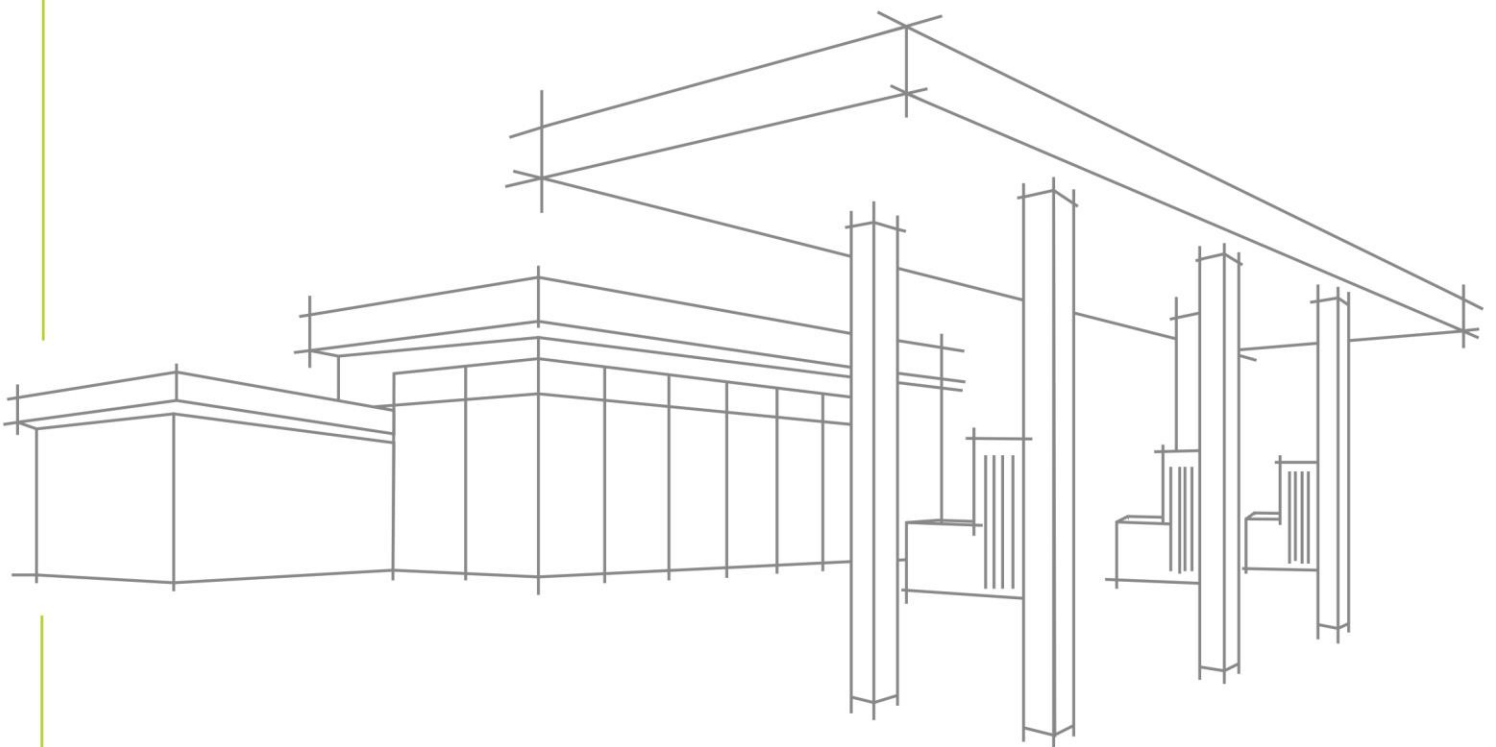


STATEMENT OF ENVIRONMENTAL EFFECTS

BP – MUDGEE

DEVELOPMENT APPLICATION FOR REPLACEMENT SIGNAGE AND BUILDING REFURBISHMENT



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PROJECT MANAGERS | PLANNERS | DESIGNERS | ENGINEERS

STATEMENT OF ENVIRONMENTAL EFFECTS

BP – Mudgee

Development Application for Replacement Signage and Building Refurbishment

CLIENT: BP Australia Pty Ltd (BP)
ADDRESS: 77 Church Street, Mudgee NSW 2850

TFA REFERENCE: 22347
TFA CONTACT: Charissa Kong

Document Control

REVISION	DATE	PREPARED BY	REVIEWED BY	COMMENTS
A	16-Dec-22	C. Kong	J.Rowell	Final

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EXECUTIVE SUMMARY

Applicant

Applicant Details	BP Australia Pty Ltd
Contact Details	C/- Charissa Kong (Graduate Town Planner) TfA Project Group PO Box 2339 Fortitude Valley, QLD, 4006

Site

Address	77 Church Street, Mudgee NSW 2850
Site Details	Lot 41 DP998528
Site Area	877 m ²
Current Land Use	Existing Service Station

Proposal

Proposal Description	Signage replacement and Building refurbishment
Application Type	Development Application (Permitted with Consent)

Local Government

Determining Authority	Mid-Western Regional Council
Local Environmental Planning Instrument	<i>Mid-Western Regional Local Environmental Plan 2012</i>
Zone	B3 – Commercial Core zone

State Government

SEPPs	<ul style="list-style-type: none">• <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>• <i>State Environmental Planning Policy (Industry and Employment) 2021</i>
--------------	--

1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by TfA Project Group on behalf of BP Australia Pty Ltd (the Applicant).

The application is made over land located at 77 Church Street, Mudgee NSW 2850 formally described as Lot 41 DP998528.

The application seeks approval for internal alterations and new signage over the site, in the form of additional fascia signage to the building, as well as any minor external / internal building refurbishment works that have been considered exempt under the relevant State policy provisions.

This report, which is submitted in support of the application, provides details of the proposed development, and addresses relevant planning and design matters associated with the proposal. The application is accompanied by the following documentation:

- **Appendix A:** Development Application Drawings
- **Appendix B:** Title Search
- **Appendix C:** Previous Council Correspondence
- **Appendix D:** Cost Summary Report

To assist in Council's determination of the development application, this SEE covers the following matters:

- **Section 2:** a site description including site characteristics and the context of the surrounding area;
- **Section 3:** a description of the proposed development;
- **Section 4:** an assessment of the proposed development against the relevant planning provisions; and
- **Section 5:** an environmental assessment of the proposed development.

2.0 THE SITE

2.1 Site Description

The subject site is located at 77 Church Street, Mudgee NSW 2850 formally described as Lot 122 DP1011128. The site is approximately 3,354m² in area and is relatively flat in nature. The site currently supports an existing service station with a single storey building and car canopy. The site is in the Mid-Western Regional Council local government area (LGA).

The site obtains access and egress from Church Street and Gladstone Street.

Refer Figure 1 below, which provides an aerial view of the current site.



Figure 1: Aerial View of site (source: Six Maps)

Figure 2 - 4 below provide recent photographs of the site, including the front fascia that will have added signage.



Figure 2: View of existing service station development (source: TFA Project Group)



Figure 3: View of existing front facade (source: TFA Project Group)

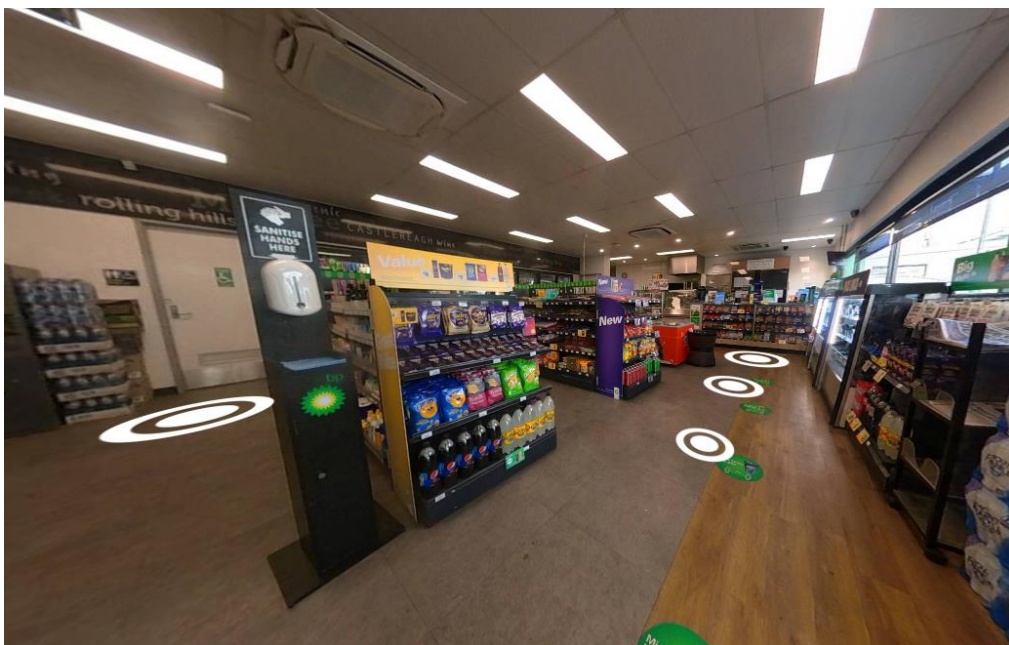


Figure 4: View of existing internal building (source: TFA Project Group)

2.2 Surrounding Uses

The site is situated within a B3 Commercial Core zone, the wider zoning is predominantly Medium Density residential zone.

2.3 Approval History

An online approval history search was conducted via council's website showing 1 previous approval on the site as follows:

- Council Ref: DA0129/2015
Alteration and Additions
Approved: 17/12/2014

2.4 Previous Council Correspondence

On 29 September 2022, TFA, on behalf of the applicant, issued a 'notification of works' letter to the council which covered the proposed refurbishment works at the subject site (BP Mudgee). The proposed refurbishment works detailed in this letter were considered exempt under the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Since the time of issuing this letter, the applicant has decided to include the proposed signage works to the subject site. This has triggered the requirement for the subject application for development consent with council. The proposed building refurbishment works at BP Mudgee remain substantial.

3.0 PROPOSED DEVELOPMENT

3.1 Description of the Proposal

The proposed development involves the installation of new signage over the site, in the form of additional fascia signage to the building, as well as any minor external / internal building refurbishment works that have been considered exempt under the relevant State policy provisions. All DA Drawings illustrating the proposed works are attached in Appendix A of this report.

The overarching purpose of the works is to refurbish the site in order to bring it closer to current design standard (look and feel) of the BP building façade and signage.

Specific works in relation to signage include:

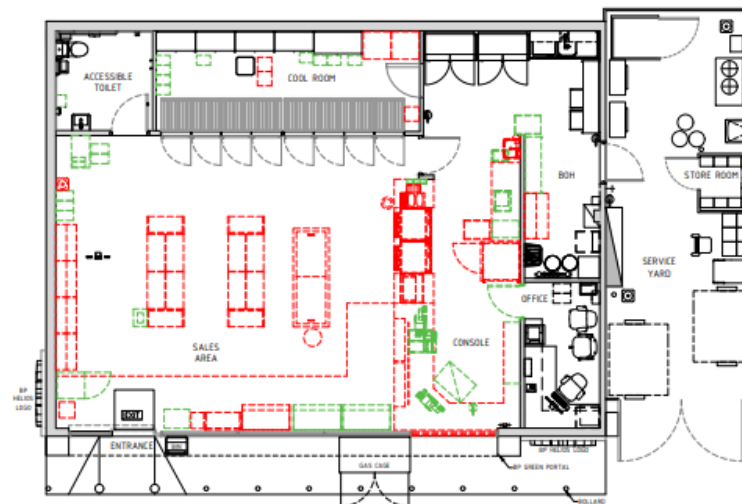
- Additional 'Welcome to bp Mudgee' signage to the front building fascia (above entry door) to replace existing 'bp Mudgee'-noting the replacement signage will be smaller in font
- Additional 'Wild Bean café' signage to the side of the building façade with external downlights and new WBC black flourish vinyl on wall.
- Additional 3x poster frames to be installed on the side wall, below 'Wild bean café' signage
- Additional 'small Helios' to be installed on the right front of the wall to replace existing Helios-noting the replacement Helios will be smaller than the existing Helios.
- Additional 1x green poster boards to be installed below proposed small Helios.
- Installation of night-pay drawer to front elevation.

Exempt works in relation to the general building refurbishment include:

- EXTERNAL WORKS:
 - Re-paint right front of wall to white colour
 - Re-paint side wall charcoal behind proposed 'Wild Bean café' sign and 3x poster frames
 - Re-paint wall below window glazing charcoal
- INTERNAL WORKS:
 - Internal reconfiguration of retail sales area and some back-of-house alterations including the following:
 - Reconfiguration of the counter / console area
 - Installation of a 'Perfect fry' unit into back of house preparation area
 - Minor changes to the configuration of walls and doors
 - Replace, or add new shelving units (not higher than 2.7m), gondolas, and ambient display units
 - Replace existing equipment & appliances, including ovens, Point of Sale (POS) & Automatic Teller Machine (ATM) devices, freestanding fridges & freezers
 - Inclusion of new appliances & equipment including a dishwasher
 - Additional hand / wash basin to rear of console and relocation of back of house wash facilities (subject to separate plumbing and drainage permit)
 - Refurbishing existing internal signage / logos ('drinks', 'refreshments' etc)

Refer to extracts from the existing and proposed floor plans in Figures 5 and 6 below depicting these internal works deemed exempt.

Existing Floor Plan



LEGEND

--- RED DASHED --- EXISTING WALLS, DOORS, CABINETRY & GLAZING TO BE REMOVED &/OR REPLACED

--- GREEN DASHED --- EXISTING EQUIPMENT OR FURNITURE TO BE RELOCATED

NOTES:

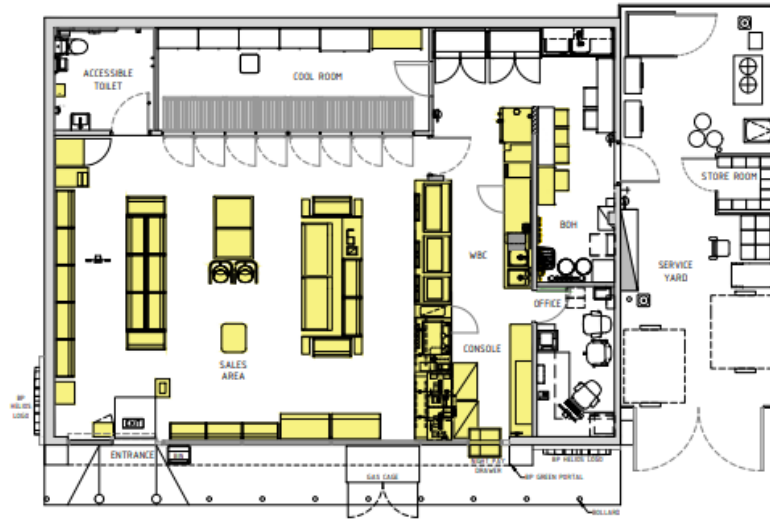
1. DEVELOPER APPLICATION ONLY
2. ALL DIMENSIONS TO BE VIEWED ON SITE FROM TO CONSTRUCTION & FABRICATION OF SIGNAGE
3. ALL EXTERNAL WALLS TO BE REFINISHED TO BP STANDARD PAINT FINISH - REFER TO BP STANDARD FINISH SCHEDULE
4. ALL WALLS, DIMENSIONS & STRUCTURES INCLUDING LOCATIONS ARE SUBJECT TO SURVEY

0 1000 2000 3000 4000 5000mm
SCALE 1:50

<p>BOARD OF ARCHITECTS OF QUEENSLAND : QBQ NSW ARCHITECTS ASSOCIATION : NAA</p>		<p>DATE: 12.12.22 BY: [Signature] ISSUED FOR INFORMATION</p>		<p>PROPOSED SERVICE STATION UPGRADE BP MUDGEE 77 CHURCH STREET MUDGEE NSW 2850</p>		<p>BP MUDGEE NSW EXISTING FLOOR PLAN</p>		<p>FOR APPROVAL</p> <p>DATE SUBMITTED: 12.12.22 SCALE: 1:50 SHEET: A1</p> <p>22347-MUD-DA01 A</p>	
<p>PROJECT MANAGERS PLANNERS DESIGNERS ENGINEERS</p> <p>Copyright TfA Group Pty Ltd This drawing including design & construction is owned by TfA Group Pty Ltd and is not to be reproduced, copied, or used in any way without the prior written consent of TfA Group Pty Ltd. A/C/N 61 7 122 133</p>		<p>PROFESSIONAL CERTIFICATION</p> <p>Head office - Brisbane Ph: 61 7 3854 2858 168 Knapp Street, Fortitude Valley QLD 4006 Australia Email: enquiry@tfa.com.au Aust Mdn: 1300 794 303</p>		<p>PROPOSED SERVICE STATION UPGRADE BP MUDGEE 77 CHURCH STREET MUDGEE NSW 2850</p>		<p>BP MUDGEE NSW EXISTING FLOOR PLAN</p>		<p>FOR APPROVAL</p> <p>DATE SUBMITTED: 12.12.22 SCALE: 1:50 SHEET: A1</p> <p>22347-MUD-DA01 A</p>	

Figure 5: Existing Floor Plan (Source: TfA Project Group)

Proposed Floor Plan



LEGEND

- DENOTES NEW WALLS
- DENOTES EQUIPMENT OR FURNITURE NEW & RELOCATED
- DENOTES FOR EXISTING EQUIPMENT OR FURNITURE

NOTES

1. COUNCIL REVIEW ONLY
2. ALL ENDINGS TO BE WORKED ON SITE FROM TO CONSTRUCTION & FABRICATION OF SIGNAGE
3. ALL EXTERNAL WALLS TO BE REPAIRED TO BP STANDARD PAINT FINISH - REFER TO BP STANDARD FINISH SPECIFICATIONS
4. ALL SITE BRACKERS, OPENINGS & STRUCTURES INCLUDING LOCATIONS ARE SUBJECT TO SURVEY.

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SCALE 1:50

	<p>SOUND OF ARCHITECTS OF QUEENSLAND : QLD NEW ARCHITECTS MEMBERSHIP BOARD : NSW</p>	<p>DATE: 12/12/22 BY: [Signature]</p>	<p>DATE: 12/12/22 BY: [Signature]</p>	<p>DATE: 12/12/22 BY: [Signature]</p>	<p>DATE: 12/12/22 BY: [Signature]</p>	<p>DATE: 12/12/22 BY: [Signature]</p>	<p>DATE: 12/12/22 BY: [Signature]</p>	<p>DATE: 12/12/22 BY: [Signature]</p>
<p>PROJECT MANAGERS PLANNERS DESIGNERS ENGINEERS</p> <p>TfA Project Group</p> <p>Copyright TfA Group Pty Ltd This drawing, including layout, is the property of TfA Group Pty Ltd and is not to be reproduced, copied, distributed, or used in any way without the prior written consent of TfA Group Pty Ltd.</p> <p>Head office - Brisbane Ph: 617 3854 2500 16 Knapp Street, Fortitude Valley QLD 4006 Australia Email: enquiry@tfa.com.au Aust Wide 1300 796 300</p>		<p>PROPOSED SERVICE STATION UPGRADE BP MUDGEE 77 CHURCH STREET MUDGEE NSW 2850</p>		<p>BP MUDGEE NSW PROPOSED FLOOR PLAN</p>		<p>FOR APPROVAL</p> <p>DATE CHECKED: 12/12/22 ORIGINAL SCALE: 1:50 SHEET: A1</p> <p>DO NOT SCALE THIS DRAWING, CHECKED AND DIMENSIONS ON SITE</p> <p>22347-MUD-DA03 A</p>		

Figure 6: Proposed Floor Plan (Source: TfA Project Group)

4.0 STATUTORY CONTEXT

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

Section 4.2 of the EP&A Act states that if an environmental planning instrument specifies development may not be carried out except with development consent, consent must be obtained from a consent authority under Part 4 of the Act. Clause 2.3 and the associated Land Use Table of *Mid-Western regional Local Environmental Plan 2012* (the LEP) requires the proposed use to obtain development consent (refer Section 4.2 below). The consent authority for the purpose of the LEP is the Mid-Western Regional Council (the Council).

Section 4.15 of the EP&A Act outlines the matters which need to be considered by the consent authority when determining a development application under Part 4. This SEE has been prepared in accordance with and considered all relevant provisions of Section 4.15.

4.2 MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012 (MWRLEP)

The MWRLEP makes local environmental planning provisions for land within the council's jurisdiction. Council is the consent authority for the purposes of the MWRLEP.

4.2.1 Site Zoning

Under the MWRLEP, the subject site is located with the B3 – Commercial Core zone. The wider zoning pattern is predominantly R3- Medium Density residential zone. Refer to figure 7 below.



Figure 7: Zoning Map Extract (source: NSW Planning)

4.2.1.1 Objectives

The objectives of the B3 Commercial Core zone are:

- 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*

The use of the site for the purposes of a service station is a long-standing feature within this zone and is considered to operate without impeding any broader zoning objectives of the council. The proposed refurbishment and signage upgrade will enhance the current appearance of the site / building and bring the building design into line with bp's current branding standard.

4.2.1.2 Permissibility

Under the LEP, "service station" is defined as:

- **Service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following —
 - a) the ancillary sale by retail of spare parts and accessories for motor vehicles,*
 - b) the cleaning of motor vehicles,*
 - c) installation of accessories,*
 - d) inspecting, repairing, and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),*
 - e) the ancillary retail selling or hiring of general merchandise or services or both.*

The proposed development does not change the approved use of the site which is for the sale by retail of fuels and as such is defined as a 'service station'.

Were a new 'service station' use be applied for over the site today; it would be classed as 'prohibited' within this zone.

Under the LEP "signage" is defined as:

- **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 a traffic sign or traffic control facilities.

Both Building identification signs and Business identification signs are classified under Schedule 2 of the LEP as exempt development where satisfying certain criteria. As the proposed signage does not meet these criteria a development application is therefore required.

4.2.2 Floor Space Ratio

The site is not identified as having a Floor Space Ratio under Council's mapping.

4.2.3 Building Height

The site is identified with a Maximum Building Height of 8.5m under Council's mapping.

4.2.4 Heritage

The site is identified as having a heritage overlay under council’s mapping, and it is identified as the Mudgee conservation area.

4.2.5 Acid Sulphate soils

The site is not identified as having Acid Sulphate Soils under Council’s mapping.

4.3 Mid-Western Development Control Plan (DCP) 2013

The council has a new centralised Development Control Plan (DCP) for the Mid-Western region. This is referred to as the Mid-Western Development Control Plan 2013 (the DCP). As the subject site is located within the B3 Commercial Core zone, broad reference has been given to Chapter 4.5 (Commercial Development) and a primary focus on the assessment under Chapter 4.4 (Signage).

4.3.1 Chapter 4.5 - Commercial Development

Given the proposed works involve the refurbishment of the existing service station and do not relate to a new use, the majority of this section of the DCP is not considered relevant. However, the following extracts from the DCP have been considered with responses provided accordingly.

4.3.1.1 Design

Table 1: Commercial Development - design

REQUIREMENTS	COMMENTS	COMPLIANCE
(a) <i>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.</i>	Not Applicable. The proposed works of the external building mainly consist of signage and re-paint. The external building structure will remain unchanged.	
(b) <i>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</i>	Not Applicable The proposed works of the external building mainly consist of signage and re-paint. The external building structure will remain unchanged	
(c) <i>Building facades shall be articulated by use of colour, arrangement of elements or by varying materials</i>	The building façade will be painted with BP retail standard colours, which consist of BP charcoal, BP white and BP Green. This will update the frontage of the building and enhances the current appearance of the site.	Yes
(d) <i>Consider elements within established heritage buildings and how its application may be applied to new development</i>	Not Applicable The proposed works of the external building mainly consist of signage and re-paint. The external building structure will remain unchanged.	

REQUIREMENTS	COMMENTS	COMPLIANCE
(e) <i>Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials</i>	The proposed works of the external building mainly consist of signage and re-paint. The external building structure will remain unchanged and therefore, so too the pattern of built form already established.	Yes
(f) <i>Design of new development should seek to be sympathetic to heritage items not reproduce them.</i>	Not Applicable The proposed works of the external building mainly consist of signage and re-paint. The external building structure will remain unchanged. The proposed signage / branding changes are not considered to increase the impact on any surrounding buildings of heritage character. The closest built form of the development is the fuel canopy which will remain unchanged from what is already existing / approved.	
(g) <i>Plans must include details of all external infrastructure (air conditioning ducts, plant rooms) and how it will be screen from view from a public road</i>	The proposed works of the external building mainly consist of signage and re-paint. No structural change has been proposed for the building. Therefore, the DA Site plans will not include the external infrastructures in the plans but will include the proposed signage details and elevations instead.	Yes
(h) <i>Development on a corner must include architectural features to address both frontages.</i>	The DA site plans includes the architectural feature that will address the frontage of the building for both Church Street and Gladstone Street	Yes
(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>	Not Applicable The proposed works of the external building mainly consist of signage and re-paint. The external building setbacks will remain unchanged.	

4.3.2 Chapter 4.4 - Signs

The main aspect of new signage proposed will be the new 'Welcome to BP Mudgee' located above entry door, new 'Wild Bean café' externally illuminated sign located to the side of the building, 3 new poster frames to the side of building, 1 new green poster frame below small new Helios. The following extracts from the DCP have been considered with responses provided accordingly. We have addressed those sections of the DCP. Furthermore, a Mudgee conservation area heritage overlay is identified over the site. Having reviewed Part 4.4 Signs of the DCP, a relevant table addressing the requirements of signs in a heritage conservation area will be addressed as follows:

4.3.2.1 Signs in Towns and Villages

Table 2: Signs- Heritage Conservation Areas

REQUIREMENTS	COMMENTS	COMPLIANCE
(a) <i>The streetscapes in the business areas of Mudgee, Gulgong, Rylstone and Hargraves are within a heritage conservation and particular attention is paid to the preservation and enhancement of the character and appearance of these areas.</i>	The proposed 'Welcome to BP Mudgee', 'new small Helios', 'Wild bean café signage', '3 new poster frames' and '1 new green poster frame' are of high quality and standard and it will enhance and complement the heritage conservation area.	Yes
(b) <i>Corporate identification should be carefully selected and amended where necessary to retain the character of individual buildings and the surrounding locality</i>	<p>The proposed "small Helios" signage will replace the existing Helios on the front façade of the building, noting that the proposed small Helios will be located on the same location as the existing Helios and reduce the size of this sign. Both the existing and proposed signs are internally illuminated. The other existing internally illuminated Helios (on the side elevation facing Gladstone Street) will be replaced with an externally illuminated wild bean café sign.</p> <p>On balance, proposed signage / branding changes are not considered to increase the impact on any surrounding buildings of heritage character. The closest built form of the development is the fuel canopy which will remain unchanged from what is already existing / approved.</p>	Yes
(c) <i>Generally signs on individual buildings or within areas of special significance should be discreet and should complement the building or area. An important element of Council's planning policies involves the careful control of all advertisements, and external building colours in the main business areas</i>	The proposed "welcome to BP Mudgee", "small Helios", "wild Bean café" signage, "3 x new black poster frames" and "1x green poster frame" will be discreet and it will complement the building and area well. The proposed signage does not promote any visual clutter.	Yes

4.3.2.2 Business Areas

Table 3: Signs – Business Areas

REQUIREMENTS	COMMENTS	COMPLIANCE
(a) <i>Generally a maximum signage area per commercial building</i>	The proposed signs covered less than 25% of the frontage of the building.	Yes

REQUIREMENTS	COMMENTS	COMPLIANCE
<i>(regardless on number of tenancies) of 25% of the frontage is permitted per building.</i>		
<i>(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..</i>	The proposed “welcome to BP Mudgee” located under the awning is more than the minimum 2.6m height and the sign does not protrude beyond the awning, and it is not further than 3.5m in length	Yes
<i>(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.</i>	The proposed “Wild Bean café” signage will be illuminated via external downlights, which is consider a Floodlit Sign in the Mid-Western DCP. Under the DCP, Section 4.4 Signs states that Floodlit signs are not considered prohibited.	Yes
<i>(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.</i>	The proposed signage design elements proposed are of a high standard and are consistent with the immediately surrounding environment. The proposed design is also consistent with BP’s national store upgrade package	Yes

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

We have undertaken a review of the proposed refurbishment works against the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and specifically the following:

- Clause 1.16 – General requirements for exempt development
- Part 2 – Exempt development codes
 - Division 1 – General exempt development code
 - Subdivision 26 – Minor building alterations (internal)
 - Subdivision 27 – Minor building alterations (external)

From this review we have formed the opinion that, as a minimum, the following works associated with the proposal as depicted on the attached drawings in Appendix A, would fall within the above provisions of the General exempt development code:

- All external refurbishment works that exclude business identification signage / logos – either the replacement of fascia’s, new paintwork, etc

- All internal refurbishment works as described in section 3 of the report

4.5 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the Industry and Employment SEPP, addresses assessment for various forms of signage. The development application proposes the following signage:

- Additional 'Welcome to bp Mudgee' signage to the front building fascia
- Additional 'Wild Bean Café' signage to the side of the building
- Additional 'small Helios' to the front building façade
- Additional '1x green poster frame' below of proposed small Helios
- Additional '3x poster frames' to side building below proposed Wild bean café sign.

The proposed signage is considered suitable for the rebranding of the site and is consistent with signage typical of a service station development.

4.5.1 Part 3.2 – Signage generally

Part 3.2 of the State Environmental Planning Policy (Industry and Employment) 2021 states that a consent authority must not grant development consent for signage unless the consent authority is satisfied that the signage is consistent with both the objectives of the SEPP (Industry and Employment) 2021 and the assessment criteria of Schedule 5.

The proposed signage is compatible with the desired amenity and visual character of the area, provides effective communication for the site (i.e., location and information of the proposed signage), and is of a high-quality design and finish. The proposed signage is therefore consistent with the aims and objectives of Chapter 3 – Advertising and signage.

The following section provides an assessment of the proposed signage against Schedule 5 (Assessment Criteria) of the SEPP. A proposed site signage plan is included at **Appendix A**.

4.5.1.1 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?"*

Development Response – the proposed signage is consistent with the expectations of signage for a service station use. It will be of a modern design and is not considered to appear incongruous within the context of the broader area.

4.5.1.2 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?"*

Development Response – the proposed signage will not affect the amenity of the immediate area. The site's signage achieves appropriate separation to the nearest residential / sensitive receivers.

4.5.1.3 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?"*

Development Response – the proposed signage is not considered to compromise any important views or vistas given the visual context of the locality. Viewing rights of other uses will not be compromised.

4.5.1.4 Streetscape, setting or landscape

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

Development Response – Given the length of the site frontage, the proposed signage is not considered to contribute to visual clutter.

4.5.1.5 Site and Building

- (i) *“Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?”*
- (ii) *Does the proposal respect important features of the site or building, or both?*
- (iii) *Does the proposal show innovation and imagination in its relationship to the site or building, or both?”*

Development Response – the proposed signage is proportional to the scale and type of use proposed. It will convey important aspects to the use over the site.

4.5.1.6 Associated devices and logos with advertisements and advertising structures

- (i) *“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?”*

Development Response – logos and external illumination will comprise part of the proposed signage where indicated.

4.5.1.7 Illumination

- (i) *“Would illumination result in unacceptable glare?”*
- (ii) *Would illumination affect safety for pedestrians, vehicles, or aircraft?*
- (iii) *Would illumination detract from the amenity of any residence or other form of accommodation?*
- (iv) *Can the intensity of the illumination be adjusted, if necessary?*
- (v) *Is the illumination subject to a curfew?”*

Development Response – the proposed ‘Wild Bean Café’ logo will be illuminated via external down lights. For the reasons mentioned above with regards to distance from sensitive receptors and providing a quality, modern and complimentary design with the development as a whole, the proposed illumination is not considered to detract from the amenity of the area or cause unacceptable glare.

4.5.1.8 Safety

- (i) *“Would the proposal reduce the safety for any public road?”*
- (ii) *Would the proposal reduce the safety for pedestrians or bicyclists?*
- (iii) *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?”*

Development Response – the proposed signage is proportional to the scale and type of use proposed. The proposed signage will not reduce the safety for the road users or to the roads.

On balance, the proposed signage is considered to satisfy the overall intent and relevant assessment criteria of SEPP.

4.5.2 Part 3.3 – Advertisements

Part 3.3 of SEPP (Industry and Employment) applies to all signage other than ‘business identification signs’ and ‘building identification signs’. These are defined under clause 3.2:

- **Building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods, or services.
- **Business identification sign** means a sign:
 - (a) that indicates -
 - i. the name of the person or business, and
 - ii. the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
 - (b) that may include the address of the premises or place and a logo or other symbol that identifies the business

The proposed signage is defined as business identification signage as per the above definitions. Part 3.3 of SEPP (Industry and Employment) therefore does not apply to the proposed signage.

The proposed signage is considered to satisfy the overall intent and relevant assessment criteria of SEPP (Industry and Employment).

5.0 ENVIRONMENTAL ASSESSMENT

Section 4.15 of the EP&A Act sets out the matters a consent authority must take into account when assessing a development application. These include, matters relating to the likely impacts of the development on both the natural and built environments, any social and economic impacts in the locality and whether the site is suitable to the proposed development.

These matters form the key planning issues for assessment and are addressed in the table below.

Table 4: Section 4.15 – Assessment Summary

SECTION 4.15 CLAUSE	DEVELOPMENT RESPONSE
(1) (a)(i) – Provisions of any environmental planning instrument	<p>This SEE has provided an assessment against:</p> <ul style="list-style-type: none"> • Mid-Western Regional LEP 2012. • SEPP (Exempt and Complying Development Codes) 2008; and • SEPP (Industry and Employment) 2021 <p>The proposal has been shown to comply with the provisions of the above instruments.</p>
(1) (a)(ii) – Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority	Not Applicable.
(1) (a)(iii) – Provisions of any development control plan	<p>An assessment against the relevant DCP – Commercial Development & Signage has been provided in Section 4.3 of this SEE.</p> <p>In summary, the proposal is considered to comply with the relevant Council DCP provisions with appropriate justification provided for any perceived departure.</p>
(1) (a)(iiia) – Provisions of any planning agreement	Not Applicable.
(1) (b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposal on the natural and built environment are addressed under the DCP response in this SEE as well as SEPP (Industry and Employment)</p> <p>(ii) Social Impact</p> <p>The proposed development is not considered to have a detrimental social impact in the locality considering the size and nature of the proposal.</p> <p>(iii) Economic Impact</p> <p>The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing service station use.</p>
(1) (c) – The suitability of the site for the development	<p>The site has long operated as a service station under established use rights and has demonstrated itself as suitable to the site and surrounding locality.</p> <p>The proposed works are considered consistent with the zone objectives and compliant with the relevant SEPP and DCP controls.</p>

SECTION 4.15 CLAUSE	DEVELOPMENT RESPONSE
(1) (d) – Any submissions made in accordance with the EPA Act or EPA Regs	This is a matter that can be addressed following the notification of the application where necessary.
(1) (e) – The public interest	The proposal is considered to be in the public interest given the proposed signage and refurbishment works will provide an improved service station offer over the site and one which will be visually enhanced from its current appearance.

6.0 CONCLUSION

This Statement of Environmental Effects (SEE) has been prepared by TFA Project Group on behalf of BP Australia Pty Ltd (the Applicant).

The application is made over land located at 77 Church Street, Mudgee NSW 2850 formally described as Lot 41 DP998528.

The application seeks approval for new signage over the site, in the form of additional fascia signage to the building, as well as any minor external / internal building refurbishment works that have been considered exempt under the relevant State policy provisions.

The proposal has been assessed against the relevant provisions within the *Mid-Western Regional Environmental Plan 2012* and the relevant State Environmental Planning Policies. From this assessment, the following conclusions can be drawn:

- a) No change is proposed to the existing service station use and the proposal is considered consistent with the general zone objectives.
- b) The proposed signage and refurbishment works will provide an improved service station offer over the site and one which will be visually enhanced from its current appearance.
- c) The proposed signage works are considered to comply with all relevant policy provisions under the LEP, DCP (signage) and SEPP (Industry and Employment)
- d) The proposed signage and branding / refurbishment changes are not considered to detract from the current appearance and character of the Mudgee heritage conservation area.
- e) The proposed refurbishment works (minor external / internal alterations) are considered exempt under the provisions of the Exempt & Complying Development SEPP

On the basis of the above, it is considered sufficient planning grounds exist to warrant the proposal and the application is recommended for Council approval.

APPENDIX A – DEVELOPMENT APPLICATION DRAWINGS

APPENDIX B – TITLE SEARCH

APPENDIX C – PREVIOUS COUNCIL CORRESPONDENCE

APPENDIX D - COST SUMMARY REPORT