

Statement of Environmental Effects – Change of Use and Trading Hours

DA0296_2019 – Unit 3 160 Church Street Mudgee

Client: Stuart Faulkner

Date: 30 March 2022

Contact:

[Redacted]
[Redacted]

Eight Mile Planning
ABN 83 610 542 725

©Eight Mile Planning 2022

This publication is subject to copyright. Except as permitted under the Copyright Act 1968, no part of it may in any form or by any means (electronic, mechanical, photocopying, recording or otherwise) be reproduced, stored in a retrieval system or transmitted without prior written permission.

Document Status

Date Issued	Revision	Status
30/3/22	V1 Preliminary Draft	Client Review

Contents

1.	INTRODUCTION	3
	Existing approval	4
	Proposal	4
2.	ASSESSMENT	5
2.1	Environmental planning instruments	6
3.	CONCLUSION	7
TABLES		
Table 1	Application details	3
Table 2	Accompanying documentation	4
Table 3	Matters for Consideration 4.15	5
APPENDICES		
A	Consent	
B	Floor Plan	

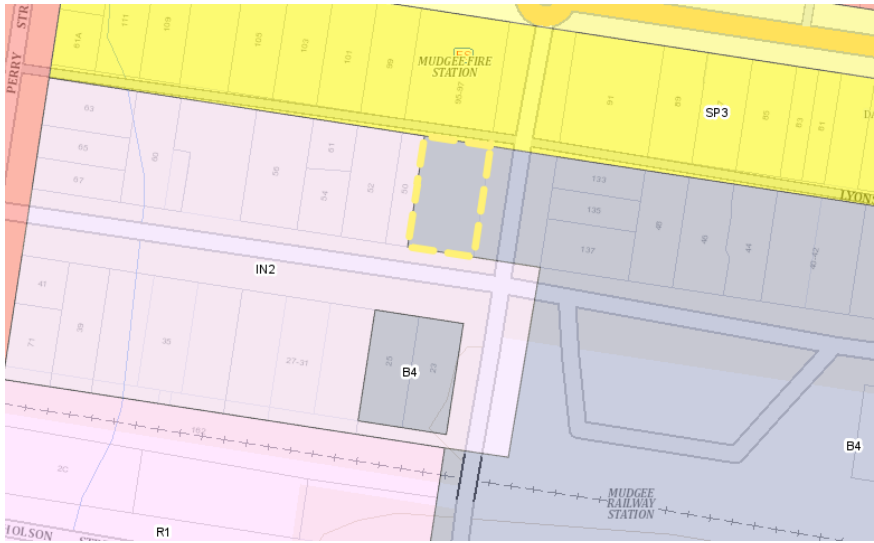
Uploaded to the Planning Portal under separate cover

1. Introduction

Eight Mile Planning has been engaged to prepare a Statement of Environmental Effects (SEE) to accompany a development application to support a proposed **change of use** from **retail to commercial** (laundromat) and extend **trading hours**. The application relates to Unit 3, 160 Church St Mudgee.

The SEE has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg).

Table 1 Application details

Proposed Modification	Change of use and trading hours -from 7am-7pm to 24 hours.
Current Approved Use	Retail Premises approved 23 July 2019 Development Application DA0296/2019
Type of approval	Development Application , Local Development
Real Property description	Lot 123 DP 830463 The Bridge Complex 160 Church Street Mudgee
Location/Zone	
Owner	Estate of Ray Williamson
Applicant	Eight Mile Planning

The SEE is based on and to be read in conjunction with the accompanying documentation listed below. Note: **Appendices uploaded to NSW Planning Portal under separate cover.**

Table 2 Accompanying documentation

Document	Prepared by	Date	Appendix
Development Consent	MWRC	23/7/19	Appendix A
Floor Plan	Liv Johnson Designs	12/1/22	Appendix B

The application relies of the existing consent including the approved plans and allocation of parking.

Existing approval

Council issued a Development Consent 23 July 2019 for the following: Change of Use – retail premises – shop and ancillary workshop and business identification signage. The Development Consent related to Lot 123 DP 830463, The Bridge Complex, 160 Church St Mudgee. The development consent is not limited to Unit 3 (as may be implied) and makes explicit reference to the hours of operation for the dance studio uses but no other operational restrictions. Refer condition 10 (below).

10. The approved hours of operation for the indoor recreation facility – dance studio are:

- 6am – 11pm Monday – Friday;
- 6am – 9pm Saturday;
- 10am – 6pm Sunday.

It is noted that there are no conditions relating to the operating hours for a retail premises in Unit 3.

Proposal

Development approval is being sought for the use of Unit 3 as a Laundromat. It is noted that, but for the inclusion of the site in the Mudgee Heritage Conservation Area, the change of use would have been Complying Development under Part 5A of the Code SEPP. The implication is that it is the heritage conservation area is a determining factor as to the suitability of the use of the site for a laundromat.

The proposal involves:

- the reconfiguration of the internal space to accommodate washing machines and dryers (refer to Floor Plan Appendix B).
- 24 hour operation and access to the site
- No cash held, all transactions are contactless or via electronic transfer
- The site will be monitored by security cameras

As with a typical laundromat operation, it will not require staff to be on site, however, the contact details of the Manager will be posted in the building.

2. Assessment

The following section provides an assessment of the proposed development against the relevant matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* (EPA Act).

Table 3 Matters for Consideration 4.15

EP&A Act section and legislative requirement	Comment
(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application: The provision of:	
(i) any environmental planning instrument	The Mid-Western Local Environment Plan (MWLEP) and relevant SEPPs have been considered in section 3.1. below.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent	
(iii) any development control plan	The Mid-Western Development Control Plan 2013 does not include any specific requirements in relation to hours of operation of business premises.
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	Not Applicable
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)	This DA is considered to satisfactorily meet the relevant requirements of the EP&A Regulations relating to development applications
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	<p>Consideration has been given to the likely impacts of the development.</p> <p>The DA is triggered by the internal alterations to the commercial premises and the extended trading hours.</p> <p>The former is unlikely to result in an environmental impact of the kind to which the EPAA envisages in a Part 4 application. The construction of the wall is considered necessarily to divide the space and provide security of the users. It is noted that the approved plan associated with the current DA does not show any of the internal alterations that were made to the premises.</p> <p>The extended hours are unlikely to result in an impact on the amenity. The dance studio in the adjoining unit currently operates until 11pm.</p> <p>The site is adjacent to McDonalds which enjoys 24 hour operation and the Fire Station which likewise operates 24 hours.</p> <p>The site is an existing business premises in a business zone and adjoins an industrial zone to the rear.</p> <p>Patrons will typically drop their washing off and return an hour later to collect it. Alternatively, provision will be made for waiting.</p> <p>Security of the premises and safety of the patrons and surrounding uses is paramount. The business operates on</p>

EP&A Act section and legislative requirement	Comment
	<p>a digital platform with no coin or cash operation available, therefore no cash on premises.</p> <p>CCTV will offer 24 hour surveillance of the premise and in doing so will, by proximity, also improved the security of the other business premises within The Bridge Complex.</p> <p>The existing building is well lit and open to the street. The proposal provides no opportunity for or is likely to attract illegal behaviour. There frontage is not obstructed from view of the street encouraging passive and well as active surveillance.</p> <p>The use itself 7am-7pm is exempt development.</p>
(c) the suitability of the site for the development	<p>The proposal is for 24 hour operation of a laundromat which. The change of use from a business premises to business premises is ordinarily exempt under the Code SEPP. The approval is triggered by the internal walls and extended hours rather than the use itself.</p> <p>The site is surrounded by uses that are 24 hours and the adjoining studio operates until 11pm.</p> <p>The site is zoned B4 and adjoins an industrial area. There is sufficient parking both on the street and at the rear of the premises.</p> <p>The site can suitably accommodate the extension of hours.</p>
(d) any submissions made in accordance with this Act or the regulations	This is a matter for the Council as consent authority.
(e) the public interest	<p>The proposal will provide a washing facility for the significant proportion of the community who are not availed of facilities at home. More importantly, it provides commercial machines the serve the various self-managed tourist and visitor accommodate providers who service their own properties.</p> <p>Supporting local business and providing the convenience of a 24 hour service is in the public interest.</p>

2.1 Environmental planning instruments

Mid-Western Local Environmental Plan

The *Mid-Western Local Environmental Plan (MWLEP)* is the principle environmental planning instrument applicable to the development.

The proposal has been assessed against the general and relevant requirements of the MWLEP and the proposal will not contravene the controls contained within the plan.

Land Use Zone

The site is currently zoned B4 Mixed Use. The commercial use is permissible in the zone.

Current Zone	Comment
B4 Mixed Use	The B4 Mixed Use zone permits business and commercial development. Hours of operation are not a matter for the LEP.

Current Zone	Comment
	<p>The extended hours are not inconsistent with the objectives of the zone:</p> <ul style="list-style-type: none"> • <i>To provide a mixture of compatible land uses.</i> • <i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i> • <i>To ensure a form of development that is consistent with the character of the adjoining residential neighbourhoods.</i> <p>The built form exists. The site adjoins an industrial zone to the rear.</p> <p>The development, including the trading hours, is consistent with the surrounding uses.</p>
Clause 5.10 Heritage	<p>Clause 5.10 deals with Heritage and Heritage Conservation. The site is within a Heritage Conservation Area and the consent authority needs to consider the relationship between the use and the HCA. In this instance the laundromat is in an existing building which itself has no heritage significance. The consent authority can be satisfied that the use is not likely to impact the HCA.</p>

3. Conclusion

This report has been prepared to support the a development application for the change of use of the premises at The Bridge Complex from a retail premises to a Commercial Premises including minor internal reconfiguration of the space. The applications is also seek trading hours to be extended to 24 hours 7 days per week.

The proposal has been assessed in accordance with section 4.15 of the EPA Act. The proposal is consistent with the MWLEP.

The proposal will ultimately contribute to the economic recovery of Mudgee and support the growth and development of the tourism sector through the provision and availability of a 24 hour laundromat service.

Appendices

- A. Consent
- B. Floor Plan

Note: Appendices below have been uploaded to the NSW ePlanning Portal as individual files.

A. Consent

B. Floor Plan

