

# STATEMENT OF ENVIRONMENTAL EFFECTS

## INDUSTRIAL UNIT DEVELOPMENT

48A George Street, Mudgee



Navigate Planning  
27 September 2023

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION.....</b>	<b>2</b>
<b>2</b>	<b>PROPOSED DEVELOPMENT.....</b>	<b>3</b>
<b>3</b>	<b>SITE ANALYSIS.....</b>	<b>3</b>
<b>4</b>	<b>COMPLIANCE WITH RELEVANT LEGISLATION.....</b>	<b>4</b>
4.1	Environmental Protection and Biodiversity Conservation Act 1999	4
4.2	Disability Discrimination Act 1992	4
4.3	Environmental Planning and Assessment Act 1979	4
4.4	Biodiversity Conservation Act 2016	6
4.5	National Parks and Wildlife Act 1974	6
<b>5</b>	<b>COMPLIANCE WITH PLANNING CONTROLS .....</b>	<b>6</b>
5.1	State Environmental Planning Policy (Resilience and Hazards) 2021	6
5.2	State Environmental Planning Policy (Industry and Employment) 2021	7
5.3	Mid-Western Regional Local Environmental Plan 2012	9
5.4	Mid-Western Regional Development Control Plan 2013	13
<b>6</b>	<b>CONCLUSION .....</b>	<b>22</b>

# 1 INTRODUCTION

This Statement of Environmental Effects (SEE) supports a development application for construction of an industrial building and associated works for light industry use at 48A George Street, Mudgee (Lot 20 DP 708339).

The subject land is zoned E4 General Industrial and contains one lot with an area of 1729m<sup>2</sup>. The land contains a dwelling and a small industrial building. Both of these buildings will be retained with the new building to be constructed at the rear of the site.

The purpose of the new development is defined as “light industry”, which is permitted with consent in the E4 zone.

The development is not “State significant development”, “regionally significant development”, or “designated development”. The development is not “integrated development” or “nominated integrated development”.

The development is sited, designed and will be managed to avoid adverse environmental or amenity impacts. The existing dwelling on the site is rented to the operator of the existing industrial business on the site as a residence. The amenity of the residence will be retained through provision of adequate private open space, an acoustic fence and a new carport. There are no known contamination issues with the site. Stormwater from the new building and existing overland flow will be captured in a stormwater system and directed to George Street.

The development will increase traffic movements to and within the site, however adequate parking is to be provided on site and all vehicles up to a medium rigid truck will be able to enter and leave the site in a forward direction.

The proposal will have social and economic benefits to the community. The development is permissible with consent and is consistent with all relevant legislation and policy. There is no impediment to the granting of development consent subject to conditions.

## 2 PROPOSED DEVELOPMENT

The development consists of the following:

1. Demolition of a carport and pergola attached to the existing dwelling.
2. Provision of a new carport on the northern side of the dwelling.
3. Construction of a new industrial building, for use by Mudgee Air Conditioning (primarily for storage of equipment and office purposes) that will fit the definition of “light industry”.
4. Removal of one remnant tree and a number of planted trees and shrubs along the northern, western and eastern boundaries of the site.
5. Provision of a new driveway crossing to provide a dedicated entrance to the site and use of the existing crossing as an exit from the site.
6. Provision of 6 car parking spaces, including one accessible space.
7. Provision of new landscaping.
8. Servicing of the new development.
9. New signage.

## 3 SITE ANALYSIS

### 3.1.1 *Existing development*

The subject land contains one lot containing an existing dwelling and an existing small industrial building, currently used by Mudgee Pump Company. The rear of the site is mostly grassed with some vegetation along the side and rear boundaries and some outdoor storage at the rear of the existing industrial building.

Services exist on the site that can connect to the proposed new building, including electricity, telecommunications, water, sewer and stormwater.

### 3.1.2 *History, Heritage and Archaeology*

The subject land has no known history of any heritage or archaeological significance.

A review of Council’s records reveals two historic approvals for the site, being:

DA162/92 – Use of existing industrial building for Motorcycle Engineering.

BA382/93 – Verandah addition to existing dwelling.

The above approvals demonstrate that the existing buildings on site are lawful buildings.

There is no approval for the current use of the existing industrial building, however a change of use from a general industry to a light industry is exempt development.

### 3.1.3 *Services (Water, Sewer, Stormwater, Power)*

The site is connected to all necessary services, including water, sewer, electricity and telecommunications. Stormwater from the proposed development and existing overland flow will be directed to existing infrastructure in George Street.

### 3.1.4 *Surrounding Development*

The subject land is located in a small industrial area in Mudgee between Horatio Street and the former railway line. This area contains a mix of industrial and residential uses. The site is bordered to the north by a site containing a dwelling. To the south and west are existing

industrial uses. To the east is George Street with a mix of industrial and residential uses across the street.

## **4 COMPLIANCE WITH RELEVANT LEGISLATION**

### **4.1 Environmental Protection and Biodiversity Conservation Act 1999**

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), a person must not take an action that has, will have or is likely to have a significant impact on any of the matters of national environmental significance without the approval of the Federal Environment Minister. This includes any impacts on threatened species or endangered ecological communities (EEC) listed under the EPBC Act.

The subject land contains one remnant tree that is proposed to be removed. Other vegetation to be removed consists of planted trees and shrubs. The proposal will have no significant impact on any matter of national environmental significance.

### **4.2 Disability Discrimination Act 1992**

The *Disability Discrimination Act 1992* (DDA Act) prohibits discrimination against people with a disability in a range of areas, including in relation to access to premises.

The proposed development has been designed to ensure access for all throughout the site. One disabled parking space is proposed to be provided. Level and safe access will be provided from car parking areas to building floor levels. An accessible toilet facility will be provided in the new industrial building. The development will comply with the DDA Act.

### **4.3 Environmental Planning and Assessment Act 1979**

#### *4.3.1 Section 4.5 – Designation of consent authority*

Pursuant to clause 4.5 (d), Mid-Western Regional Council is the consent authority.

#### *4.3.2 Section 4.10 – Designated development*

Clause 4.10 defines designated development as development that is declared by an environmental planning instrument or the regulations as designated development. The development is not declared by any environmental planning instrument as designated development.

#### *4.3.3 Section 4.12 – Application*

This provision allows for certain LG Act approvals to be addressed within a development consent. No approvals under the LG Act are required for the development.

#### *4.3.4 Section 4.13 – Consultation and concurrence*

Section 4.13 provides for an environmental planning instrument to identify where consultation or concurrence is required before determining a development application. There are no consultation or concurrence requirements for the development under any relevant environmental planning instrument.

#### *4.3.5 Section 4.15 – Evaluation*

The following matters are relevant to the proposal under section 4.15 of the EPA Act. Detailed assessment against each of these matters is provided in Section 5 of this SEE.

### **State Environmental Planning Policies**

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*

### **Local Environmental Plans**

- *Mid-Western Regional Local Environmental Plan 2012*

### **Draft Environmental Planning Instruments**

Nil.

### **Development Control Plans**

Mid-Western Regional Development Control Plan 2013

### **Planning Agreements**

Nil

### **Environmental Planning and Assessment Regulation**

Nil

### **Impacts on the built environment**

The development will have a neutral impact on the built environment. The proposed new building is located to the rear of the site and will not be overly visible from George Street. Existing development towards the front of the site will remain.

### **Impacts on the natural environment**

The subject land is mostly cleared of native vegetation, with only one remnant tree remaining and this tree is proposed to be removed. All other vegetation to be removed consists of planted trees and shrubs. There are no watercourses crossing or in the vicinity of the site, however it appears that a minor overland flow path runs through the rear of the site. To address this issue, a new stormwater system will be installed to direct overland flow and roof water from the new building to George Street. The development will be connected to all reticulated services and will have no off-site environmental impacts. It is considered that the proposed development will have no significant impact on the natural environment.

### **Social and economic impacts**

The proposed development will have positive social and economic impacts for Mudgee and the wider Mid-Western community, through construction and future operational jobs in an existing industrial area.

### **Suitability of the site**

The subject land is zoned for industrial purposes, is flat and has suitable services and access. The site is therefore considered suitable for the proposed development.

### **The Public Interest**

The proposed development supports new employment and business development opportunities in an existing employment area of the LGA. The proposal is therefore considered to be in the public interest.

#### **4.3.6 Section 4.46 – Integrated Development**

Section 4.46 of the EPA Act identifies development that requires other approvals and is therefore integrated development. The development is not integrated development.

#### 4.4 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) outlines the processes for biodiversity assessments, approvals and offsets where required. The BC Act also defines biodiversity values, and these are shown as the purple areas on the Biodiversity Values Map. No part of the subject land is mapped as having biodiversity values. The site contains one remnant native tree and some planted trees and shrubs. This vegetation is isolated from other stands of native vegetation and its removal will have no significant impact on biodiversity.

With a minimum lot size of 2000m<sup>2</sup>, up to 2500m<sup>2</sup> of clearing can be undertaken without exceeding the biodiversity offset scheme threshold. As the site is already less than 2000m<sup>2</sup> in size, the extent of clearing along the rear and side boundaries will be less than the threshold. A biodiversity development assessment report is therefore not required.

#### 4.5 National Parks and Wildlife Act 1974

Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) states that it is an offence to harm or desecrate an Aboriginal object unless authorised by an Aboriginal heritage impact permit.

A basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land.

The site has been extensively developed, used and disturbed over a long period of time for both residential and industrial purposes. New works associated with this development application will not involve significant earthworks as the land is relatively flat and only minor excavations for building foundations and servicing will be required. It is considered that there is minimal potential for disturbance of Aboriginal archaeology and that no further detailed Aboriginal cultural heritage assessment is warranted. However, the development will be undertaken in accordance with the legislative requirements to protect any Aboriginal item uncovered during construction.

### 5 COMPLIANCE WITH PLANNING CONTROLS

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

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* aims to promote the remediation of contaminated land to reduce risk to human health and the environment. SEPP 55 requires consideration of the potential contamination of land and the need for remediation of that land before development consent is granted. To assist in the assessment of potential contamination, SEPP 55 the following land as being subject to consideration:

- (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).*

There are no relevant consultation or concurrence requirements for the development under the SEPP.

The development site is not in an investigation area. The known previous uses of the site are not of a kind identified in the Contaminated Land Planning Guidelines as potentially contaminating uses. The proposed use is not for residential, educational, recreational or child care purposes, or for the

purposes of a hospital. It is therefore considered that no further contamination assessment is warranted as part of this development application.

Given the above, the site is considered suitable for the development.

## 5.2 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of this *State Environmental Planning Policy (Industry and Employment) 2021* applies to advertising and signage. Section 3.4 states that the chapter applies to signage that can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and is visible from any public place or public reserve.

The SEPP does not apply to signage that is exempt development.

Two new signs are proposed, being a pylon sign at the site frontage and a business identification sign on the new building. The business identification sign is a wall sign that is exempt development. The SEPP therefore only applies to the pylon sign.

The proposed pylon sign will be visible from George Street which is a public road.

The signs will both identify the name, logo and contact details of the proposed business, being Mudgee Air Conditioning. The name and logo of the business is shown below:



Section 3.6 of the SEPP states that “a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—

- (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.”

The relevant objectives are as follows:

- (a) to ensure that signage (including advertising)—
  - (i) is compatible with the desired amenity and visual character of an area, and
  - (ii) provides effective communication in suitable locations, and
  - (iii) is of high quality design and finish.

Comment: It is considered that the proposed sign is consistent with the above objectives as it is well proportioned and located at the entrance to the site. The sign will effectively communicate the nature of the business in the new building and at only 2m high will not be dominant in the streetscape. The sign will be of a high-quality design and finish.

The following table addresses the assessment criteria in Schedule 5 of the SEPP.

Assessment Criteria	Comment
<p><b>1 Character of the area</b></p> <ul style="list-style-type: none"> <li>• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> <li>• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</li> </ul>	<p>The proposed sign is for business identification purposes appropriate for an industrial area.</p>

<p><b>2 Special areas</b></p> <ul style="list-style-type: none"> <li>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?</li> </ul>	<p>Not applicable. The subject land is not in or near any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways or rural landscapes. While there are some dwellings in the vicinity of the site, the land is zoned for industrial purposes. The sign is considered appropriate given the zoning of the land.</p>
<p><b>3 Views and vistas</b></p> <ul style="list-style-type: none"> <li>Does the proposal obscure or compromise important views?</li> <li>Does the proposal dominate the skyline and reduce the quality of vistas?</li> <li>Does the proposal respect the viewing rights of other advertisers?</li> </ul>	<p>The proposed sign will not dominate the skyline and will not obstruct any other advertising.</p>
<p><b>4 Streetscape, setting or landscape</b></p> <ul style="list-style-type: none"> <li>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</li> <li>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</li> <li>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> <li>Does the proposal screen unsightliness?</li> <li>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> <li>Does the proposal require ongoing vegetation management?</li> </ul>	<p>The proposed sign is located on a site with a wide street frontage and will not be out of proportion with the site, or with other signage in the vicinity. The sign will not be higher than buildings or vegetation in the locality. No ongoing vegetation management will be required.</p>
<p><b>5 Site and building</b></p> <ul style="list-style-type: none"> <li>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?</li> <li>Does the proposal respect important features of the site or building, or both?</li> <li>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</li> </ul>	<p>The scale and location of the proposed signage is compatible with the scale and form of the existing and proposed buildings on the site.</p>
<p><b>6 Associated devices and logos with advertisements and advertising structures</b></p> <ul style="list-style-type: none"> <li>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?</li> </ul>	<p>No safety devices, platforms or lighting devices are proposed. The sign will include the name and logo of the proposed business along with contact details.</p>
<p><b>7 Illumination</b></p> <ul style="list-style-type: none"> <li>Would illumination result in unacceptable glare?</li> <li>Would illumination affect safety for pedestrians, vehicles or aircraft?</li> <li>Would illumination detract from the amenity of any residence or other form of accommodation?</li> </ul>	<p>No illumination of the signage is proposed.</p>

<ul style="list-style-type: none"> <li>• Can the intensity of the illumination be adjusted, if necessary?</li> <li>• Is the illumination subject to a curfew?</li> </ul>	
<p><b>8 Safety</b></p> <ul style="list-style-type: none"> <li>• Would the proposal reduce the safety for any public road?</li> <li>• Would the proposal reduce the safety for pedestrians or bicyclists?</li> <li>• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul>	<p>The proposed sign will have no impact on the safety of road users.</p>

### 5.3 Mid-Western Regional Local Environmental Plan 2012

#### 5.3.1 Zoning and zone objectives

The development is proposed on land zoned E4 General Industrial, as shown on the map below.



The objectives of the E4 zone are:

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- 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.

The proposed development provides for a new light industrial use that will be compatible with surrounding land uses. The proposed use is suitable for a small employment area in Mudgee and will not compete with land uses in Mudgee's commercial centres or undermine the primary retail role of the Mudgee commercial core area. The proposal will not significantly change the appearance of the site with the existing buildings along the George Street frontage to remain. The proposed development is therefore considered to be consistent with the zone objectives.

### 5.3.2 Land Use Permissibility

The proposed development is defined as “light industry”. The definition of light industry is as follows:

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

Light industries are permitted with consent in the E4 zone.

### 5.3.3 Lot Size

The minimum lot size in MWRLEP 2012 for the subject land is 2000m<sup>2</sup>. No subdivision of the land is proposed.

### 5.3.4 Building height

There is no maximum building height in MWRLEP 2012 for the subject land.

### 5.3.5 Heritage

The site does not contain a heritage item and is not in a heritage conservation area. There are no heritage items in the vicinity of the site.

In relation to Aboriginal Heritage, a basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land. The site has been extensively developed, used and disturbed over a long period of time for both residential and industrial purposes. New works associated with this development application will not involve significant earthworks as the land is relatively flat and only minor excavations for building foundations and servicing will be required. It is considered that there is minimal potential for disturbance of Aboriginal archaeology and that no further detailed Aboriginal cultural heritage assessment is warranted. However, the development will be undertaken in accordance with the legislative requirements to protect any Aboriginal item uncovered during construction.

### 5.3.6 Flood planning

The subject land is not mapped as flood prone in the MWRLEP 2012. However, the Mudgee Flood Study 2021 identifies a small overland flow path through the subject site, with a flood depth less than 200mm. The study identifies the hydraulic hazard as H1, being generally safe for people, vehicles and buildings. The mapped area is at the rear of the site where the new industrial building is proposed.



Clause 5.21 (2) of the MWRLEP 2012 states that:

- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
- (a) *is compatible with the flood function and behaviour on the land, and*
  - (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
  - (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
  - (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
  - (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment: The proposed development will provide a building in the north-western corner of the site with hardstand surface around the building. A stormwater system will be installed to collect any overland flows and direct it to George Street. The proposal will therefore reduce the flood impact on downstream properties. The proposal is for industrial development, and given the low flood depths and low hazard rating, the development is considered to be compatible with the likely flood function and behaviour. The proposal will not adversely affect the safe occupation and efficient evacuation of the land or surrounding land. There are no riparian lands or watercourses in the vicinity of the site. The proposed development is therefore considered acceptable in relation to the provisions of clause 5.21.

#### 5.3.7 Earthworks

Clause 6.3 of MWLEP 2012 requires separate development consent for earthworks unless the earthworks are ancillary to other development for which development consent has been given.

The only earthworks required for the development are for building foundations and services. The scale and impact of these earthworks have been considered as part of this development application and therefore separate development consent will not be required.

The following considerations in clause 6.3 (3) are relevant:

*Before granting development consent for earthworks, the consent authority must consider the following matters:*

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Minimal excavations into the site for building foundations and services will be required. The earthworks are necessary to facilitate the proposed redevelopment. The earthworks will have no detrimental impacts on adjoining properties or the environment.

There is some potential for disturbing sub-surface relics however the likelihood is considered low. The proposed development will be undertaken in accordance with the legislative requirements to protect any Aboriginal item uncovered during construction.

Based on the above, it is considered that the development satisfactorily addresses the considerations in clause 6.3 of MWLEP 2012.

#### 5.3.8 Groundwater vulnerability

The whole of the land is mapped as groundwater vulnerable on the Groundwater Vulnerability Map in MWLEP 2012.

Clause 6.4 requires the consent authority to consider:

- (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.*

The proposed development is unlikely to have detrimental impacts on groundwater. The extent of earthworks is minor and the use is unlikely to cause groundwater contamination. The site is connected to the reticulated sewer and water systems and stormwater from the development will be appropriately managed.

Given the above, the development can be granted consent as it is designed, sited and will be managed to avoid any adverse environmental impact.

#### 5.3.9 Terrestrial Biodiversity

The subject land does not contain any areas mapped as having terrestrial biodiversity.

### 5.3.10 Essential Services

Clause 6.9 of MWRLEP 2012 states that “*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) *stormwater drainage or on-site conservation,*
- (e) *suitable road access.”*

The site is connected to reticulated water, sewer, power and telecommunications services. No change is proposed to the location of the existing site access. Stormwater from the existing and proposed development will be directed to existing infrastructure in George Street.

## 5.4 Mid-Western Regional Development Control Plan 2013

### 5.4.1 Section 2.1 General Housing and Ancillary Structures “Deemed To Satisfy” Provisions

While the proposed development is not for a dwelling, an existing dwelling will be retained on the site. The proposal will ensure the existing dwelling meets the deemed to satisfy provisions of the DCP as follows:

Issue	Requirement	Comment
<b>Building Setbacks</b>	<ul style="list-style-type: none"> <li>• 4.5m to street</li> <li>• 900mm to side and rear boundaries</li> <li>• 0m for garages in laneways</li> </ul>	The existing dwelling will maintain the existing 6.5m setback to George Street. The dwelling is located in the centre of the site and has significantly larger setbacks to side and rear boundaries.
<b>Building height</b>	Single storey	Existing dwelling is single storey.
<b>Privacy</b>	No requirement for single storey dwellings.	Existing dwelling is single storey.
<b>Design</b>	<ul style="list-style-type: none"> <li>• 75% of private open space and internal living areas has access to sunlight for 3 hours a day between 9 am and 3 pm with direct access to the main living areas.</li> <li>• 80m<sup>2</sup> of private open space is provided with a minimum dimension of 5 metres.</li> <li>• No windowless facades at the street frontage(s).</li> <li>• Street elevations are to include at</li> </ul>	<p>The private open space area for the existing dwelling is located to the north and west of the dwelling and will receive adequate solar access. The private open space has direct access to the main living area of the dwelling.</p> <p>The private open space area designated for the existing dwelling has an area of 112m<sup>2</sup> and generally has minimum dimensions larger than 5m.</p> <p>The existing dwelling complies with this requirement.</p> <p>The existing dwelling complies with</p>

	<p>least 5% of openings including windows, doors.</p> <ul style="list-style-type: none"> <li>Garages – the aggregate width of the garage door or carport shall not exceed 45% of the front elevation of the dwelling.</li> <li>For corner allotments no fences, structures or landscaping exceeding 1 metre in height are to be located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundary lines.</li> <li>Cannot be a transportable or relocated building.</li> </ul>	<p>this requirement.</p> <p>The existing carport for the dwelling is to be removed with a new carport to be provided. The width of the carport will be significantly less than 45% of the front elevation of the dwelling.</p> <p>Not applicable.</p> <p>The existing dwelling is not a transportable or relocatable dwelling.</p>
<b>Parking</b>	<p>Provision for parking of two vehicles behind the building line including at least one space undercover</p>	<p>One covered parking space is to be provided for the existing dwelling. A second space is available either to the front or rear of the carport. The proposal is considered to comply with the parking requirement.</p>
<b>Utilities</b>	<ul style="list-style-type: none"> <li>Buildings and structures are to be located clear of utility infrastructure.</li> <li>No building can be located within an easement for the purposes of utility infrastructure.</li> <li>Structures are to be located 1,500 mm for the centre line of the water or sewer main.</li> <li>Details of water supply and sewer reticulation are to be provided. <ul style="list-style-type: none"> <li><input type="checkbox"/> If available within 500 m connected to reticulated network.</li> <li><input type="checkbox"/> Where no water supply is available, a minimum tank storage of 60,000 litres is required, of which a minimum of 20,000 litres is retained for fire fighting purposes.</li> </ul> </li> <li>Where there is no reticulated sewer system than approval is required for onsite disposal in accordance with Section 68 of the Local Government Act 1919.</li> <li>Stormwater shall be designed to</li> </ul>	<p>The existing dwelling is clear of all utility infrastructure.</p> <p>The existing dwelling is not located within any easement.</p> <p>The sewer main is not located within 1.5m of the dwelling.</p> <p>The existing dwelling is connected to water and sewer services.</p> <p>Not applicable.</p> <p>The existing dwelling drains towards</p>

	<p>flow to a gravity system. Alternatives are not acceptable</p> <ul style="list-style-type: none"> <li>No building on overland flow paths.</li> </ul>	<p>George Street.</p> <p>The existing dwelling appears to be located to the east of the overland flow path that crosses the rear of the site.</p>
<b>Fencing</b>	<ul style="list-style-type: none"> <li>Front fences to be open panels not to include "Colorbond" and are restricted to a maximum height of 1.2metres.</li> <li>Where a street fence is proposed, the section of side fence located in front of the building setback shall be open or a combination of open panels and masonry columns to match the front fence.</li> <li>Dividing fences is not to adversely affect the flow of surface water or create flooding problems to adjoining properties.</li> <li>Maximum height of side and rear fences behind the building line to be 1.8 metres.</li> </ul>	<p>No front fencing exists or is proposed.</p> <p>A new acoustic fence will be provided to the side and rear of the dwelling to maintain adequate amenity in the private open space area. The fence will not adversely affect the flow of surface water or create flooding problems to adjoining properties. The fence will be 1.8m high.</p>
<b>Access</b>	<ul style="list-style-type: none"> <li>All weather two wheel drive access.</li> <li>Driveways to be located a minimum of 6m from an intersection.</li> <li>For rural area the minimum sight distances-is 250m in the 100km/hr speed zone and 180km/hr for the 80km zone.</li> <li>Where the driveway exceeds a slope of 6 % appropriate erosion and sediment control is to be incorporated into the design of the access.</li> </ul>	<p>Access to new parking spaces for the existing dwelling will be provided in compliance with these requirements.</p>
<b>Garages Outbuildings and Carports</b>	<ul style="list-style-type: none"> <li>Maximum size of 50m<sup>2</sup>.</li> <li>A maximum building height of 4.5 metres from natural ground level to the ridge applies in urban areas where the lot is under 2000m<sup>2</sup></li> </ul>	<p>The proposal complies.</p>
<b>Ridgelines</b>	<ul style="list-style-type: none"> <li>Development roofline must not project above the ridgeline where visible from any public road or place.</li> </ul>	<p>Not applicable</p>

<p><b>Slope &amp; Cut and Fill</b></p>	<ul style="list-style-type: none"> <li>• The slope of the development site cannot exceed 15degrees.</li> <li>• Cut is to be limited to 1,000mm.</li> <li>• Fill is restricted to 600 mm. It must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard.</li> <li>• Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300 mm from any boundary.</li> <li>• Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.</li> <li>• Cut and fill is not permitted within water or sewer easements.</li> </ul>	<p>Not applicable.</p>
<p><b>Pools</b></p>	<ul style="list-style-type: none"> <li>• Pools and fencing to be located behind the building line.</li> <li>• Where visible from a public place or road, details of screening to be provided with DA.</li> <li>• Any associated retaining walls for decks not to exceed 1.0 m above the natural ground surface.</li> <li>• Pool pump enclosure to be placed greater than 15 m from a habitable room in any dwelling adjoining the property or within a sound proof enclosure.</li> <li>• Compliance with the relevant Australian Standards – please check with Council to ascertain the correct standard.</li> <li>• Pools over 40,000 Litres require a BASIX Certificate to be provided with application.</li> </ul>	<p>Not applicable.</p>
<p><b>Energy Efficiency</b></p>	<ul style="list-style-type: none"> <li>• New Dwelling – Has a BASIX Certificate.</li> <li>• Alteration and Additions that do not exceed \$50,000 in value shall provide R3 Ceiling insulation and R1.5 wall</li> </ul>	<p>Not applicable.</p>

	insulation (to be shown on the plans).	
<b>Permissibility</b>	<ul style="list-style-type: none"> <li>The lot is to comply with the minimum area as designated on the LEP 2012 Lot Size Map or compliance must be achieved with Clause 4.2A for rural dwellings.</li> </ul>	The lot is larger than the 2000m <sup>2</sup> minimum lot size.
<b>Heritage</b>	<ul style="list-style-type: none"> <li>Heritage items are excluded from the fast track provisions</li> </ul>	The existing dwelling is not a heritage item.

#### 5.4.2 Section 4.4 Signs

The Mid-Western Regional Council's DCP contains the following provisions for signs in industrial areas:

(a) *Non-Illuminated Pole/pylon signs and directory boards shall be limited to a maximum of 6m<sup>2</sup> advertising area and a maximum overall height of 5 metres. In general the bottom of a pole or pylon signs should be at least 3 metres above ground level.*

(b) *Illuminated Pole or pylon signs must have a maximum area of 4m<sup>2</sup>.*

Comment: The proposed pylon sign will be 2m high with a sign surface area of 2m<sup>2</sup>, less than the maximum allowed. Given the low height of the pylon sign, the "general" requirement for the bottom of the sign to be 3m above ground level is not applicable.

(c) *A maximum of one pole or pylon sign can be erected without Council approval if the above requirements are met.*

Comment: The proposed pylon sign meets the above requirements and could therefore be erected without Council approval. Nevertheless the proposed signage forms part of this development application.

(d) *A maximum of two (1) pole or pylon signs shall be permitted per site frontage.*

Comment: Only one pylon sign is proposed.

(e) *In the case of an industrial multi unit complex, one (1) directory sign board of up to 8m<sup>2</sup> in any area may be permitted with approval. Each industrial unit may have a sign at the entrance of each unit having the maximum dimensions of 2000mm by 600mm without approval.*

Comment: Not applicable.

(f) *One sandwich board sign per site is permitted without approval however must be located inside the property boundaries and weighted and securely fixed so that it will not blow over. A maximum area of 2m<sup>2</sup> per side applies.*

Comment: Not applicable.

(g) *Council will not approve the use of flashing lights, bunting and other devices to attract attention to a business.*

Comment: No flashing lights, bunting or other attracting devices are proposed.

(h) *Individual directional signage will not be permitted.*

Comment: Not applicable.

#### 5.4.3 Section 4.6 Industrial Development

##### **Setbacks and Site Coverage**

*Front – 15m*

*Side and Rear – nil, Subject to compliance with fire rating requirements of BCA.*

**Comment** – The proposal complies.

##### **Site Coverage**

*50%*

**Comment** – The site coverage across the whole of the site will be 35.7% and therefore complies.

##### **Landscaping**

*(a) In the front 5 metre where the site adjoins Sydney Road and in the front 3 metres on other sites.*

**Comment** – The proposal complies.

*(b) Landscaping should be provided in front of the building line to increase the visual presentation of the development to the street.*

**Comment** – The presentation to George Street will remain largely unchanged with a grassed area in front of the existing dwelling. Some additional landscaping is proposed adjoining the entrance driveway.

*(c) In the side and rear setbacks where it provides visual relief from a public street or area.*

**Comment** – Not applicable to the proposal development.

*(d) Landscaping to consist of mature trees and lawn which are low maintenance, drought and frost tolerant in nature.*

**Comment** – The proposal complies.

*(e) Landscaping shall be provided in outdoor car parking areas where >10 spaces are required to provide shading and soften the visual impact of large hard stand area.*

**Comment** – Not applicable to the proposed development.

##### **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.*

*(b) Roof materials are to be non-reflective.*

**Comment** – The proposed new building includes a low scale building element for an office in front of the main building. Given the proposed building is located to the rear of the site, the proposed materials are considered appropriate.

##### **Fencing**

*(a) All security fencing is to be pre-coloured or power coated.*

**Comment** – No new fencing is proposed.

*(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.*

**Comment** – Proposed new outdoor storage areas will not be visible from public places.

*(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.*

**Comment** – Not applicable to the proposed development.

### **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.*

**Comment** – The site is connected to electricity, telecommunications, water and sewer and the proposed new buildings can easily connect to the existing on-site services. Stormwater will be directed to George Street.

*(b) Applications must demonstrate adequate provision for storage and handling of solid waste.*

**Comment** – An appropriately located and accessible waste storage area is proposed as shown on the development plans.

*(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.*

**Comment** – Not applicable to the proposed development.

*(d) No building can be located within an easement for the purposes of utility infrastructure.*

**Comment** – No easements will be affected by the proposed building.

*(e) For water and sewer mains structures are to be located 1500mm for the centre line of the main.*

**Comment** – No sewer mains will be affected by the proposed development.

### **Traffic and Access**

(a) A traffic assessment report to be submitted that demonstrates:

i. Site Access

ii. Loading and unloading facilities (to be contained within the site and to be able to cater for largest design vehicle.

iii. Safe on-site manoeuvring area for the largest design vehicle

**Comment** – The proposal provides for the manoeuvring of a medium rigid vehicle on site. This is the largest design vehicle for the existing and proposed light industrial uses of the site. In addition, an existing loading area in front of the existing industrial building is proposed to be retained.

(b) Unsealed vehicle movement areas are not acceptable due to environmental impacts.

**Comment** – All vehicle manoeuvring areas will be sealed.

(c) All vehicles must be able to enter and leave in a forwarded direction.

**Comment** – The design facilitates manoeuvring on site for a large rigid vehicle to ensure all vehicles can enter and leave the site in a forward direction.

(d) The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.

**Comment** – Given the nature of existing development of the site, there are a number of access points (existing and proposed) to George Street. For the existing industrial and residential development, there is one wide crossing catering to both uses.

As part of the proposed development, industrial and residential access will be separated. While this results in a number of driveway crossings, the outcome is considered an improvement over the existing situation. The existing industrial building will maintain its existing access arrangements. The new industrial development will provide an access loop with one ingress and one egress and a new separate crossing will be provided for access to the new carport for the dwelling.

Given this part of George Street is a small section of road and is not a through road, the additional access points are considered appropriate. Importantly, for the new industrial development, the design provides for ingress and egress in a forward direction.

In the longer term, should the existing industrial building and the dwelling be proposed to be demolished for new industrial development, access arrangements can be further refined.

The proposal is therefore considered satisfactory in relation to access.

(e) No vehicular access will be permitted to a Main Road where there is an alternate access point.

**Comment** – Not applicable.

(f) Driveways must be provided in accordance with AS2890.1 Parking Facilities.

**Comment** – The proposal will comply.

(g) A separate sealed hardstand loading area which is capable of accommodating trucks that service the site.

**Comment** – All vehicle manoeuvring areas will be sealed.

(h) The loading area is to be provided behind the building line at the side or rear of the building.

**Comment** – The proposed new building is located at the rear of the site. All loading and unloading associated with the new development will therefore be undertaken to the rear of the existing dwelling. An existing loading area in front of the existing industrial building is proposed to be retained.

### **Car parking**

Customer parking should be provided convenient to the public entrance.

**Comment** – The proposal provides suitably located parking areas for the development.

### **Signage**

(a) Refer section 4.4 Signage

(b) Single occupant industrial site:

- i. one free standing advertisement within the 5m landscaped setback; and
- ii. one advertisement integrated within the facade of the building, but no higher than the building roofline.

(c) Multiple unit industrial site:

- i. one index board near site entrance or within the 5m landscaped setback; and
- ii. one advertisement integrated within the facade of each unit, but no higher than the building roofline.

**Comment** – See Section 5.4.1 above.

### **Outdoor lighting and noise**

(a) Must comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting.

**Comment** – The proposal can comply with the relevant standard.

(b) Windows, doors and other wall openings shall be arranged to minimise noise impacts on residences where proposed within 400m of a residential zone.

(c) External plant (generators, air conditioning plant etc.) shall be enclosed to minimise noise nuisance where adjoining residential area.

**Comment** – Window and door openings in the proposed new industrial building face inwards and will not affect the amenity of residences in a residential zone. No external plant is proposed.

#### **Subdivision**

**Comment** – No subdivision of land is proposed.

#### *5.4.4 Section 5.1 Car Parking*

For industrial development (manufacturing), the DCP requires one space per 75m<sup>2</sup>. The proposed existing and new industrial buildings have parking requirements and parking provisions as follows:

Existing building – 130.9m<sup>2</sup> - 2 spaces required.

New building – 300m<sup>2</sup> - 4 spaces required.

A total of 6 spaces are proposed, including one accessible space.

A single covered car parking space will be provided for the existing dwelling in the form of a carport.

#### *5.4.5 Section 5.2 Flooding*

The Mudgee Flood Study 2021 identifies a small overland flow path through the subject site, with a flood depth less than 200mm. The study identifies the hydraulic hazard as H1, being generally safe for people, vehicles and buildings. The mapped area is at the rear of the site where the new industrial building is proposed.

The proposed development will provide a building in the north-western corner of the site with hardstand surface around the building. A stormwater system will be installed to collect any overland flows and direct it to George Street. The proposal will therefore reduce the flood impact on downstream properties. The proposal is for industrial development, and given the low flood depths and low hazard rating, the development is considered to be compatible with the likely flood function and behaviour. The proposal will not adversely affect the safe occupation and efficient evacuation of the land or surrounding land. There are no riparian lands or watercourses in the vicinity of the site. The proposed development is therefore considered acceptable in relation to the provisions of section 5.2.

#### *5.4.6 Section 5.3 Stormwater Management*

The development increases the amount of roof space and hard stand car parking areas on the site. As a result, the level of stormwater generated from the development will be greater than from existing development on site. All stormwater will be directed to George Street.

#### *5.4.7 Section 5.4 Environmental Controls*

##### **Protection of Aboriginal Archaeological Items**

A basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land. The site has been extensively developed, used and disturbed over a long period of time for both residential and industrial purposes. New works associated with this development application will not involve significant

earthworks as the land is relatively flat and only minor excavations for building foundations and servicing will be required. It is considered that there is minimal potential for disturbance of Aboriginal archaeology and that no further detailed Aboriginal cultural heritage assessment is warranted. However, the development will be undertaken in accordance with the legislative requirements to protect any Aboriginal item uncovered during construction.

### **Bushfire Management**

The subject land is not mapped as bushfire prone land.

### **Riparian and Drainage Line Environments**

The site does not contain or adjoin any riparian lands. Based on the Mudgee Flood Study 2021, an overland flow path crosses the site. The proposed development will be designed to capture any overland flow and direct it to George Street.

### **Pollution and Waste Management**

The development will generate waste as a result of the following:

- Construction of the development
- Operation of future uses.

Construction waste will be minimised and managed on site and disposed of by way of Council's waste management facilities. Erosion and sediment control measures will be implemented during construction to avoid external impacts.

The development will be connected to reticulated sewer to ensure waste from the operation of the development is appropriately treated off site.

A location for waste bins that is accessible but not visible from public spaces is identified on the development plans.

### **Threatened Species and Vegetation Management**

One remnant tree and a number of planted trees and shrubs will be removed to facilitate the development. The proposed development will have no significant impact on threatened species or native vegetation.

### **Building in Saline Environments**

The subject land is not considered to have high levels of salinity. The proposed development is unlikely to be affected by saline soils.

## **6 CONCLUSION**

This Statement of Environmental Effects (SEE) supports a development application for construction of a new industrial building and associated works for light industry use at 48A Sydney Road, Mudgee (Lot 20 DP 708339).

The subject land is zoned E4 General Industrial and contains one lot with an area of 1729m<sup>2</sup>. The land contains a dwelling and a small industrial building. Both of these buildings will be retained with the new building to be constructed at the rear of the site.

The purpose of the new development is defined as "light industry", which is permitted with consent in the E4 zone.

The development is sited, designed and will be managed to avoid adverse environmental or amenity impacts. The existing dwelling on the site is rented to the operator of the existing industrial business on the site as a residence. The amenity of the residence will be retained through provision of adequate private open space, an acoustic fence and a new carport. There are no known contamination issues

with the site. Stormwater from the new building and existing overland flow will be captured in a stormwater system and directed to George Street.

The development will increase traffic movements to and within the site, however adequate parking is to be provided on site and all vehicles up to a medium rigid truck will be able to enter and leave the site in a forward direction.

The proposal will have social and economic benefits to the community. The development is permissible with consent and is consistent with all relevant legislation and policy. There is no impediment to the granting of development consent subject to conditions.

