subject site, it is unique in that it has two site frontages, one of which is 80 metres of which this width continues through the site and has two frontages. This site configuration and limited constraints as well as in close proximity to services and infrastructure. The actual detailed design outcomes on site ensures other relevant controls can generally be met and where outcomes are not entirely consistent with the prescribed DCP outcomes there is rational behind these outcomes. The proposed density represents an approximate 7% increase from the prescribed density.

When considering the dwelling density, nature of the dwellings, built form outcomes, proposed outdoor spaces including central passive recreation area, landscaped areas being in excess of the standards and the minor variation (approximately 7%) from that of the standard is considered wholly reasonable.”

The above justification is considered appropriate.

3. **Site coverage and Private open space** –

The following dwellings have non-compliance with one of the standards relating to “site coverage and private open space”.

1. Unit 46 does not meet minimum POS requirements of 40sqm with a minimum dimension of 5m.

do gain some solar access. Whilst it may not be focused on the living areas during mid-winter, these dwellings do benefit from solar access in part. The challenges largely a result of orientation and managing impacts on other dwellings, whilst still achieving an overall acceptable outcome. Whilst not active “living areas” there remains useable spaces within and attached to the dwellings that benefit from levels of solar access such as porch and deck type areas or bedroom and other areas that benefit.

With respect to solar access and Private Open Space areas, only a small number of dwellings are not strictly compliant with the required 3 hours solar access midwinter to POS these dwellings include Units 1, 2, 9, 10,11, 18, 19. It is important to recognise that Units 2, 9, 10, 11 do obtain solar access midwinter to living areas, but just don't fulfil the outdoor requirements. Whilst 1, 18 and 19 also do not benefit from solar access to POS areas but do benefit from areas in the front setback that may gain solar access at these times. Whilst the identified POS of each dwelling may not benefit, there are areas within its “Lot” that are useable and do benefit from solar access. Landscaping proposed, various treatments and the nature of the whole development is intended that the housing creates a community within the development. Residents of these dwellings that may not be entirely compliant with solar access to POS could also utilise other areas i.e. centrally located landscaped area for activities at different times.”