



83-85 Mortimer Street, Mudgee Statement of Environmental Effects

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1 Introduction

1.1 Purpose of Report

proUrban Advisory, Planning & Management ('proUrban') act on behalf of *VIVA Energy Pty Ltd* ('the applicant') in relation to the land at 83-85 Mortimer Street, Mudgee ('the site').

This Statement of Environmental Effects and the attached documentation form a Development Application to Mid-Western Regional Council for Development Consent for the works proposed.

A review of the planning controls and a desktop review of the subject site and surrounds have been conducted to inform the following Statement of Environmental Effects, which includes:

- A description of the subject land and surrounding context;
- A description of the proposed works;
- An analysis of the proposed development against relevant State Environmental Planning Policies, Local Environmental Plan, and relevant Development Control Plan; and
- An assessment of the key planning issues as they relate to the proposal.

This Statement should be read in conjunction with the following documents:

- Completed online application form;
- Town Planning Drawings prepared by *Switch Co*; and
- Certificates of Title.

The application seeks a Development Application for the redevelopment of the existing service station and associated infrastructure and the display of signage on the land.

Overall, we submit that the proposal is consistent with the relevant policy requirements for managing land use and development in Mid-Western Regional Council. The process presents an appropriate strategic design response to the site's opportunities and constraints and the broader context of the Mudgee locale.

We seek to engage in a collaborative application process to ensure a mutually desirable development outcome on the site, with a view to gaining stakeholder support and Development Consent for the proposal.



2 Site Description

The land is located at 83-85 Mortimer Street, Mudgee, and is identified as Lot 1/-/DP524522.

For further details, please refer to the attached Certificate of Title documents.

Located on the South-eastern corner of Church Street and Mortimer Street, the site currently operates as a Shell (SHELL) service station. The site is rectangular in shape and has an approximate area of 1,428m² with a northern frontage to Mortimer Street of approximately 33 metres and western frontage to Church Street of approximately 43 metres.

The existing surrounding development comprises generally of commercial buildings. Built form does not exceed two storeys. Please refer to Figures 1 and 2 below.

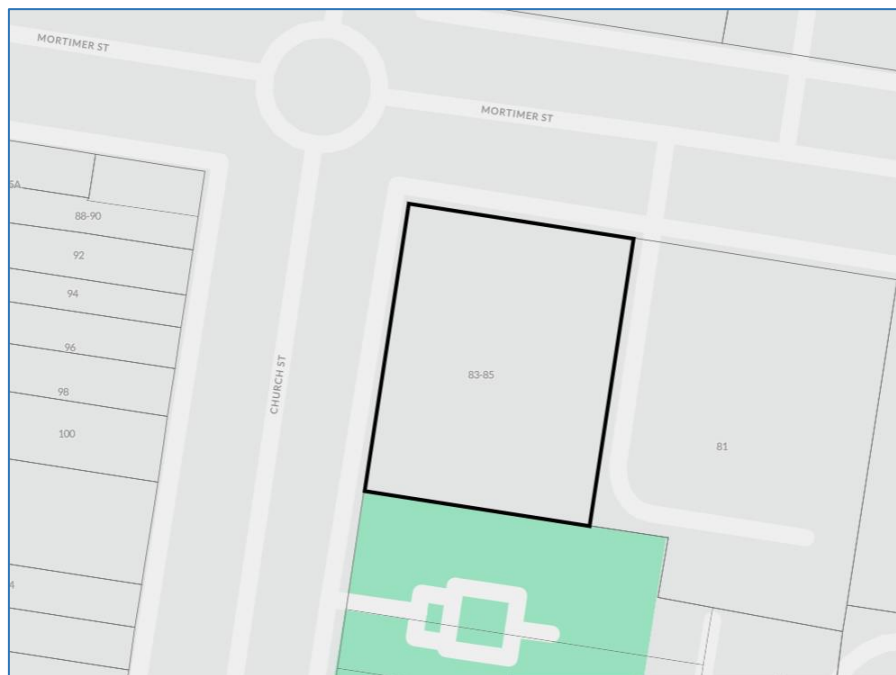


Figure 1: Cadastral Image of Subject Site

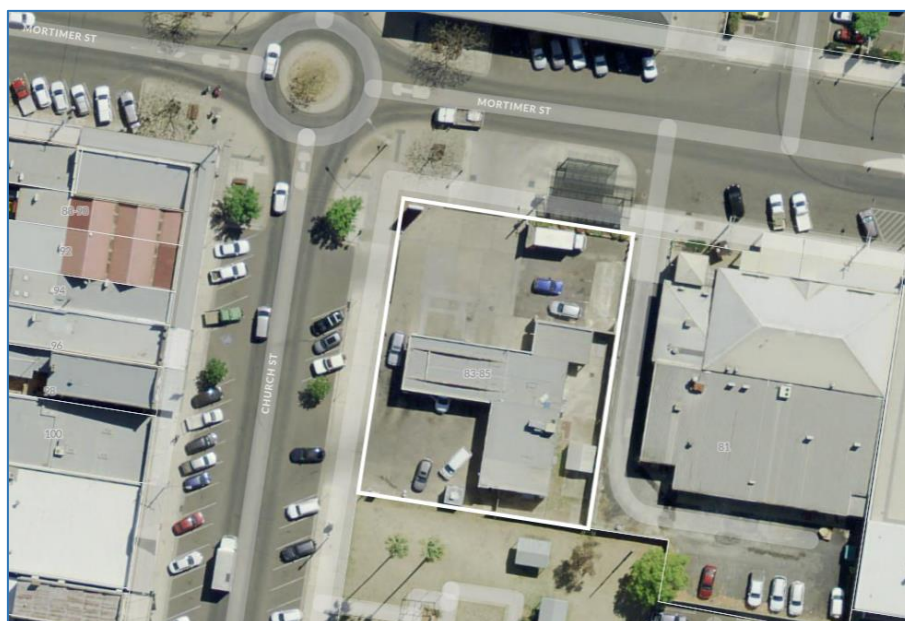


Figure 2: Aerial Image of Subject Site

3 Proposed Development

3.1 Proposal

The proposal involves the redevelopment of the existing service station and associated infrastructure on the land, which is appropriate for the area and will have no detrimental impact on surrounding land uses.

Specifically, the proposal comprises:

- Demolition:
 - Existing fill points and associated pipework to be removed;
 - Existing vent stack and associated pipework to be removed;
 - Existing pump and associated pipework to be removed;
 - Existing under canopy signage to be removed
 - Existing underground tanks to be removed;
 - Existing canopy to be removed;
 - Existing eastern concrete slab to be removed; and
 - Existing pylon signage to be removed.

- Proposed:
 - New car parking bays to the eastern portion of the site;
 - New vent stack;
 - New underground tank farm;
 - New underground oil/water separator;
 - New fill points and dispensers
 - New canopy and canopy link;
 - New air and water bay; and
 - New illuminated and non-illuminated leader board, fascia panel and pylon signages.

Please refer to the attached Town Planning Drawings prepared by *SwitchCo* for further details.

4 Planning Assessment

The subject land is located within the Mid-Western Regional Council local government area. This section considers the planning issues relevant to the proposed development and provides an assessment of the relevant matters prescribed in Section 4.15 (1) of the EP&A Act.

4.1 Statutory and Policy Compliance

The proposal requires consideration against the following planning instruments.

- *State Environmental Planning Policies (SEEP) 2021;*
 - *SEPP (Resilience and Hazard); and*
 - *SEPP (Industry and Employment).*
- *Mid-Western Regional Local Environmental Plan (LEP) 2012; and*
- *Mid-Western Regional Development Control Plan (DCP) 2013.*

4.2 State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) deal with issues significant to the state of New South Wales. Key policies applicable to the site include:

[SEPP \(Resilience and Hazard\) – Chapter 3 Hazardous and Offensive Development](#)

The current application is subject to *Chapter 3 – Hazardous and Offensive Development*, which ensures that only those industrial proposals which are suitably located, and able to demonstrate that they can be built and operated with an adequate level of safety, can proceed. This Chapter has the following relevant objectives:

- *To render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and*
- *To require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and*
- *To ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and*
- *To ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and*
- *To require the advertising of applications to carry out any such development.*

This Chapter applies to any proposals which fall under the policy's definition of '*potentially hazardous industry*' or '*potentially offensive industry*' along with development notified, for the purposes of this Part, by the Director in the Gazette as being a potentially hazardous or potentially offensive development.

Certain activities may involve handling, storing or processing a range of substances which in the absence of locational, technical or operational controls may create an off-site risk or offence to people, property or the environment. Such activities would be defined as potentially hazardous or potentially offensive.

Pursuant to the definitions contained within Part 3.2, a '*potentially hazardous industry*' is defined as:

“a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

- a) to human health, life or property, or*
 - b) to the biophysical environment,*
- and includes a hazardous industry and a hazardous storage establishment.”*

Part 3.11 of the Chapter requires that a preliminary hazard analysis (PHA) be prepared (or cause to be prepared) in accordance with the current circulars or guidelines published by the Department of Planning as part of a Development Application to carry out development for the purposes of a potentially hazardous industry. The relevant circulars or guidelines include:

- *Hazardous Industry Planning Advisory Paper No. 6 – Hazard Analysis; and*
- *Hazardous Industry Planning and Assessment Guidelines – Guideline Summary.*
 - *SEPP No. 33 – Hazardous and Offensive Development.*

The objective of the PHA is to develop a comprehensive understanding of the hazards and risks associated with an operation or facility and of the adequacy of safeguards. The basic principles are that hazard analysis should:

- *Be comprehensive, holistic and systematic;*
- *Be qualitative, quantitative and site-specific;*
- *Be complementary to other safety studies;*
- *Use consistent and well-documented methods and data;*
- *Review the adequacy of safeguards; and*
- *Utilise all opportunities for risk reduction.*

Part 3.12 of the Chapter outlines the matters for consideration by the relevant consent authorities in deciding on an application. The authority must consider:

- a) Current circulars or guidelines published by the Department of Planning relating to hazardous or Offensive development, and*
- b) Whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and*
- c) In the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and*
- d) Any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and*
- e) Any likely future use of the land surrounding the development.*

The land is currently used as a service station and the proposed works will continue to use the land for such purposes. As such, it is submitted that a **PHA is not required** for the proposed development.

SEPP (Resilience and Hazard) – Chapter 4 Remediation of Land

The current application is subject to *Chapter 4 Remediation of Land*, which aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Pursuant to Part 4.6 of the Chapter, 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.*

The land is currently used as a service station and the proposed redevelopment will continue to use the land for such purposes. As such, it is submitted that any existing level of contamination resulting from the service station will not prejudice the continued use of the site for that purpose.

SEPP (Industry and Employment) – Chapter 3 Advertising and signage

Chapter 3 Part 3.3 Advertisements of the SEPP (Industry and Employment) sets out planning provisions for the display of advertising and signage. This Chapter aims to ensure that signage is appropriate and effectively located and does not detrimentally impact the surrounding area. This Chapter has the following relevant aims and objectives:

- *To ensure that signage (including advertising):*
 - *is compatible with the desired amenity and visual character of an area, and*
 - *provides effective communication in suitable locations, and*
 - *is of high-quality design and finish.*

We note that the proposed signage replaces and revitalises existing signage on the site and that the replacement signage is effectively located, is of a high-quality design and finish, and enhances the amenity and visual character of the area without impacting on any surrounding land uses.

Advertisements with a display area greater than 20m² or higher than 8 metres are subject to Regulation Part 3.15 of the Chapter, which outlines:

Part 3.15 (2)

The consent authority must not grant consent to an application to display an advertisement to which this clause applies unless:

- a) *The applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and*
- b) *The consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies*

Similarly, advertisements with a display area greater than 20m² and within 250 metres of, and visible from, a classified road are subject to Part 3.16.

TfNSW must take into consideration—

- a) *The impact of the display of the advertisement on traffic safety, and*
- b) *The Guidelines (Transport Corridor Outdoor Advertising and Signage Guidelines approved by the Minister for the purposes of this Chapter and published in the Gazette on the date on which State Environmental Planning Policy No 64—Advertising and Signage (Amendment No 3).*

Roof advertisements is subject to Regulation Part 3.19 of the Chapter, which outlines:

Part 3.19 (1)

The consent authority may grant consent to a roof or sky advertisement only if—

- (a) *the consent authority is satisfied—*
 - I. *That the advertisement replaces one or more existing roof or sky advertisements and that the advertisement improves the visual amenity of the locality in which it is displayed, or*
 - II. *That the advertisement improves the finish and appearance of the building and the streetscape, and*
- (b) *the advertisement—*
 - I. *is no higher than the highest point of any part of the building that is above the building parapet (including that part of the building (if any) that houses any plant but excluding flag poles, aerials, masts and the like), and*
 - II. *is no wider than any such part, and*
 - III. *a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct and the display of the advertisement is consistent with the development control plan.*

Freestanding advertisements is subject to Regulation Part 3.21 of the Chapter, which outlines:

Part 3.21 (1)

The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.

SEPP64 – Design Assessment Criteria

1) Character of the area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

Response:



The standard signage suite is of a scale commensurate with archetypal Service Station signage. The signage will not impact surrounding properties and will revitalise the existing signage on the site and have a positive visual impact on the local area in this location.

Further, the proposed locality of the proposed signage is a continuation of the existing conditions, as it will be placed in a similar location and therefore remains consistent with the character of the area.

2) *Special Areas*

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

Response:

The standard signage suite is of a scale commensurate with archetypal Service Station signage. The proposal seeks to revitalise the existing signage on the site. Therefore, it is submitted that the the proposal will not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas.

3) *Views and Vistas*

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

Response:

The proposal has no impact on important views or vistas and is not in conflict with any other advertisers.

4) *Streetscape, setting or landscape*

- *Is the scale, proportion and form appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

Response:

The signage is consistent with the suite of branding rolled out nationally. The scale, proportion and form are all appropriate for the Mortimer Street location. The proposal revitalises the existing signage on the site and fits is within the context of the site.

5) *Site and building*

- *Is the scale, proportion and form appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*



- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?
- Does the proposal require ongoing vegetation management?

Response:

The proposal revitalises the existing signage. Considering the existing characteristics of the site and broader locality, the proposed signage is considered to sit comfortably within the context of the site.

6) Associated devices and logos with advertisements and advertising structures

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

Response:

N/A

7) Illumination

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

Response:

The illumination would not result in an unacceptable glare. The signage suites are installed in all SHELL sites across Australia and are internally illuminated therefore are of a consistent and acceptable design nationally. Pedestrians and traffic will not be adversely affected.

The signs are designed to be internally illuminated and therefore light spill is minimal.

The signs do not provide illumination to be adjusted, although the internal illumination has been designed to minimise external pollution whilst at the same time allowing the sign to be suitably visible when required.

The illumination is required at all times throughout operating hours and therefore is not subject to a curfew.

8) Road Safety

- Does the proposal meet criteria relating to road safety under Sections 2 and 3?

Response:

The redevelopment of the site does not propose to change conditions for pedestrians or vehicles. No sightlines are obscured by the proposal.

4.3 Mid-Western Regional Local Environmental Plan (LEP) 2012

Local Environmental Plans (LEPs) contain requirements for managing land use and development within a specified area. LEPs provide the legal framework by which Council's development decisions are made and sets out objectives, zoning provisions and development requirements.



Land Zoning

The subject site is located within *Zone B3 – Commercial Core* of the LEP.

Pursuant to Zone B3, the objective of the zone is:

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

Please refer to Figure 3 below, for a Zone Map depicting the subject site in the context of the surrounding zones.

The Land Use Table in Zone B3 specifically identifies ‘service station’ as *Item 4 – Prohibited* use.

The service station is benefitted by existing use rights. It is submitted that the proposed refurbishment of the site does not seek to change the existing use nor seek to increase the intensification of the existing use.

The proposed works only seeks to upgrade the existing infrastructure to responds to best practice environmental standards and to ensure the continued provision of services are attractively developed to meet the day-to-day needs of residents and transient customers.



Figure 3: Zone Map

Heritage

The subject site is located within *C1 – Mudgee Heritage Conservation Area (Local)* of the LEP. It is noted that the subject site is not listed and described in Schedule 5.

Pursuant to Clause 5.10, the objective of Heritage Conservation is:

- *To conserve the environmental heritage of Mid-Western Regional,*
- *To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- *To conserve archaeological sites,*
- *To conserve Aboriginal objects and Aboriginal places of heritage significance.*

Please refer to Figure 4 below, for a Heritage Map depicting the subject site in the context of the surrounding area.

Development consent is required for —

- a. *Demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*
 - i. *a heritage item,*
 - ii. *an Aboriginal object,*
 - iii. *a building, work, relic or tree within a heritage conservation area,*



Figure 4: Heritage Map

4.4 Mid-Western Regional Development Control Plan (DCP) 2013

Development Control Plans (DCP) supplement the LEP and detail design criteria and guidelines for development in an area.

The objectives of this DCP are to:

- *Implement and support the objectives of the Local Environmental Plan (Mid-Western Regional LEP 2012);*
- *Define development standards that deliver the outcomes desired by the community and Council;*
- *Provide clear and concise development guidelines for various forms of development;*
- *Encourage innovation in design and development by not over-specifying development controls;*
- *Expedite development approvals by providing clear direction of Council's intent and criteria; and*
- *Provide certainty of development outcomes for developers and the community.*

The relevant Mid-Western Regional DCP provisions that applies to the site include:

- *Part 4.4 Signs*

The streetscape and business areas of Mudgee are noted to be within a heritage conservation area and particular attention is required for the preservation and enhancement of the character and appearance of these areas

The proposed signage seeks to replace and revitalises an existing signage on the site albeit in a slightly larger form to create an improved urban design outcome. The proposed signage is consistent with existing service station signage and therefore will not impact surrounding properties.

The standard signage suite is of a scale commensurate with archetypal service station signage and is considered to respond to the above design guidelines. The revitalisation of the existing signage on the site will have a positive visual impact on the local area. Further, the proposed locality of the proposed signage is a continuation of the existing conditions, as it's to be placed in the similar locations.

By facilitating the revitalisation of the signage on site, the proposal responds to the qualities of the subject site and to the character of the surrounding neighbourhood. Further, the revitalisation of the signage responds to the overarching objective of the Commercial Zone and the design assessment criteria within SEEP64.

- Part 4.5 Commercial Development

The revitalisation of the site will replace the existing canopy structure and modernise the existing signage on the site to create an improved urban design outcome.

The proposed works will incorporate high-quality design and finishes which will enhance the amenity and visual character of the area without impacting on any surrounding land uses while providing clear vehicular and visual linkages between the various built-form elements within the zone and adjoining roads.

All vehicle paths will be sealed and will allow all vehicles to enter and exit the site in a forward direction. Accessways, loading facilities and car parking facilities will be completed to Australian Standards.

The proposed canopy at 6 metres is consistent with the built form controls of the LEP which allows a maximum of 8.5 metres. It is submitted that the proposed refurbishment of the site will not impact on the amenity of the area and will not damage or further damage by a change in the activities beyond the limited purpose of the use preserved by the existing use right.

The proposal revitalises an existing use as such, the works do not change the existing development and the proposal remains consistent with the provisions of *Part 4.5 Commercial Development* of the Mid-Western Regional Development Control Plan 2013.

- Part 5.1 Car Parking

The redevelopment of the site does not propose to significantly alter the existing traffic and car parking arrangements on site with the existing crossovers and car parking arrangement to remain.

The only change is the relocation of the fuel pumps to be located under the new heavy-vehicle canopy and the formalization of car parking spaces along the North-eastern corner of the site. Traffic conditions will therefore remain largely unchanged.

- Part 5.3 Stormwater Management

Pursuant to Part 5.3 Stormwater Management of the Mid-Western Regional DCP, all development will need to address the issues associated with managing water on the site. Table 1 within Part 5.3 details the performance targets required for each development category.

Under the development category of “*All other types*”, the following performance targets are applicable:

- I. *Quality Management During Construction;*
- II. *Quality Management During Operation;*
- III. *Water conservation; and*
- IV. *Salinity prevention only where applicable.*



As discussed throughout the report, the proposed works only seeks to upgrade the existing infrastructure to responds to best practice environmental standards and to ensure the continued provision of services are attractively developed to meet the day-to-day needs of residents and transient customers

The proposed works will incorporate high-quality design and finishes which will enhances the amenity and visual character of the area with limited impact on the existing stormwater management on site. Therefore, it is submitted that the proposed is consistent with Part 5.3 of the DCP.



5 Conclusion

In conclusion, we submit that:

- The proposal achieves a high level of consistency with the overarching objectives of the State Environmental Planning Policies;
- The proposed use of the land for the purposes of a service station provides a service to meet the needs of both transient traffic and the local community;
- The proposal comprises a land use and built form that is largely unaltered and remains centrally located on the site. The proposal improves the character and intent of the existing land use;
- The proposal provides an appropriate development outcome that will in turn create employment and economic development opportunities for the broader population;
- The proposal will have no adverse impacts on the surrounding environment; and
- The proposal respects the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

We submit that the proposal is consistent with the relevant requirements of the Mid-Western Regional Local Environmental Plan 2012 and the Mid-Western Regional Development Control Plan 2013.

The proposal represents a carefully considered, well resolved development application that has taken appropriate consideration of its physical and urban context, and the strategic opportunities and development constraints that exist on the site. The revitalised service station will add to the service offering in the local area and contribute the economic growth of Mid-Western Regional Council.

We seek to engage in a collaborative application process to ensure a mutually desirable development outcome on the site, with a view to gaining stakeholder support and Development Consent for the proposal.

