

# Development Application Statement of Environmental Effects

# Lot 26, 38 Hill End Road, Caerleon NSW 2850

Proposed Warehouse Unit Complex

submitted to Mid-Western Regional Council

November 2022

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# 1 Introduction

This report has been prepared by ES Planning in support of a development application (DA) to Mid-Western Regional Council with regards to the land at Lot 26, 38 Hill End, Caerleon NSW 2850. Pursuant to Mid-Western Local Environmental Plan 2012 (MWLEP 2012), the site is currently zoned IN1 General Industrial, and the proposed use is permissible with consent.

The DA seeks to approve the construction of a warehouse unit complex. The proposal intends to remain compatible with the established building forms in the immediate locality. It endeavours to comply with all the requirements of Mid-Western Regional LEP 2011 and Development Control Plan 2013 (MWDCP 2013).

Good design goes far beyond the application of numerical standards. Systematic analysis of the subject site, its relationship with adjoining developments and considerations of any natural and man-made constraints are essential starting points.

Design and layout of the development proposed aims to maintain the objective of the current development control plan.

This report describes the site, surrounding properties, proposed development, provides background information and justifies the proposed development.

All works carried out on site are to comply with all the requirements of the National Construction Code (NCC), relevant Australian Standards and Mid-Western Regional Council's planning instruments and regulations.

This report should be read in conjunction with the architectural plans attached with the submission prepared by ES Design.

Any environmental concerns not covered directly in this document or which arise during construction will be handled in an appropriate fashion, so as to minimise environmental concerns.

#### **Site Analysis** 2

# 2.1 Site Location and Context

The subject site is located to the north of Hill End Road, and is adjacent to the Castlereagh Highway, and is legally identified as Lot 26 - 38 Hill End Road, Caerleon NSW 2850 (see Figure 1 & 2). The locality is a rural area where the surrounding development consists of industrial warehouse units and vacant rural land. There is a newly subdivided greenfield development in close proximity.



Figure 1. Satellite Map - No. Lot 26 – 38 Hill End Road, Caerleon NSW 2850



# 2.2 Site Description

Lot 26 has a street frontage of 46.215m and a minimum depth of 64.51m along the northern boundary and a maximum depth of 65.325m along the southern boundary. The site is rectangular in shape and has a total land area of 3000sqm.

# 2.3 Landform and Topography

The site has a slight cross fall of approximately 2m from the northern boundary to the southern boundary property line.

# 2.4 Existing Development

The subject site is currently being subdivided as part of the 'Meramie Grove' Subdivision DA0034/2017. The proposed lot is currently vacant and unregistered as see in figure 3, survey plan.



# 3 Surrounding Development

The site is located in a rural area with large lots as seen in figure 4 and 5. The site is also a 10min drive to the Mudgee Town Center as seen in figure 6.



Figure 4. Streetview of 10 Hill End Road – Mudgee Honey Haven as seen from Hill End Road.



Figure 5. Streetview of empty vacant rural land surrounding the subject site



# 4 Proposal

The proposal comprises of the following:

• Construction of a warehouse unit complex

Proposal Calculations				
Total Site Area	3000sqm			
Total Gross Floor Area	1986.1 sqm			
Floor Space Ratio	0.66:1			
Total Volume	7944 m3			
	Block A			
Ground Gross Floor Area	514.5 sqm			
Mezzanine Gross Floor Area	478.55 sqm			
Total Gross Floor Area	993.05 sqm			
Total Volume	3972.3 m3			
Block B				
Ground Gross Floor Area	514.5 sqm			
Mezzanine Gross Floor Area	478.55 sqm			
Total Gross Floor Area	993.05 sqm			
Total Volume	3972.3 m3			

# **5** Assessment Under Relevant Planning Controls

# 5.1 Mid-Western Regional Local Environmental Plan 2012

Mid-Western Regional LEP 2012 seeks to manage sustainable growth and provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas. Below illustrates the relevant clauses that apply to the subject site.

For all site calculations and compliance with Mid-Western Regional LEP 2012 and DCP 2013, please refer to the 'Compliance Tables' below.



## 5.1.1 Land Zoning

Figure 4: Zoning Map

## Zone IN1 General Industrial

- 1 Objectives of zone
  - To provide a wide range of industrial and warehouse land uses.
  - To encourage employment opportunities.
  - To minimise any adverse effect of industry on other land uses.
  - To support and protect industrial land for industrial uses.
  - To promote a safe and efficient network for the movement of heavy vehicles and to minimise the intrusion of heavy vehicles into nearby residential areas.
- 2 Permitted without consent

Roads; Water reticulation systems

#### 3 Permitted with consent

Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Offensive storage establishments; Oyster aquaculture; Places of public worship; Plant nurseries; Rural supplies; 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; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Livestock processing industries; Marinas; Mooring pens; Moorings; Pond-based aquaculture Public administration buildings; Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures

#### Assessment:

The site is located within the IN1 General Industrial Zone, where warehouse and distribution centers are permissible with consent. The building is without unreasonable adverse impacts regarding overshadowing, traffic, overlooking issues. The proposed development is sited in an appropriate location which does not damage the bushland character of the locality.



## 5.1.2 Groundwater Vulnerability Map

Figure 8: Groundwater Vulnerability Map

### 6.4 Groundwater vulnerability

(1) The objectives of this clause are as follows—

(a) to maintain the hydrological functions of key groundwater systems,

(b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.

(2) This clause applies to land identified as "Groundwater vulnerable" on the Groundwater Vulnerability Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—

(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),

(b) any adverse impacts the development may have on groundwater dependent ecosystems,

(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),

(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

### Assessment:

The proposed development will have an unlikely impact on the groundwater table.



# 5.1.3 Biodiversity Values Map

Figure 9: Biodiversity Values Map

## <u>Assessment:</u>

The proposed development does not involve the removal of trees and vegetation. The biodiverse values are not located within Lot 26 of the site.



# 5.1.4 Terrestrial Biodiversity values map

Figure 10: Terrestrial Biodiversity Values Map

### 6.5 Terrestrial biodiversity

- (1) The objective of this clause is to maintain terrestrial biodiversity by—
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and

(c) encouraging the conservation and recovery of native fauna and flora and their habitats.

(2) This clause applies to land identified as "Moderate Biodiversity Sensitivity" or "High Biodiversity Sensitivity" on the Sensitivity Biodiversity Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

(a) whether the development is likely to have—

(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and

*(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and* 

*(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and* 

*(iv) any adverse impact on the habitat elements providing connectivity on the land, and* 

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

### <u>Assessment</u>

The proposed development does not involve the removal of trees and vegetation. The terrestrial biodiverse values are not located within Lot 26 of the site.



# 5.1.5 Bushfire Prone Map

Figure 11: Bushfire Prone Land Map

### Assessment:

The proposed development does not involve the removal of trees and vegetation. The bushfire values are not located within Lot 26 of the subject site.

# 5.2 Mid-Western Regional Council Development Control Plan 2013

PART 4.6 INDUSTRIAL DEVELOPMENT						
ltem	Provision			Compliance / comments		
Setbacks	tbacks Setbacks			Complies,		
	Site Area	Street 6m	Side/Rear*	Secondary Frontage for Corner Lots * 4m	Site Coverage	Front setback = 12m
	2,001 to 5,000 m2 Over 5,001m2 *St	12m 15m Ibject to compliance w	nil nil vith fire rating re	10m 12m quirements of BC	55% 50%	Side Setback = 0.2m
						Rear Setback = 1.27m min Site Coverage =
						1134.18 sqm = 37.81 %
Landscaping	(a) In the front Sydney Road				•	N/A
	sites.				The site does not adjoin Sydney Road	
	(b) Landscaping should be provided in front of the building line to increase the visual presentation of the development to the street.			Complies		
	(c) In the side and rear setbacks where it provides visual relief from a public street or area.			Noted		
	(d) Landscaping to consist of mature trees and lawn which are low maintenance, drought andfrost tolerant in nature.				Noted	
	(e) Landscaping shall be provided in outdoor car parking areas where >10 spaces are required to			Complies,		
provide shading and soften the visual impact of large hard stand area.				e Trees are proposed in the outdoor car parking areas		
Design	(a) Low scale building elements such as display area, offices, staff amenities are to be located at the front of the premises and constructed in brick or finished concrete.			Complies		
	(b) Roof mater	ials are to	be non	-reflectiv	ve	Complies
Fence	(a) All security fencing is to be pre-coloured or power coated.					
				No fencing is proposed		

# 5.2.1 Part 4 Specific Types of Development

	(b) Open work areas or storage areas visible from a public place or street must be fenced by masonry material or pre-coloured metal cladding of minimum 2m height. This fencing is to be only located behind the front setback.	N/A, No fencing is proposed
	(c) Where perimeter fencing is proposed, any access gates are to be setback from the boundary by the length of the largest vehicle accessing the site.	N/A, No fencing is proposed
Utilities	(a) Statement of servicing to be provided to demonstrate the availability and feasibility of providing water, sewer, and stormwater appropriate for the scale of the development.	Noted
	(b) Applications must demonstrate adequate provision for storage and handling of solid waste.	Complies, Refer to the plans for more details.
	(c) Liquid Trade Waste Application and facilities are required where liquid wastes (excluding domestic waste form a hand basin, shower, bath or toilet) are to be discharged to Council's sewer system.	Noted
	(d) No building can be located within an easement for the purposes of utility infrastructure.	Noted
	(e) For water and sewer mains structures are to be located 1500mm for the centre line of the main.	Noted
Traffic and Access	<ul> <li>(a) A traffic assessment report to be submitted that demonstrates:</li> <li>i. Site Access</li> <li>ii. Loading and unloading facilities (to be contained within the site and to be able to cater for largest design vehicle.</li> <li>iii. Safe on-site manoeuvring area for the largest design vehicle</li> </ul>	Noted
	(b) Unsealed vehicle movement areas are not acceptable due to environmental impacts.	N/A
	(c) All vehicles must be able to enter and leave in a forwarded direction.	Noted
	(d) The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.	Noted
	(e) No vehicular access will be permitted to a Main Road where there is an alternate access point.	Noted
	(f) Driveways must be provided in accordance with AS2890.1 Parking Facilities.	Noted

	(g) A separate sealed hardstand loading area which is capable of accommodating trucks that service the site.	Noted
	(h) The loading area is to be provided behind the building line at the side or rear of the building.	Noted
Car parking	Refer section 5.1 Car Parking Customer parking should be provided convenient to the public entrance.	Noted
Signage	(a) Refer section 4.4 Signage	N/A,
		No signage is proposed
	<ul><li>(b) Single occupant industrial site:</li><li>i. one free standing advertisement within the 5m landscaped setback; and</li><li>ii. one advertisement integrated within the facade of</li></ul>	N/A, No signage is proposed
	the building, but no higher than the building roofline. (c) Multiple unit industrial site:	N/A,
	<ul> <li>i. one index board near site entrance or within the 5m landscaped setback; and</li> <li>ii. one advertisement integrated within the facade of each unit, but no higher than the building roofline.</li> </ul>	No signage is proposed
	(a) Must comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting.	Noted
	(b) Windows, doors and other wall openings shall be arranged to minimise noise impacts on residences where proposed within 400m of a residential zone.	Noted
	(c) External plant (generators, air conditioning plant etc.) shall be enclosed to minimise noise nuisance where adjoining residential area.	Noted
Subdivision	(a) Minimum 30 metre frontage for lots.	N/A,
		No new subdivision is not proposed
	(b) Roads to be designed to AusRoads standards for B-Doubles.	N/A,
		No new subdivision is not proposed
	(c) Lots are to be provided with reticulated water and sewer.	N/A,
		No new subdivision is not proposed

(d) Stormwater drainage and water quality standards are to be implemented – see Section 5.3 – Stormwater Management	N/A, No new subdivision is not proposed
(e) All lots are to be provided with services for telecommunications and underground electricity	N/A, No new subdivision is not proposed
(f) Lots are to be designed to be B-double accessible.	N/A, No new subdivision is not proposed
(g) All roads with new subdivisions are to be constructed with bitumen.	N/A, No new subdivision is not proposed

# 5.2.2 Part 5 Development Standards

PART 5.1 CAR PARKING				
Item		Compliance / comments		
Car Parking	Bulky Goods       1 space per 50m2 GFA 1         Manufacturing       space per 75m2 GFA 1         Warehouse       space per 100m2 GFA		Complies, GFA= 1986.1 sqm 28 car spaces are provided	
Hours of Operation	a) Off-Peak of operates or of demand peri between 9.0	N/A,		
	accordance characteristic hours of ope	ent of this type will be assessed in with DCP and have regard to the cs of the proposed development, its ration and the availability of publicly arking in walking distance of the t site.	N/A	
Change of Use	or existing p	the parking requirement of the previous remises in accordance with the parking red in this plan;	N/A, No Change of Use is proposed	

	b) determine the parking requirement of the proposed development in accordance with the	N/A,
	parking rates contained in this plan	No Change of Use is proposed
	c) subtract the number of spaces determined in (a) above from the number of spaces calculated in (b) above; and	N/A, No Change of Use is proposed
	d) the difference calculated in (c) above represents the total parking spaces to be provided.	N/A, No Change of Use is proposed
Car Parking Credits	<ul> <li>Historic parking credits for lawfully established uses are recognised under this clause and evaluated in accordance with the DCP.</li> <li>Frontage credits related to parking availability onstreet. The parking frontage credit calculation is the subject lot width reduced by the extent of driveways and no-parking zones.</li> <li>The parking credit available is the historic credit and the frontage credit.</li> </ul>	N/A, Car credits are not applicable for this development
Heritage Incentive	The Mid-Western Regional Council may exempt development involving the restoration and/or conservation of a heritage item from part or all of the subject developments parking demand. The applicant shall make a claim for the exemption and the justification thereof in the development application. The Heritage Incentive will only be applied where the applicant can demonstrate that the conservation of the building depends upon the use of this clause.	N/A, The site is not in or near a heritage item or conservation area
Landscaping	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.	Noted
	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.	Noted
	c) Landscaping shall be provided to separate pedestrian and vehicle conflict points where possible.	Noted
	d) Landscaping provision for sun control (shading)shall be provided at the rate of 1 shade tree for every 6 car parking spaces.	Noted
	e) Existing trees on site are to be retained where possible	Noted

# 6 Justification of Non-Compliances

N/A

# 7 Additional Assessment of the Proposal

#### Location

The proposal is considered to be in an appropriate location as the existing use of the site will remain the same. The development is permissible in the zone with consent. A detailed assessment of the location is detailed above.

#### Amenity

The proposed warehouse unit complex will have minimal impacts on the existing and future amenity of the locality.

#### Design of the Premises

All proposed structures will be of new construction. No existing buildings or structures will be retained.

The proposal will be a visual improvement to the existing development site and surrounding areas. The proposal effectively fills the allocated area, while incorporating styles which complement existing buildings. The visual impact of the proposed development is that which is conceived from the planning controls.

#### Access

The existing site is accessible from Hill End Road and this access will remain the same.

#### Privacy and Shadowing

The proposed warehouse unit complex has been designed to eliminate any possibilities for the invasion of privacy. The building has been designed to follow the sloping terrain.

#### Noise

No noise or odour pollution beyond standard residential acceptable levels is foreseen to be produced from the proposal.

#### Acid Sulfate Soils

The subject site is not located within an acid soils area

#### Flooding

The subject site is not located within a flood prone area.

#### Bushfire

The subject site is located within an area of Vegetation Category 2 and Vegetation Buffer. Since the subject site is still waiting to be registered from DA0034/2017, the site is still

considered under the parent lot even though the subject site is shown to have no bush fire affection.

#### Tree Removal

No trees are proposed to be removed as part of this application. Additional planting is proposed to be offset the trees removed.

#### Heritage

The subject site is not a heritage item, nor is it located within a heritage conservation area or located within the direct vicinity of a heritage item.

# 8 Section 4.15 Considerations

### General

In considering this development application, Council must consider the relevant planning criteria in Section 4.15 of the Environmental Planning and Assessment Act, 1979.

### Statutory and Policy Compliance – s4.15(1)(a)

The proposal has been assessed in relation to all relevant SEPP's and LEP's above in the Statement of Environmental Effects.

The SEPP's which is relevant to the proposal are:

### State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4, Clause 4.6 of State Environmental Planning Policy Resilience and Hazards 2021 states:

- (1) 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.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

The site is considered acceptable for the proposed development. Given that the site has historically been vacant and the proposal is not a contaminating use, the site is considered to be consistent with State Environmental Planning Policy Resilience and Hazards 2021.

The LEP which is relevant to the proposal is:

### Mid-Western Local Environmental Plan 2012

The proposal is considered to satisfy the above relevant Local Environmental Planning Instrument as the development is within zoning regulations. It remains consistent with the relevant objectives of the LEP as it promotes the orderly and economic development of the LGA in a manner consistent with the need to protect the environment and does not adversely affect the identity of the area.

### Natural Environment Impacts – s4.15(1)(b)

The works proposed will not affect the natural environment. Waste will be managed and collected effectively. Furthermore, there is no endangered flora or fauna on the site that might be affected.

Throughout the period of construction, all measures will be taken to ensure that any noise, dust and vibration will be kept to a minimum.

### Social and Economic Impacts – s4.15(1)(b)

The proposal is unlikely to have any social or economic impacts on the surrounding area.

### Built Environment Impacts – s4.15(1)(b)

The proposed warehouse unit complex been designed to have minimal impacts on the surrounding built environment.

### Suitability of the Site for the Development – s4.15(1)(c)

The site is well located in terms of suitability, as the proposal is situated in a residential zone.

# 9 Conclusion

This report has addressed the requirement and relevant provisions of the Council's Mid-Western LEP 2012 & DCP 2013, (in particular, Part 4 and 5).

The assessment illustrates that the proposed warehouse unit complex will have no adverse effects on the surrounding community development. The site will be upgraded and will improve the amenity of the local community. The works will be consistent with the residential appearance of the surrounding dwellings and will be beneficial to the current appearance of the subject property.

If you require additional information or clarification, please do not hesitate to contact the undersigned on 0449 500 500 or via email at <u>planning@es.com.au</u>

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