



Statement of Environmental Effects

134 Lions Drive, Burrundulla (South Mudgee)

PROPOSAL: Bunnings Warehouse Store and
4-Lot Subdivision

Submitted to Mid-Western Regional Council
on behalf of Bunnings Group

July 2022 | Job No. 21077

Project: Bunnings Warehouse Store and 4-Lot Subdivision Mudgee

Address: 134 Lions Road, Burrundulla (South Mudgee)

Reference: 21077

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Issue	Date	Description	Initial
1	23/06/2022	Draft	CA
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3	15/07/2022	Client Review	PD
4	16/07/2022	QA & Finalise	SL

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This document has been authorised by: _____

Stephen Leathley B.urb.Reg.Plan; MBA; Registered Planner (Fellow)
Planning Director

Date: 16 July 2022

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TABLE OF CONTENTS

1	INTRODUCTION.....	7
1.1	Development Application Details.....	8
1.2	Summary of Application.....	9
1.3	Background – Site Rezoning.....	9
1.4	Bunnings.....	10
2	SITE LOCATION, DESCRIPTION AND CONTEXT.....	11
2.1	Site Location.....	11
2.2	Site Description.....	12
2.2.1	Current Development on Site.....	15
2.2.2	Hazards and Constraints.....	15
2.3	Surrounding Land.....	18
3	DESCRIPTION OF DEVELOPMENT PROPOSAL.....	21
3.1	Site Preparation.....	22
3.2	Bunnings Warehouse.....	23
3.2.1	Energy Efficiency in Design.....	24
3.2.2	Landscaping.....	25
3.2.3	Signage.....	25
3.2.4	Carparking.....	29
3.2.5	Site Access.....	30
3.2.6	Stormwater.....	30
3.2.7	Operational Details.....	31
3.3	Subdivision.....	32
3.4	Pre-DA Lodgement Consultation.....	33
3.5	Approvals Sought.....	35
4	PLANNING ASSESSMENT.....	36
4.1	Environmental Planning & Assessment Act 1979 (EP&A Act).....	36
4.2	Integrated Development.....	37
4.3	Designated Development – Section 4.10.....	38
4.4	Section 4.15 Assessment.....	39
4.5	State Environmental Planning Policies (Section 4.15 (1) A (I)).....	40
4.5.1	State Environmental Planning Policy (Planning Systems) 2021.....	40
4.5.2	State Environmental Planning Policy (Resilience and Hazards) 2021.....	40
4.5.3	State Environmental Planning Policy (Biodiversity and Conservation) 2021.....	41
4.5.4	State Environmental Planning Policy (Industry and Employment) 2021.....	42
4.5.5	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.....	44
4.5.6	State Environmental Planning Policy (Transport and Infrastructure) 2021.....	44
4.6	Mid-Western Local Environmental Plan 2012.....	47

4.6.1	Applicable Land Use Definitions.....	47
4.6.2	Site Zoning.....	48
4.6.3	Permissibility.....	48
4.6.4	Zone Objectives.....	49
4.6.5	Other Relevant Provisions.....	49
4.7	Proposed Instruments – Section 4.15(1)(A)(II).....	53
4.8	Development Control Plan.....	53
4.9	Potential Impacts of the Development – Natural Environment.....	62
4.9.1	Biodiversity Impacts.....	62
4.9.2	Aboriginal Archaeology.....	64
4.9.3	Groundwater Vulnerability.....	65
4.10	Potential Impacts of the Development - Built Environment.....	65
4.10.1	Stormwater.....	65
4.10.2	Flooding.....	66
4.10.3	Traffic Generation.....	67
4.10.4	Access.....	68
4.10.5	Carparking.....	69
4.10.6	Servicing.....	70
4.10.6.1	Delivery Vehicles:.....	70
4.10.6.2	Water Supply:.....	70
4.10.6.3	Sewerage:.....	72
4.10.6.4	Power.....	72
4.10.6.5	Telecommunications.....	74
4.10.7	Noise Impacts.....	74
4.10.8	Waste Management.....	74
4.11	Potential Impacts of the Development - Social and Economic Environment.....	74
4.12	Suitability of the Site.....	75
4.13	The Public Interest.....	76
5	CONCLUSION.....	77

FIGURES

Figure 1.	Development Concept.....	7
Figure 2.	Site location.....	11
Figure 3.	Subject site.....	11
Figure 4.	Aerial of subject site.....	12
Figure 5.	Existing vegetation on site.....	13
Figure 6.	Existing electrical infrastructure on corner of Castlereagh Highway & Lions Drive.....	13
Figure 7.	View of subject site from Castlereagh Highway.....	13
Figure 8.	Lions Drive Frontage.....	14
Figure 9.	Existing Dwelling (to be demolished) & Existing driveway access to Lions Drive.....	14
Figure 10.	Subject site as viewed from Castlereagh Highway (facing south-west).....	14

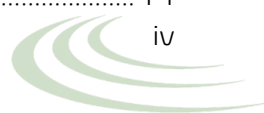


Figure 11: Detail Site Survey of Site	15
Figure 12: Plant Community Types	17
Figure 13. Biodiversity Value Mapped land on the subject site	17
Figure 14. Land surrounding subject site	18
Figure 15. 'Homeworks Centre' north of the subject site on opposite side of Lions Drive	19
Figure 16. Lion Drive self-storage centre north of subject side on opposite side of Lions Drive	19
Figure 17. 'Perfectly sorted' bulky goods retailer	19
Figure 18. Oblique Aerial photograph of site	20
Figure 19. Proposed Development	21
Figure 20. Proposed Clearing Works	22
Figure 21. Proposed Demolition Works.....	22
Figure 22: Floor Plan.....	23
Figure 23. Proposed Bunnings Warehouse Site Plan (Proposed Lot 1)	24
Figure 24. Site Landscaping	25
Figure 25: "Bunnings Warehouse" standard wall Sign	26
Figure 26: Symbol of a hammer in a circle Wall sign and Directional Sign	26
Figure 27. North Facade Signage	26
Figure 28. West Facade (Lions Drive) Signage	27
Figure 29. South Facade Signage	27
Figure 30. East Facade Signage	28
Figure 31. Proposed Pylon Sign	28
Figure 32. Pylon Sign Location	29
Figure 33. Proposed parking.....	29
Figure 34. Proposed Site Access Points.....	30
Figure 35. Waste storage on site.....	31
Figure 36. Proposed subdivision	32
Figure 37. Proposed B5 Business Development Zoning.....	48
Figure 38. Native Species impacted upon by the proposed development.....	63
Figure 39. Access to Lots 2-4 swept paths	68
Figure 40. Bunnings Lot service access swept paths.....	69
Figure 41. Bunnings service access goods inwards area swept paths	69
Figure 42. Proposed carpark layout	70
Figure 43. Existing water mains	71
Figure 44. Existing sewer mains location	71
Figure 45. Existing Electrical Infrastructure	72
Figure 46. Existing telecommunications infrastructure	73
Figure 50. Preliminary Concept Services Plan	73

TABLES

Table 1: Development Application Details.....	8
Table 2: Summary of Key Issues identified by Council.....	33
Table 3: Integrated Development Assessment	37
Table 4: Section 4.15 Assessment.....	39
Table 5: B5 Business Development land use table.....	48
Table 6: Mid-Western Local Environmental Plan 2012 Assessment	49
Table 7: Mid-Western DCP Assessment.....	53

ATTACHMENTS

Attachment	Document	Prepared by
1	Cost Estimate Report	WT Partnership
2	Detailed Site Survey	Delfs Lascelles
3	Architectural Plan Set	MC Architects
4	Subdivision Plan	Delfs Lascelles
5	Landscape Plan	JL&A Landscape Architecture
6	Civil Works Set	High Definition Design Pty Ltd
7	Flood Impact Assessment	WMA Water
8	Preliminary Servicing Strategy	High Definition Design Pty Ltd
9	Traffic Impact Assessment	Transport & Traffic Planning Associates
10	Biodiversity Development Assessment Report	Eco Logical Australia
11	Aboriginal Due Diligence Assessment Report	Firebird ecoSultants Pty Ltd
12	Acoustic Assessment	Acoustic Dynamics
13	Waste Management Plan	Insite Planning Services

1 INTRODUCTION

This Statement of Environmental Effects (SoEE) has been prepared by Insite Planning Services (Insite) on behalf of Bunnings Group, the applicant. It supports a Development Application (DA) lodged with Mid-Western Regional Council for the construction and operation of new Bunnings Warehouse store to be located at 134 Lions Road, Burrundulla. The Development Application (DA) also seeks consent to subdivide the existing site (lot 2 DP1079362) into 4 lots – one lot containing the proposed Bunnings Warehouse store, with the remaining three to be available for future development. This development application follows a planning proposal to rezone the subject Site to B5 Business Development in May 2022.

The subject site is located at 134 Lions Drive, Burrundulla on the north-eastern corner of Burrundulla Road and Castlereagh Highway at the southern gateway to Mudgee, the rural/urban interface of Mudgee. The existing Mudgee Bunnings store is located opposite the subject site, and adjacent to an existing bulky goods precinct and service area located on the northern side of Burrundulla Road and Lions Drive, and approximately 3.5km from the Mudgee town centre.

The new store will replace the existing Bunnings which is no longer suitable for its market requirements and does not meet customer and operational expectations for a wide range of contemporary assortment of hardware and home improvement products which characterise modern Bunnings stores. Furthermore, the existing store size is not sufficient to service the retail catchment and consequently, considerable escape expenditure is occurring and lost opportunity in terms of employment for Mudgee. The proposed Bunnings Warehouse in its new location will serve to address these shortcomings. The subject land is ideally suited for a Bunnings store due to its location and access to a significant growing regional market.

The proposed development has a Capital Investment Value (CIV) of approximately \$17,710,000. As such, the proposal is characterised as local development as defined in the EP&A Act and accordingly, Mid-Western Regional Council is the relevant Consent Authority.

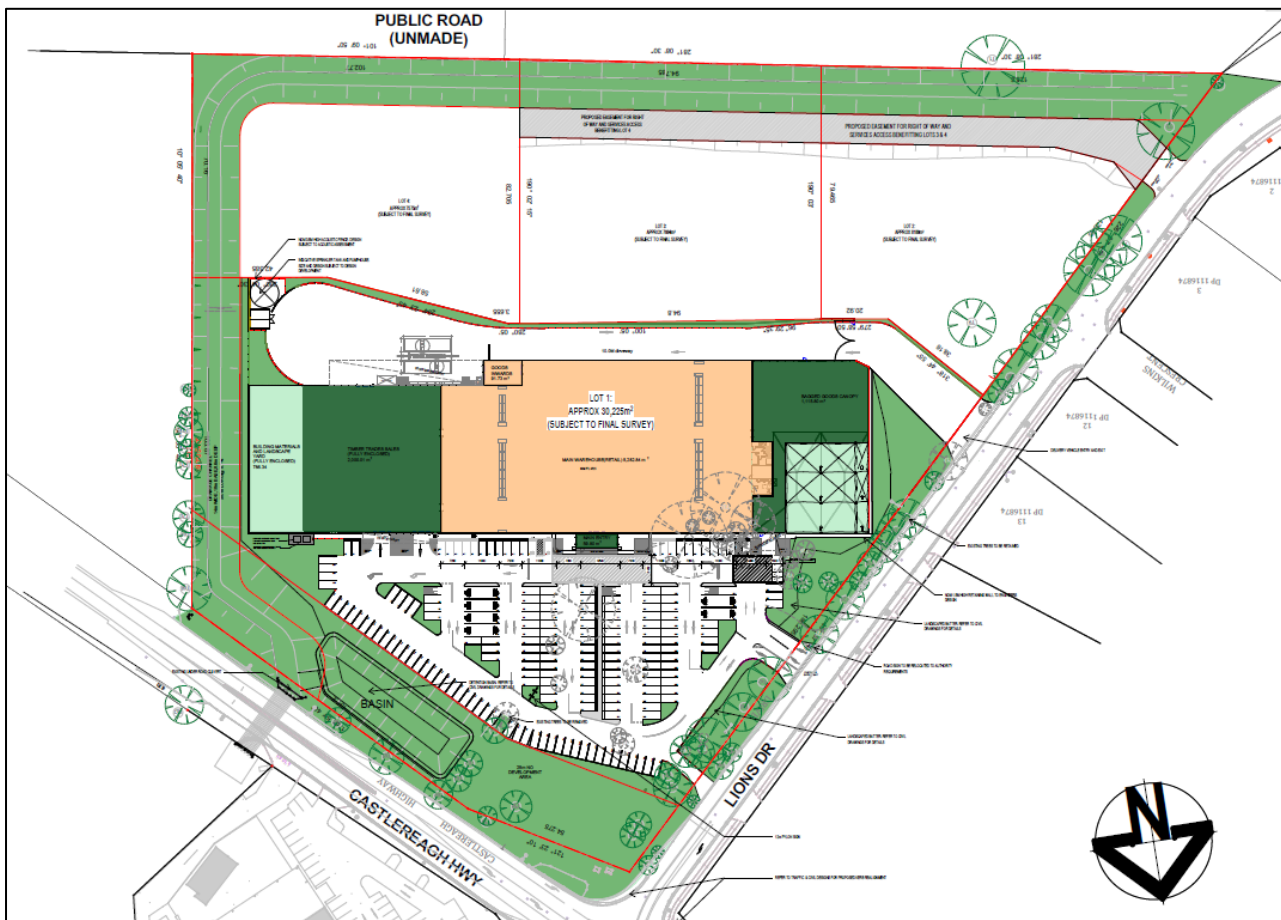


Figure 1. Development Concept

1.1 Development Application Details

Table 1: Development Application Details

Statement of Environmental Effects Prepared by:	
Name:	Insite Planning Services PO Box 93, Cessnock NSW 2325
Contact:	Stephen Leathley – Planning Director Ph: 02 4998 7496 Email: stephen@insiteplan.com.au
Project Details:	
Applicant Name:	Bunnings Group Ltd
Property Description:	134 Lions Road, Burrundulla - Lot 2 DP1079362
LGA	Mid-Western Regional Council
Proposed Development:	Bunnings Warehouse New Store & 1 into 4 lot subdivision
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 • Mid-Western Regional Local Environmental Plan 2012 • Mid-Western Development Control Plan
Clause 4.6 Requests	None
Key Issues	<ul style="list-style-type: none"> • Flooding • Stormwater Management • Biodiversity • Site Access • Economic Impact
Project Team:	
Architect	Michael Carr Architects
Surveyor	Delfs Lascelles
Town Planning	Insite Planning Services
Landscaping	John Locke & Associates (JLA)
Civil Engineering	High Definition Design
Flooding	WMA Water
Ecology	EcoLogical Australia
Aboriginal Archaeology	Firebird ecoSultants
Traffic	Traffic and Transport Planning Associates (RTPPA)
Acoustic	Acoustic Dynamics
Quantity Surveyor	WT Partnership

1.2 Summary of Application

This SoEE has been prepared in accordance with Part 3, Division 1, Section 24 of the Environmental Planning & Assessment Regulation 2021, having regard to Section 4.15 of the EP&A Act. The structure of the report is as follows:

- Section 2: Site location, description, and context
- Section 3: Details of the proposed development including pre-DA lodgement consultation
- Section 4: Planning Assessment of the proposal; Environmental Planning Framework applying to the site and proposal, and an assessment of compliance with these controls
- Section 5: Conclusion

This report demonstrates that the Proposal is consistent with relevant statutory controls. In particular, the proposal represents permissible development and achieves the objectives of the B5 Business Development by providing services and facilities that meet the needs of workers in the area. The proposal has been found to be compliant with the controls of the *Mid-Western Local Environmental Plan* and the *Mid-Western Development Control Plan*.

Overall, the Proposal will see the proposed Bunnings Warehouse provide a greater quality product than currently available at the existing Bunnings Warehouse to its wide range of customers within the Mid-Western LGA. Given the proposal is considered appropriate within its given context and will be beneficial to the community, Insite is supportive of the proposal.

1.3 Background – Site Rezoning

An existing Bunnings store operates at the south-east corner of the Castlereagh Hwy (Sydney Road), and Burrundulla Rd on the south-east edge of the Mudgee urban area. Operating as part of a wider commercial and industrial precinct centred on Sydney Road (the Sydney Road Precinct), the Bunnings store is on a prominent gateway location to the town.

Opened in 2006, Bunnings Mudgee has a total floorspace of approximately 4,870m². Although the store has traded successfully since opening 16-years ago, the store is now relatively small relative to comparable outlets in regional areas. Further, the outlet has an overall design and layout which no longer meets the contemporary expectations of hardware and home improvement customers, as well as the operational requirements of Bunnings. A previous scheme to add to this store has in fact been approved by Council (DA0308/2018, approved September 2018), however upon detailed review this approval does not deliver a store suitable for the Mudgee market.

Detailed consideration, including obtaining development consent, was given to expanding the existing Bunnings store, however this would have resulted in a substandard outcome and was not a feasible option. Consequently, it was determined that the business needed to move to a new site that would allow a larger commercial building to be constructed consistent with the modern Bunnings corporate store design to meet the market demand for the existing and growing retail catchment.

The Planning Proposal to rezone the subject site from RU4 Primary Production Small Lots to B5 Business Development was driven by the lack of available land zoned B5 Business Development in Mudgee to accommodate the economic need for an appropriate scale and range of large-format retail facilities to service the town and surrounding communities. This was identified through a process that Bunnings undertook with its existing store.

Consequently, Bunnings identified a suitable site (the subject site) which would be capable of holding a Bunnings warehouse store of size sufficient to service the region effectively. As such, Bunnings Group has sought to relocate and expand the existing Mudgee store to the subject site immediately opposite the existing store site on the south-western corner of the Castlereagh Highway and Lions Drive. This required



the B5 Business Development zone to be extended across the site as a means of accommodating a new Bunnings store ~58% larger than the existing store, with significantly more space for the garden nursery and trade components relative to the existing store. Council's strategic planning framework and Local Environmental Plan supported a Bunnings style development in this location, with land already zoned B5 Business Development and other large format retail development located adjacent to the site.

The Planning Proposal and resulting new Bunnings store (subject to DA approval) would result in not only better retail offering to the community and the construction industry, but also result in employment growth and help Mudgee retain escape retail expenditure in the building supplies and hardware category in the Mudgee community.

The Amendment to the Mid-Western LEP 2012 which enacted the Planning Proposal was published May 6, 2022, rezoning the subject site from RU4 Primary Production Small Lots to B5 Business Development. The amendment of the MWLEP 2012 also saw the inclusion of Clause 6.15 – 'Development at 134 Lions Drive, Burrundulla' which relates to the subject site. The objectives of this clause are to ensure the site is appropriately landscaped in the context of the site sitting at the Gateway of Mudgee Town and to ensure development of the site does not adversely impact view corridors and the character of Mudgee. This clause is addressed in detail within section 4.6.5 of this report.

1.4 Bunnings

Bunnings is an Australian-owned hardware, trade and home improvement company which has been in operation for over 130 years. It is part of the ASX-listed Wesfarmers Group, and currently employs over 43,000 team members across 375 Australian and New Zealand stores.

The Bunnings store network includes a strong representation in regional areas of Australia, with approximately half of all Bunnings stores in New South Wales located outside of metropolitan Sydney.

In addition to meeting the hardware and home improvement needs of the typical consumer, Bunnings is also closely connected to the business community. In particular, Bunnings serves project builders, tradespeople, and the housing industry generally, as well as regular home owners and the consumer market

The extensive Bunnings product range includes Tools, structural and/or bulky Building Materials and Hardware, Garden, hard and soft landscaping, Outdoor living, Kitchen and plumbing fixtures and fittings, Floor and Wall Coverings, paint, Lighting and Electrical, and offers a wide range of in-home services including kitchen design, special order facility, and in-home carpet installation.

2 SITE LOCATION, DESCRIPTION AND CONTEXT

2.1 Site Location

The Land, the subject of the Development Application (**the Site**) is located at No 134 Lions Drive, Burrundulla on the southern corner of the Burrundulla Road and the Castlereagh Highway intersection at the southern gateway to Mudgee. This area serves as the rural/urban interface of Mudgee. The existing Mudgee Bunnings store is located opposite the subject site, and adjacent to an existing bulky goods precinct and service area located on the northern side of Burrundulla Road and Lions Drive and is located approximately 3.5km from the Mudgee town centre. The town itself is located approximately 260km north-west of Sydney within the Cudgegong River valley. It is famous for its colonial buildings and location in the increasingly prominent Mudgee Wine Region.

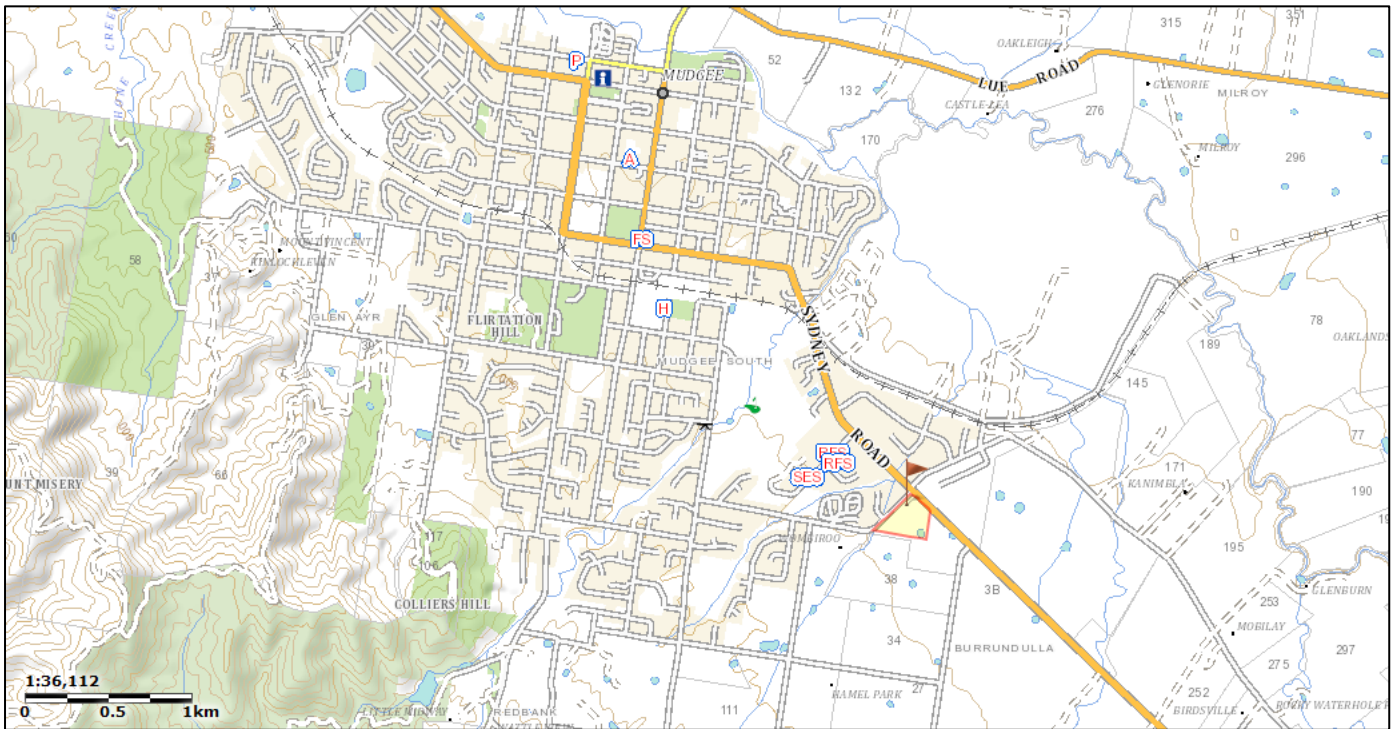


Figure 2. Site location

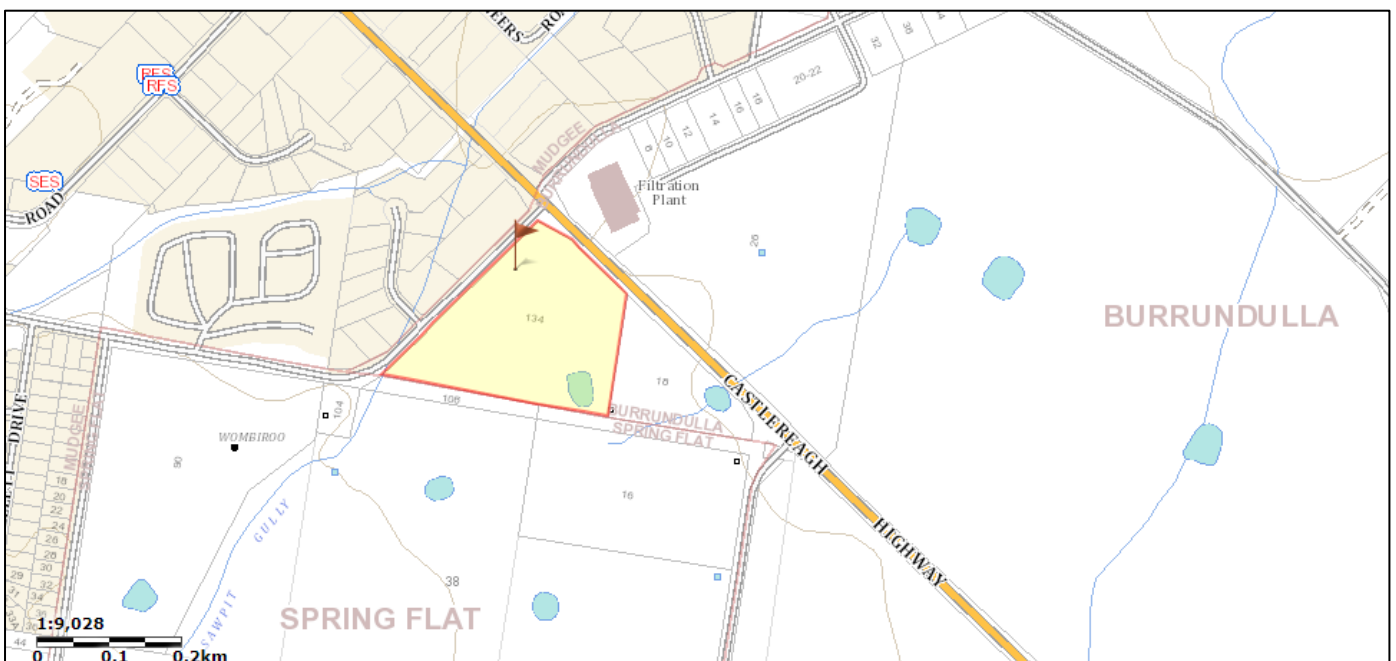


Figure 3. Subject site

2.2 Site Description

The property address of the Site is 134 Lions Drive, Burrundulla NSW, legally identified as Lot 2 on Deposited Plan (DP) 1079362. The site forms an irregular shaped block of ~ 54,377m² adjacent to Castlereagh Highway along the eastern boundary, and Lions Drive along its western boundary as illustrated in **Figure 3**. As noted, the site is located on the fringe of Burrundulla with the site boundaries bordering Mudgee (western) and Spring Flat (southern). Historical imagery shows that the development site was largely devoid of vegetation prior to 1965. A house, sheds, yards, and landscaped garden have since been established over the past 57 years. Approximately 0.8 ha of garden was planted around the homestead consisting of both exotic and native species. Many of these plants were planted for landscaping, windbreaks, and privacy screenings. The remaining 4.2 ha was used as a grazing paddock.



Figure 4. Aerial of subject site

The topography of the area is characterised by undulating low hills and rises and gently inclined side slopes. Review of Google Earth Pro (2019) indicates the site slightly slopes from 475m Above Sea Level (ASL) in the west to 474m ASL in the east. The closest surface water body identified is the Sawpit Gully located approximately 100m to the north-west of the site.

The Site is currently rural in character and used for rural residential purposes. It is relatively flat with a broad-based depression running from the western corner of the property on Lions Drive, to a culvert that enables runoff water to pass safely under the Castlereagh Highway where water ultimately drains northerly towards the Cudgegong River system. The site lies at the urban base of a 10.85km² catchment of Sawpit Gully. Given the extent of the catchment and the relatively flat nature of the site along with the berming effect of Lions Drive and the Castlereagh Highway, meaning these roads are constructed higher than the subject site, the property is subject to minor flooding.

Review of the Mid-Western Regional Local Environmental Plan (LEP) 2012 together with the Planning Certificate under Section 10.7 Part 2 and 5 of the Environmental Planning and Assessment Act 1979 provides the following information:

1. The site is not listed as a heritage item;
2. The site and/or adjacent lots are not affected by land reserved for acquisition; and
3. The site is not affected by environmentally sensitive land or critical habitat.



Figure 5. Existing vegetation on site



Figure 6. Existing electrical infrastructure on corner of Castlereagh Highway & Lions Drive



Figure 7. View of subject site from Castlereagh Highway



Figure 8. Lions Drive Frontage



Figure 9. Existing Dwelling (to be demolished) & Existing driveway access to Lions Drive



Figure 10. Subject site as viewed from Castlereagh Highway (facing south-west)

2.2.1 Current Development on Site

Current development located on the Site includes a dwelling with a number of sheds/out buildings as well as fencing and an approximately 2.5 megalitre dam located in the south-eastern corner of the property.

Access to the dwelling is provided from Lions Drive. Refer **Figure 11** below.

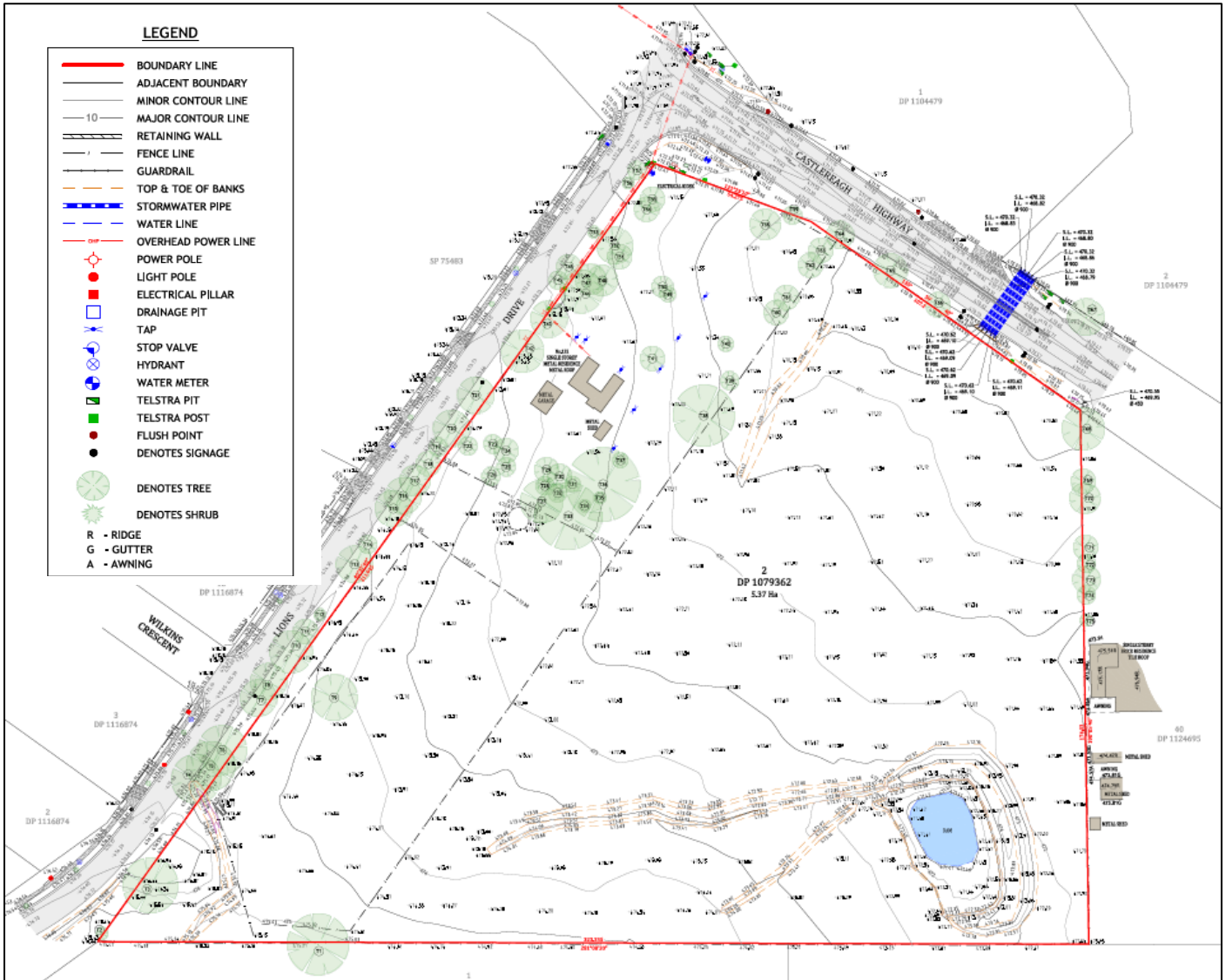


Figure 11: Detail Site Survey of Site

2.2.2 Hazards and Constraints

2.2.2.1 Flooding

The Site is impacted by the 1% AEP Event flood levels. A flood constraints assessment detailing the existing flood environment of the site is provided by WMA Water (refer **Attachment 7**) as follows:

“The site is subject to broad shallow inundation as defined by the Mudgee Flood Study (WMAwater, 2021). A review of the hydrologic and hydraulic models established as part of the Flood Study, identified some aspects of the catchment wide Flood Study required refinement for the purposes of a local assessment, such as the catchment delineation, culverts under Castlereagh Highway and creek and bank definition in the formed channel downstream of the highway. These aspects have been refined in the models used for the purposes of assessing impacts of the proposed Bunnings development. In comparison the refinements result in minimal changes to overall flood behaviour,

with the most significant change occurring in the downstream channel. All other aspects and parameters have remained the same as those defined in the Flood Study. Further details of the model development are provided in the Flood Study.

The site and surrounding area sit within the broader Sawpit Gully catchment. The broad shallow inundation moves in the north easterly direction across the site, crossing the Castlereagh Highway via cross-drainage culverts (5 x 750 mm RCPs). Downstream of the highway a formed channel diverts flow adjacent to the existing Bunnings Warehouse and Council's treatment plant back easterly towards the natural creek system. The cross-drainage culverts are aligned to the formed channel as opposed to the catchment low point which is further to the south along the highway. In larger flood events the flow from upstream through and surrounding the site is primarily broad overland sheet flow. Historically Sawpit Gully ran north of the site through what is now development (north of Lions Road). Due to the presence of this development and a farm dam, the gully is now undefined, resulting in broad diverted overland flow through the site.

Under conditions presented in the Flood Study (Figure 2), a maximum flood depth of 0.48m occurs in the 1% AEP event at the south west corner of the site, with depths across other areas typically less than 0.2m. The deepest sections of the flow path occur in the south west corner and fronting Castlereagh Highway. During events where the capacity of the cross-drainage system is exceeded, flow spills onto the Castlereagh Highway to a depth of approximately 50mm (in the 1% AEP event) at the location of the cross drainage culverts, as well as at the catchment low point along the highway to the east. The dwelling on the property to the east is not shown to be impacted by flooding under existing conditions in the 1% AEP event.

Similar flow behaviour is observed in the 5% and PMF events, with depths typically less than 0.1m in the 5% AEP event and less than 0.4m in the PMF event. There is not a significant change in the overall flood extent with an increase of approximately 0.3m between the 5% AEP and PMF events.

*The relatively shallow depths across the site means that the hydraulic hazard as defined by the Flood Study utilising the method described in *Managing the floodplain: a guide to best practice in flood risk management in Australia (AIDR)* for the 1% AEP (Figure 3) event is consistently H1 – generally safe for people, vehicles and buildings, with small pockets of H2 – unsafe for small vehicles, through the slightly deeper portions of the flow path and H3 – unsafe for vehicles, children and the elderly within the existing farm dam. These categorisations indicate that the flood behaviour is generally safe for vehicles, people and buildings and is not likely to impose risk to life or property damage in the 1% AEP event."*

2.2.2.2 Biodiversity Constraints

In terms of vegetation, the site is relatively clear except for native trees located along the Lions Drive boundary and around the dwelling, with scattered trees along the south-eastern boundary and the Castlereagh Highway boundary. These trees are detailed with EcoLogical Australia's *Biodiversity Development Assessment Report* (BDAR) (refer **Attachment 10**).

The Site includes land mapped on the Biodiversity Values (BV) map as important habitat for a threatened species. Refer to **Figure 11** below. Vegetation on the site is considered by the Eco Logical Australia BDAR as being "degraded" and consisting of "*based on State Vegetation mapping and field assessments, the Plant Community Type (PCT) was assigned PCT 277 Blakely's Red Gum – Yellow Box Grassy tall woodland of the NSW South Western Slopes Bioregion. PCT 277 conforms to the Critically Endangered Ecological Community (EEC) 'White Box Yellow Box Blakely's Red Gum Woodland', listed under the NSW BC Act.... Key features of the development site include scattered trees of which four contain hollows.*"



Figure 12: Plant Community Types

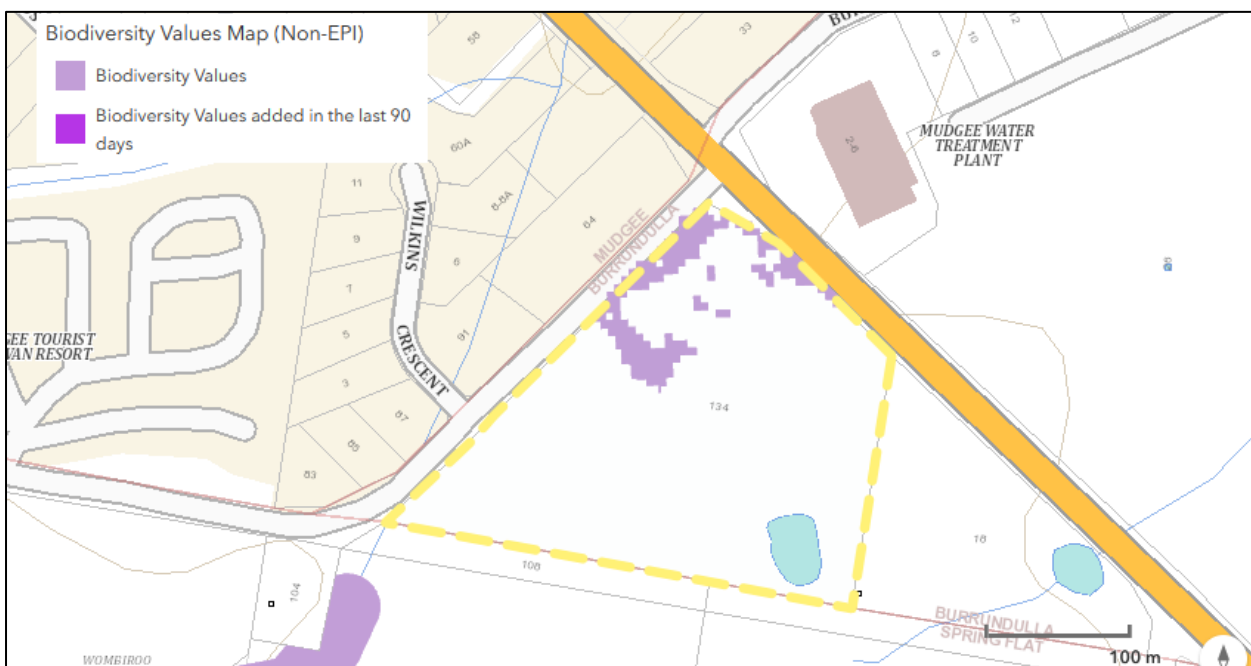


Figure 13. Biodiversity Value Mapped land on the subject site

2.2.2.3 Aboriginal Archaeological Constraints

An *Aboriginal Cultural Due Diligence Assessment* was undertaken by Firebird ecoSultants Pty Ltd (refer **Attachment 11**). It included an online search of the NSW Aboriginal Heritage Information Management System (AHIMS). No Aboriginal places have been declared in the area; and no Aboriginal sites have been recorded within 200m of the proposed works area. The Firebird ecoSultants report found that the development of the site was unlikely to impact on any items of aboriginal cultural heritage significance.

2.2.2.4 Other Potential Environmental Constraints

Bushfire – The development site is not identified as being bushfire prone land.

Acid Sulphate Soils – The site is not identified as containing Acid Sulphate Soils.

2.3 Surrounding Land

As previously mentioned, the subject site is located at the eastern rural/urban interface of Mudgee. Land to the north and west of the site on the opposite sides of Castlereagh Highway and Lions Drive is characterised by a range of light industrial services and bulky goods retailers including the existing Bunnings store, a Homemakers Centre, machinery and mechanical repairs, self-storage facilities, equipment hire, kitchen & bathroom accessories, solar electrical, irrigation, landscaping, and home improvement supplies, and a municipal water and sewage treatment plant.

Land to the south of the site is characterised by small acreage development that has a rural residential character. East of the site on the opposite side of the Castlereagh Highway is characterised by broadacre rural land. On the property immediately to the south of the site with access from Lions Drive via the road reserve which currently does not have any formed infrastructure, no paved or gravelled road. It is understood there is a valid DA approval in place for a residential retirement village comprising 206 dwellings, which has established ‘commencement’ (DA 0370/2009; M0009/2010; MA 00034/2012; MA 0001/2018)). There are also several small residential properties located south-east of the proposed Bunnings Warehouse Building.



Figure 14. Land surrounding subject site



Figure 15. 'Homeworks Centre' north of the subject site on opposite side of Lions Drive



Figure 16. Lion Drive self-storage centre north of subject side on opposite side of Lions Drive



Figure 17. 'Perfectly sorted' bulky goods retailer



Figure 18. Oblique Aerial photograph of site

3 DESCRIPTION OF DEVELOPMENT PROPOSAL

The proposed development (the Proposal) for which development consent is sought is the construction and operation of a Bunnings Warehouse store, and a 4 lot subdivision as set out on the Architectural Plans, Subdivision Plan, Landscape Plans and Concept Civil Engineering Plans (**Attachments 3 - 6**) which accompany the DA. The Proposal also includes the following ancillary development:

- Site preparation works including tree removal and site clearing, demolition of the existing dwelling and out buildings,
- Civil works comprising bulk earth works, servicing, stormwater and flood mitigation works
- Road works, site access, loading bay and carpark
- Landscaping, and
- Signage.

The new store has been sized to provide for current market demand with flexibility to meet peak demands throughout the year, and service the growing trade and horticultural markets, and form part of the nationwide expansion program for Bunnings which includes the new single storey store format required to display a full range of Bunnings products.

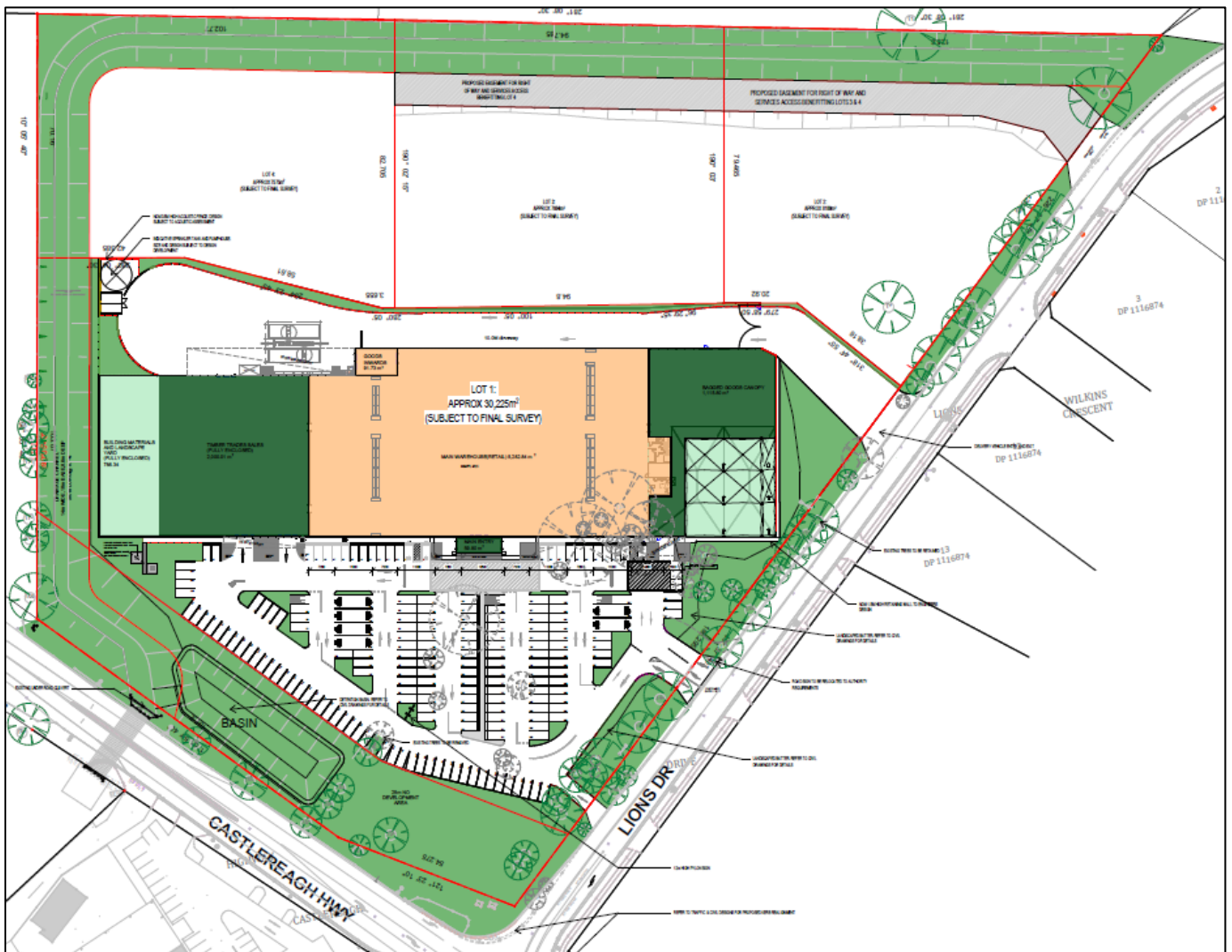


Figure 19. Proposed Development

3.1 Site Preparation

The proposed development scheme involves the demolition of the existing buildings on the site as well as the clearing of some existing vegetation (*Blakely's Red Gum – Yellow Box Grassy tall woodland of the NSW South Western Slopes Bioregion 0.44ha*). It will also require earthworks to provide level platforms for the new Bunnings Warehouse building and hardstand areas. Earthworks will also be required to facilitate construction of the drainage swale along the southern, south-eastern and eastern boundaries of the site. A single level building will be constructed through the centre the site with an open at-grade carpark on the visible northern (Highway) side of the building featuring 3 entry points to the building (main customer retail entry) seasonal entry via the nursery, and a "trade" entry at the eastern of the façade; whereas goods' delivery would occur along the less prominent southern (rear) side of the building.

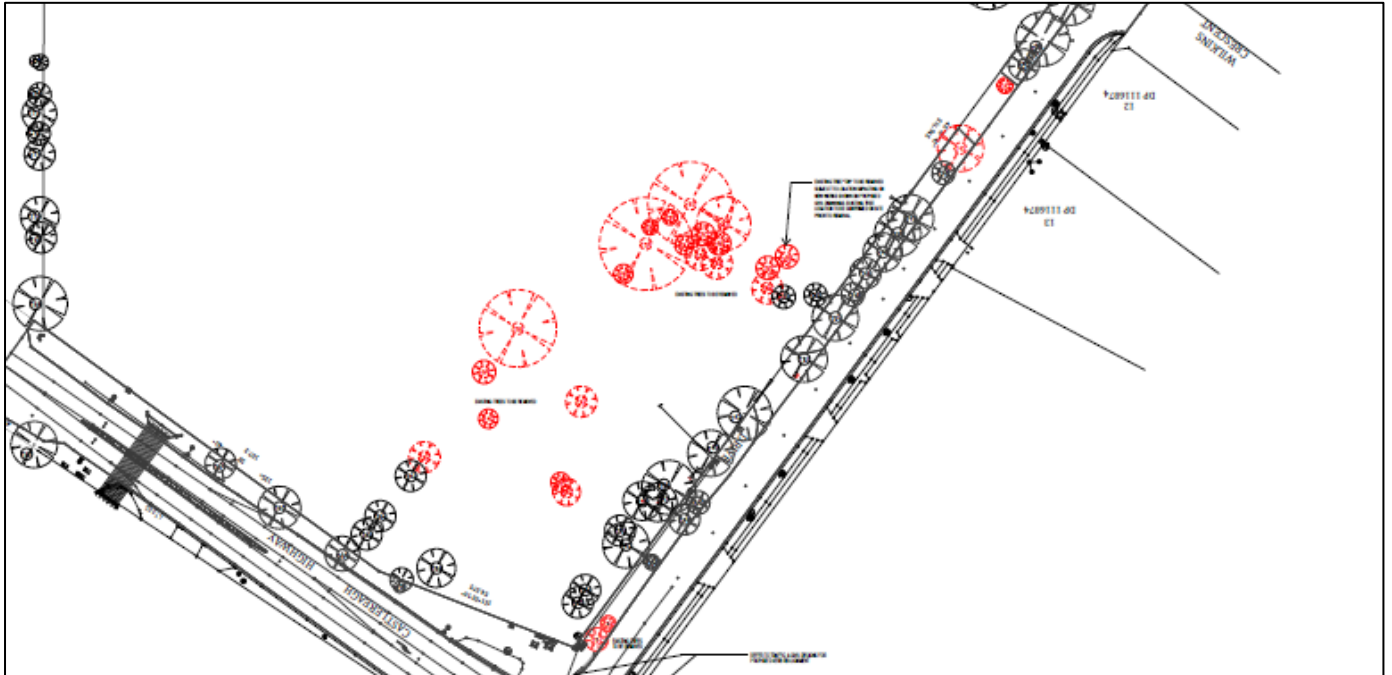


Figure 20. Proposed Clearing Works

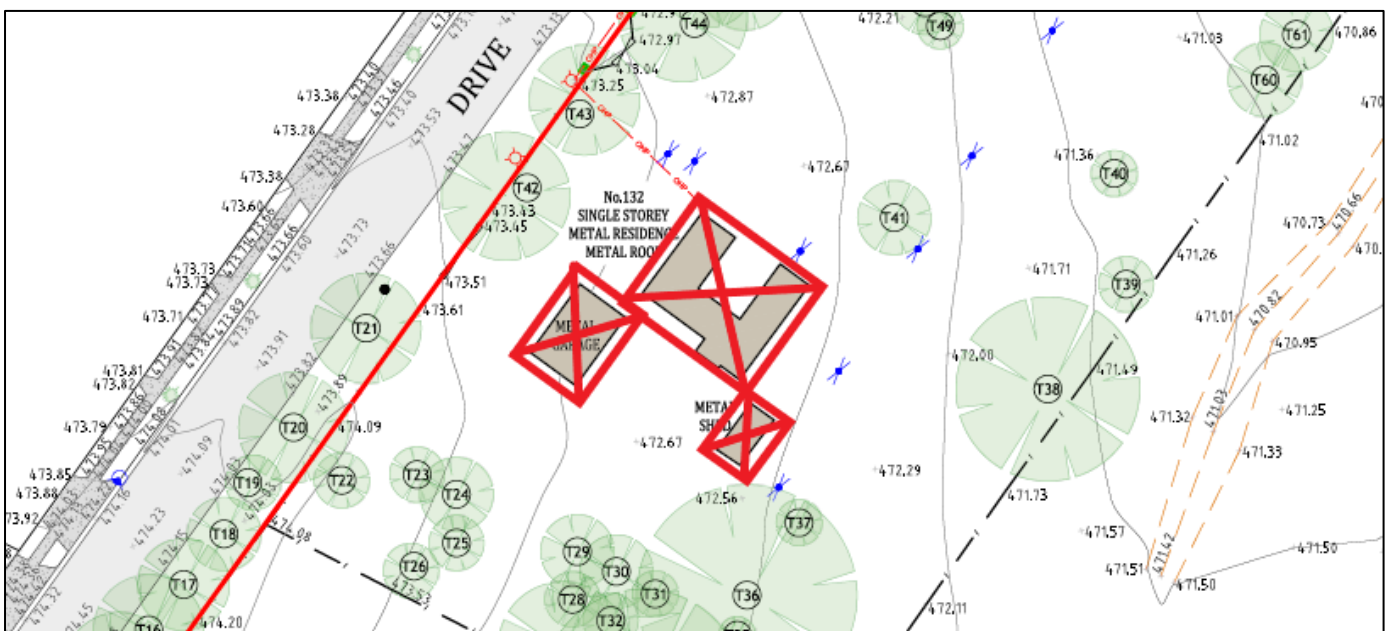


Figure 21. Proposed Demolition Works

3.2 Bunnings Warehouse

The new Bunnings Warehouse is to be located on proposed Lot 1 of the subdivision of the Site and would feature the following elements:

- **Bunnings Warehouse** comprising a new commercial building consisting the following elements:
 - main warehouse retail area of 5,282.84m²,
 - bagged goods canopy of 1,115.80m²,
 - outdoor nursery of 750m²,
 - timber trade sales area of 2,000m²,
 - Building Materials Landscape Yard of 786m²,
 - goods inwards area of 91.73m², cafe & kids playground.
- **Located within the proposed contemporary Bunnings Warehouse, the following retail and customer service facilities:**
 - a Café selling pre-packaged food and drinks, NB there is NO food preparation undertaken on site, no cooking by BBQ and no requirement for mechanical exhaust or grease trap;
 - Children’s playground,
 - Toilets including separate toilets for males and females and a Unisex accessible toilet facility, and
 - DIY area.
- **Access, Carparking and Loading Facilities** - 185 car parks including 4 disabled parking spaces and 6 trailer bays; Delivery service road; Acoustic barrier east of the delivery service road turning circle; Customer and service access via Lions Road.
- **Extensive landscaping** throughout the open areas of the site, including bio-retention areas to manage and treat site runoff water; and tanks to capture rainwater from a portion of the roof, for irrigation and reuse in toilets and other non-potable purposes (in separate tanks).
- **Business identification signage** on the building, an entry sign and a new 12m high Pylon Sign.
- Orderly Product Display areas in the vicinity of the key customer entry points (ie main customer entry icon and nursery entries)

The external materials proposed for each façade are typical of the Bunnings corporate colours identifying the business and consisting of green painted metal insulated panels with a green parapet element and white pedestrian scale “dado wall” closer to ground level. External signage in the Bunnings corporate theme and logo is proposed together with landscape plantings in the street setbacks. Copies of the architectural plans are provided at **Attachment 3**.

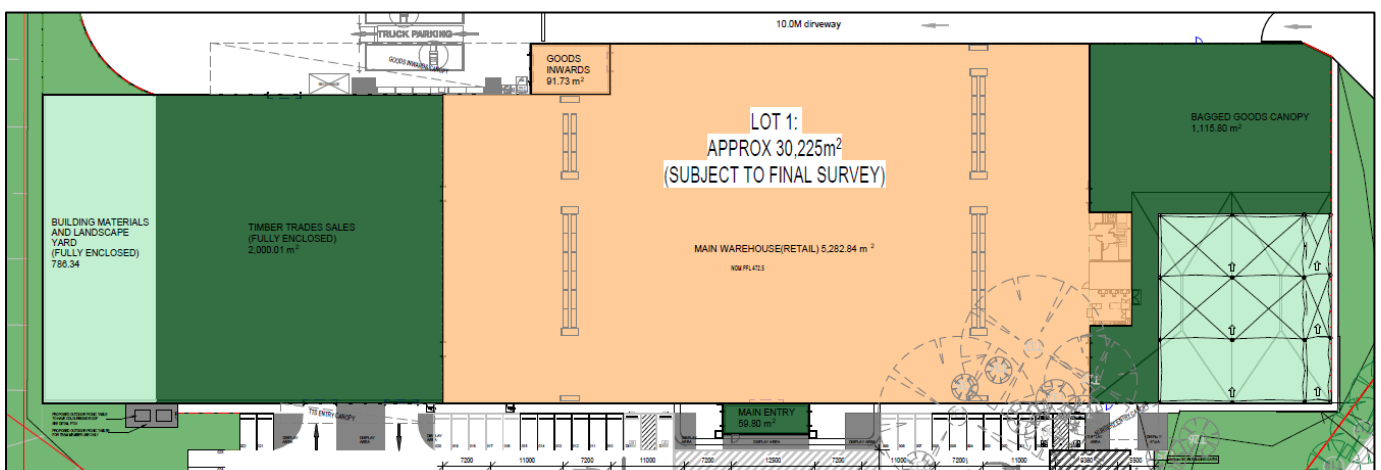


Figure 22: Floor Plan



Figure 23. Proposed Bunnings Warehouse Site Plan (Proposed Lot 1)

3.2.1 Energy Efficiency in Design

Bunnings are conscious to minimise the running costs of their retail outlets by smart use of building construction, services, and operation strategies. The strategies adopted include:

- Adoption of light and energy target that typically exceed that required from Section J of the BCA. Use of efficient insulated metal wall panels with high thermal mass concrete floor slabs to buffer and store heat.
- Minimisation of external glazing to limit solar heat gain to the space.
- Extensive and uniform use of LED lighting internally and externally onsite to reduce energy consumption
- Adoption of an air “tempering” outcome for air handling units to enable use of energy efficient “fusion” systems
- Smart use of roof lights with excellent thermal properties to allow natural lighting but also limit solar heat gain to the space.
- Smart lighting zoning and switching to reduce lighting used to supplement natural daylighting by roof lights.
- Use of highly energy efficient LED lighting throughout the store and site.
- Removal of skylights from the standard Bunnings building brief given they cannot be insulated, and have been proven to require replacement and a limited lifespan.
- Use of high floor to roof height to allow hot air to rise thereby managing floor level temperatures (i.e. floor level to 2m height)
- Naturally ventilated nursery and the trade/timber area being separately treated and walled off from the remainder of the retail area to assist in managing microclimate outcome in both “zones”.
- Localised radiant gas heaters, which are excellent in energy efficiency, used for winter heating.

At a corporate level Bunnings have adopted a net zero carbon emission goal to be achieved by 2025. Bunnings has committed to source 100% renewable energy by 2025, to achieve its target of net zero Scope 1 and 2 emissions by 2030. Within the constraints of the site, the proposal makes a good effort to minimise the energy use of the building incorporating recognised design strategies for, the use of thermal mass, and appropriatr insulated building materials, etc.

The building will also comply and exceed **BCA Section J** requirements.

3.2.2 Landscaping

Significant site landscaping works are proposed to address not only standard landscaping requirements, but to also address visual amenity and potential visual impacts. Refer to the plan set at **Attachment 5**.

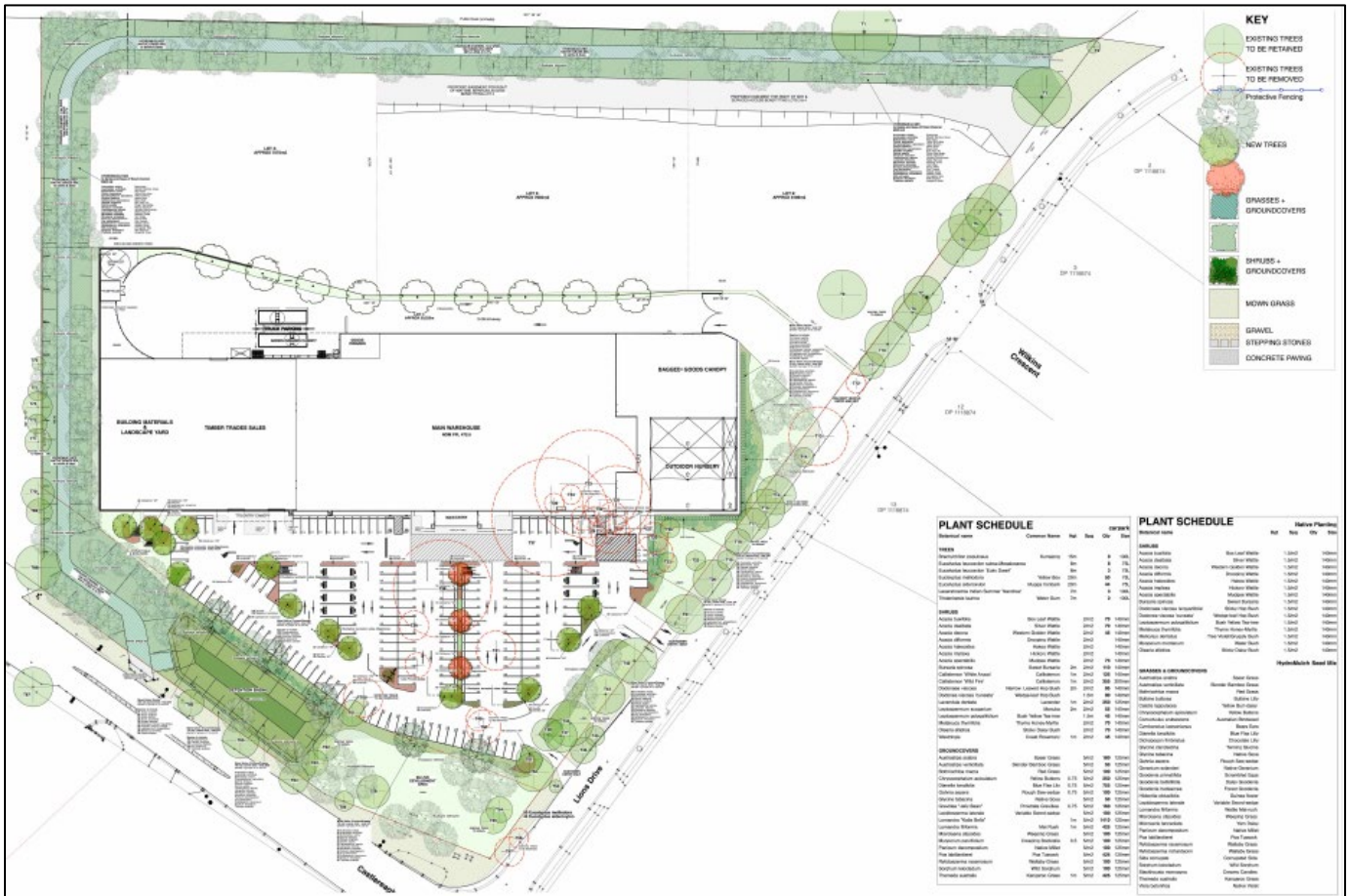


Figure 24. Site Landscaping

3.2.3 Signage

The proposal includes Business identification signage as follows:

Wall Signs on each elevation including:

North Facing Signage fronting the Castlereagh Highway proposed three signs as follows:

- “Bunnings Warehouse” standard wall Sign
- Symbol (aka a logo of Bunnings) of a hammer in a circle Wall sign
- Direction Sign to the Timber Trade area

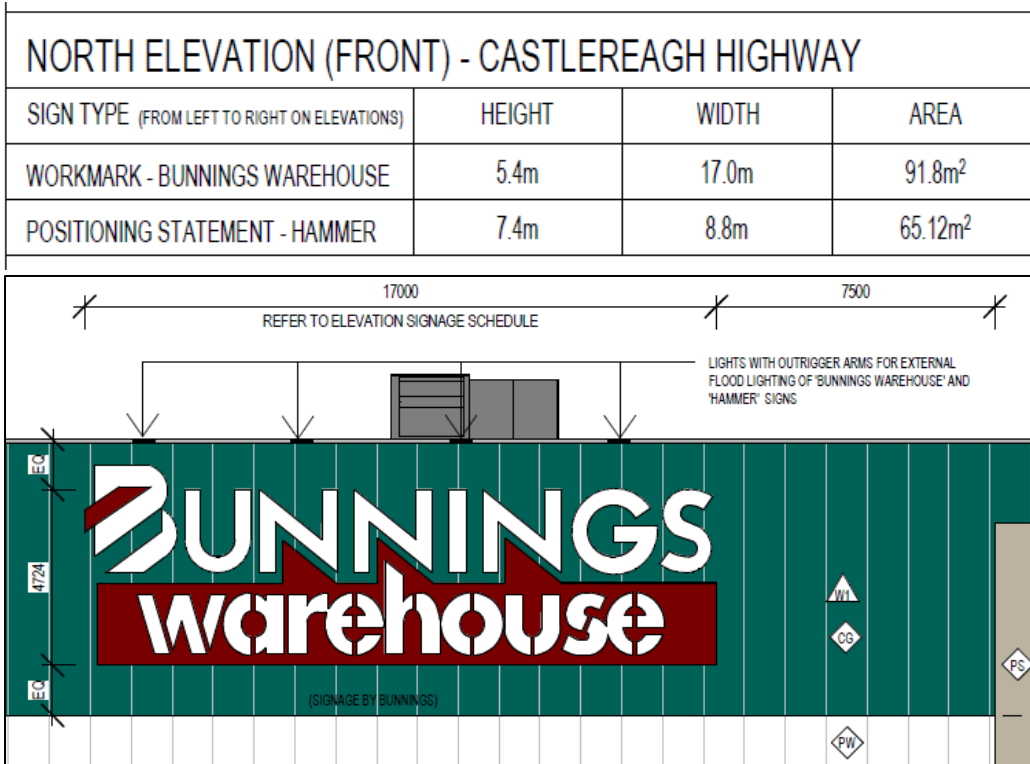


Figure 25: "Bunnings Warehouse" standard wall Sign

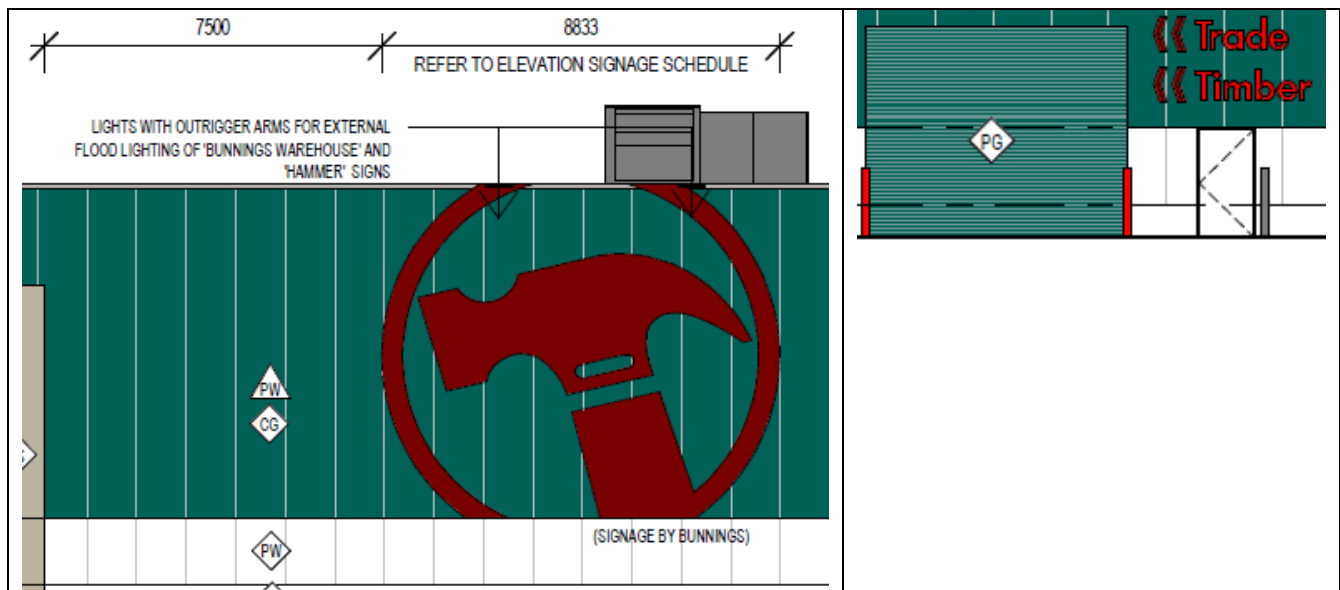


Figure 26: Symbol of a hammer in a circle Wall sign and Directional Sign

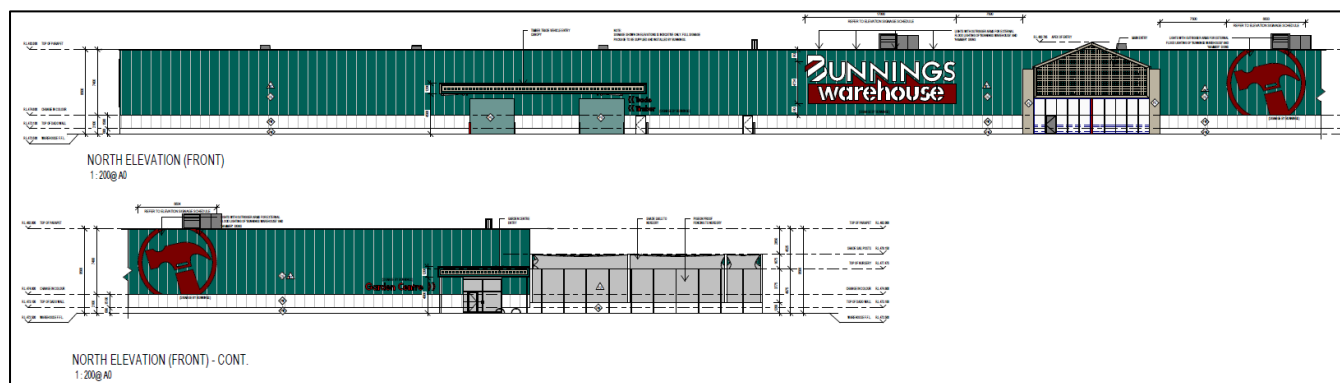


Figure 27. North Facade Signage

West Elevation Signage facing Lions Drive propose two signs as follows:

- "Bunnings Warehouse" standard wall Sign
- Symbol of a hammer in a circle Wall sign

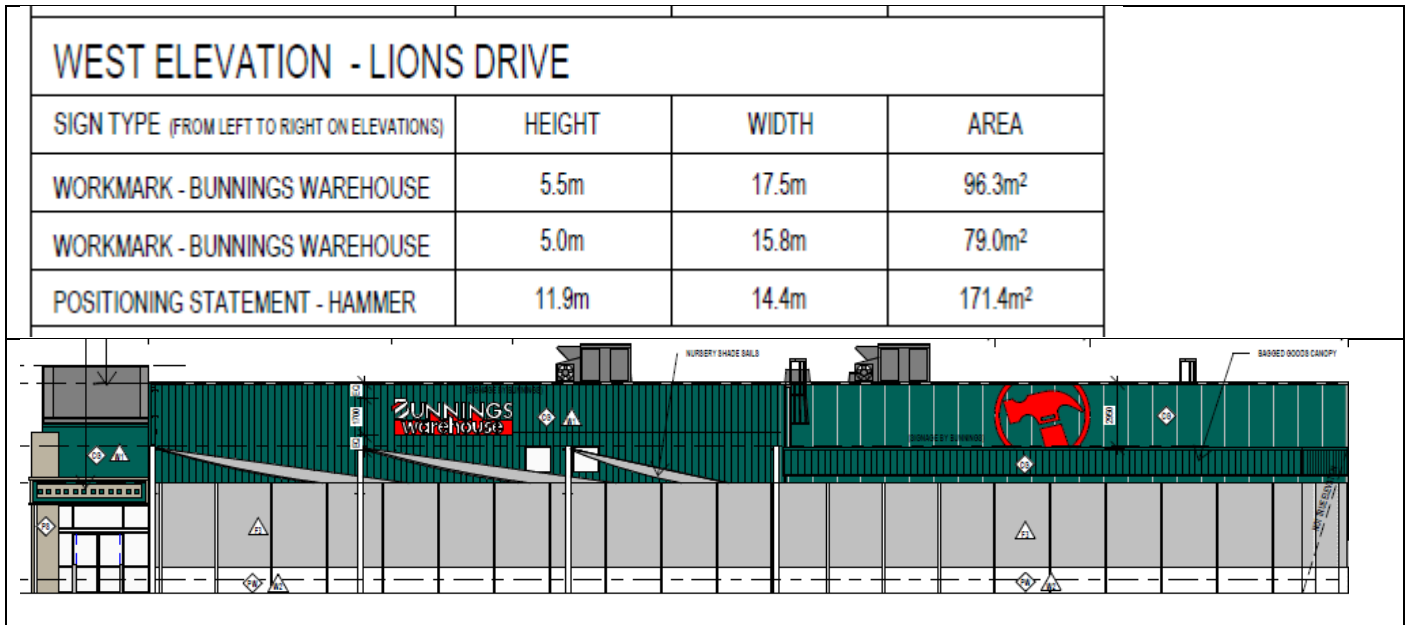


Figure 28. West Facade (Lions Drive) Signage

South Elevation (unmade road) propose two signs as follows:

- "Bunnings Warehouse" standard wall Sign
- Symbol of a hammer in a circle Wall sign

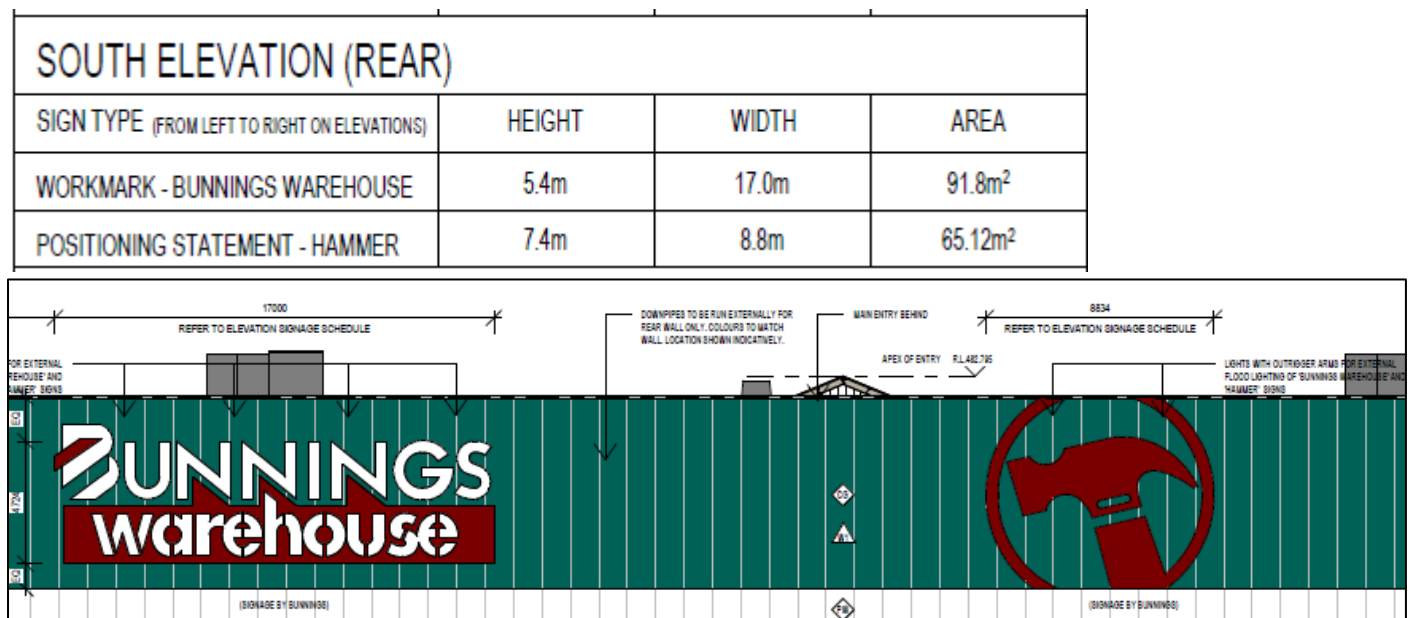


Figure 29. South Facade Signage

Eastern Elevation: There is only a single "Bunnings Warehouse" standard wall Sign only on the Eastern façade (facing the rural-residential neighbour).

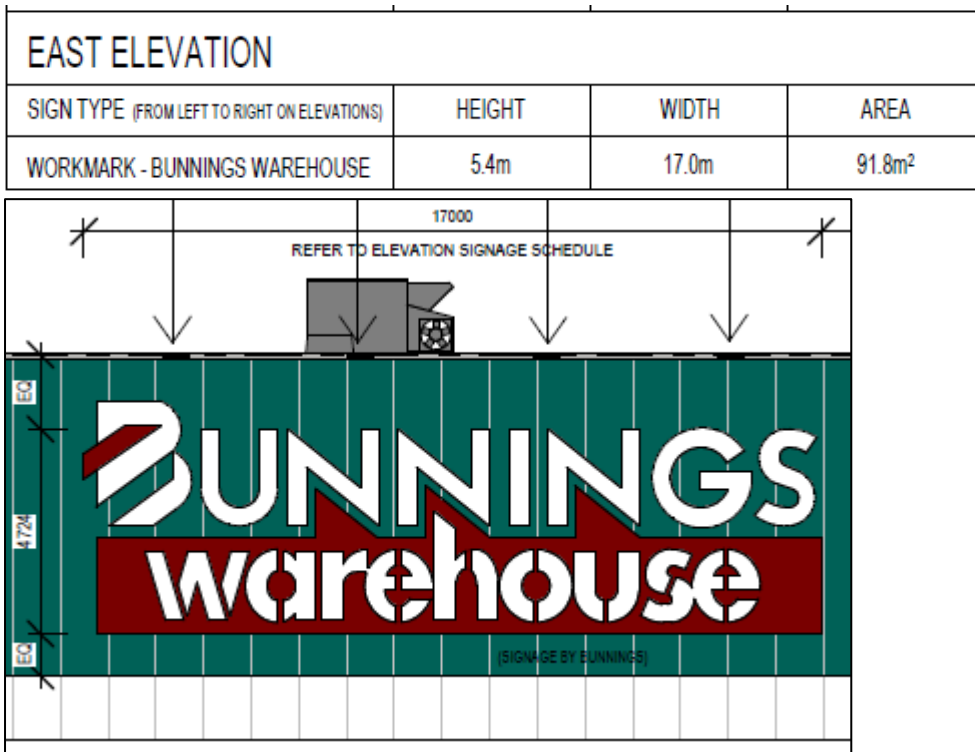


Figure 30. East Facade Signage

Pylon sign – 12m high with a signs area measuring 7.2m x 4m (28.8m²) to be erected in northern area of Bunnings Lot as per plans provided (see figure 31 below). Consent is required for this sign.



Figure 31. Proposed Pylon Sign

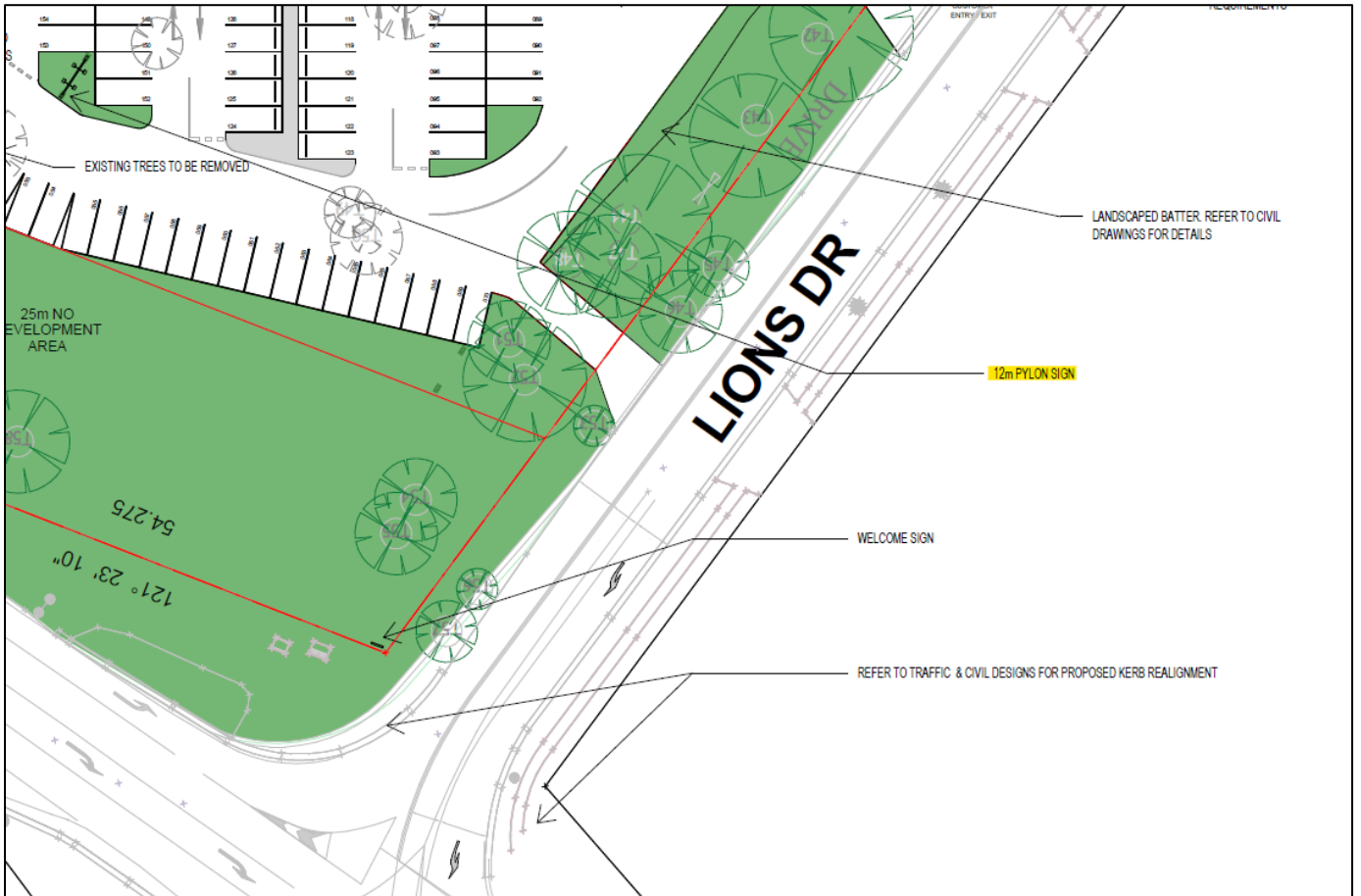


Figure 32. Pylon Sign Location

3.2.4 Carparking

The proposal includes 185 car parks consisting of:

- 175 standard parks,
- 4 accessible parks &
- 6 trade & Trailer Bays.

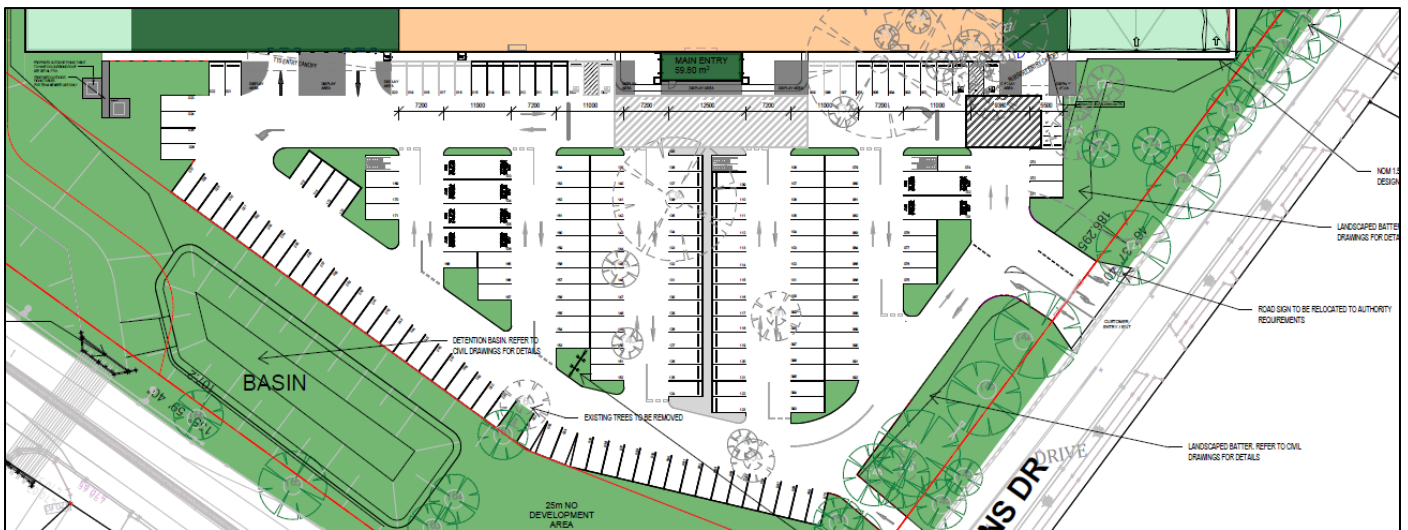


Figure 33. Proposed parking

3.2.5 Site Access

Three access points will be provided to the proposed Bunnings Site via Lions Drive. An additional access point is to be provided to proposed lots 2-4 via Lions Drive towards its southern end. The Castlereagh Highway/Lions Drive intersection is also proposed to be upgraded to ensure suitable access onto Lions Drive is available for Delivery Vehicles and existing heavy vehicles that use this intersection.

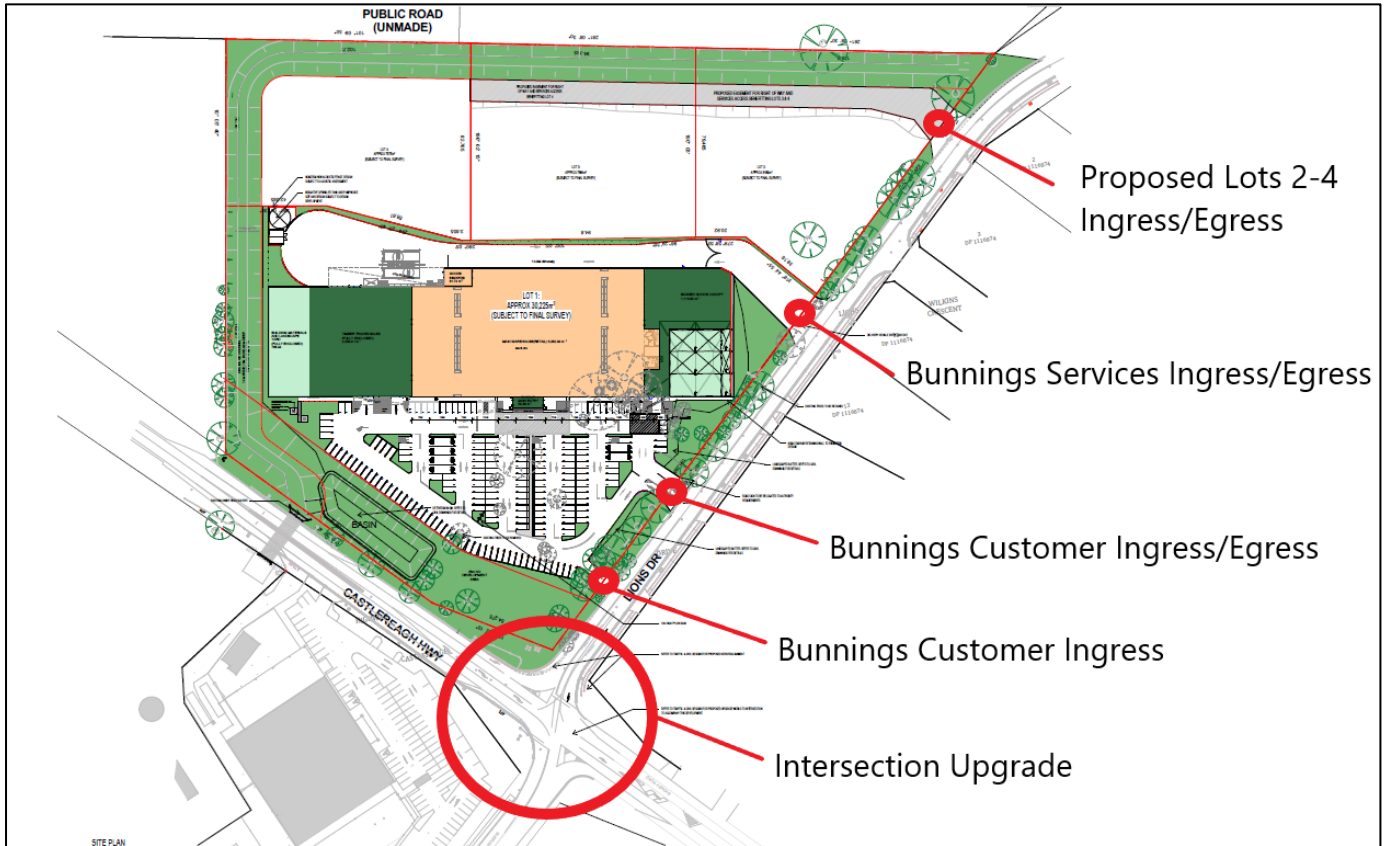


Figure 34. Proposed Site Access Points

3.2.6 Stormwater

Additional stormwater generated through the hardstand areas proposed is to be collected on site within three proposed detention basins. Rainwater is also to be collected from all roof surfaces for storage in a 30000L underground rainwater tank. Stormwater detention measures are shown within figure 29 (page 2 within the Civil Works Design – **Attachment 6**) & listed below:

- Drainage channel invert
- 593.02m³ Stormwater Detention Basin (engineering works within the no development area)
- 50m³ Stormwater on-Site Detention Basin (carpark)
- 44m³ Stormwater on-Site Detention Basin (carpark)
- 30,000L underground rainwater tank for reuse on site

3.2.7 Operational Details

3.2.7.1 Waste Management

Waste storage areas are provided at the rear of the building as a part of the proposed development. These will hold waste until they are collected and removed by contracted waste removalists (currently Bingo Enterprises in NSW), in line with the Waste Management Plan submitted alongside this development Application (**Attachment 12**).

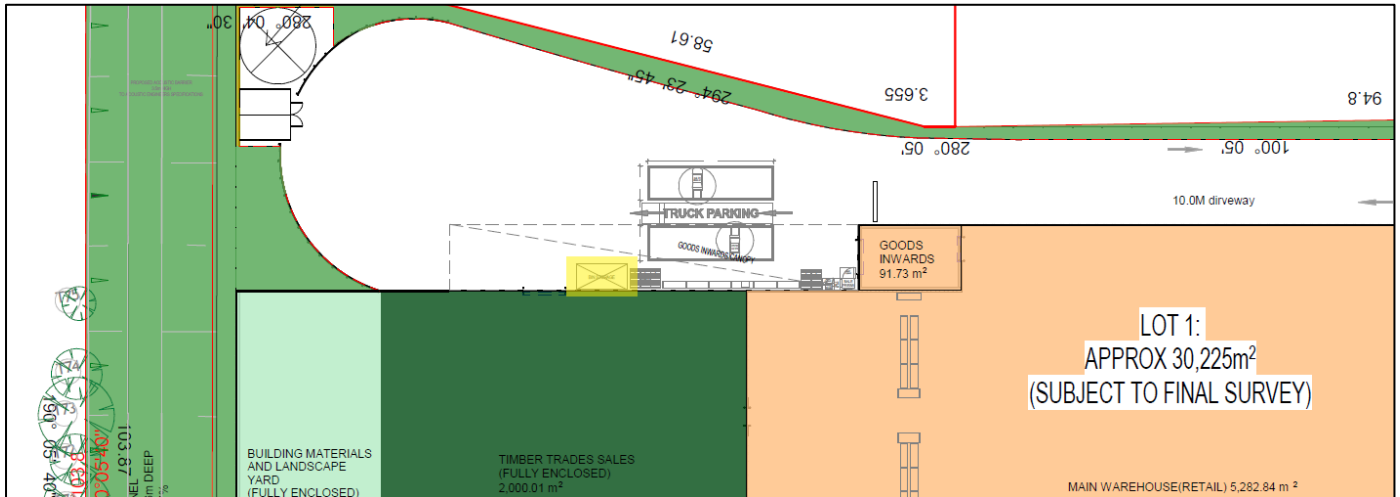


Figure 35. Waste storage on site

3.2.4.1 Hours of Operation

Proposed trading hours consistent with other Bunnings Warehouse facilities is as follows:

- Monday 6:00 am – 10:00 pm
- Tuesday 6:00 am – 10:00 pm
- Wednesday 6:00 am – 10:00 pm
- Thursday 6:00 am – 10:00 pm
- Friday 6:00 am – 10:00 pm
- Saturday 6:00 am – 7:00 pm
- Sunday 6:00 am – 7:00 pm
- Public Holidays 6:00 am – 7:00 pm

The proposed hours of operation are an integral part of the Bunnings service to the needs of tradesmen, local industrial and commercial operations, and the public. Early starts are required for the needs of trades and commercial customers and late closing is required for the convenience of the general public who require goods after normal office hours.

3.2.4.2 Ongoing Employment Details

The proposed larger Bunnings Mudgee store would employ approximately 70 people in Equivalent Full-Time (EFT) positions. There will be a net increase of approximately 20 EFT positions (Ethos Urban 2020) resulting from the new retail facility. On average across Australia, over one-third of the Bunnings team are over 50, and over one-quarter are under 25 years of age thus making Bunnings a key employer of these two section of the community.

3.3 Subdivision

The subject site is a triangular shaped allotment and has an area of ~5.37 hectares. It is proposed to create four (4) new lots through a subdivision of the subject site in conjunction with this development.

- Lot 1 (Bunnings Warehouse Site – 30,225m²),
- Lot 2 – 8,189m²,
- Lot 3 – 7,684m²,
- Lot 4 – 7,575m²

Refer **Figure 36** below and **Attachment 4**.

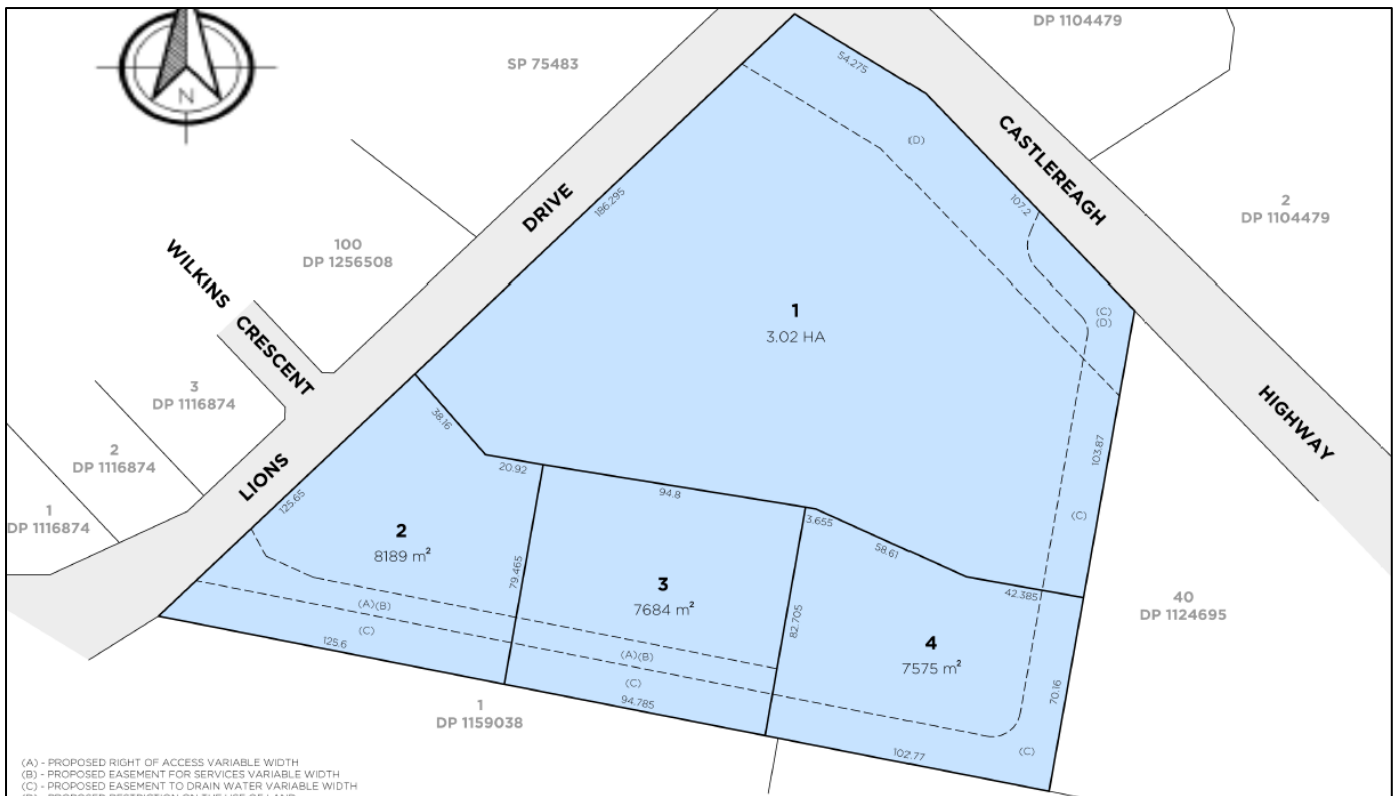


Figure 36. Proposed subdivision

The subdivision also includes several easements to be registered over the proposed lots.. These easements are set out on the proposed subdivision plan (**Attachment 4**) as follows:

- a) Proposed right of access (Lots 2-4)
- b) Proposed easement for services (water, sewer, electricity, telecommunications connections) noted as "A" and "B"
- c) Proposed easement to drain water noted as "C" (stormwater to be diverted along boundary to detention basin)
- d) Proposed restriction on the use of land (25m 'no development zone' as prescribed by clause 6.15 of the MWLEP 2012), noted as "D".

3.4 Pre-DA Lodgement Consultation

Pre-Lodgement consultation was held with Mid-Western Regional Council on March 22nd, 2022. Key issues to be addressed within through the application have been provided by Council in relation to the proposed development. These issues and this SoEE's response have been indicated below:

Table 2: Summary of Key Issues identified by Council

Council Advice	DA Response
The proposal is not integrated development.	Refer section 4.2
<ul style="list-style-type: none"> The Statement of Environmental Effects is to address all the new State Environmental Planning Policies (SEPPs). 	Refer section 4.5
<ul style="list-style-type: none"> The application has identified that there is no koala habitat on the site. 	Refer section 4.5.4 and Attachment 10
<ul style="list-style-type: none"> Application needs to address SEPP (Industry and Employment) 2021 for advertising signs. 	Refer section 4.5.5
<ul style="list-style-type: none"> Application will be referred to TfNSW in accordance with the SEPP (Transport and Infrastructure) 2021. 	Refer section 4.5.7
<ul style="list-style-type: none"> Cut and fill to be detailed in the application. 	Civil design plans showing cut and fill have been incorporated into the proposed civil design, A final for construction drawing can be issued to the PCA prior to issue of a CC.
<ul style="list-style-type: none"> An Acoustic Report is to be submitted with the application. Residence next door. Proposed to provide an acoustic barrier around the truck turning head. 	Refer section 4.10.7 and Attachment 12
<ul style="list-style-type: none"> Pylon sign proposed. Applicant has been advised that Council can be flexible in terms of the Ad sign requirements. 	Noted
<ul style="list-style-type: none"> Applicant has identified no Aboriginal heritage items on site. 	Refer sections 4.9.2 and Attachment 11
<ul style="list-style-type: none"> Waste Management Plan to be submitted with the application. 	Refer Attachment 13
<ul style="list-style-type: none"> Applicant advised that the Planning Proposal dealt with economic analysis and visual impact. 	Council to note and reference Planning Proposal file.
<ul style="list-style-type: none"> The applicant advised that they will be applying for broad hours of operation being 6am to 10pm. This is not intended to be normal operation, just to provide for future proofing and special celebrations and key trading times throughout the year (eg Easter, Christmas, Fathers Day, Mothers Day 	Refer section 3.2.7
Local Environmental Plan 2012: <ul style="list-style-type: none"> The site is flood prone – shallow and broad inundation. Application to address groundwater vulnerability. No great detail required. 	Refer sections 2.2.2.1 & 4.6.5.
The following sections of the DCP should be addressed in the application: <ul style="list-style-type: none"> 4.4 – Signs 4.5 – Commercial Development 4.7 – Tree Preservation Order 5.1 – Car Parking 5.2 – Flooding 	Refer section 4.8

<ul style="list-style-type: none"> • 5.3 – Stormwater Management • 5.4 – Environmental Controls • 7.1 – Urban Subdivision 	
<p>Traffic and Parking</p> <ul style="list-style-type: none"> • A Traffic and Parking Report will need to be submitted with the application. • The application will be referred to Transport for NSW (TfNSW). • The applicant has spoken to TfNSW and Council about proposed traffic arrangements. (8 December 2021) • There is a need to upgrade the Lions Drive/Castlereagh Highway intersection, hweoevre signalisation or roundabout is not warranted at this stage. <ul style="list-style-type: none"> o Additional lanes will be provided. • No roundabout or traffic lights proposed. o What has been proposed has taken into account future traffic growth on the Castlereagh Highway • No cul-de-sac proposed for the end of the right of carriageway (ROW) in the proposed 3 vacant lots, as it is presume traffic accessLLot 4 will be design to enable entry and exit in a forward motion • Truck turning into the site shouldn't have to cross over to the wrong side of the road to make the turn. • Proposed car parking rates are generally in the order of 1 per 50m². • Approximately 200 parking spaces proposed lincluding "drive-in" car spaces accessible within the trade area of the development.. • David Webster to advise applicant of minimum width required for Lions Drive. 	<p>Refer Attachment 9</p>
<p>Flooding, Stormwater and Drainage</p> <ul style="list-style-type: none"> • Flood Study to form part of DA. • Water quality requirements are contained in our DCP. • There may be a need to widen the drainage swale where it changes direction. • Stormwater outlets from new lots into the drainage swale should be shown on plans. • Stormwater basin to outlet into the drainage swale. • It is proposed to recycle water: <ul style="list-style-type: none"> o Roof water to tank. o Collection of floor runoff in the nursery and reuse. 	<p>Refer Attachment 7</p>
<p>Servicing</p> <ul style="list-style-type: none"> • Details of servicing (water and sewer) to all lots in the subdivision to be provided – typically conditioned at DA stage to be addressed Prior to Issue of a Subdivision Certificate or Occupation Certificate 	<p>Refer Attachment 11</p>
<p>Submission Requirements:</p> <ul style="list-style-type: none"> • Site survey • Set of architectural plans. • Concept civil engineering plan set • Statement of Environmental Effects • Car parking and traffic assessment report • Biodiversity assessment • Acoustic report • Flooding and Stormwater Management Plan • Servicing strategy for all lots in the subdivision 	<p>All documents provided</p>

3.5 Approvals Sought

The DA to which this SoEE supports is seeking development consent under section 4.16 of the Environmental Planning and Assessment Act, 1979 for the construction and operation of a Bunnings Warehouse store, and a 4 lot subdivision at 134 Lions Drive, Burrundulla. The proposal includes development which is ancillary to the Proposal and is set out in sections 3 – 3.3 of this report and on the Architectural Plans (Attachment 3), Subdivision Plan (Attachment 4), Landscape Plans (Attachment 5) and Concept Civil Engineering Plans (Attachment 6).

4 PLANNING ASSESSMENT

Prior to any development taking place in New South Wales, a formal assessment must be made of the proposed work to ensure it complies with relevant planning framework and, according to its nature and scale, confirm that it is environmentally and socially sustainable. State, regional, and local planning legislation indicates the level of assessment required, and outlines who is responsible for assessing the development, be it the local council, an accredited private professional or the Minister for Planning.

The following section outlines the approval assessment of the proposed subdivision and Bunnings Warehouse development as is relevant to the site in the context of the legislative framework that applies in NSW. The following legislative framework is applicable in NSW to this form of development and this site:

- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policies
- Mid-Western LEP 2012
- Mid-Western Development Control Plan

The planning framework which is applicable to the subject land is discussed below.

4.1 Environmental Planning & Assessment Act 1979 (EP&A Act)

The relevant objects of the Act are:

a) to promote the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities, and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the EP&A Act:

- The proposed subdivision and Bunnings Warehouse development would be an orderly development of the site which would support and secure the economic use of the land. This is evidenced by the recently approved rezoning of the site for commercial purposes.

4.2 Integrated Development

Section 4.8 of the EP&A Act defines integrated development as development that requires development consent by one or more approvals under another Act. The proposed development has been reviewed in relation to these Acts as follows:

Table 3: Integrated Development Assessment

Act	Provision	Approval	Applicable
Fisheries Management Act 1994	s144	Aquaculture permit	NA
	s201	Permit to carry out dredging or reclamation work	NA
	s205	Permit to cut, remove, damage, or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	NA
	s159	Permit to: a) Set a net, netting, or other material, or b) Construct or alter a dam, floodgate, causeway, or weir, or c) Otherwise create an obstruction, across or within a bay, inlet, river, or creek, or across or around a flat	NA
Heritage Act 1977	s58	Approval in respect of the doing or carrying out of an act, matter or thing referred to in s57(1)	NA
Mine Subsidence Compensation Act 2017	S22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	NA
Mining Act 1992	ss63,64	Grant of mining lease	NA
National Parks and Wildlife Act 1974	s90	Consent to knowingly destroy, deface, or damage or knowingly cause or permit the destruction or defacement of or damage to, a relic or Aboriginal place	NA
Petroleum (Onshore) Act 1991	s9	Grant of production lease	NA
Protection of the Environment Operations Act 1997	s43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises	NA
	ss43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a "waste activity" but including any activity described as a "waste facility").	NA

	ss43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity	
Roads Act 1993	s138	Consent to: 1) a) Erect a structure or carry out a work in, on or over a public road, or b) Dig up or disturb the surface of a public road, or c) Remove or interfere with a structure, work or tree on a public road, or d) Pump water into a public road from any land adjoining the road, or e) Connect a road (whether public or private) to a classified road 3) Development is not integrated development in respect of the consent required under section 138 of the <i>Roads Act 1993</i> if, in order for the development to be carried out, it requires the development consent of a council and the approval of the same Council	NA
Rural Fires Act 1997	s100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	NA
Water Management Act 2000	ss89, 90, 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3	NA

The Proposal does not trigger Integrated Development provisions.

4.3 Designated Development – Section 4.10

Schedule 3 of the Environmental Planning and Assessment Regulations 2000 prescribes development which, if of the relevant type and size, may be considered to be Designated Development. In this case the development *would not* trigger any of the designated development provisions.

4.4 Section 4.15 Assessment

This application is to be assessed in accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979. In particular, section 4.15 outlines matters that a consent authority must take into consideration in determining a development application. These matters are detailed as follows:

Table 4: Section 4.15 Assessment

Section 4.15 Considerations	Compliance
(a) the provision of items (i) to (iv) below.	See comments below
(i) any environmental planning instrument, and	Consideration has been given to the Mid-Western LEP 2012 and all relevant State Environmental Planning Policies (SEPPs). See Section 4.5 and Section 4.6.
(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and	There is no draft environmental planning instrument that relates to this development application.
(iii) any development control plan, or	Consideration has been given to the Mid-Western Development Control Plan – refer to Section 4.8.
(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, and	There are no planning agreements relevant to this application
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph) that apply to the land to which the development application relates,	Consideration has been given to the Environmental Planning and Assessment Regulations 2021. There are no provisions preventing the proposed development from proceeding.
(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	The potential environmental impacts of the proposed development have been considered under the section 4.9-4.11 headings. The proposed development is viewed as unlikely to have any adverse environmental impacts.
(c) the suitability of the site for the development	The suitability of the site is discussed under Section 4.12 of this assessment. It is submitted that the existing building is suitable for the proposed use.
(d) any submissions made in accordance with this Act or the regulations,	Not applicable at this stage
(e) the public interest	The public interest of the proposal is discussed under Section 4.13 of this assessment

4.5 State Environmental Planning Policies (Section 4.15 (1) A (I))

The State Environmental Planning Policies (SEPPs) of relevance to this site and proposal are as follows:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.

4.5.1 State Environmental Planning Policy (Planning Systems) 2021

Development that has a Capital Investment Value of more than \$30m is deemed “Regionally Significant Development” via Schedule 6 as per Section 2.19 of the SEPP.

The Proposal however has a CIV of \$17,710,000 and is therefore deemed Local Development, and therefore in accordance with Section 4.5(b) of the EP&A Act, Mid-Western Regional Council is the consent authority for the subject DA.

4.5.2 State Environmental Planning Policy (Resilience and Hazards) 2021

4.5.2.1 Chapter 3 – Hazardous and offensive development

Chapter 3 of the Resilience and Hazards SEPP addresses the assessment of development applications for potentially hazardous and offensive development for the purpose of industry or storage. Section 3.7 of the Resilience and Hazards SEPP states:

3.7 Consideration of Departmental guidelines

In determining whether a development is:

- (a) a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or*
 - (b) an offensive storage establishment, offensive industry or other potentially offensive industry,*
- consideration must be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development.*

This guideline states that to determine if this SEPP applies, attention should firstly address whether the proposed use falls within the definition of ‘industry’ or ‘storage establishment’.

The proposed Bunnings Mudgee is neither an industry nor a storage establishment. The respective definitions are as follows:

***industry** means any of the following:*

- (a) general industry,*
- (b) heavy industry,*
- (c) light industry,*

***storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.*

Considering the key activity undertaken at a Bunnings Warehouse, being the display and sale of hardware and home improvement products. The proposed Bunnings falls under the definition of *hardware and*

building supplies, which is a subgroup to the parent definition of retail premises. The storage or transport of any dangerous goods would then clearly be “ancillary” to those retail premises. Consequently, the proposal does not fall under the storage premises definition.

The development is also clearly not an industry as a hardware and building supplies business does not involve the processing of materials as required by an industry definition. Consequently, SEPP Resilience and Hazards does not apply to the proposal.

Furthermore, Appendix 3 of the Guidelines lists “industries that may fall within SEPP 33”, and none that are listed include hardware and building supplies.

Given the development is neither an industry nor storage establishment, SEPP Resilience and Hazards does not apply. The proposed extensions do not propose any alteration to existing dangerous goods handling operations on the subject site.

4.5.2.2 Land Contamination and Remediation

Chapter 4 of the *State Environmental Planning Policy Resilience and Hazards* addresses the need for land contaminated and remediation to be considered as part of the development assessment process. Chapter 4, clause 4.6 sets out the provisions that the consent authority must take into consideration when assessing a development application:

Clause 4.6 - Contamination and remediation to be considered in determining development application

Under Clause 4.6, a consent authority must not consent to the carrying out of any development on land unless:

(a) It has considered whether the land is contaminated, and

(b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Planning Comment: Valley Civilab undertook a Preliminary Site Investigation for contamination through the previous planning proposal carried out over the site. The investigation concluded as follows:

“No indication of gross contamination has been identified which would constrain the development of the Site for its proposed land use.”

4.5.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Biodiversity and Conservation SEPP commenced on 1 March 2022 and involved the consolidation of 11 existing SEPPs, with those SEPPs being repealed on the same day. Of relevance to this application was the consolidation of the Koala Habitat Protection SEPPs 2021 into this new State planning policy. Chapter 4 contains the relevant provisions from this SEPP providing the land use planning and assessment framework for koala habitat with the aim to ensure populations remain in their present range and the trend of population decline is reversed

Mid-Western Regional Council do not have an approved Koala Management Plan; therefore Section 4.9 of the Biodiversity and Conservation SEPP provides the assessment. This section states as follows:

4.9 Development assessment process—no approved koala plan of management for land

(1) This section applies to land to which this Chapter applies if the land—

(a) has an area of at least 1 hectare (including adjoining land within the same ownership), and

(b) does not have an approved koala plan of management applying to the land.

(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.

(3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.

(4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.

(5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—

(a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—

(i) does not include any trees belonging to the koala use tree species listed in Schedule 2 for the relevant koala management area, or

(ii) is not core koala habitat, or

(b) information the council is satisfied demonstrates that the land subject of the development application—

(i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or

(ii) includes only horticultural or agricultural plantations.

(6) In this section—

koala assessment report, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts.

Planning Comment: EcoLogical Australia provided an assessment of the proposed development's impacts on any potential Koala Habitat as follows:

*An initial assessment of potential Koala habitat was assessed in accordance with the State Environmental Planning Policy – Koala Habitat Protection (SEPP 2021). The impact area was not determined to be either potential or core Koala habitat in accordance with the SEPP due to the identification of only twelve individual feed trees (*Eucalyptus blakelyi*, *E. melliodora*, *E. camaldulensis*) and the development site being part of a non-contiguous patch. There are three historical records of Koalas observed within a 10 km radius of the development site (DPI 2020) with the most recent being 2006 within vegetation along the Cudgegong River approximately 2 km from the development site. There are no records of Koalas being recorded within the development footprint."*

4.5.4 State Environmental Planning Policy (Industry and Employment) 2021

The proposal incorporates wall signs as outlined at section 3.2.5 on all elevations consistent with the wall signage on the existing Bunnings Mudgee building and with signage formats Bunnings uses on all their stores. Development consent is sought for these wall signs. The proposal also seeks consent for the erection

of a 12m high pylon sign. Chapter 3 of SEPP Industry and Employment aims to ensure that all signage is suitable within its given site context. The matters for consideration in this regard are as follows:

Clause 3.6: 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 Chapter as set out in section 3.1(1)(a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

Clause 3.1 (1) (a) is as follows:

(1) This Chapter aims—

(a) to ensure that signage (including advertising)—

- (i) is compatible with the desired amenity and visual character of an area, and*
- (ii) provides effective communication in suitable locations, and*
- (iii) is of high quality design and finish, and*

(b) to regulate signage (but not content) under Part 4 of the Act, and

(c) to provide time-limited consents for the display of certain advertisements, and

(d) to regulate the display of advertisements in transport corridors, and

(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

(2) This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.

Planning Comment: The proposed signage is consistent with the above objectives and the matters outlined in Schedule 5, as the signs are similar and in keeping with Bunnings Identification signs in terms of colour and font. They effectively identify the business to operate on the site and will be of a high quality design.

Character of the area

The character of the area on the northern and western sides of the site is predominantly commercial and industrial style uses with many large buildings both in terms of site coverage and height in the immediate vicinity. Signage in the vicinity of the site is of similar proportions to those proposed by Bunnings displayed along the Castlereagh Highway.

To ensure compliance with the SEPP, the proposed signs have been designed to be of a scale which is in proportion with the size of the proposed building.

The signs are directly associated with the proposed development and will serve to provide business identification and public wayfinding. The proposed signs are considered to be appropriate having regard to the context of the site and ancillary to the principal proposed use of the land, and are consistent with character of each façade of the building.

Special areas

The proposed signs are for a proposed Bunnings warehouse building which is located within a commercial area.

Views and vistas

The proposed signs will have no impact upon views or vistas in the vicinity of the site. Likewise, the proposed pylon sign is not proposed to be located in a position that would impact on views or vistas.

Streetscape, setting and landscape

When considered in the context of the overall development of the site that is located within a commercial/industrial area which will introduce a substantial landscaped curtilage around the building including retention of much of the existing eucalypt trees in the Lions Drive verge, the proposed business

identification signage and pylon sign is considered an acceptable addition to the site, setting and landscaping.

Site and building

The proposed signs have been designed to be an integrated element with the architecture of the building and are important elements which introduce visual interest to the warehouse facades. The size of the signs is appropriate with respect to the scale of the building and incorporate a colour and theme consistent with the overall proposed development of the site for a Bunnings warehouse. The proposed signs, including the proposed pylon sign, are considered acceptable having regard to the location, the scale of the site and building, local context, and generous setbacks of the proposed building.

Associated devices and logos with advertising and advertising structures

The pylon signs will be engineered appropriately for structural stability and safety.

Illumination

The Pylon signs will be illuminated, but only during the hours of operation of the store, and furthermore it is noted the method illumination is external to the site the illumination will be provided to the degree necessary in that the signs will not project glare onto adjoining properties or cause a safety issue to road users.

Safety

The proposed signs will assist in public safety by clearly identifying the site which will assist in smooth traffic flow into the site from the surrounding streets. The proposed signs will not reduce the safety for vehicles, pedestrians or bicyclists and does not obscure views along the road, footpath or to any public area or safety zone.

4.5.5 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

It is typical for Bunnings store proposals that some of the business identification wall signs qualify as Exempt development. However, the applicant is seeking consent for all advertising and directional signage on the building to avoid any future uncertainty.

4.5.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) commenced on 1 March 2022 and consolidates and repeals the provisions of the following 4 SEPPs:

1. *SEPP (Infrastructure) 2007* (Infrastructure SEPP)
2. *SEPP (Educational Establishments and Childcare Facilities) 2017* (Education and Childcare SEPP)
3. *SEPP (Major Infrastructure Corridors) 2020* (Corridor SEPP)
4. *SEPP (Three Ports) 2013* (Three Ports SEPP).

Of relevance to this DA is Chapter 2 which has provision relating to Infrastructure' including planning rules and controls from the Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.

The relevant provisions within Chapter 2 of the Transport and Infrastructure SEPP are as follows:

4.5.6.1 Electricity Infrastructure (Clause 2.48)

The Proposal triggers Clause 2.48 (1)(b) as the proposed site accesses are located within 5m of existing exposed overhead powerlines. These provisions state as follows:

- (1) This section 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*
 - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pole to the bottom of the structure at ground level, or*
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pole,*
 - (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*
- (2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—*
- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
 - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.*

Planning Comment: Given the proposed site accesses are to be constructed within 5m of existing overhead powerlines, MWRC is required to refer the DA to the relevant electricity supply authority for the area.

4.5.6.2 Traffic Generating development (Clause 2.121)

Division 17 of the Transport & Infrastructure SEPP includes provisions that are required to be addressed in respect to the potential impact of development on Roads and Traffic. Of specific relevance to this application is Subdivision 2, Development in or Adjacent to Road Corridors and Road Reservations. The relevant clauses are:

- Clause 2.118 Development with frontage to classified road
- Clause 2.121 Traffic-generating development

Clause 2.118 Development with frontage to classified road

The Proposal triggers Clause 2.118 as the site has frontage to a classified road (Castlereagh Highway). The provisions state as follows:

- (1) The objectives of this section are—*
- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Planning Comment: A Traffic and Parking Assessment has been undertaken by Transport and Traffic Planning Associates and it addresses the considerations under Clause 2.118 of the Transport & Infrastructure SEPP.

Clause 2.121 Traffic-generating development

The Proposal is a commercial development that seeks development consent for a development that exceeds 2,500m² and is within 90m of a classified road, and therefore consideration of this provision is triggered. The provision states as follows:

- 1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—*
 - (a) new premises of the relevant size or capacity, or*
 - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) In this section, relevant size or capacity means—*
 - (a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—*
 - (a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and*
 - (b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.*
- (4) Before determining a development application for development to which this section applies, the consent authority must—*
 - (a) give written notice of the application to TfNSW within 7 days after the application is made, and*
 - (b) take into consideration—*
 - (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and*
 - (ii) the accessibility of the site concerned, including—*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*

- (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- (iii) any potential traffic safety, road congestion or parking implications of the development.*
- (5) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.*

Planning Comment: The proposed development will require referral to TfNSW through the Transport & Infrastructure SEPP as it is development within 90m of a classified road and is ‘traffic-generating development’.

4.6 Mid-Western Local Environmental Plan 2012

The Mid-Western Local Environmental Plan 2012 (MWLEP 2012) is the applicable local planning instrument for the site.

4.6.1 Applicable Land Use Definitions

The Bunnings Warehouse business model is characterised as primarily a commercial premises that retails a range of products related to home building and renovation/improvement as well as gardening and landscape supplies. The relevant landuse definition for a Bunnings Warehouse is as follows:

- ***garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:*
 - (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,*
 - (b) pets and pet supplies,*
 - (c) fresh produce.*

***Note.** Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.*

- ***hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.*

***Note.** Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.*

- ***Landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.*
- ***Signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:*
 - a) An advertising structure*
 - b) A building identification sign*
 - c) A business identification sign**but does not include traffic signs or traffic control facilities.*

4.6.2 Site Zoning

The subject land is zoned B5 Business Development as shown in **figure 37** below.

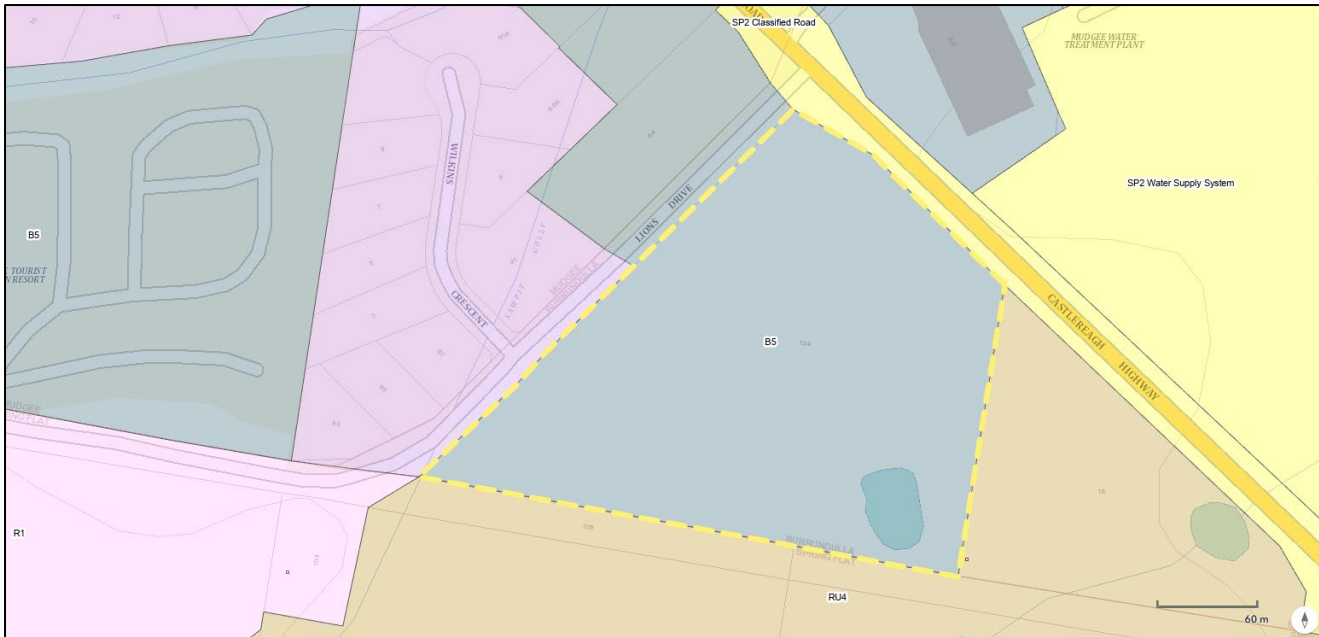


Figure 37. Proposed B5 Business Development Zoning

4.6.3 Permissibility

Under the B5 Business Development zone the following land use table applies:

Table 5: B5 Business Development land use table.

2 Permitted without consent

Roads; Water reticulation systems

3 Permitted with consent

Agricultural produce industries; Centre-based child care facilities; **Garden centres; Hardware and building supplies;** Kiosks; **Landscaping material supplies;** Light industries; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Respite day care centres; Roadside stalls; Rural supplies; Specialised retail premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; **Any other development not specified in item 2 or 4**

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Group homes; Hazardous industries; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Pond-based aquaculture Registered clubs; Residential accommodation; Restricted premises; Rural industries; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Water recreation structures; Water recycling facilities

As can be seen from the above land use table, *Hardware and building supplies, Garden centres, Landscaping material supplies* and *Signage* are all **permissible with consent**.

4.6.4 Zone Objectives

The **zone objectives** of the B5 Business Development zone are as follows:

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

Planning Comment: Bunnings is a specialised retail format requiring a large floor area. The site has been specifically zoned to enable this use and it was established through the Planning Proposal process that the Proposal is within a location that is close to, and will support the viability of, retail hierarchy of Mudgee.

- To promote a visually attractive entry point into Mudgee from the south east.

Planning Comment: The Planning Proposal was the subject of a specialised Visual Impact Assessment and report. The result was a 25m restricted development buffer along the Castlereagh Highway frontage. The Proposal respects this buffer, and the landscape plan illustrates how it is to be treated from a landscaping perspective and this outcome will promote a visually attractive entry point into Mudgee from the south east.

- To enable development that does not undermine the primary retailing role of the Mudgee commercial core area.

Planning Comment: This issue was also established through the Planning Proposal process with a specialised Economic Impact Assessment being prepared and considered by Council with the outcome being that Council zoned the site to enable the Proposal as they were satisfied that it will not undermine the primary retailing role of the Mudgee commercial core area.

Planning Comment: The proposed Bunnings extension is consistent with the above zone objectives in that it will enable the ongoing operation of the existing Bunnings store on the Site.

4.6.5 Other Relevant Provisions

The following table outlines the other relevant provisions of the MWLEP 2012.

Table 6: Mid-Western Local Environmental Plan 2012 Assessment

MWLEP 2012 Provision	Proposal	Compliance
Clauses 4.1AA-4.6, 5.1-5.20, 5.22, 6.1, 6.5-6.8, 6.10-6.14		N/A
4.1 Minimum Subdivision Lot Size 2000m ² minimum lot size applicable to the subject site.	All proposed lots are >7000m ² , larger than the 2000m ² minimum lot size applicable to the subject site.	Complies
5.21 Flood Planning (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—	WMA Water provide the following assessment of the proposed development against the provisions set out within subclause 2:	

<p>(a) is compatible with the flood function and behaviour on the land, and</p>	<p><i>The flood function classification for the site is defined in the Mudgee Flood Study, where the classification of "flood fringe" applies to the majority of the site. As defined in the Floodplain Development Manual, development in flood fringe areas would not have any significant effect on the pattern of flood flows and/or flood levels.</i></p>	<p>Complies</p>
<p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p>	<p><i>An assessment of the impacts of the development on flood behaviour has been undertaken The assessment showed that the development results in positive changes to flood behaviour including the removal of inundation across the majority of the site and on the Castlereagh Highway with only minor negative impacts on the immediate downstream channel in the 1% AEP event. The development is therefore considered to be compatible with the flood function on the land.</i></p>	<p>Complies</p>
<p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p>	<p><i>Under proposed conditions the site of the proposed building is no longer inundated in the 1% AEP event and therefore no flood hazard exists at the building, or car parking areas. In addition, a number of surrounding roads remain flood free allowing for efficient evacuation during a flood event.</i></p>	<p>Complies</p>
<p>(d) incorporates appropriate measures to manage risk to life in the event of a flood and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>	<p><i>The proposed drainage channel appropriately manages the flow entering the site. The channel contains gently sloped vegetated banks, which will minimise any potential erosion. There is a very minor increase in flood levels (<0.05m) and velocity (<0.1m/s) in the downstream channel which are unlikely to result in reduced bank stability.</i></p>	<p>Complies</p>
<p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p>	<p>WMA Water provide the following assessment of the proposed development against subclause 3: <i>The scale of existing flood behaviour across the site is relatively small, with only 0.3m between a 5% AEP and the PMF events. This coupled with the very minor change in flood levels beyond the development site in the 1% AEP</i></p>	<p>Complies</p>

<p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>	<p><i>event, indicate that the impacts of the development are unlikely to be greater under a future climate scenario.</i></p> <p><i>The size of the development relative to the site allows sufficient space for flow entering the site in the 1% AEP event to be appropriately managed within the proposed drainage channel.</i></p> <p><i>Under proposed conditions the site of the proposed building is no longer inundated in the 1% AEP event and therefore no flood hazard exists at the building, or car parking areas. In addition, a number of surrounding roads remain flood free allowing for efficient evacuation.</i></p> <p><i>Under proposed conditions the site of the proposed building is no longer inundated in the 1% AEP event. The flood impacts assessment showed that the development results in positive changes to flood behaviour in the 1% AEP event including the removal of inundation across the majority of the site and on the Castlereagh Highway with only minor negative impacts on the immediate downstream channel.</i></p>	<p>Complies</p> <p>Complies</p> <p>Complies</p>
<p>6.3 Earthworks</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p>	<p>This has been considered in the Clause 5.21 considerations detailed above.</p> <p>The Proposal reflects the future use of the land.</p> <p>There is nothing to suggest any issues with the quality of soil on the site.</p> <p>Earthworks are ancillary to the Proposal and are not likely to impact on the existing and likely amenity of adjoining properties.</p> <p>Unknown at this stage</p> <p>An aboriginal Due Diligence report did not identify any relics on the site. If any are located on the site during</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>

<p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>earthworks, standard stop work protocols will apply.</p> <p>An Erosion and Sediment Control Plan is included in the Civil Engineering package.</p>	<p>Complies</p>
<p>6.4 Groundwater Vulnerability</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),</p> <p>(b) any adverse impacts the development may have on groundwater dependent ecosystems,</p> <p>(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),</p> <p>(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>The Site is identified land identified as “Groundwater vulnerable”.</p> <p>While liquids and chemicals will be sold through the store, these materials will be located within the store itself, on a concrete slab, or within bunded areas. Consequently there is no likelihood of groundwater contamination from the development.</p> <p>The development is not of a nature whereby it could impact on groundwater ecosystems.</p> <p>The development is not of a nature whereby it could impact on groundwater.</p> <p>No measures are considered to be required given no impacts are likely..</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
<p>6.9 Essential Services</p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable road access.</p>	<p>A Preliminary Servicing Strategy provided at Attachment 8 and demonstrates services available/to be made available to the subject site.</p>	<p>Complies</p>
<p>6.15 Development at 134 Lions Drive, Burrundulla</p> <p>(3) Development consent must not be granted to development on the land unless the consent authority is satisfied that—</p> <p>(a) buildings above ground level (existing) on the land will have a setback of at least 25m</p>	<p>The 25m “no development area” along the Castlereagh Highway frontage is</p>	<p>Complies</p>

from the boundary of the land with the Castlereagh Highway, and	illustrated on the site plan. As can be seen, the proposed above ground building is not located within this setback area..	
(b) there will be no signage on the land within 25m of the boundary of the land with the Castlereagh Highway, and	No signage proposed within 25m setback.	Complies
(c) the development will not detrimentally impact on view corridors.	Development will not detrimentally impact view corridors – see landscape plan (Attachment 5).	Complies

4.7 Proposed Instruments – Section 4.15(1)(A)(II)

Insite Planning Services is not aware of any proposed instruments that are or have been the subject of public consultation under the Act and that have been notified to Council that would have implications for this development application.

4.8 Development Control Plan

Mid-Western Development Control Plan 2013 (MWDCP 2013) applies to the proposed development. MWDCP 2013 complements MWLEP 2012, providing clear objectives and controls for development. The DCP outlines necessary design elements to be considered for best practice solutions and to meet requirements for commercial and business development. These elements include:

- 4.4 – Signs
- 4.5 – Commercial Development
- 5.1 – Car Parking
- 5.2 – Flooding
- 5.3 – Stormwater Management
- 5.4 – Environmental Controls
- 7.1 – Urban Subdivision

Table 7: Mid-Western DCP Assessment

MWDCP Controls	Comment	Compliance
4.4 Signs		
<p>GENERAL REQUIREMENTS <i>Full details of sign type, size, lettering, location, colours etc. must be provided with a development application.</i> <i>All advertising must relate to the lawful uses or activities carried out on the same land on which the advertising sign is to be erected.</i></p>	<p>The proposed signage is outlined within section 3.1.5 of this report. Proposed signage consists of a Pylon Sign & business identification wall Signs.</p>	Complies

<ul style="list-style-type: none"> - Pole or Pylon Signs A sign mounted on a single pole independent of any building or other structure. - Wall Sign A sign attached directly to the wall of the building or painted directly onto the wall excluding signs including the parapet of the building. 		
<p>BUSINESS AREAS</p> <p>(a) Generally a maximum signage area per commercial building (regardless on number of tenancies) of 25% of the frontage is permitted per building.</p> <p>(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.</p> <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 powder-coated 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>Proposed signage is <25% of the frontage area.</p> <p>No under-awning signage proposed.</p> <p>Only a single pylon sign is proposed</p> <p>Wall signs are to be painted directly on facades.</p>	<p>Complies</p> <p>N/A</p> <p>Complies</p> <p>Complies</p>
<p>4.5 – Commercial Development</p>		
<p>Building setbacks</p> <ul style="list-style-type: none"> - No minimum front setback - Side & Rear setbacks to comply with BCA 		
<p>Design</p> <p>(a) The LEP includes provisions relating to active street frontages. All premises on the ground level of a building facing the street are used for the purposes of business premises or retail premises.</p> <p>(b) All premises on the ground level of a building facing the street shall be comprised of windows and doors to encourage the interaction between pedestrians and the retail space</p>	<p>Proposed location is not affected by LEP provisions.</p> <p>The front façade of the proposed Bunnings Warehouse building is comprised of windows and doors.</p>	<p>Complies</p> <p>Complies</p>

<p><i>(c) Building facades shall be articulated by use of colour, arrangement of elements or by varying materials</i></p> <p><i>(d) Consider elements within established heritage buildings and how its application may be applied to new development</i></p> <p><i>(e) Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials.</i></p> <p><i>(f) Design of new development should seek to be sympathetic to heritage items not reproduce them.</i></p> <p><i>(g) Plans must include details of all external infrastructure (air conditioning ducts, plant rooms) and how it will be screen from view form a public road.</i></p> <p><i>(h) Development on a corner must include architectural features to address both frontages.</i></p> <p><i>(i) Where the development will adjoin the residential, village and mixed use zones, sufficient setbacks in the form of landscape buffers and access ways should be incorporated.</i></p>	<p>Building facades are articulated through colour & varying materials.</p> <p>Greenfield site – no items of Heritage significance to consider.</p> <p>The proposed form, scale, materials, and colours are in keeping with the Bunnings Corporate Branding. No heritage items on the site.</p> <p>All external infrastructure detail is provided on the plans attached.</p> <p>Bunnings warehouse is setback from the corner.</p> <p>Landscape/Visual buffer provided to the south-east.</p>	<p>Complies</p> <p>N/A</p> <p>Complies</p> <p>N/A</p> <p>Complies</p> <p>N/A</p> <p>Complies</p>
<p>Scale form & height</p> <p><i>a) The LEP controls the height of buildings to a maximum of 8.5m</i></p>	<p>Proposed height of 9.5m. The LEP has no development standard applying to the site in terms of height.</p>	<p>NA</p>
<p>Mortimer & Church Street Mudgee - NA</p>		
<p>Articulation & facade composition</p> <p><i>(a) To break visual bulk and create interest, use secondary vertical elements such as fenestration or detail such as changes in materials and colour.</i></p> <p><i>(b) Excessive length of blank walls are not supported in the front facade.</i></p> <p><i>(c) Where blank walls are unavoidable (alongside or rear boundaries), break the visual impact through the provisions of landscaping, or by creating visual interest through patterning of the facade, signage or public art.</i></p>	<p>Visual bulk of the building is broken up through the materials, colours and signage used on facades.</p> <p>Signage and directional signage break up the front facade.</p> <p>The site is to be effectively landscaped from all public viewpoints to minimise visual impact in the context of the site.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p>
<p>Residential commercial interface</p> <p><i>(c) Maintain acoustic privacy through the use of acoustic fencing, where vehicular movement adjoins property boundaries to reduce visual bulk of the proposed development.</i></p> <p><i>(d) Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings must be located along property boundaries ensure that sufficient landscaping is provided</i></p> <p><i>(e) A development should not reduce the sunlight received by the north-facing windows of living area, private open space areas, or clothes drying areas of adjoining properties to</i></p>	<p>Acoustic fencing proposed between Bunnings building and residential dwellings to the south.</p> <p>Building is located away from all boundaries.</p> <p>The proposed development will not reduce sunlight available to adjoining sites to less than 3 hours between 9am & 3pm at the winter solstice.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p>

<p><i>less than 3 hours between 9 am and 3pm at the winter solstice.</i></p>		
<p>Utilities & Services <i>(a) Documentation to demonstrate that the development is able to be services with water, sewer and drainage and adequate provision has been made for handling and disposal of solid waste</i> <i>(b) Trade Waste Application is required where liquid waste (other than water from wash basins, toilet or bathrooms) will be discharged into Council's sewerage system.</i> <i>(c) Building and structures are to be located clear of infrastructure</i> <i>(d) For new sewer mains structures are to be located 1m plus the equivalent inverted depth, whichever is greater) of the centreline of the main.</i></p>	<p>Servicing Strategy provided at Attachment 8.</p> <p>Trade waste application not required.</p> <p>Buildings are proposed in areas clear of existing/proposed infrastructure. Proposed development can comply with this requirement. The applicant submits to a condition of the consent requiring compliance with this provision when detailed sewer designs are carried out prior to construction.</p>	<p>Complies</p> <p>N/A</p> <p>Complies</p> <p>Condition to consent</p>
<p>Traffic & Access <i>(a) All vehicles must be able to enter and exit the site in a forward direction</i> <i>(b) All vehicle movement paths are to be sealed</i> <i>(c) Driveways must comply with Australian Standard AS 2890.1 Parking Facilities</i> <i>(d) For new commercial development all loading facilities are to be located within the site with no loading to occur from the public road system.</i> <i>(e) All loading facilities shall be designed to complying with Australian Standards.</i> <i>(f) Where the truck delivery paths extend through car parking areas due consideration should be given to the separation of truck, pedestrian and car traffic. Where separation cannot be achieved then the application it to address traffic flow and safety issues.</i></p>	<p>All vehicles can enter and exit in a forward direction.</p> <p>All carpark/accesses are sealed.</p> <p>Driveways designed to comply with <i>AS 2890.1 Parking Facilities</i></p> <p>Loading facilities located within the site to rear of proposed Bunnings Warehouse Building.</p> <p>Loading facilities are designed to meet Australian Standards.</p> <p>Truck delivery located separate from customer parking/pedestrian access.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
<p>Pedestrian Access <i>a) Maintain existing covered pedestrian access within the town centres</i> <i>(b) Convenient and safe access through parking areas</i> <i>(c) Convenient and safe disabled access through parking areas and where relevant focus on improving links with the existing retail areas.</i></p>	<p>Proposed Bunnings is not located within the Mudgee town centre.</p> <p>Safe access through parking areas is provided by pedestrian paths.</p> <p>Safe & convenient disabled access provided by locating disabled carparking spaces adjacent to the entry to the store..</p>	<p>N/A</p> <p>Complies</p> <p>Complies</p>
<p>Parking <i>Bulky Goods – 1 spaces per 50m2 GFA</i> <i>Manufacturing – 1 space per 75m2 GFA</i> <i>Warehouse – 1 space per 100m2 GFA</i> <i>Hardware and Building Supplies – 1 space per 50m2 GFA</i> <i>Garden Centres – 1 space per 500m2 of site area.</i></p>	<p>Council's DCP specifies a parking provision requirement for Bulky Goods Retailing, Rural Supplies, Hardware, and Building Supplies as follows: 1 space per 50m2 GFA</p> <p>Application of this criteria to the proposed Bunnings retail floorspace of</p>	<p>Complies</p>

	9,203m ² (excluding the BMLSY) would indicate the provision of some 184 parking spaces. It is proposed to provide a total of 185 parking spaces for the new Bunnings use.	
<p>Landscaping</p> <p>(a) Landscaped areas within the car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries.</p> <p>(b) Landscaping to comprise low maintenance, drought and frost tolerant species</p>	<p>Residential boundaries buffered with landscaping to the south of the building and carpark area.</p> <p>Landscaping to comprise low maintenance, drought and frost tolerant species</p>	
<p>5.1 Car Parking</p>		
<p>Parking</p> <p>Bulky Goods – 1 spaces per 50m² GFA Manufacturing – 1 space per 75m² GFA Warehouse – 1 space per 100m² GFA Hardware and Building Supplies – 1 space per 50m² GFA Garden Centres – 1 space per 500m² of site area.</p>	<p>Council's DCP specifies a parking provision requirement for Bulky Goods Retailing, Rural Supplies, Hardware and Building Supplies as follows: 1 space per 50m² GFA</p> <p>Application of this criteria to the proposed Bunnings retail floorspace of 9,203m² (excluding the BMLSY) would indicate the provision of some 184 parking spaces. It is proposed to provide a total of 185 parking spaces for the new Bunnings use.</p>	<p>Complies</p>
<p>Landscaping</p> <p>a) Parking facility design shall consider the likely visual impact of the parking facility in the locality and provide an integrated landscape design addressing amenity impacts.</p> <p>b) A landscaping plan including details of species selection of mature shade trees, species condition, size of beds, understorey and ground cover planting, irrigation provision shall be submitted to Council for approval.</p> <p>c) Landscaping shall be provided to separate pedestrian and vehicle conflict points where possible.</p> <p>d) Landscaping provision for sun control (shading) shall be provided at the rate of 1 shade tree for every 6 car parking spaces.</p> <p>e) Existing trees on site are to be retained where possible</p>	<p>Landscape plan submitted at Attachment 5. Landscaping to reduce visual impact of parking area from public viewpoints.</p> <p>Landscape plan submitted at Attachment 5.</p> <p>Landscape plan submitted at Attachment 5.</p> <p>Landscape plan submitted at Attachment 5. Shade tree not provided 1 per 6 spaces.</p> <p>Only trees proposed for removal are those required to facilitate construction works.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Variation sought</p> <p>Complies</p>
<p>5.2 Flooding</p>		
<p>Development controls</p> <p>The development controls apply to all known potentially flooded areas (that is up to the largest estimated flood including the PMF</p>	<p>WMA provide the following responses to the non-urban floodplains matrix:</p>	<p>Complies</p>

when known). The type and stringency of controls have been graded relative to the severity and frequency of potential floods, having regard to categories determined by the relevant Floodplain Management Study and Plan. The categories applicable to each floodplain are depicted on the planning matrices in Appendix A as follows:

- *Matrix 1 – Urban Floodplains*
- *Matrix 2 – All other floodplains.*

Floor Level: Under existing conditions, the 1% AEP flood level varies from 472.89m AHD, at the south west corner of the proposed building, to 470.75m AHD, at the north east corner. The DCP 2013 defines the freeboard as 0.5m. The proposed finished floor level of 472.5m AHD is appropriate as an average of these levels. In addition, under proposed conditions the site of the proposed building is no longer inundated in the 1% AEP event.

Building Components: There are no proposed building components below the 100 Year ARI (1% AEP) flood level (plus freeboard). In addition, under proposed conditions the site of the proposed building is no longer inundated in the 1% AEP event.

Structural Soundness: There are no proposed structures below the 100 Year ARI (1% AEP) flood level (plus freeboard). In addition, under proposed conditions the site of the proposed building is no longer inundated in the 1% AEP event.

Flood Affectation: An assessment of the impacts of the development on flood behaviour has been undertaken and the results presented in Section 3. The assessment showed that the development results in positive changes to flood behaviour including the removal of inundation across the majority of the site and on the Castlereagh Highway with only minor negative impacts.

Evacuation: Under proposed conditions the site of the proposed building is no longer inundated. In addition, a number of surrounding roads remain flood free.

Management & Design: There are no proposed building components below the 100 Year ARI (1% AEP) flood level (plus freeboard), design floor level and therefore a flood plan is not required. Under proposed conditions large parts of the site are no longer inundated in the 1% AEP event

	<i>and areas are available for goods and materials storage.</i>	
<p>Fill <i>Earthworks that change the nature of a watercourse and have the potential to affect upstream or downstream properties is not permitted.</i></p>	<p>The site is within the Medium Flood Risk Precinct and therefore this control does not specifically apply. An assessment of the potential changes to flood behaviour has however been undertaken and the results are documented in Section 3. The assessment showed that the development results in positive changes to flood behaviour including the removal of inundation across the majority of the site and on the Castlereagh Highway with only minor negative impacts on the immediate downstream channel in the 1% AEP event.</p>	Complies
<p>Survey plan required <i>Development applications for Flood Prone Land shall be accompanied by a survey plan showing:-</i> <i>(a) The position of the existing building/s or proposed building/s;</i> <i>(b) The existing ground levels to Australian height datum around the perimeter of the building and contours of the site;</i> <i>(b) The existing or proposed floor levels to Australian height datum; and</i> <i>(c) A reliable access route, with regular levels to Australian Height Datum along the centreline of this route, wherever development is within a high or medium flood risk precinct. Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan (with a contour interval of 0.25m) showing relative levels to Australian height datum.</i></p>	<p>Relevant plans are attached to the Application (Attachment #).</p>	Complies
<p>Flood Study <i>For large scale developments, or developments in critical situations, particularly where an existing catchment based flood study is not available, a flood study using a fully dynamic one or two dimensional computer model may be required. For smaller developments the existing flood study may be used if available and suitable (e.g. it contains sufficient local detail), or otherwise a one dimensional steady state flood model would normally suffice. A flood study must demonstrate that the cumulative impact of a development on flood levels for up and downstream properties is negligible.</i></p>	<p>Section 3 of WMA's Flood Study includes an assessment of the potential impacts of the development on flooding. The assessment has been undertaken using a fully dynamic two dimensional computer model. The assessment showed that the development results in positive changes to flood behaviour including the removal of inundation across the majority of the site and on the Castlereagh Highway with only minor negative impacts on the immediate downstream channel in the 1% AEP event.</p>	Complies

5.3 Stormwater Management		
<i>All development will need to address the issues associated with managing water on the site.</i>	Section 3 of the Preliminary Civil Engineering and Utility Infrastructure Investigation report (refer Attachment 8) provides the stormwater strategy in accordance with this section of the DCP	Complies
<p>Development Category – <i>Commercial, Industrial Development & Mixed Use</i></p> <p>Performance Targets – <i>I. Quality Management During Construction II. Quality Management During Operation III. Water conservation IV. Salinity Prevention (where applicable)</i></p> <p>Requirements – 1. <i>A Soil and Water Management Plan (SWMP) must be prepared in accordance with Landcom’s Managing Urban Stormwater (2006) otherwise known as ‘The Blue Book’ (refer to the S2S - Supporting Technical Guidelines).</i> 2. <i>Bio-retention</i> <i>Post development flows do not exceed pre-development flows up to and including 1.5 year ARI rainfall event Bio filtration for overland flowpaths</i> <i>(• Total Suspended Solids (TSS) – 85% reduction of the typical annual load</i> <i>• Total Phosphorus(TP) - 65% reduction of the typical annual load</i> <i>• Total Nitrogen (TN) - 45% reduction of the typical annual load</i> <i>• 90% of gross pollutant loads (litter and heavy sediments), oil and grease are retained on site)</i> 3. <i>A Water Conservation Report is to be prepared and submitted with the DA which demonstrates how the water consumption on the proposed development will be reduced by 40% when benchmarked against a development which only uses potable water and does not have any water conservation measures. The measures proposed in the Water Conservation Report shall form a statement of commitment and be included on the conditions of consent. Compliance with the target can be achieved by firstly reducing the demand for water (known as demand management), and secondly by substituting rainwater, stormwater or wastewater sources for town potable water</i> 4. <i>In areas with high ground salinity or in areas where an elevated saline groundwater table exists, infiltration of runoff shall not be permitted.</i></p>	<p>Refer to Section 3 of the Preliminary Civil Engineering and Utility Infrastructure Investigation report (refer Attachment 8) which provides the stormwater strategy in accordance with these requirements and to the Civil Engineering Plan set (refer Attachment 6)</p>	Complies

5.4 Environmental Controls		
<p>Protection of Aboriginal Archaeological Items <i>(a) Aboriginal archaeological relics are protected by the provisions of the National Parks and Wildlife Act 1974, which makes the disturbance or destruction of these relics, without permission of the Director, an offence.</i></p>	<p>Environmental Due Diligence did not identify the site as potentially containing items of Aboriginal Archaeology. Refer Attachment 11.</p>	<p>Complies</p>
<p>Bushfire Management <i>(a) Where the development site is affected by a bushfire hazard as identified on the Bushfire Prone Land Map produced by the NSW Rural Fire Service, the design and management of the development shall comply with the guideline "Planning for Bushfire Protection"</i></p>	<p>Subject site is not bushfire prone land.</p>	<p>NA</p>
<p>Riparian and drainage line Environments <i>(a) Proponents must identify all drainage lines, streams, creeks and rivers on development plans and identify how the development has been designed to respect and be setback from such waterways and their vegetation.</i></p>	<p>WMAWater have addressed how site drainage will be managed through the proposed development – refer Attachment 7.</p>	
<p>Pollution and Waste Management <i>(a) Proponents should indicate all waste streams i.e. trade, liquid, chemical, solid, medical, and clarify how they will be managed and contained safely on-site and disposed of such that there are no environmental impacts or effects on adjoining properties, stormwater or sewerage systems or waterways.</i> <i>(c) Proponents will refer to Groundwater Vulnerability Mapping associated with Mid-Western Regional Council Local Environmental Plan 2012.</i></p>	<p>Bunnings have standard operating systems to deal with all waste generate in their stores. There is no trade waste and no likely chemical spills that cannot be contained.</p>	<p>Complies</p>
<p>Threatened Species and Vegetation Management <i>(a) An assessment of any potential impact on native flora and fauna is to accompany a development application. If considered necessary by Council a Flora and Fauna Impact Assessment will be required from a suitably qualified professional. This Assessment will determine whether a Species Impact Statement will be required.</i> <i>(b) Development applications should indicate all existing vegetation.</i> <i>(c) Buildings and access areas should be sited to avoid removal of trees.</i></p>	<p>A BDAR assessment is provided at Attachment 10.</p>	<p>Complies</p>
<p>All buildings <i>1. Once installed the damp proof course or the vapour barrier must not be breached by any later works or additions such as; steps, verandas, walls, rendering, bagging, pointing, paving or landscaping.</i></p>	<p>Building to be constructed to BCA requirements.</p>	<p>Complies</p>

<p>2. Appropriate sub-soil drainage must be installed for all slabs, footings, retaining walls and driveways;</p> <p>3. The dwelling must be designed to suit the sites existing topography and any cut and fill required must not exceed 1000 mm in total.</p>		
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4.9 Potential Impacts of the Development – Natural Environment

Below is an assessment of the potential impacts of the development on the natural environment and the measures proposed to effectively manage or eliminate those impacts. In summary the issues addressed below and in detail are:

4.9.1 Biodiversity Impacts

Eco Logical Australia have undertaken an assessment of the ecological impacts of the proposed development through a *Biodiversity Development Assessment Report* (BDAR) (refer **Attachment 10**). The report’s conclusion is as follows:

“This BDAR has been prepared to meet the guidelines of the BAM 2020 established under Section 6.7 of the BC Act. This BDAR considers 0.44 ha of disturbance on native vegetation for a proposed Bunnings Warehouse development and associated infrastructure, and three small industrial lot developments. The 0.44 ha assessed in the BDAR was assigned one PCT:

PCT 277 (Low) – Blakely’s Red Gum – Yellow Gum tall woodland of the NSW South Western Slopes Bioregion.

All of the 0.44 ha of PCT 277 meets the criteria for CEEC listed under the BC Act. No sections of this PCT meet the CEEC listing criteria under the EPBC Act.

In addition, 0.23 ha of planted native vegetation was assessed under Appendix D of the BAM 2020 as the Streamlined Assessment Module – planted native vegetation. A PCT could not be assigned to this area and therefore only threatened species and potential habitat need to be assessed. Species credits are not required for these proposed impacts. The majority of the development site is located within exotic vegetation (4.33 ha).

No threatened flora or fauna species were identified during the field surveys. Threatened fauna habitat was assessed, comprising mainly four individual hollow-bearing trees to be removed within the development site. The development site was determined to be substantially degraded that it is unlikely to support populations of threatened species.

Mapped Important Area for Regent Honeyeaters overlays the planted vegetation, much of which is exotic and provides little value in terms of foraging requirements. 0.05 ha of native vegetation was considered to provide potential foraging habitat. This area was part of the planted native vegetation assessed under the Streamline Assessment Module (Appendix D of the BAM 2020) and no species credits are required.

*SAll values have been considered as part of this assessment. These values include ‘White Box Yellow Box Blakely’s Red Gum Woodland’. A threshold of 0 is assumed and therefore it is possible that SAll could occur. Regent Honeyeaters are also SAll entities and, whilst they have never been recorded on site, there are feed trees present (*E. melliodora* and *E. sideroxylon*) that have been planted within the development site. To mitigate impacts to Regent Honeyeaters, most of these trees will be retained and additional trees will be planted within the garden beds surrounding the carpark incorporating a replacement ratio of 3:1.*



Direct Impact	TEC or Species	BC Act listing	EPBC Act listing	SAIL entity	Direct impact (ha)
PCT 277	Blakely's Red Gum – Yellow Box Grassy tall woodland of the NSW South Western Slopes Bioregion	CE	Area does not conform to the listed community	Yes	0.44 ha
	Regent honeyeater	CE	CE	Yes	0.05 ha

Figure 38. Native Species impacted upon by the proposed development

The BAMC generated a VI score of 20.5 and 6 credits are required to offset the removal of 0.44 ha of PCT 277. Given the lack of suitable habitat, and no threatened species were identified during field surveys no species credits were required to be calculated.

An assessment of the Commonwealth Significant Impact Criteria (Commonwealth of Australia 2013) was applied to one threatened species listed under the EPBC Act, Regent Honeyeater. The assessments concluded that the project would not have a significant impact on the above-mentioned species. A referral to the Commonwealth is not recommended."

Planning Comment: The planning authority can be satisfied that the proposed development will not have a significant impact on native species on the site. Furthermore, the vegetation required to be removed for development of the site can effectively be offset as indicated by the BAM calculation included within Eco Logical Australia's BDAR.

4.9.2 Aboriginal Archaeology

An aboriginal archaeology preliminary assessment was carried out for the rezoning Planning Proposal on the site by Firebird ecoSultants (**Attachment 11**). In terms of aboriginal archaeological constraints the report states as follows:

"An online search of the NSW Aboriginal Heritage Information Management System (AHIMS) and extensive search has been undertaken. No Aboriginal places have been declared in the area; and no Aboriginal sites have been recorded within 200m of the proposed works area.

According to The Code, landscape features that are likely to indicate the presence of Aboriginal objects include the following areas, but only if they are defined as undisturbed land:

- areas within 200 m of waters; or*
- areas located within a sand dune system; or*
- areas located on a ridge top, ridge line or headland; or*
- areas located within 200 m below or above a cliff face; or*
- areas within 20 m of or in a cave, rock shelter, or a cave mouth.*

The proposed work site occurs within 50 m of waters (being a drainage line to the south of the proposed works).

The land on which the proposed works would occur, would be defined as 'disturbed land' (as defined by The Code) (see photos below). The Code defines 'disturbed land' as follows:

"Land is disturbed if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable. Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks."

The following provides an explanation of why the land within the site is considered to be disturbed, in accordance with The Code's definition:

- Clearing of vegetation – The majority of the land has been previously cleared, with the vegetation comprising mostly pasture grasses.*
- As discussed above one scar tree occurs within the site however, the age of the scar will need to be determine to conclusively establish whether the scar was, or were not, cultural in origin. However, given the age of the tree it is unlikely be a culturally modified tree as aboriginal and other historical*

scars in New South Wales will only exist on trees older than 75 years. This assumes that in most areas the last widespread bark removal activity occurred before c. 1950 on trees that were 10–15 years old at the time of scarring.”

4.9.3 Groundwater Vulnerability

The proposed development is to be located over land where groundwater is identified as vulnerable. The proposed development is considered unlikely to have any impact on groundwater as set out in section 4.6.5 of this report (MWLEP Clause 6.4). While the proposed development will store potential contaminants on site (ie; fuels, paints, etc), these are to be stored on site for the purpose of retail. There are no known potential contaminants to be used in the development of the site. There is also a strict spills protocol in place across all Bunnings Warehouse sites which ensure any incidents of spills are effectively managed to limit opportunity for contamination. Any potential contaminants stored on site will be over bunded areas to prevent any opportunity for contamination to enter the earth.

4.10 Potential Impacts of the Development - Built Environment

Below is an assessment of the potential impacts of the development on the built environment and the measures proposed to effectively manage or eliminate those impacts. In summary the issues addressed below and in detail are:

4.10.1 Stormwater

The proposed development will increase the hardstand areas over the subject site. Consequently, it is required that the applicant ensure stormwater levels leaving the site post-development do not exceed stormwater levels leaving the site prior to development. As a means of ensuring stormwater flows from the site post-development are not increased through the development of the Bunnings Warehouse store, a number of mitigating measures have been incorporated:

- Drainage channel invert
- 593.02m³ Stormwater Detention Basin (no development area)
- 50m³ Stormwater Detention Basin (carpark)
- 44m³ Stormwater Detention Basin (carpark)
- 30000L underground rainwater tank for reuse on site

High Definition Design Pty Ltd provide the following assessment of stormwater drainage and quality through their *Preliminary Servicing Strategy* (**Attachment 8**) for the site:

Lions Dr and Castlereagh Highway are single-lane road along the north-west and north-east of the boundary of the site. There is currently no drainage along both street frontages of the site. The site slopes towards a culvert with consist of 5x900 diameter pipes as shown in Figure 2.

New stormwater infrastructure be required to provide an internal drainage network in accordance with the criteria delineated in the Mid-Western Regional Council Engineering Guidelines for Subdivision and Development 2013, Appendix-B1- Stormwater Drainage Design. The adoption of a major / minor flow approach to the design of the local stormwater management system:

- *Delivery of major flows through the site to the stormwater system in a safe manner and to avoid impacting on the site and downstream properties.*
- *Controlling the discharges rates of the proposed to development predevelopment discharge rates.*
- *Stormwater within subdivisions and development does not detrimentally affect the environment.*
- *Proposed Water Sensitive Urban Design stormwater quality treatment train options are to be assessed using the MUSIC model.*

The above statements on stormwater drainage relates to site-specific works only and do not allow for standard drainage works typically required for this type of development. For this stage, we expect, as a minimum, that the following stormwater systems will be required:

- *Rainwater harvest from the main building roofs, retention of rainwater in a storage tank and rainwater re-use systems as typically installed for this type of development for watering of the outdoor nursery.*
- *Stormwater Pollution Control Devices to remove the majority of total suspended solids in the stormwater*
- *Filtration to remove nutrients such as nitrogen and phosphorous. This could be handled in the way of a bio-retention basin.*
- *Detention basin*

4.10.2 Flooding

WMA Water has provided an assessment of the existing flood behaviour on the site, as well as having undertaken an assessment of potential flood impacts as a result of the Proposal on the surrounding lots (see **Attachment 7**). The assessment considers the impact occurring as the result of changes to the site topography as a result of the development. Additionally, this assessment considers the development in the context of relevant planning controls. A summary of WMA Water's findings is as follows:

"WMAwater has undertaken a flood impact assessment for the proposed Bunnings development at 134 Lions Dr, Burrundulla. The proposed Bunnings development comprises, a main warehouse building, an outdoor timber trades and building material yard, an outdoor nursery, delivery driveway, carparking and associated landscaping, including a 12m wide channel along the southern and eastern boundaries of the site.

The site and surrounding area sit within the broader Sawpit Gully catchment. The broad shallow inundation moves in the north easterly direction across the site, crossing the Castlereagh Highway via cross-drainage culverts (5 x 750 mm RCPs). A revised base case was developed to ensure that the model was representative at a local scale.

Generally, upstream catchment flow is contained within the proposed drainage channel and therefore there is a reduction in flood levels across the site and upstream of the Castlereagh Highway. The majority of the proposed development site, including location of proposed access and carparking, becomes flood free, as the flow moves around the site within the drainage channel. Increased efficiency at the cross drainage structure results in removal of the shallow inundation across the Castlereagh Highway.

This increased efficiency through the cross drainage culverts, slightly increases flood levels (by a maximum of 0.05m) in the channel immediately downstream of the Castlereagh Highway. The maximum change in flood level is an increase of 0.21 m within the downstream treatment pond.

Mid-Western Regional Council apply planning controls through Clause 5.21 of the Mid-Western Regional Local Environmental Plan 2012 (LEP 2012) and Development Control Plan 2013 (DCP 2013). The proposed development appropriately meets the planning controls defined by the Non Urban Floodplain matrix for the Commercial and Industrial development within the Medium Flood Risk category."

4.10.3 Traffic Generation

A Traffic & Parking Assessment has been carried out by **Transport & Traffic Planning Associates** (TTPA report) and submitted with this DA (refer **Attachment 9**). Section 4 of this report provides by an assessment of the impacts on the local road network from the potential traffic generated by the Proposal as follows:

“For the purpose of this assessment, it is reasonable to assume that for a “10 year Design Horizon” the traffic generation of the proposed Bunnings will be some 10% more than the existing generation as a result of the increased population.

The proposed relocation of the existing Bunnings to the opposite side of the highway will result in:

- vehicles travelling to/from the west not passing through the intersection*
- vehicles travelling to/from the north turning right into and left out of Lions Drive and not into/out of Burrundulla Road*
- the negligible movements to/from the south and east also being redirected*

Additional to the Bunnings traffic movements will be the movements generated by the uses on the 3 lots with a total developable area of 16,247m². The site is located over 3km from the town centre and the most likely use outcome on these lots is warehouse or light industry with an FSR outcome of 0.65:1.

In order to establish the projected 2032 traffic outcome with the proposed new Bunnings and the other related traffic changes a process has been undertaken involving:

- deducting the existing Bunnings traffic movements from the intersection movements*
- increasing the main intersection movements by 24% (2020 – 2032)*
- adding the increased and redirected new Bunnings movements*
- adding the projected school movements (AM peak)*
- adding the movements resultant to a reuse of the existing Bunnings building*
- adding the projected residue lot traffic movements*

The resultant 2032 peak traffic movements are shown on Figure 5 and it can be seen that the right turn movements into and left turn out of Lions Drive become significant. There is only a single approach lane in Lions Drive at present and it is apparent that it is not possible for semi-trailers to satisfactorily access into or out of Lions Drive at the intersection under the present geometrical constraints. Accordingly, it will be necessary to undertake roadworks to enable the semi-trailer access and the right turn movement into Lions Drive and left turn out will be increased as a result of the proposed Bunnings development (and the proposed school). A further assessment has been undertaken to identify how the capacity of the intersection could be maximised without unduly extensive roadworks and this assessment has identified an arrangement incorporating:

- provision of a separate left turn lane on the Lions Drive approach*
- extended right turn lane for the turn into Lions Drive*
- provision for semi-trailers to access Lions Drive satisfactorily*

Details of this proposed intersection upgrade are provided overleaf and it will be necessary to install NO STOPPING restrictions along the Lions Drive for the extent of the site frontage.

The operational performance with the projected 2032 traffic movements with these proposed changes has been assessed using SIDRA with the results provided in Appendix D and summarised in the following indicating a satisfactory performance outcome:

	AM		PM		SAT MD	
	LOS	AVD	LOS	AVD	LOS	AVD
Castlereagh / Lions / Burrundulla	A-B	4.2	A-B	5.4	A-B	5.4

These proposed changes to the intersection would avoid the need for an expensive roundabout construction and will maintain a satisfactory LOS during the design horizon period and beyond."

4.10.4 Access

The proposed vehicle access arrangements are as follows:

Bunnings:

- An ingress only driveway for the car park on Lions Drive located in the eastern part of the site frontage
- A combined ingress/egress driveway for the car park on Lions Drive located towards the centre of the site frontage
- A combined ingress/egress driveway for trucks on Lions Drive located at the western site boundary

Lots 2-4:

- A combined ingress/egress driveway on the Lions Drive frontage located towards the western boundary

The proposed arrangements have been designed to ensure effective access to the proposed lots for both customers and service vehicles (refer **Attachment 9**).

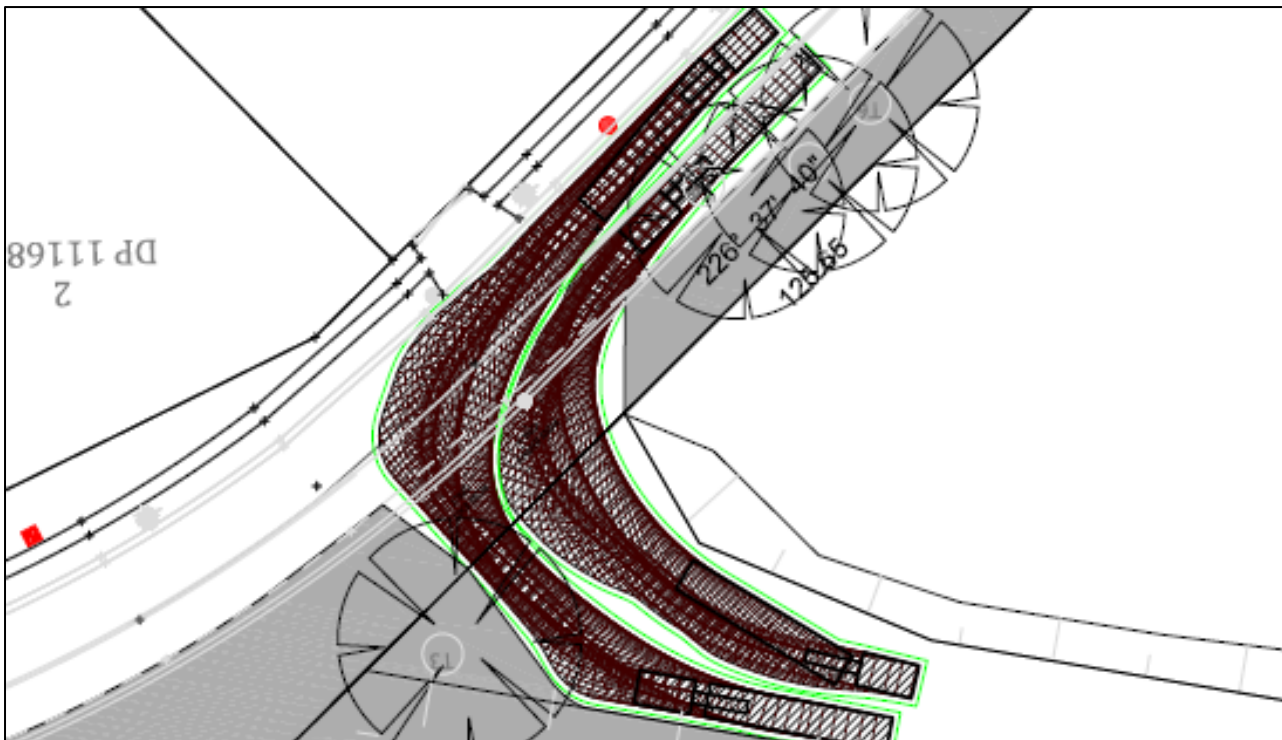


Figure 39. Access to Lots 2-4 swept paths

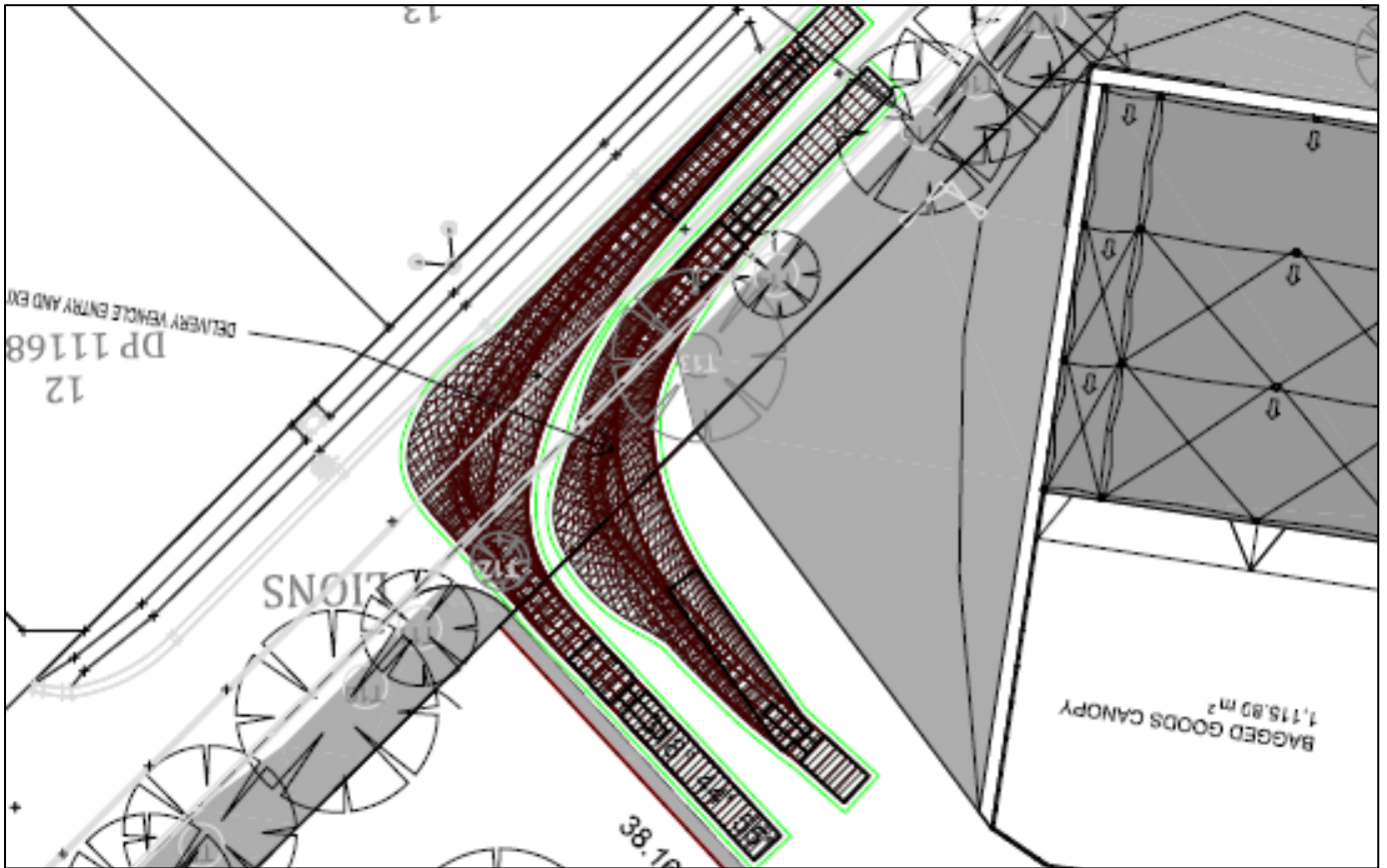


Figure 40. Bunnings Lot service access swept paths

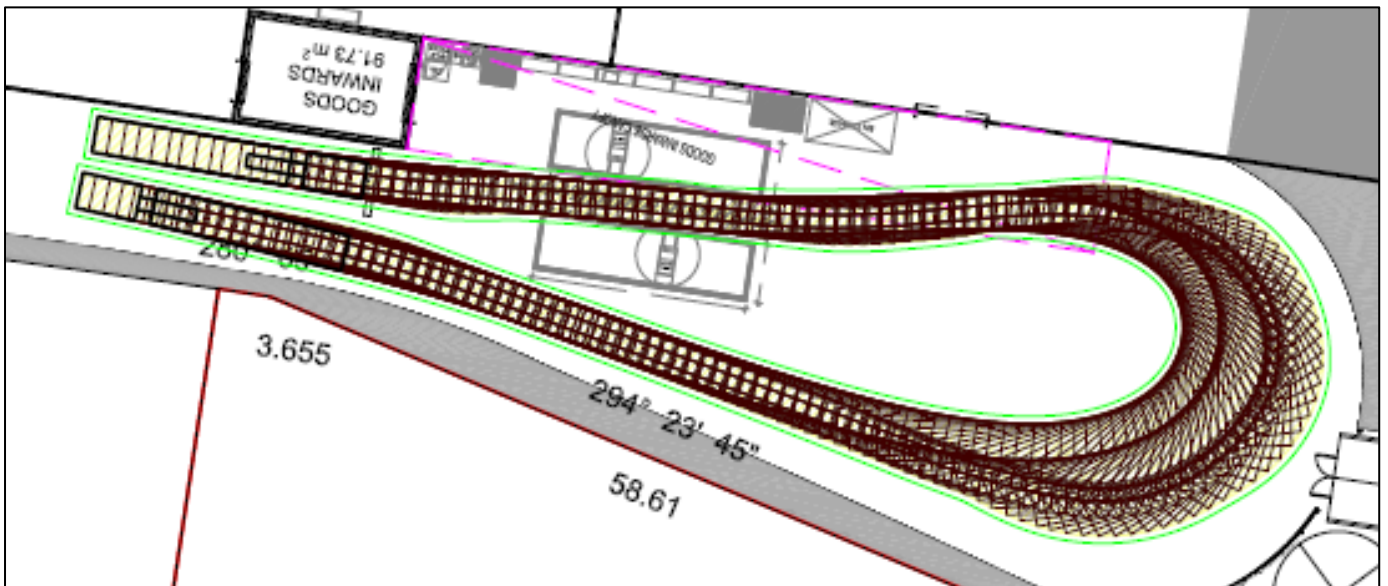


Figure 41. Bunnings service access goods inwards area swept paths

4.10.5 Carparking

TTPA have provided an assessment of the parking requirements generated by the proposed Bunnings Warehouse development through their Traffic and parking assessment (refer **Attachment 9**) as follows:

Council's DCP specifies a parking provision requirement for Bulky Goods Retailing, Rural Supplies, Hardware and Building Supplies as follows:

1 space per 50m² GFA

Application of this criteria to the proposed Bunnings retail floorspace of 9,203m² (excluding the BMLS) would indicate the provision of some 184 parking spaces. It is proposed to provide a total of 185 parking spaces for the new Bunnings use and this would be more than adequate. Details of the parking on the 3 residue lots have not been resolved at this time; however, there is no apparent reason why adequate parking could not be provided for the envisaged uses on these sites.



Figure 42. Proposed carpark layout

4.10.6 Servicing

The Bunnings Warehouse development and adjoining proposed lots will be serviced with delivery of goods, water supply, sewerage, power, and communications as follows:

4.10.6.1 Delivery Vehicles:

Bunnings Warehouse Lot – The trucks servicing with the proposed Bunnings will enter and exit the site separate to the carpark movements along the western side of the building. The proposed design provisions for these service vehicles accords with the AS2890.2 criteria and details of the turning path assessment are provided in Appendix F. A goods inwards area is provided at the rear of the proposed Bunnings Warehouse Building with a turning head proposed to enable safe egress from the loading area.

Lots 2-4 – The proposed access to Lots 2-4 via Lions Drive has been designed to provide delivery trucks safe access to the site (see section 4.9.3 above). With lots 2-4 each being >7000m² in area, each lot is considered large enough to provide their own loading facilities capable of ensuring safe egress from the site.

4.10.6.2 Water Supply:

There are currently water mains running along Lions Drive and Castlereagh Highway. A 100mm pipe currently runs along Lions drive on the opposite side of the road to the subject site which is considered capable of servicing the Bunnings Lot and proposed lots 2-4. Another two 50mm pipes run along and opposite the Castlereagh Highway. Opportunities are available to connect to these water mains for the

servicing of the Bunnings Site also. High Definition Design Pty Ltd provide the following assessment of water required for fire requirements:

Understanding the water supply and pressure requirements necessary to meet the fire flow demands of a typical Bunnings development, we recommend that a supply storage tank(s) and fire pump be implemented to meet the fire flow demands for this development.

Existing water mains can be seen within figure 43 below. Concept water mains connection points can be seen within figure 44 at the end of section 4.9.5 of the report, and within Appendix A of the Servicing Strategy lodged with this application (refer Attachment B).

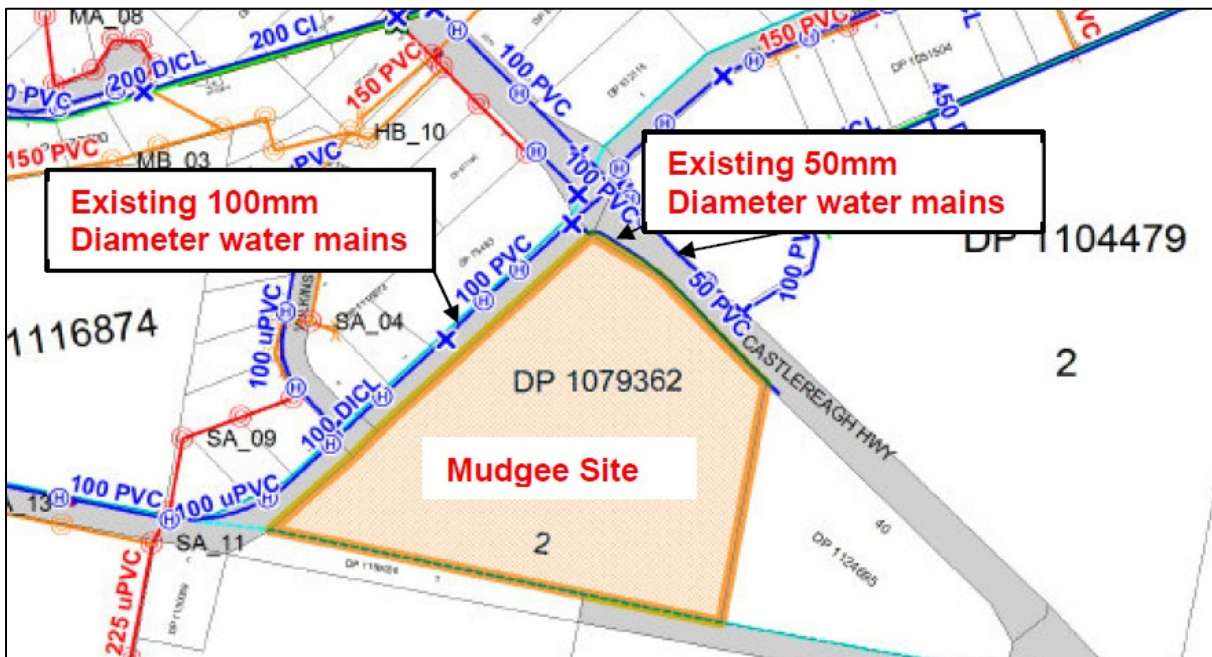


Figure 43. Existing water mains

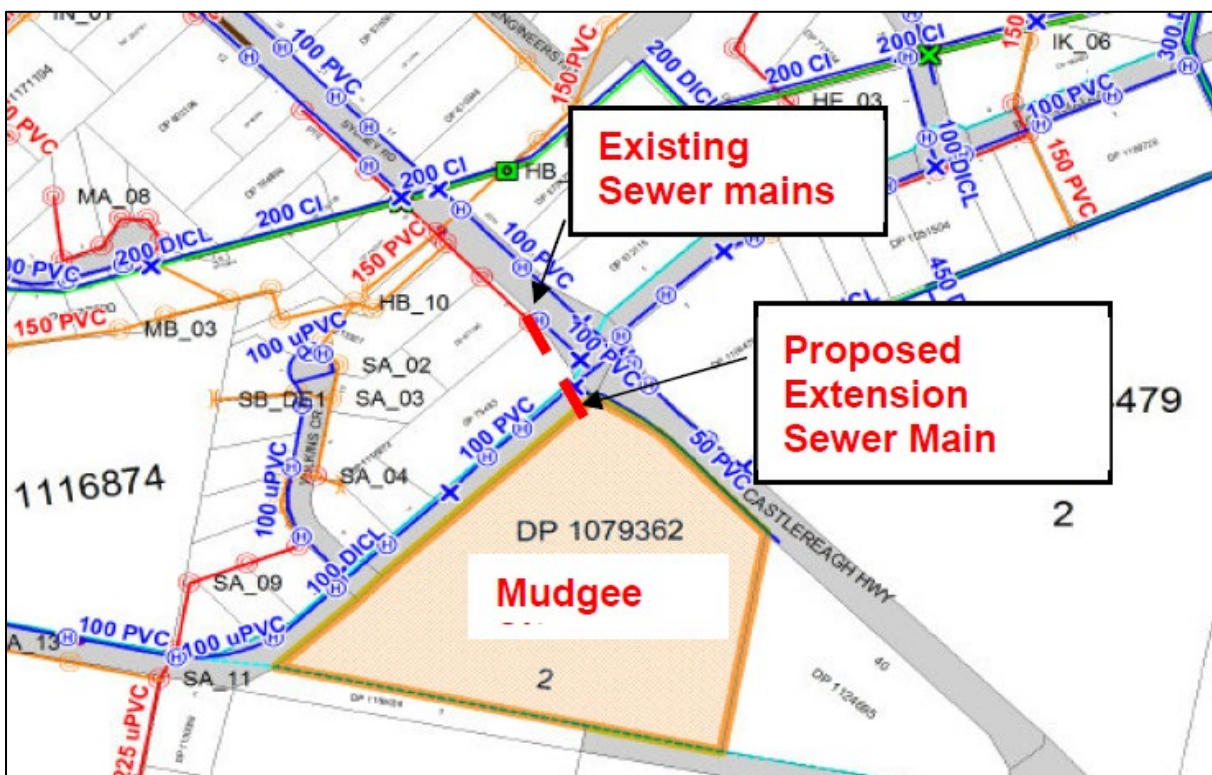


Figure 44. Existing sewer mains location

4.10.6.3 Sewerage:

An existing sewer main is located along Castlereagh Highway north of the subject site. This will be required to be extended approximately 200m to enable the Bunnings Development to be serviced from this point. The proposed subdivision is also capable of connection to this point, as shown through Appendix A within the Servicing Strategy attached (refer **Attachment B**) and within **Figure 44** above.

4.10.6.4 Power

High Definition Design Pty Ltd provides the following assessment of electricity supply requirements for the proposed development:

It is expected that the proposed commercial development will require an 11kV feeder to supply an on-site kiosk substation as a standard subdivision electrical reticulation typically doesn't support a development of this nature.

Plans forwarded by Essential Energy confirm that a low Voltage overhead powers with two poles are running along the north-west corner of the site as shown in Figure 7. High voltage underground is running up Lions Drive, this can be bought across lions drive and to the subdivision and the bunnings site, it is proposed that the bunnings site is connected to a new substation, the subdivision will have power connections via pillars, any larger supply can be sourced by the individual development

The locations of existing electricity infrastructure within the vicinity of the site are demonstrated within **figure 45** below. Appendix A within the Servicing Strategy attached (refer **Attachment B**) and figure 50 present a possible location for the substation required to service the Bunnings Development and connection point to the underground cables required to service lots 2-4.

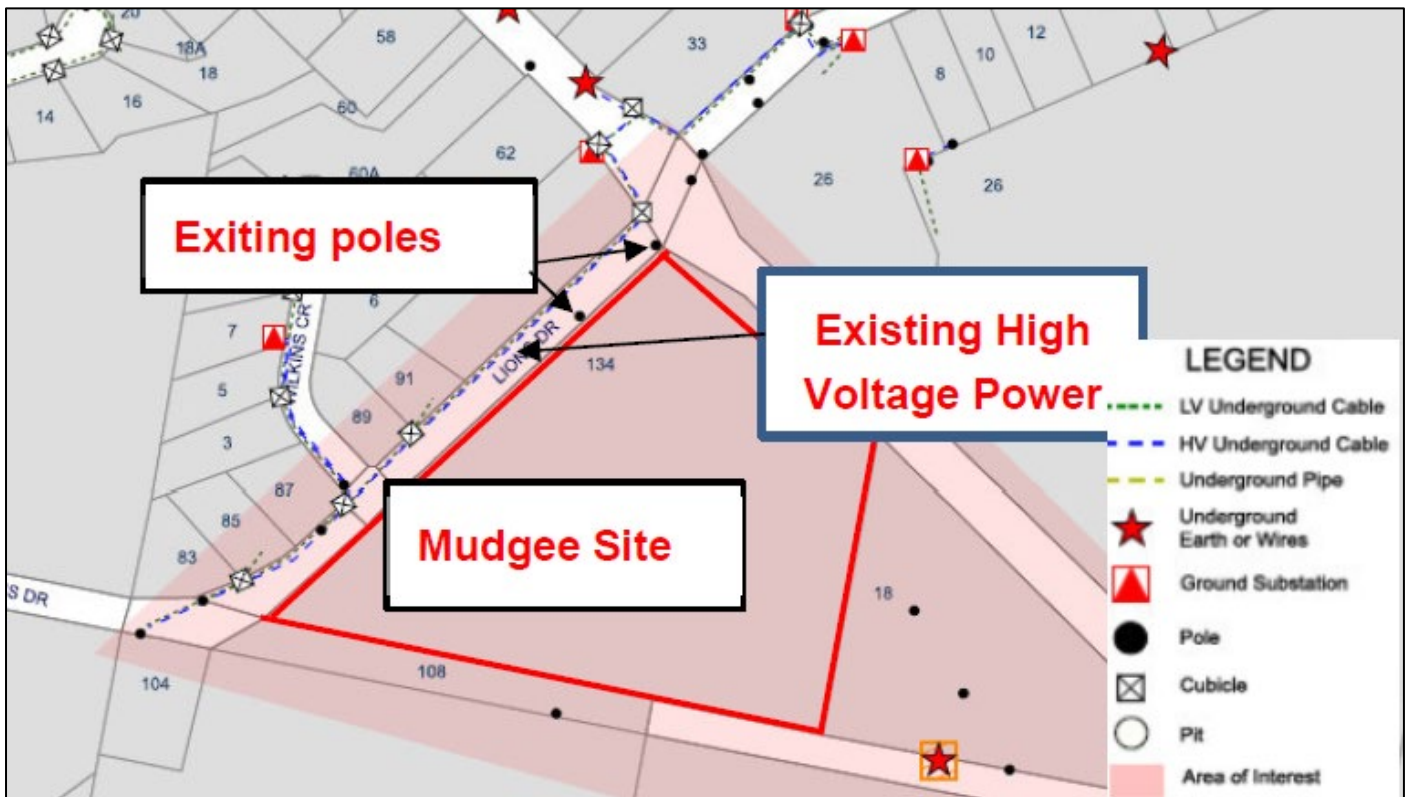


Figure 45. Existing Electrical Infrastructure

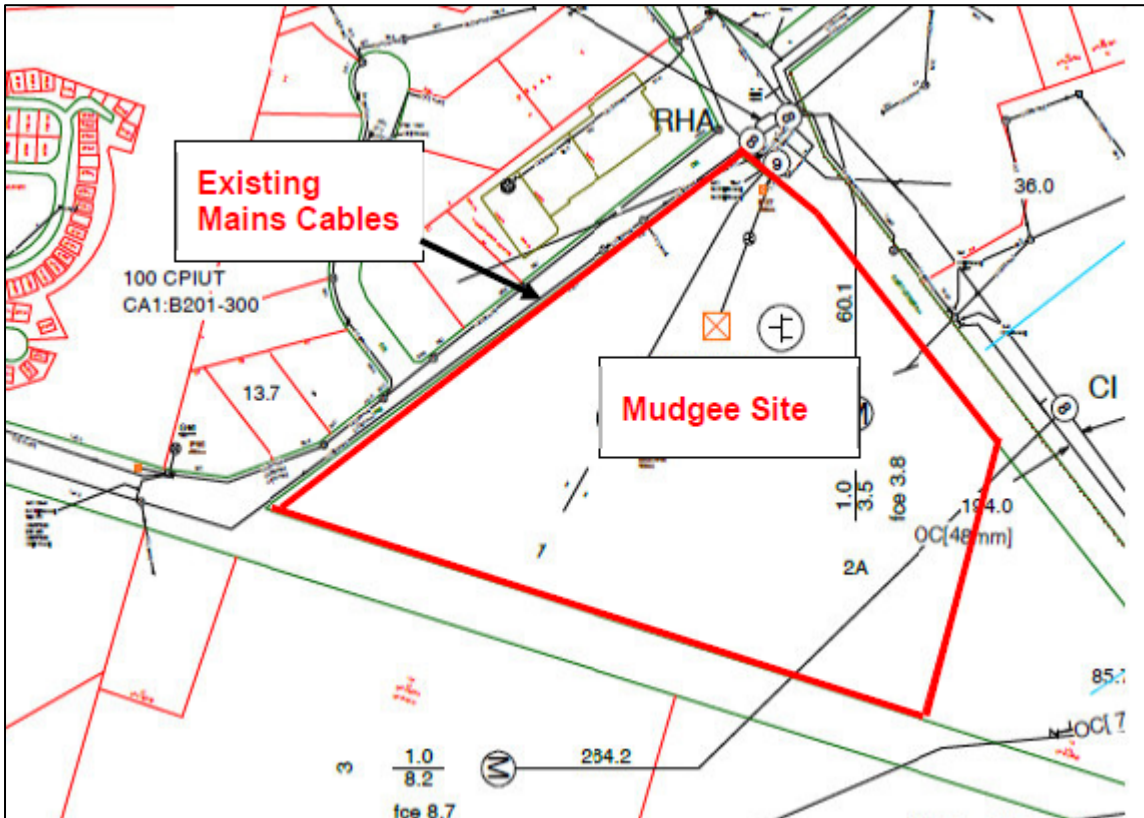


Figure 46. Existing telecommunications infrastructure

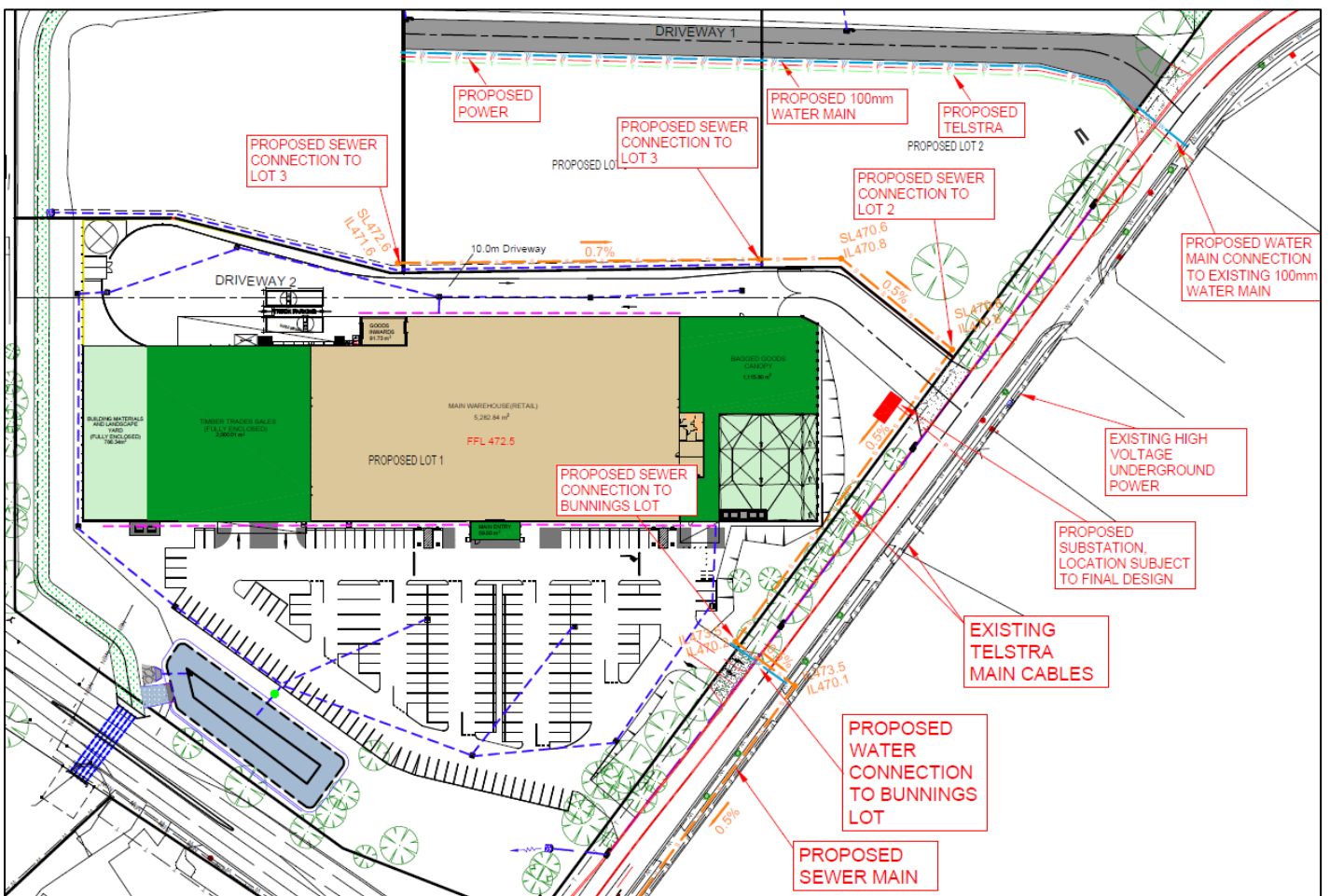


Figure 47. Preliminary Concept Services Plan

4.10.6.5 Telecommunications

High Definition Design Pty Ltd provide the following assessment of Telecommunications infrastructure requirements for the servicing of the proposed Bunnings development and lots 2-4.:

According to records obtained from Telstra, there is an existing local Telstra/NBN line located along north-west of the proposed site. Main cables are at the corner of the intersection between Lions Drive and Castlereagh Highway. The site can be serviced via the existing network.

The locations of existing telecommunications infrastructure are provided below within figure 43. Appendix A within the Servicing Strategy attached (**Attachment 8**) and figure 44 at the bottom of section 4.9.5 of this report demonstrates the cable extensions required to service the Bunnings Development & proposed lots 2-4.

4.10.7 Noise Impacts

Acoustic Dynamics have undertaken an *Operational Noise Emission Assessment* of the Proposed Bunnings (refer **Attachment 11**). The purpose of the assessment was to determine noise emission from the operation of the development and assess their impacts using industry and government standard regulations on nearby sensitive receivers. The report concludes as follows:

Further to the noise monitoring and site survey conducted, our review of the relevant acoustic criteria and acoustic requirements, and our noise modelling, the calculated maximum noise emission associated with the operation of the proposed development can be conditioned to comply with relevant noise emission criteria of Mid-Western Regional Council and the NSW EPA. It is our opinion that the acoustic risks associated with the proposal can be adequately controlled and the amenity of neighbouring properties and residents can be satisfactorily protected.

4.10.8 Waste Management

The proposed Bunnings Warehouse development will see trade waste collected from the rear of the building via the service access. Waste storage has been located in an area not visible to the public and is to be collected by contracted waste collectors on an as-needed basis. All waste produced through demolition, construction and operation stages of the development is to be managed in accordance with the Waste Management Plan submitted alongside this development application (refer **Attachment 12**).

4.11 Potential Impacts of the Development - Social and Economic Environment

Ethos Urban provided Economic analysis of large format retailing in Mudgee and the Proposed Bunnings Warehouse Development through the previous rezoning of the site. The following pertains to the economic benefits to the region associated with the proposed Bunnings Development:

"In 2018, the population of the trade area was estimated at 26,840 residents. This represents total growth of +1,960 persons on the trade area population in 2011 or a growth rate of 280 persons per annum over the period. The population of the trade area is expected to be growing for at least the next 20 years. In 2036, a total population of 30,190 persons is forecast for the trade area, or an increase of +3,350 persons on the current level."

In relation to per capita spending on Bunnings Type Merchandise by trade area residents, Ethos Urban report has a 2018 estimated of \$1,850, which they note is 2% above the regional NSW benchmark. They go on to

states that *"in 2018, total Bunnings Type Merchandise spending by trade area residents is estimated to be \$49.0m. By 2033, total spending by trade area residents on Bunnings Type Merchandise is projected to increase to \$66.5m per annum in constant 2018 dollars. Additional spending on Bunnings Type Merchandise will also be generated by the local business sector."*

The Ethos Urban report has forecast that the proposed expanded Bunnings Mudgee store will achieve a total turnover of approximately \$22.9m in its first year of trading. They note that *"this represents an average trading level of approximately \$2,970/m² (2022). During the first year of trading, the store is forecast to capture approximately 29% of the retail market for Bunnings Type Merchandise in the trade area, some 6% higher than the 23% market share achieved by the existing Bunnings Mudgee."*

Notwithstanding the projected Bunnings trading figures in their first year, the Ethos Urban report estimates that *"the spending by trade area residents on Bunnings Type Merchandise that is available to all other retailers will still increase by \$0.2m relative to existing levels. Thus, any trading impacts will be well within the bounds of a normal and competitive retail sector."*

From this analysis the report that the level of escape spending in the hardware category from the trade area is \$12m which represents 35% of total spending by trade area residents. Therefore, it is reasonable to assume that the proposed new and enhanced Bunnings Mudgee will attract sales and visitation which otherwise might be directed to Bunnings stores at Dubbo and Bathurst.

From a Net Community Benefit perspective, the Ethos Urban report notes the following:

- *That the development of a new Bunnings store at the subject site will require a capital investment of approximately \$13.0m.*
- *That the construction of the new Bunnings store would support 32 FTE construction jobs and 50 flow on jobs FTE during the construction phase and assuming a typical 12-month construction period.*
- *The number of people directly employed at a new Bunnings Mudgee would total an estimated 75 fulltime, part-time, and casual positions. This level of employment is a net increase of approximately 20 positions on the existing Bunnings Mudgee.*
- *Opportunity to backfill the existing Bunnings Mudgee with new tenants may provide for a further 50 net additional jobs.*

Additionally, proposed lots 2-4 provide further employment land suitable for large format style retailers in the region.

4.12 Suitability of the Site

The subject site has already been established as suitable for the proposed Bunnings Warehouse store development through the previous rezoning of the subject site. The subject site is considered suitable for the proposed development for the following reasons:

- **Strategic location:** *the site is located on Castlereagh Highway, which is the key north-south road connection through Mudgee, and which has a high degree of accessibility to the surrounding region.*
- **Exposure:** *the site has significant exposure to the large volume of passing traffic on the Castlereagh Highway, with strong sight lines to the site for this traffic and customers within the Sydney Road Precinct.*
- **Serving trade customers:** *the site is well-located with respect to potential local business customers given the proximity of trade and industry uses.*
- **Accessibility:** *the site is easily accessible with access to be provided via both Lions drive and Castlereagh Highway.*

- **Land area:** *the total size of the proposed site is approximately 4.9 hectares can easily accommodate the Bunnings warehouse building and car parking, access ways and landscaping that are required. Site depth and layout is also able to adequately accommodate the Bunnings store footprint.*

4.13 The Public Interest

Determining whether a proposal is in the public interest should rely on any feedback during any public consultation phase. The proposal has not yet been notified and therefore public feedback cannot be considered at this stage. Nevertheless, this SEE provides that the proposal will be in the public interest for the following reasons:

- The proposed Bunnings Warehouse store will provide a greater retail service to the Mid-Western Region. As such it is considered to be in the Public Interest as the proposal will replace and improve the retail capabilities of the existing Bunnings Warehouse operating from the site on the opposite side of Castlereagh Highway.

There are not likely to be any impacts arising from the proposal which will detrimentally affect the public interest noting the site was rezoned specifically to cater for the Proposal. Accordingly, the proposed development supports and promotes the public interest.

5 CONCLUSION

This SoEE accompanies a development application for a new Bunnings Warehouse store located at 134 Lions Road, Burrundulla and a 4-lot subdivision of the Site, Lot 1 to contain the Bunnings Store and Lots 2 – 4 is a three lot subdivision of the residue land. The specific element of the Proposal are as follows:

- **Bunnings Warehouse** comprising a new commercial building consisting the following elements:
 - main warehouse retail area of 5,282.84m²,
 - bagged goods canopy of 1,115.80m²,
 - outdoor nursery of 750m²,
 - timber trade sales area of 2,000m²,
 - Building Materials Landscape Yard of 786m²,
 - goods inwards area of 91.73m², cafe & kids of playground.
- **Retailing Facilities** including:
 - a Café selling pre-packaged food and drinks, with no food being prepared on the premises,
 - Children’s playground,
 - Toilets including separate toilets for males and females and a Unisex accessible toilet facility, and
 - DIY area.
- **Access, Carparking and Loading Facilities** - 185 car parks including 4 disabled parking spaces and 6 trailer bays; Delivery service road; Acoustic barrier east of the delivery service road turning circle; Customer and service access via Lions Road.
- **Extensive landscaping** throughout the open areas of the site, including bio-retention areas to manage and treat site water; and tanks to capture rainwater from the Warehouse’s roof, for firefighting and irrigation supplies (in separate tanks).
- **Extensive landscaping** throughout the open areas of the site, including bio-retention areas to manage and treat site water; and tanks to capture rainwater from the Warehouse’s roof.
- **Business identification signage** on the building, an entry sign and a new 12m high Pylon Sign.
- External Product Display areas.
- **4 Lot Subdivision** of the subject site.
 - Lot 1 (Bunnings Warehouse Site – 30,225m²),
 - Lot 2 – 8,189m²,
 - Lot 3 – 7,684m²,
 - Lot 4 – 7,575m²

This DA follows a planning proposal to rezone the RU4 Primary Production Small Lots to B5 Business Development. This report provides an assessment of the proposal against the provisions of S.4.15 of the EP&A Act 1979.

This report provides an assessment of the proposal against the provisions of S.4.15 of the EP&A Act 1979.

This report has addressed relevant State Environmental Planning Policies, the Mid-Western Local Environmental Plan 2012, and the Mid-Western DCP 2013, as well as other relevant considerations. The proposed development is consistent with the provisions of the relevant SEPP’s, the MWLEP 2012 and the relevant DCP requirements. The only variation required is to the requirement for 1 tree to be planted per 6 carparking spaces. A variation to this is sought on the basis that there are significant open space areas of

the site, including the 25m no development zone along the Castlereagh Highway and consequently there is more than adequate landscaping provided.

This report has assessed environmental considerations of the proposal, including biodiversity, stormwater, traffic impacts, impacts to neighbouring properties and servicing. The major issues associated with the development relate to biodiversity impacts from vegetation clearing. A BDAR has been prepared to meet the guidelines of the BAM 2020 established under Section 6.7 of the BC Act. The BDAR considers 0.44 ha of disturbance on native vegetation for a proposed Bunnings Warehouse development and associated infrastructure, and three small industrial lot developments. The 0.44 ha assessed in the BDAR was assigned one PCT: PCT 277 (Low) – Blakely's Red Gum – Yellow Gum tall woodland of the NSW South Western Slopes Bioregion. All the 0.44 ha of PCT 277 meets the criteria for CEEC listed under the BC Act. No sections of this PCT meet the CEEC listing criteria under the EPBC Act.

In addition, 0.23 ha of planted native vegetation was assessed under Appendix D of the BAM 2020 as the Streamlined Assessment Module – planted native vegetation. A PCT could not be assigned to this area and therefore only threatened species and potential habitat need to be assessed. Species credits are not required for these proposed impacts. Most of the development site is located within exotic vegetation (4.33 ha).

The BAMC generated a VI score of 20.5 and 6 credits are required to offset the removal of 0.44 ha of PCT 277. Given the lack of suitable habitat, and no threatened species were identified during field surveys no species credits were required to be calculated.

An assessment of the Commonwealth Significant Impact Criteria (Commonwealth of Australia 2013) was applied to one threatened species listed under the EPBC Act, Regent Honeyeater. The assessments concluded that the project would not have a significant impact on the above-mentioned species. A referral to the Commonwealth is not recommended.

Other potential impacts have been managed through the design of the proposal with the other issue being flooding where the proposal results in a nett benefit to the site and adjoining land.

In the circumstances, the Council can be satisfied that the benefits of the proposal outweigh the impacts (which will be addressed through offsets and management plans). The proposal is one that warrants the grant of development consent, subject to appropriate conditions.