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19 October 2021

The General Manager  
Mid-Western Regional Council  
PO Box 156  
MUDGEE NSW 2850

Dear Sir/Madam,

**RE: Development Application for Replacement Signage at the Existing Caltex Service Station at 114-118 Church Street, Mudgee NSW 2850**

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## 1 INTRODUCTION

SLR Consulting Australia Pty Ltd (SLR) have prepared this Statement of Environmental Effects (SEE) on behalf of Caltex Australia Petroleum Pty Ltd (Caltex) for the proposed replacement signage to reflect the Ampol rebranding at the existing Caltex service station at 114-118 Church Street, Mudgee.

This Statement of Environmental Effects (SEE) describes the site, its environments, the proposed modification and an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). Refer to Architectural Plans prepared by Urbis at Appendix A for full details.

This SEE, including attachments, provides an overall comment on the proposal.

### 1.1 BACKGROUND

Based on a search of Council's DA Tracker, the following development applications were found for the site:

DA0330/2008 - Decommissioning and installation of underground fuel storage systems - Caltex Service Station - 114-118 Church Street MUDGEE NSW 2850

## 2 THE SITE AND SURROUNDS

The site is located on Church Street within the Mid-Western Regional Local Government Area (LGA). It is legally described as Lot 1&3 DP 516390, and is commonly known as 114-118 Church Street, Mudgee. Access to the site is provided via separate ingress and egress driveways on Church Street. Refer to Figures 1 and 2 for details of the site and its surrounds.

The site currently contains a Caltex service station, convenience store, and associated car parking. Land uses within vicinity of the site are comprised of a mix of residential and commercial use.

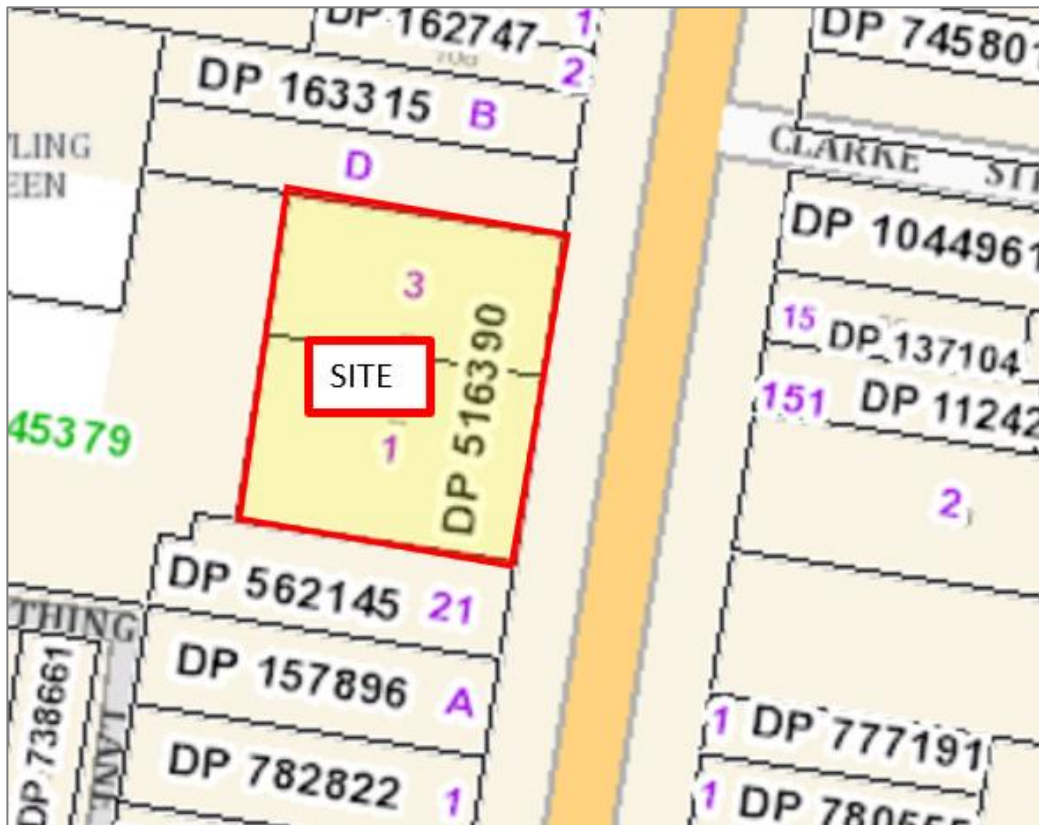
Refer to the following photographs for the existing site and surrounding uses.



Figure 1 – Site Aerial (Source: Six Maps)



Figure 2 – Site Cadastre (Source: Six Maps)



Photograph 1 – View of Existing site from Church Street (Source: Google Maps)



### 3 PROPOSAL

The proposed development is for replacement signage at the existing Caltex service station to reflect the Ampol rebranding. The proposed replacement signage reflects the rebranding of Caltex service stations to Ampol service stations Australia wide.

The proposed works specifically involve:

- + Replacement Signage including;
  - Removal and Replacement of Main ID Pole Sign;
  - Removal and Replacement of Fuel Price Sign;
  - Removal and Replacement of Car Canopy Fascia Signage; and
  - Removal and replacement of Shopfront Fascia Signage
- + Other minor works as identified on the plans at Appendix A.

No changes to the internal figuration or built form of the existing convenience store building are proposed. The proposal will not impact operational factors such as deliveries and waste management, operational hours and staffing. Additionally, the proposal will not alter existing access to the site.

Refer to the Architectural Plans at Appendix A for full details of the proposed works.

### 4 LEGISLATION AND PLANNING CONTROLS

The following legislation, Environmental Planning Instruments (EPI's) and Development Control Plan (DCP) are relevant to the proposed development and have been addressed below:

- + Environmental Planning and Assessment Act 1979;
- + State Environmental Planning Policy (Infrastructure) 2007
- + State Environmental Planning Policy No 64 – Advertising and Signage;
- + Mid-Western Regional Local Environmental Plan (LEP) 2012; and
- + Mid-Western Regional Development Control Plan (DCP) 2013.

#### 4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT 1979)

The proposal is subject to the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). Section 4.15 of the EP&A Act 1979 provides criteria which a consent authority is to take into consideration, where relevant, when considering a DA. An assessment of the DA, in accordance with the relevant matters prescribed under Section 4.15 (1), is provided within this SEE.

#### 4.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) aims to facilitate the efficient delivery of Infrastructure across the State. The relevant clauses of the Infrastructure SEPP are set out below.

Clause 45 - Determination of development application – other development

- (1) *This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:*
- (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
  - (b) *development carried out:*
    - (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
    - (ii) *immediately adjacent to an electricity substation, or*
    - (iii) *within 5m of an exposed overhead electricity power line,*

Clause 45 requires the consent authority to give written notice to the electricity supply authority in certain circumstances, as well as give consideration to any response received within 21 days. The works are located adjacent to exposed overhead power lines, however due to the minor nature of the signage replacement works it is not considered that referral to the electricity supply authority is required.

#### 4.3 STATE ENVIRONMENTAL PLANNING POLICY NO 64 – ADVERTISING AND SIGNAGE

As stated in Section 3, approval is sought for replacement signage in an order to reflect the nation-wide rebranding from Caltex to Ampol service stations. The signs will relate only to the use within the tenancy and feature business identification content.

It is considered that the signage scheme proposed is consistent with the requirements outlined within SEPP 64 as detailed below.

Clause 8 of SEPP 64 states the following:

*"A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:*

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1."*

The assessment criteria in Schedule 1 of the SEPP relates to matters for consideration such as character of the area; amenity of residential areas; views and vistas; streetscape, setting and landscape; site and building compatibility; illumination; and safety.

A detailed assessment of the proposal against the provisions of SEPP 64 is provided in Appendix C attached to this SEE. Overall, the proposed signage meets the applicable criteria of SEPP 64 and is consistent with the aims of this SEPP.

#### 4.4 MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN (LEP) 2012

The site is subject to the provisions of the Mid-Western Regional Local Environmental Plan 2012 (LEP). The site is zoned B3 Commercial Core under the LEP 2012 (Refer to Figure 3). The site is also located in the Mudgee Heritage Conservation Area under the LEP, however this development is not to detract this.

Figure 3 – Land Zoning Map Extract from Mid-Western Regional LEP 2012 (LZN\_006G)



#### **Zone B3 Commercial Core**

##### **1 Objectives of zone**

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To promote the central business district of Mudgee as the major focus for retail and commercial activity in Mid-Western Regional.
- To consolidate business development in the Mudgee town centre and avoid unnecessary or inappropriate expansion of business-related land uses into surrounding residential neighbourhoods.
- To ensure that new development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core area.

- To ensure that the form and layout of new development is designed to encourage free pedestrian movement and connectivity within the commercial core.

## **2 Permitted without consent**

*Roads; Water reticulation systems*

## **3 Permitted with consent**

*Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4*

## **4 Prohibited**

*Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Service stations; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures; Water storage facilities; Water treatment facilities; Wholesale supplies*

A service station is prohibited within the B3 Commercial Core zone. However, the proposal will not alter the existing approved service station use at the site.

### Clause 4.3 Height of Buildings

The maximum height of building for the site is 8.5m. The proposed alterations will not increase the existing height of the service station building or ancillary structures on site.

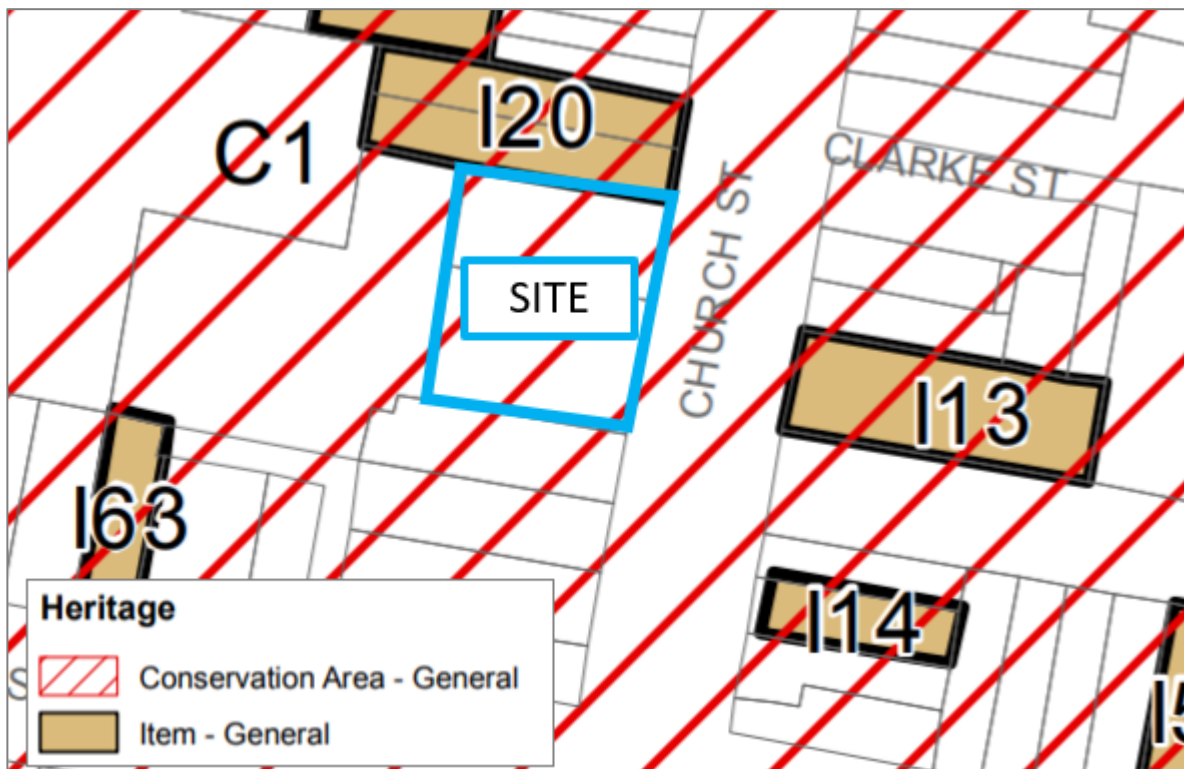
### Clause 4.4 Floor Space ratio

Maximum floor space ratios are not imposed for the site. The proposal alterations to signage will not impact upon the sites existing FSR.

### Clause 5.10 Heritage Conservation Area

The site is located within the Mudgee Heritage Conservation Area which is of local significance. The site is also located adjacent to heritage item number I20 (Terrace Houses) on 110-112 Church Street as well as item I13 ("Afton" house) on 63 Church Street, which are of local significance. The proposed development is replacement of existing signage on site and ultimately does not detract from the heritage significance of the area. The heritage conservation area and the adjacent heritage items will be preserved through this proposal as it includes only compatible signage designs, materials and colours and the use of existing signage spaces.

Figure 4 – Heritage Map Extract from Mid-Western Regional LEP 2012 (HER\_006G)



#### 4.5 MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013

The Mid-Western Regional Development Control Plan 2013 applies to all land within the Mid-Western Regional LGA. The following sections are specifically relevant to the proposal:

- + Part 4 Specific Types of Development
  - 4.4 Signage

An assessment of the relevant development controls has been carried out and a table of compliance can be located at Appendix B of this SEE.

## 5 ASSESSMENT OF PLANNING ISSUES

The following is an assessment of the environmental effects of the proposed alterations to signage as described in the preceding sections of this SEE. The assessment considers only those matters under Section 4.15(1) of the EP&A Act 1979 that are relevant to the proposal.

### 5.1 VISUAL IMPACT

The proposed replacement signage has been designed to integrate with the existing building features and results in an overall simple and uncluttered external appearance. The proposed signage will not detract from surrounding development but will complement the surrounding area. Additionally, the signage will utilise high quality materials that are sympathetic to the existing building and built form of the area.

The proposal includes illumination elements which will be at appropriate LUX levels, generally consistent with other illuminated signs within the area. The signage will be illuminated at a maximum rate of 335 > 344 cd/m<sup>2</sup>. Illumination will comply with both Section 3 (Advertisements and Road safety) of the NSW Department of Planning and Environment Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017) and AS 4282—1997, Control of the obtrusive effects of outdoor lighting. As such, illuminated signs are not expected to distract pedestrians, motorist or road users on Church Street.

The proposal will provide high quality signage that will contribute to the aesthetics of the streetscape. The proposed signage is not expected to result in any adverse visual or amenity impacts. Further details outlining compliance with the Mid-Western Regional DCP is provided in Appendix B of this SEE.

## **5.1 HERITAGE IMPACTS**

The replacement signage is not considered to result in any adverse impacts to the Mudgee Heritage Conservation area in which it is located, or the adjacent heritage items. The proposed signage is of a similar scale and proportions to the existing signage, and the proposal is not considered to have any adverse impacts on the heritage significance of the area. The proposed signage will have no impact to the adjacent heritage item. Due to the previously approved works on the site, including signage upgrades, the proposal replacement signage is considered suitable for the site. The proposed works are considered minor in nature and therefore are considered appropriate for the site and its existing use as a service station.

## **5.2 WASTE MANAGEMENT**

Demolition/construction waste shall be appropriately managed on site and recycled where possible in accordance with sustainability principles, as detailed in the Waste Management Plan provided in Appendix D. Operational waste management will remain unchanged by the proposal.



## 6 CONCLUSION

The proposed replacement signage at the existing service station at 114-118 Church Street, Mudgee will upgrade the site while appropriately reflecting the rebranding of the service station from Caltex to Ampol. The proposal is minor in nature and not considered likely to create any adverse impacts in terms of light spill or illumination, visual obtrusiveness to pedestrians or passing traffic, or impacts to the visual character of the area.

As discussed above, the proposed development is generally consistent and compliant with the aims and objectives of all relevant legislation, planning instruments and controls. The site is located in a heritage area, but the proposal only involves replacement signage at the existing and approved service station.

Given the merit of the proposal and the absence of any significant adverse impacts, the application is considered to be in the public interest and worthy of Council's support. Should you have any questions please do not hesitate to contact the undersigned.

Yours sincerely



Theo Klok  
**Town Planner**  
**SLR Consulting Australia Pty Ltd**

### **Appendices:**

- Appendix A – Architectural Plans
- Appendix B – DCP Compliance Table
- Appendix C – SEPP 64 Schedule 1 Assessment Criteria
- Appendix D – Waste Management Plan

**APPENDIX A – ARCHITECTURAL PLANS**

Urbis

## APPENDIX B – DCP COMPLIANCE TABLE

SLR Consulting Australia Pty Ltd

### MID-WESTERN REGIONAL DCP 2013 COMPLIANCE TABLE

Control	Requirement	Comment	Compliance
<b>Section 2 – Controls that apply to all development</b>			
<b>2.4 Signage</b>			
Signs in Towns and Villages	(a) The streetscapes in the business areas of Mudgee, Gulgong, Rylstone and Hargraves are within a heritage conservation and particular attention is paid to the preservation and enhancement of the character and appearance of these areas.	The signage is not to alter the existing streetscape of the Mudgee township.	Y
Heritage Conservation Areas	(b) Corporate identification should be carefully selected and amended where necessary to Above : Unacceptable display of Signs Below: Acceptable display of Signs Mid-Western Regional Development Control Plan Page 34 retain the character of individual buildings and the surrounding locality.	Corporate identification is consistent with the existing signage on site.	Y
	(c) Generally signs on individual buildings or within areas of special significance should be discreet and should complement the building or area. An important element of Council's planning policies involves the careful control of all advertisements, and external building colours in the main business areas.	Signage will be of the same level of discretion as the existing signage and will continue to complement the existing building and area,	Y
Business Areas	(a) Generally a maximum signage area per commercial building (regardless on number of tenancies) of 25% of the frontage is permitted per building.	Noted, the frontage is approximately 47m. Therefore, signage is expected to exceed this control. However, as does the existing signage.	N – Justified
	(b) Under-awning/verandah signs must have a minimum height of 2.6 metres distance from the pavement to the bottom of the sign and protrude no further than a maximum length of 3.5 metres as measured from the front wall of the commercial building and will not protrude beyond the line of the awning/verandah.	No under-awning or verandah signs proposed. N/A.	N/A

<p>(c) Additional pylon signs, projecting wall signs, above awning signs, illuminated wall signs located above the verandah or awning and roof signs are not permitted in both Mudgee and Gulgong business areas.</p> <p>(d) Wall signs should be either painted directly onto the building or constructed of painted wood, or coated at point of manufacture or powdercoated flat metal sheets. Wall signs utilising plastic or modern metal materials are not favoured. Specific consideration should be given to buildings that are Heritage Items or within a Heritage Conservation Area. In those instances it is recommended that you discuss your proposal with the Town Planning Section or Heritage Advisor prior to finalising the design.</p>	<p>Only one pole sign exists on site, the fuel price sign is not considered a pylon sign as it is a requirement under NSW Fair Trading regulations.</p> <p>No wall signs proposed. N/A.</p>	<p>Y</p> <p>N/A</p>
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## APPENDIX C – SEPP 64 SCHEDULE 1 ASSESSMENT CRITERIA

SLR Consulting Australia Pty Ltd

Assessment Criteria		Comment	Compliance
1) Character of the area	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes, the proposed signage, being replacement signage, continues to be compatible with the existing and desired future character of the area.	Y
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No. There is no apparent advertising theme within the area.	N/A
2) Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No, the proposed signs have been designed, scaled and located to complement the visual quality of the surroundings and not have a significant negative impact on the amenity of the location.	Y
3) Views and vistas	Does the proposal obscure or compromise important views?	The proposed signage does not obscure or compromise important views.	Y
	Does the proposal dominate the skyline and reduce the quality of vistas?	The signage will not dominate the skyline or reduce the quality of vistas.	Y
	Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not obscure any advertising.	Y
4) Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the replacement signage is proportionate to the building and existing on-site signage. It remains set back from the streetscape and appropriate for the surrounding streetscape.	Y
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will continue to contribute to the visual interest of the site in context of its surroundings.	Y
	Does the proposal reduce clutter by rationalizing and simplifying existing advertising?	The proposal remains consistent with the existing signage, which maintains a consolidated approach to signage on the site.	Y
	Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	N/A
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, proposed signage is attached to the existing building/structures and does not extend beyond the built form.	Y
	Does the proposal require ongoing vegetation management?	No.	N/A
5) Site and building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage has been designed to continue to be compatible with the existing built form and site characteristics.	Y
	Does the proposal respect important features of the site or building, or both?	The proposed signage does not detract in any way from important features of the building or site.	Y
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage has been designed to be simple and uncluttered	Y

		and complement the existing building and other structures on site.	
6) Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage contains internally illuminated lighting elements, however these will be concealed.	Y
7) Illumination	Would illumination result in unacceptable glare?	No, the proposed signs will not result in excessive glare.	Y
	Would illumination affect safety for pedestrians, vehicles or aircraft?	No, the proposed signage will not be of a LUX level to affect the safety for pedestrians, vehicles or aircraft.	Y
	Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed signage will not be of a LUX level to detract from the amenity of surrounding residences.	Y
	Can the intensity of the illumination be adjusted, if necessary?	The brightness of the signs will be fixed; however, the signs will only have a soft glow that is mostly visible at night.	Y
	Is the illumination subject to a curfew?	The signs will operate during the operating hours of the service station and convenience store.	Y
8) Safety	Would the proposal reduce the safety for any public road?	The signage will not affect road safety.	Y
	Would the proposal reduce the safety for pedestrians or cyclists?	No, the sign will not reduce the safety for pedestrians or cyclists.	Y
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, sightlines are not affected by the proposal.	Y



## **APPENDIX D – WASTE MANAGEMENT PLAN**

SLR Consulting Australia Pty Ltd