



# STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSAL:** Warehouse Units

**ADDRESS:** Lot 9 Knott Boulevard,  
Mudgee

January 2023

**DESCRIPTION:** Warehouse Units

**CLIENT:** Structor Projects Pty Ltd

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Version	Date	Description	By
1.0	7/8/2022	Draft	AD
2.0	9/1/2023	Approved	AD

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This document has been authorised by

Anthony Daintith (Principal)  
Date: 9 January 2023



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# PART

# A

## **BACKGROUND**

This Part provides a detailed description of the site, the background and various components to the proposed development

# BACKGROUND

## INTRODUCTION

Structor Projects Pty Ltd has engaged Anthony Daintith Town Planning to prepare a Statement of Environmental Effects (SOEE), to support a development application to Mid-Western Regional Council, for a proposed warehouse unit development (8 units) at Lot 9, Knott Boulevard, Mudgee.

The purpose of this document is to:

- Describe the existing environment;
- Outline the proposed development;
- Consider relevant statutory matters; and
- Make conclusions and recommendations for Councils consideration.

The development application consists of the following components:

- Statement of Environmental Effects; and
- Architectural and Site Plans

## APPLICANT AND OWNER

The applicant is Structor Projects Pty Ltd.

The registered owner of the subject land is DJ Woods & Co Pty Ltd. The owners has provided their consent to the lodgement of the Development Application.

# SITE ANALYSIS

## LOCATION AND TITLE

The subject land is identified as approved Lot 9 – Knott Boulevard, Mudgee (in an approved subdivision of Lots 16 & 17 DP 756897). The area of the subject land is 3702m<sup>2</sup>.

Refer to **Figures 2 & 3** on pages 6 & 7, which depict the site within the locality.

## GENERAL SITE DESCRIPTION

### Topography

The subject land falls from the south down towards the north.

### Vegetation

The site is cleared of vegetation.

### Waterways

Nil.

### Buildings

The site is vacant.

**Photos 1 – 2** provide a visual representation of the subject site.



**Figure 1: Locality Map**

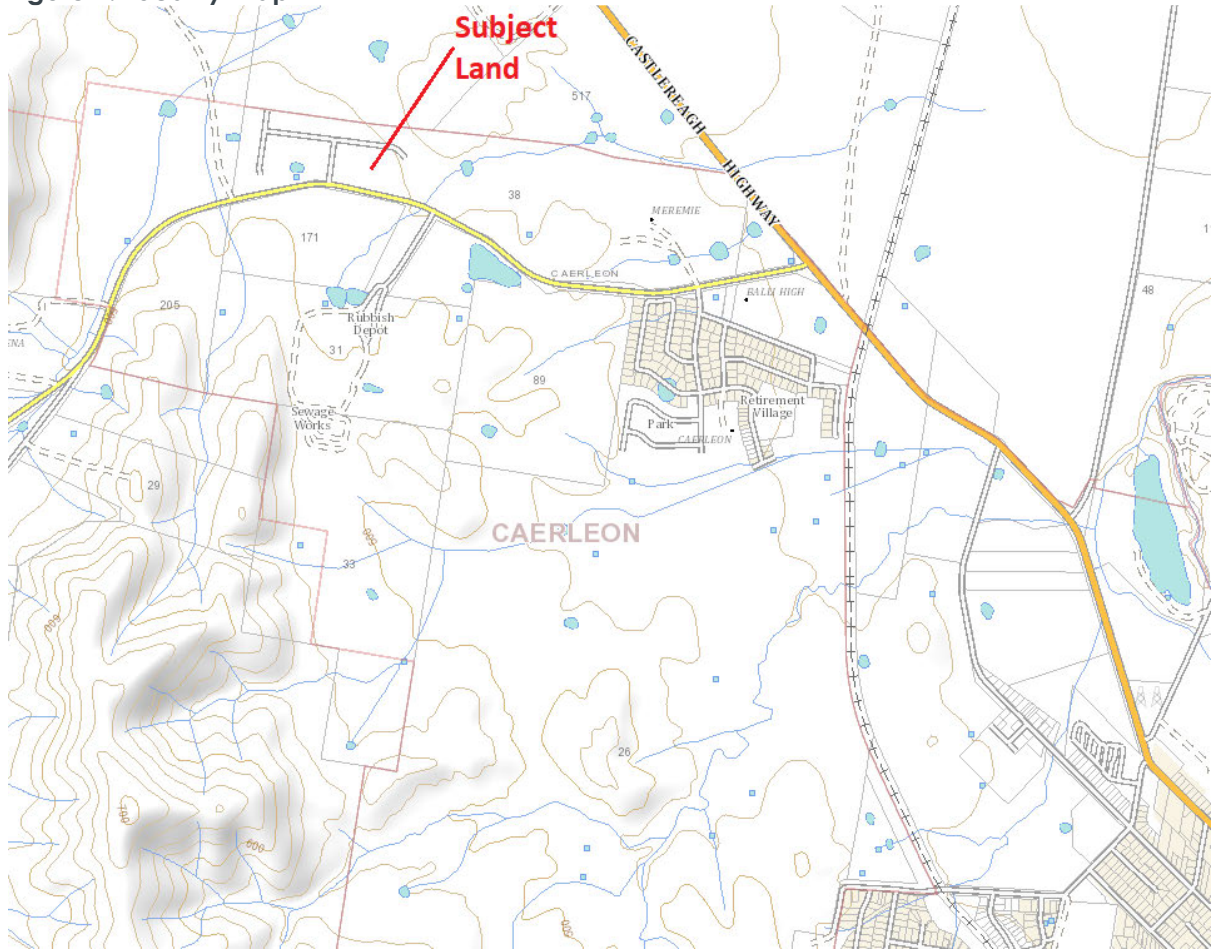


Photo 1: Site looking south from the street



Photo 2: Site looking west from the street





## PROPOSED DEVELOPMENT

The proposal seeks development consent for the development of warehouse units on the subject land. There will be 8 units developed.

The development will be constructed out of concrete tilt panel & Colorbond walls and Colorbond roofing.

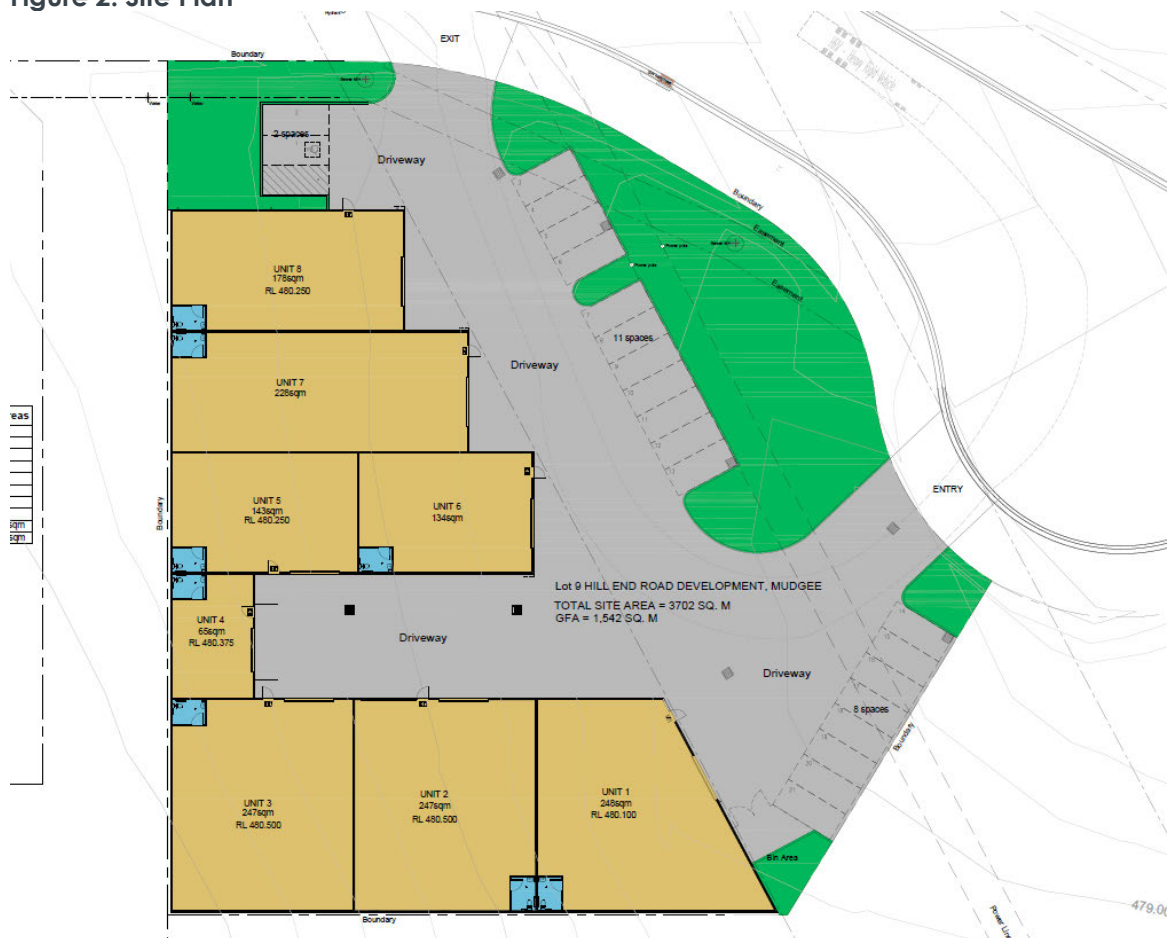
Access to the site will be via a single access point off Knott Boulevard.

At this stage it is not known what businesses will go into each unit (accordingly specific details regarding hours of operation and staffing levels are not known).

<b>Site Area</b>	3702m <sup>2</sup>
<b>Total Gross Floor Area</b>	1542m <sup>2</sup>
<b>Parking required (1/100m<sup>2</sup>)</b>	16
<b>Parking provided</b>	22

It is proposed to construct the development in one stage.

**Figure 2: Site Plan**



# PART

# B

## **TOWN PLANNING CONSIDERATIONS**

This section provides an evaluation of the relevant matters for consideration under Section 4.15 of the EP&A Act 1979

# TOWN PLANNING CONSIDERATIONS

Pursuant to Section 4.15 (formerly Section 79C) of the *Environmental Planning and Assessment Act 1979*, the following matters must be taken into consideration when assessing a development application:

## **4.15 Evaluation**

*(cf previous s 79C)*

### **Matters for consideration—general**

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

- (a) the provisions of:*
  - (i) any environmental planning instrument, and*
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) any development control plan, and*
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
  - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

*that apply to the land to which the development application relates,*

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

## (a)(i) The provisions of any environmental planning instrument

### LOCAL ENVIRONMENTAL PLANS

#### **MID WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012**

##### Applicable LEP Clauses

##### **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

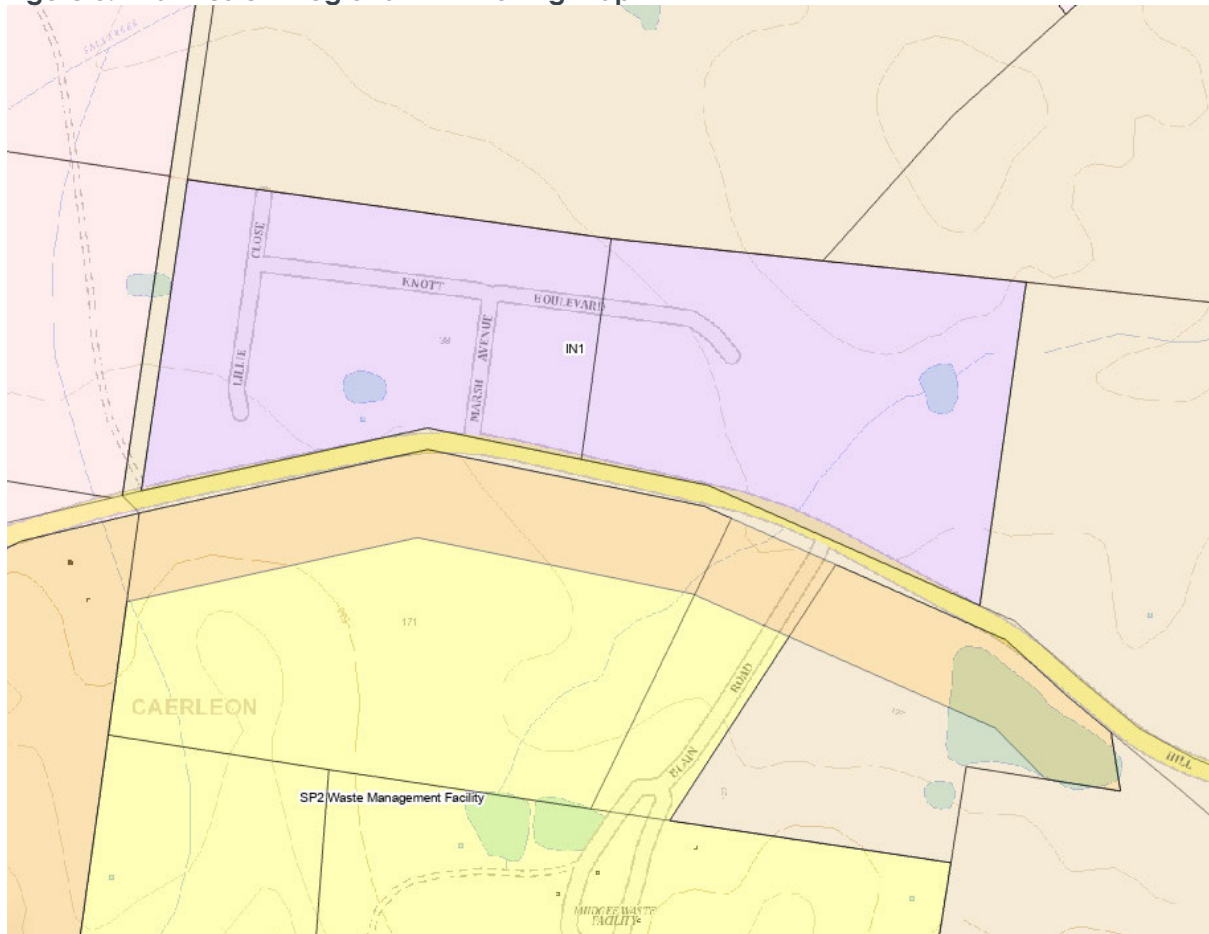
Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Offensive storage establishments; Oyster aquaculture; Places 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



**Figure 3: Mid-Western Regional LEP - Zoning Map**



### Comment

The subject land is zoned IN1 General Industrial under the provisions of the *Mid-Western Regional Local Environment Plan 2012*.

The proposed warehouse units are permissible subject to the consent of Council via the lodgement of a Development Application.

As detailed throughout this report, the proposed development can generally be shown to be consistent with the relevant objectives of the zone.

#### **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

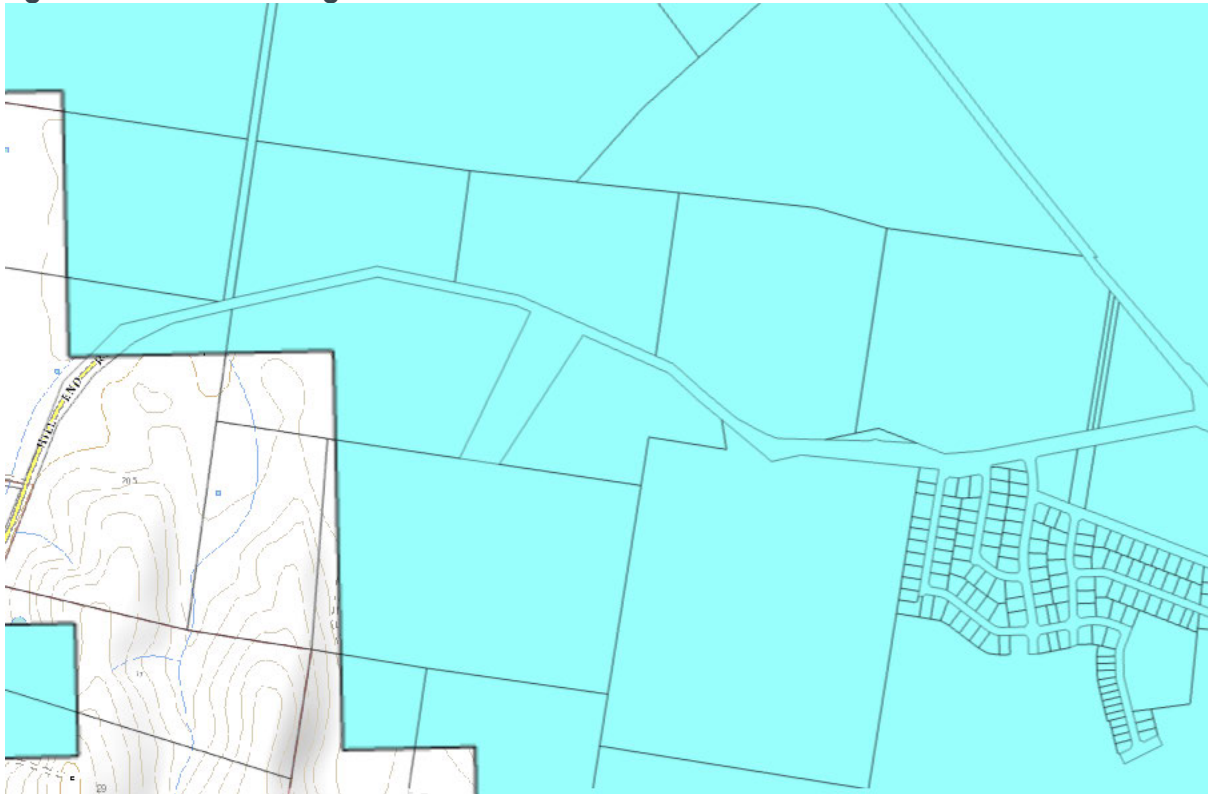
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### Comments

The Groundwater Vulnerability Map identifies the land as having “groundwater vulnerability” (see Figure 5). The proposed development has no basements, and will involve minimal site disturbance and will not involve the storage of solid or liquid wastes or chemicals. Accordingly, it is considered the development will not impact upon groundwater.

**Figure 4: Mid-Western Regional LEP – Groundwater**



## 6.9 Essential services

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—*

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) storm water drainage or on-site conservation,*
- (e) suitable road access.*

### Comments

Water – already connected to the site as a result of the subdivision to create the lots.

Electricity - already connected to the site as a result of the subdivision to create the lots.

Sewage - will be disposed of at rear of the site (easement in place).

Stormwater drainage – stormwater will be disposed to the street system.

Access – it is proposed to construct new accesses (entry/exit) onto Knott Boulevard.

## **STATE ENVIRONMENTAL PLANNING POLICIES**

<b>SEPP</b>	<b>COMMENTS</b>
SEPP (Housing) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Includes the former SEPP 55 – Remediation of Land. See comments below.
SEPP (Industry and Employment) 2021	Not applicable
SEPP (Transport and Infrastructure) 2021	Not applicable
SEPP (Biodiversity and Conservation) 2021	Not applicable.
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Building Sustainability Index: BASIX)	Not applicable
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
<b>DRAFT SEPP</b>	
Draft Design and Place SEPP 2021	The draft Design and Place SEPP is on exhibition until 28 February 2022 and is proposed to include SEPP 65 – Design Quality of Residential Apartment Development and SEPP (Building Sustainability Index: BASIX).

### **SEPP (RESILIENCE AND HAZARDS) 2021**

#### **4.6 Contamination and remediation to be considered in determining development application**

- (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 subclause (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 subclause (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.*
- (4) *The land concerned is:*
- (a) *land that is within an investigation area,*
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
- (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
- (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

### Comment

Pursuant to Clause 4.6 of the SEPP, the potential for contamination appears minimal. This is based upon an inspection of the site.

In terms of potential soil contamination, the subject land has been evaluated for:

- Evidence of previous mining activity;
- Evidence of existing and previous dip sites and other associated infrastructure;
- Evidence of orcharding; and
- Vegetative and other features which could indicate possible soil contamination.

The SEPP specifies certain considerations for development on land with respect to the potential for contamination, particularly for sensitive land uses such as development for residential, educational or recreational purposes. The subject site has been used in the past for office purposes,

which indicate that it is suitable for residential re-development. Therefore, it is considered that the requirements of Clause 4.6 – "Contamination and remediation to be considered in the determination of development applications" have been satisfactorily addressed.

### **(a)(ii) Any draft environmental planning instrument**

There are no known draft environmental planning instruments relevant to this proposed development.

### **(a)(iii) Any development control plan**

#### **DEVELOPMENT CONTROL PLAN 2013**

#### **4.6 INDUSTRIAL DEVELOPMENT**

##### Setbacks

- The proposed building is setback at least 12 metres from the street – compliant.
- The proposed building has a nil side and rear setback – compliant.

##### Landscaping

- At least a 3m wide landscaping strip is proposed at the front of the site.

##### Design

- The front elevation includes a range of materials, (including concrete tilt panel, glass and metal features).
- Roof materials are non-reflective.

##### Fencing

- No fencing is proposed.
- No open work areas or storage areas are proposed.

##### Utilities

- It is proposed to connect to all available services that were included in the construction of the subdivision.
- No solid waste or liquid waste is proposed.
- The building is not located within an easement.
- The building is clear of any sewer line.

## Traffic and Access

- It is proposed to construct two accesses (entry and exit) onto Knott Boulevard.
- The subject site will be sealed.
- All vehicles can enter and exit in a forward direction.
- The driveway and parking areas have been designed to be in accordance with AS2890.1 Parking Facilities.
- All loading areas are behind the front building line.

## Car parking

- See Clause 5.1 Car Parking

## Signage

- No signage is proposed as part of this DA.

## Outdoor lighting and noise

- No issues with light spillage have been identified.
- There are no nearby residences.
- External plant noise can be attenuated.

## Subdivision

No subdivision is proposed.

### **5.1 CAR PARKING**

Warehousing is 1 space per 100m<sup>2</sup> GFA

Based on 1542m<sup>2</sup> GFA – 16 spaces is required (22 proposed).

### **5.3 STORMWATER MANAGEMENT**

Stormwater management as per Councils requirements – will be discharged to the recently constructed stormwater system.

### **5.4 ENVIRONMENTAL CONTROLS**

There are no known environmental concerns on the subject land. The lot is part of a recently constructed industrial subdivision with the intention of an industrial type development.

## (a)(iiia) Any Planning Agreements

There are no known planning agreements affecting the property.

## (a)(iv) Any matters prescribed by the regulations:

CLAUSE	COMMENT
<b>61 Additional matters that consent authority must consider</b>	No demolition is proposed.  No subdivision orders are applicable.  Dark Sky Planning Guideline does not need to be addressed for this proposal.  The proposal does not include a manor house or multi dwelling housing (terraces).
<b>62 Consideration of fire safety</b>	The proposal does not propose a change of building use for an existing building.
<b>63 Considerations for erection of temporary structures</b>	The proposal does not include a temporary structure.
<b>64 Consent authority may require upgrade of buildings</b>	The proposal does not involve the rebuilding or alteration of an existing building.
<b>65 Consideration of conservation plan for development at Sydney Opera House</b>	Not applicable.
<b>66 Contributions plans for certain areas in Sydney—the Act, s 4.16(1)</b>	Not applicable.
<b>67 Modification or surrender of development consent or existing use right—the Act, s 4.17(5)</b>	There is no proposal to modify or surrender a development consent or existing use right.
<b>68 Voluntary surrender of development consent—the Act, s 4.63</b>	There is no proposal to voluntarily surrender a development consent.

## (b) The likely impacts of the development:

### CONTEXT AND SETTING

The surrounding area is generally characterised mixed use development.

The proposal is considered compatible with the surrounding area and will have minimal impact in regard to:

- Impacts on adjacent properties and land uses; and



- Interruptions of important views and vistas.

The proposal is within the context of the locality and Council's current planning provisions.

## **ACCESS AND TRANSPORT**

It is proposed to construct a new accesses (entry and exit) onto Knott Boulevard to serve the proposed development in accordance with Councils standard specification.

It is considered that the existing road system is more than adequate to cater for the additional traffic generation from the development without the need for any upgrading works.

It is proposed to provide 22 car parking spaces on the site (6 more than required by Councils DCP).

## **PUBLIC DOMAIN**

It is considered that the development will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and
- Pedestrian linkages and access between the development and public areas.

## **UTILITIES & SERVICES**

### Electricity

Is already connected as a result of the construction of the subdivision.

### Telephone

Is already connected as a result of the construction of the subdivision.

### Water

Is already connected as a result of the construction of the subdivision.

### Sewerage

Is already connected as a result of the construction of the subdivision.

## Stormwater

Will be directed to the street system.

Note: Refer to site plans for further details on the location of proposed services.

## **HERITAGE**

There are no listed heritage items on the subject land.

## **FLORA AND FAUNA**

No vegetation removal is necessary. The site plan provides details of the proposed landscaping at the front of the site.

The land is not considered a critical habitat nor is there any threatened species on the subject land.

## **ENERGY**

A Section J Report to be prepared as part of the Construction Certificate documentation.

## **NOISE AND VIBRATION**

Due to the nature of the proposal and location within the industrial area, a noise impact assessment is not considered necessary.

## **NATURAL HAZARDS**

It is considered that the land is not affected by bushfire, flood, subsidence or any other known hazard.

## **AMENITY**

The proposed development is considered to be compatible with the existing and likely future character and amenity of the industrial locality.

There will be no impact from dust generation due to the sealing of the driveway areas. All lighting will be baffled to ensure that there is no light spillage.

There are no issues in relation to privacy and overshadowing as part of the proposal.

Once fully developed, the area will generate a significant amount of traffic generation.

There have been no issues identified in relation to the supply of water and the disposal of sewage and stormwater.

Due to the nature of the proposal, issues surrounding energy efficiency and waste management are not significant.

## **SOILS**

It is considered that the development will have a negligible impact on soil conservation.

There are no known soil qualities (erodibility, permeability, expansion/contraction, fertility/productivity, salinity, acidity) that have had any impact on the design of the development.

The subject land is not known for any instability such as subsidence, slip and mass movement.

Obviously, there will be the need to move soil to facilitate the construction of the building. As the land is gently sloping, the movement of soil will be minimised where possible. Erosion and Sediment control measures will need to be installed prior to the commencement of earth works and will need to be maintained throughout until the site is recovered, in accordance with the Council guidelines.

## **POTENTIAL CONTAMINATION**

See comments under SEPP Resilience and Hazards.

## **SAFETY, SECURITY & CRIME PREVENTION**

No specific safety or security measures are proposed to be implemented as part of the proposed warehouse development.

## **SOCIAL & ECONOMIC IMPACTS IN THE LOCALITY**

The likely social and economic impacts of the proposed warehouse buildings are positive.

## **CONSTRUCTION**

Any construction work will be undertaken in accordance with the NCC and Councils conditions of consent.

Construction impacts are not anticipated to have an adverse impact on the locality. Works would occur during daytime hours, thus not impacting on the local amenity. The site would have temporary containment fencing erected

and signage to warn and exclude the public from entering the site during the construction phase.

Erosion and sedimentation control measures would be developed and implemented during construction to minimise any erosion and sedimentation at the site. All disturbed areas rehabilitated as soon as practical

All waste generated during construction would be taken and disposed of at Council's Waste Disposal Facility.

All construction machinery would be fitted with appropriate muffling devices to limit noise generation during construction. The construction period would be for a limited period, and thus any impacts would be limited to that time frame.

## **CUMULATIVE IMPACTS**

It is considered there will be no negative cumulative impacts as a result of the proposed warehouse units.

## **(c) Suitability of the site for the development**

### Does the proposal fit in the locality?

- There are no constraints posed by surrounding subdivision to render the proposal prohibitive;
- The proposal is complimentary to the surrounding land use pattern and zoning;
- It is considered that the proposal will not create any unmanageable access or transport concerns in the locality;
- No impact on public spaces will eventuate as a result of the proposal proceeding;
- No upgrading to services is required (are all readily available for connection);
- There are no issues in relation to air quality and microclimate; and
- There are no identified surrounding hazardous land uses or activities.

### Are the site attributes conducive to development?

It is considered that the site is conducive to the warehouse development based on the following:

- The site is not affected by any known natural hazards;
- There are no heritage considerations;
- There is no known soil characteristics that would render the proposal prohibitive; and



- There are no known flora and fauna considerations that will have an impact on the proposal.

### **(d) Any submissions**

The application may be referred to adjoining neighbours for comment.

### **(e) The public interest**

It is considered that the proposed development, with appropriate conditions of consent, will not have any unacceptable negative impacts on the amenity of the general public. The proposed development is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts.

The proposed development is consistent with the objectives of the *Environmental Planning and Assessment Act, 1979* in the promotion and co-ordination of the orderly and economic use and development of land and the provision and industrial development. The proposed development aims to provide modern, well designed warehouse development in Mudgee. It is considered that Council should be satisfied that the development, subject to conditions is consistent with the public interest.

# PART

# C

## **CONCLUSION**

This Part provides a conclusion and recommendations for Councils consideration

## CONCLUSION

This report includes an analysis of the existing environment, details of the proposed development and consideration of applicable statutory requirements.

Based upon the investigations of the proposal it can be concluded that:

- The impacts upon or by surrounding development will not be altered significantly as a result of the development proceeding;
- The topography of the site can accommodate the proposal;
- There will be additional traffic generated via the creation of the proposed development, but this can be accommodated by the road system without upgrading;
- Utilities and services are available for connection to the proposed development; and
- The proposal is generally consistent with the objectives and provisions of Councils relevant planning documents.

The proposal is considered to be acceptable in terms of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended) and potential impacts are expected to be minor.

**Accordingly, it is recommended that the Development Application be approved subject to appropriate standard conditions.**