

STATEMENT OF ENVIRONMENTAL EFFECTS

CAFÉ AND SMALL BAR

Unit 1, 36 Church, Mudgee



Navigate Planning

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TABLE OF CONTENTS

1	INTRODUCTION.....	2
2	PROPOSED DEVELOPMENT.....	3
3	SITE ANALYSIS.....	3
4	COMPLIANCE WITH RELEVANT LEGISLATION.....	4
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	5
4.4	Biodiversity Conservation Act 2016	6
4.5	National Parks and Wildlife Act 1974	6
5	COMPLIANCE WITH PLANNING CONTROLS	6
5.1	State Environmental Planning Policy (Resilience and Hazards) 2021	6
5.2	Mid-Western Regional Local Environmental Plan 2012	7
5.3	Mid-Western Regional Development Control Plan 2013	11
6	OTHER MATTERS	14
6.1	Acoustic Impacts	14
6.2	Safety by Design	14
7	CONCLUSION	15

1 INTRODUCTION

This Statement of Environmental Effects (SEE) supports a development application for the change of use of a commercial tenancy to a café and small bar. The subject land is Unit 1, 36 Church Street, Mudgee (Lot B DP 396161).

Ancillary to the café and small bar will be the provision of amusement machines within the tenancy. Justification for the ancillary nature of this activity is provided in this report.

The subject land is zoned E2 Commercial Centre and contains one lot with an area of approximately 716m². The land is fully developed with a commercial building containing 6 tenancies. The subject tenancy faces a pedestrian laneway and the Byron Place carpark and is 129.5m² in size.

The purpose of the new development is defined as a “restaurant or café” and “small bar”, both of which are permitted with consent in the E2 zone.

There are no building (other than internal fitout) or earthworks associated with the proposed development. No signage is proposed as part of this development application.

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 amenity of adjoining commercial premises and nearby residential premises will be protected through acoustic attenuation measures. There are no known contamination issues with the site. No changes are proposed to existing service connections to the building or to stormwater discharge from the building.

The development will not increase traffic movements and no additional car parking demand is generated by the development.

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 change of use of an existing commercial tenancy to a café and small bar. The tenancy has previously been used as a café, however the most recent use was a shop.

Food and non-alcoholic drinks will also be available to purchase and take-away.

Approval is sought for a maximum patronage of 120 persons within the premises, however on average the number of patrons will be significantly less than this, with 52 seats plus 16 amusement machines providing for a usual patronage of up to 68 persons.

The hours of operation are proposed to be:

- Monday to Thursday: 7:00am to 11:00pm
- Friday: 7:00am to 12:00am
- Saturday: 8:00am to 12:00am
- Sunday: 8:00am to 10:00pm.

A small bar license will be applied for the premises. It is proposed that the small bar license will have the following hours:

- Monday to Thursday: 6:00pm to 11:00pm
- Friday to Saturday: 4:00pm to 12:00am
- Sunday: 4:00pm to 10:00pm

Therefore, during the licensed hours of operation, the premises will operate as a small bar and during the remaining hours, the business will operate as a café.

No building works are proposed. Internal fitout works to remove some nib walls, provide a new bar and servery and update the existing kitchen are proposed. These works do not require a Construction Certificate. The installation of an acoustic vinyl material above the eastern inter-tenancy wall is also not building work.

Ancillary to the café and small bar is the placement of amusement machines within the premises. Justification for the ancillary nature of this activity is provided in Section 5.3.2 of this report.

No signage is proposed as part of this development application. Future signage associate with the proposed use will either be undertaken as exempt development under Sections 2.96 and 2.97 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for the replacement of identification signs, or a further development consent will be required.

3 SITE ANALYSIS

3.1.1 Existing development

The subject land contains one lot containing a commercial building with 6 tenancies, including a bank, various shops and commercial services. The subject tenancy, unit 1, is located to the rear of the building with frontage to the pedestrian laneway and the Byron Place car park.

A driveway for the adjoining property to the west is located immediately west of the subject land and a building containing storage areas is located immediately to the north of the site.

The land is fully developed with no open space, landscaping or car parking on site.

The building is connected to all available utilities, including electricity, telecommunications, water, sewer and stormwater. Toilet facilities for staff and patrons of the subject tenancy and other tenancies in the building already exist in the building.

3.1.2 *History, Heritage and Archaeology*

The subject land has no known history of any heritage or archaeological significance. A heritage item, being a "Postal Pillar Box" is located in the pedestrian laneway adjoining the site to the south. The Woolpack Hotel to the north-west of the site is also listed as a heritage item.

A review of Council's records reveals that the site was originally occupied by a building with two shops, one of which was a Coles supermarket.

In 1986, development consent DA25/86 was granted for renovations and conversion of the building into 6 shops, creating the tenancy the subject of this development application. It is understood the first use of the subject tenancy was a butcher shop.

In 1990, development consent DA112/90 was granted for the use of the subject tenancy as a coffee shop with seating for 34 people. As a condition of consent, a contribution towards two car parking spaces was made to Council. Water and sewer headworks charges were also paid at that time.

The most recent use of the tenancy was a clothes shop.

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

The site is connected to all necessary services, including water, sewer, electricity, telecommunications and stormwater discharge. No change to any of these services is required.

3.1.4 *Surrounding Development*

The subject land is located in the heart of the Mudgee town centre and is surrounded by a range of commercial and retail business. A number of shop-top houses, either for permanent or temporary accommodation are located in the vicinity of the site. The Byron Place car park is located immediately to the west of the site.

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 is fully developed and contains no vegetation of any kind. 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 building has existing ramped access for persons with a disability. Existing toilet facilities in the building are not to current accessibility standards, however as no building works are proposed as a part of this development application, there is no requirement to upgrade these facilities or provide a new accessible toilet facility.

The proposed development is considered satisfactory having regard to the provisions of 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*

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

As the proposal is a change of use of an existing building, consideration of fire safety measures in the building are required. The premises will contain fire extinguishers and exit signs.

Impacts on the built environment

The development will have a neutral impact on the built environment. As no building works are proposed, there will be no change to the visual presentation of the building from public places.

Impacts on the natural environment

The subject land is fully developed and contains no vegetation. The proposed development will have no direct or indirect 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 the provision of a new commercial service providing entertainment not otherwise available in the town and the generation of additional employment opportunities. In particular, the ancillary provision of amusement machines in the premises provides a new activity for children and youth during daylight hours, and for adults in the evenings.

Suitability of the site

The subject land is zoned for commercial purposes and the proposed use is permissible with consent. The use can be undertaken with no significant impact on surrounding land uses and is therefore considered suitable for the proposed development.

The Public Interest

The proposed development supports new employment and business development opportunities in the primary commercial 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 is fully developed and contains no vegetation. No requirements of the BC Act are triggered by the proposed development.

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.

The site is fully developed and no building or earthworks are proposed. No requirements of the NPW Act are triggered by the proposed development.

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.

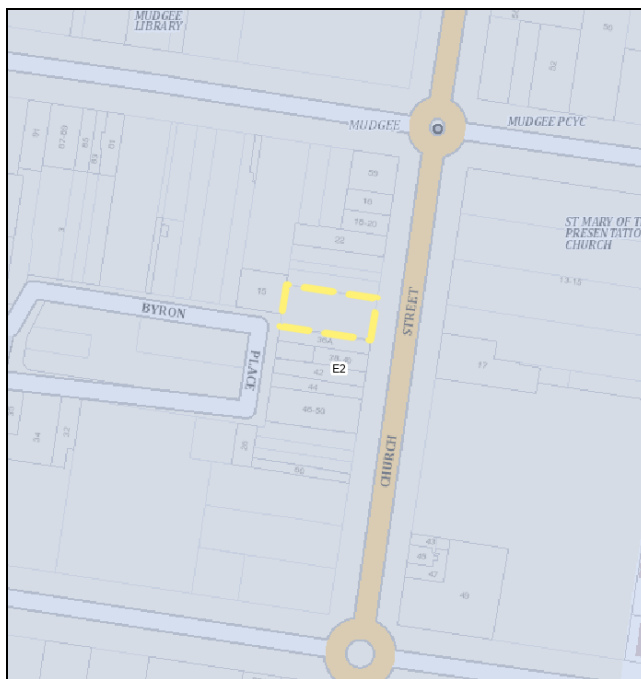
The development site is not in an investigation area. The known previous uses of the site are not of a kind identified in the Contaminated Land Planning Guidelines as potentially contaminating uses. The proposed use is not for residential, educational, recreational or child care purposes, or for the 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 Mid-Western Regional Local Environmental Plan 2012

5.2.1 Zoning and zone objectives

The development is proposed on land zoned E2 Commercial Centre, as shown on the map below.



The objectives of the E2 zone are:

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.*

- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To promote the central business district of Mudgee as the major focus for retail and commercial activity in Mid-Western Regional.*
- *To ensure development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core area.*

The proposed development of a café and small bar is consistent with the above objectives as it strengthens the role of the Mudgee town centre as the centre of commercial activity, generates employment opportunities, maintains accessibility and an active street frontage and will not detract from the heritage values of the Mudgee Conservation Area.

5.2.2 Land Use Permissibility

The proposed development is defined as a “restaurant or café” and “small bar”. These definitions are as follows:

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

Note – Restaurants or cafes are a type of food and drink premises—see the definition of that term in this Dictionary.

small bar means a small bar within the meaning of the Liquor Act 2007.

Note – Small bars are a type of food and drink premises—see the definition of that term in this Dictionary.

A restaurant or café and a small bar are both permitted with consent in the E2 zone.

Under the Liquor Act 2007, a small bar means the premises to which a small bar licence relates. As it is intended to apply for a small bar licence, the proposed use is defined as a small bar during the hours of the liquor license.

During the hours outside of the liquor license hours, the use will operate as a restaurant or café.

The proposal also involves the ancillary provision of amusement devices. The proposed use is not considered to be defined as an amusement centre, which refers to the premises being “used principally for playing billiards, pool or other like games, or electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like”. The premises will not be used principally for this purpose. Rather, the amusement machines are being provided primarily as a form of entertainment for patrons of the café and small bar.

The Department of Planning, Industry and Environment Planning Circular PS13-001 *How to characterise development* contains the following guidance with regards to ancillary uses:

“An ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept is important when a development involves multiple components on the same land. To put it simply:

- *if a component serves the dominant purpose, it is ancillary to that dominant purpose;*

- *if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right. In such circumstances, the development could be described as a mixed use development.”*

Planning Circular PS13-001 provides the following considerations for characterising development:

- Is the component going to serve the dominant purpose of the development or is it independent?

Comment – The primary purpose of the proposal is a café and small bar. The area of the tenancy and the number of seats to be provided for dining and drinking is larger than the area used for amusement machines. The amusement machines are to be provided as a form of entertainment for patrons visiting the café and small bar. As such, the provision of amusement machines serves the dominant purpose and is not an independent use.

- What is the amount of land to be used for a certain component, relative to the amount of land proposed to be used for other purposes? If the amount of land is relatively small, it is more likely to be ancillary.

Comment – The dominant purpose of the land covers approximately 59% of the gross floor area of the tenancy (kitchen, office, servery and tables and chairs for dining – 76.28m²), with the amusement machines covering approximately 22.7% of the gross floor area (29.4m²). In terms of the licensed area (excluding kitchen, office and servery), the dominant purpose covers approximately 72% (including hallway areas), or 50% if hallway areas are excluded), with the amusement machines at 27.7%. The smaller footprint for the amusement machines supports the contention that the provision of amusement machines is ancillary to the café and small bar.

The number of chairs being provided for dining/drinking purposes (52) is also greater than the number of machines to be provided (16).

- Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.

Comment – The purpose of providing the amusement machines is for the entertainment of patrons of the café and small bar. At all times, the primary purpose of the premises will be the serving of food and drink (alcoholic or otherwise) to patrons. While patrons may be able to visit the site to use the amusement machines without ordering food or drink, it is expected that the majority of patrons will do both. It is therefore considered that the use of the amusement machines is not inconsistent with the dominant purpose.

- If the component is temporary, it is more likely to be ancillary; if it is regular (that is, will constitute an ongoing use for a long period of time), it is likely to be an independent use.

Comment – The provision of amusement machines is not proposed to be a temporary activity of the premises. However, for the reasons outlined above and below, this activity is not considered to be an independent use.

- If the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be an independent use (regardless of whether it has ancillary qualities).

Comment – Similar to the provision of gaming machines, jukeboxes, pool tables and the like at pubs, the provision of amusement machines at a café and small bar is not considered to be an independent use of the premises.

- Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.

Comment – Based on the discussion above, it can be determined that the proposed provision of amusement machines is an ancillary activity to the primary café and small bar use.

- Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although again not necessarily determinative.

Comment – The amusement machines are to be located in the same premises as the café and small bar, rather than in a separate room. This supports the contention that the activity is ancillary to the primary small bar use.

It is also noted that the main area of the premises (the front room) will appear from the public domain (through the windows) as a café and small bar for dining/drinking. This area is dominated by tables and chairs and the service bar and only 5 amusement machines are in this room. The rear room (which is not visible from the public domain) includes the majority of amusement machines, however there are also tables and chairs in this room for dining/drinking purposes. Therefore, no part of the premises is solely used for amusement machines.

5.2.3 Lot Size

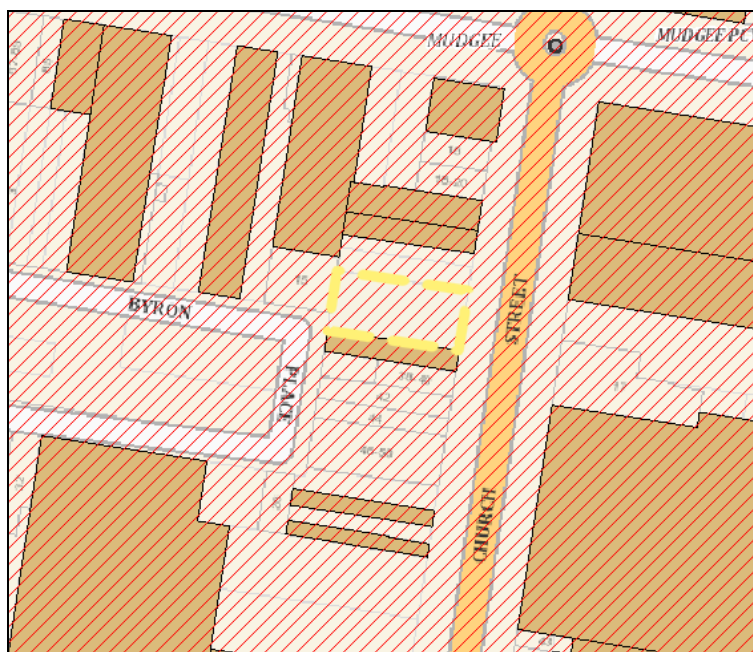
There is no minimum lot size for the subject land in MWRLEP 2012. No subdivision of the land is proposed.

5.2.4 Building height

There maximum building height in MWRLEP 2012 for the subject land is 8.5m. The subject building is single storey in height and is less than 8.5m in height. No change to the building height will result from the development.

5.2.5 Heritage

The site does not contain a heritage item but is located in the Mudgee heritage conservation area. There are a number of heritage items in the vicinity of the site, as shown in the following map.



The nearest heritage item is located in the pedestrian laneway immediately to the south of the site, being a "Postal Pillar Box". The Woolpack Hotel to the north-west of the site is also listed as a heritage item.

With no building works proposed, the proposed development will have no impact on the heritage conservation area or nearby heritage items.

In relation to Aboriginal Heritage, as the site is fully developed and no building or earthworks are proposed, there will be no impact on any Aboriginal items.

5.2.6 *Flood planning*

The subject land is not mapped as flood prone in the MWRLEP 2012. The Mudgee Flood Study completed in February 2021 does not identify the land as being within the flood planning area.

5.2.7 *Groundwater vulnerability*

The whole of the land is mapped as groundwater vulnerable on the Groundwater Vulnerability Map in MWLEP 2012. However, with no earthworks proposed and the existing connection of water, sewer and stormwater to reticulated systems, there will be no impact from the proposed use on groundwater.

5.2.8 *Terrestrial Biodiversity*

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

5.2.9 *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, telecommunications services and stormwater discharge. No change to any of these services is required.

5.3 **Mid-Western Regional Development Control Plan 2013**

5.3.1 *Section 4.5 Commercial Development*

Building Setbacks

- *Front – No minimum front setbacks apply*
- *Side and Rear – Must comply with BCA.*

Comment – No changes to existing building setbacks are proposed.

Signage

Comment – Not applicable as no signage is proposed as part of this development application.

Design

- *Active street frontages*
- *Articulated facades*

- *Consider elements of and be sympathetic to heritage items*

Comment – As there are no building works proposed, there is no change to the design of the existing building.

Scale form and height

- *Maximum 8.5m*
- *Consistent with heritage character*

Comment – As there are no building works proposed, there is no change to the scale, form and height of the existing building.

Mortimer and Church Street Mudgee

- *Development fronting Mortimer and Church Streets in Mudgee should enhance and maintain the established streetscape.*

Comment – While the subject land has frontage to Church Street, the tenancy the subject of this development application directly faces the pedestrian laneway between Church Street and Byron Place and will therefore have no impact on the Church Street streetscape.

Articulation and Façade Composition

- *Break up visual bulk and create interest*
- *Avoid excessive lengths of blank walls*

Comment – As there are no building works proposed, there is no change to the façade of the existing building.

Post supported verandahs and balconies

Comment – Not applicable.

Residential-Commercial Interface

Comment – Not applicable.

Utilities and Services

Comment – The site is connected to all necessary services, including water, sewer, electricity, telecommunications and stormwater discharge. No change to any of these services is required.

Traffic and Access

Comment – The subject land is fully developed with no vehicular access or loading facilities. The site adjoins the Byron Place carpark and a driveway to the rear of other commercial tenancies fronting Church and Market Streets. Loading and unloading activities can be undertaken safely and conveniently within these areas.

Pedestrian Access

- *Maintain existing covered pedestrian access within the town centres.*
- *Convenient and safe access through parking areas.*
- *Convenient and safe disabled access through parking areas and where relevant focus on improving links with the existing retail areas.*

Comment – The proposal maintains the existing covered ramped access from the pedestrian laneway to the shopfront.

Landscaping

Comment – Not applicable.

5.3.2 Section 5.1 Car Parking

The DCP does not contain a specific car parking rate for a small bar. However, as the proposal is also for a café, the parking rate for this use is considered appropriate:

- 1 space per 7 m² gfa or 1 space per 3 seats whichever is the greater (Restaurant)
- 1 space per 4m² of licensed floor area.

With a gross floor area of 129.5m², the parking requirement is 19 spaces. With 52 seats to be provided, the parking requirement is 18 spaces.

The licensed floor area used for café/small bar purposes is 53.4m². The parking requirement for this area is therefore 14 spaces.

Ancillary to the use of the premises for café/small bar purposes is the provision of a number of amusement machines. The parking rate for amusement machines is 1 space per 4 machines.

With 16 machines to be provided, the total parking requirements for the use is therefore 18 spaces.

For changes of use or redevelopment, the parking requirement is calculated based on the difference in parking requirements between the old and the new developments.

The subject land has previously been used as a café. As noted above, the parking requirement for a café on the site is 19 spaces. A parking contribution for 2 spaces was paid for the previous approved use, resulting in a credit for the site of 21 spaces.

Based on the above, no additional car parking is required for the proposed use.

5.3.3 Section 5.2 Flooding

The subject land is not mapped as flood prone in the MWRLEP 2012. The Mudgee Flood Study completed in February 2021 does not identify the land as being within the flood planning area.

5.3.4 Section 5.3 Stormwater Management

No change is proposed to existing stormwater management and discharge arrangements.

5.3.5 Section 5.4 Environmental Controls

Protection of Aboriginal Archaeological Items

In relation to Aboriginal Heritage, as the site is fully developed and no building or earthworks are proposed, there will be no impact on any Aboriginal items.

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.

Pollution and Waste Management

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

- Non-structural fitout of the premises, and
- Operation of the use.

Waste generated from the fitout of the premises will be disposed of by way of Council's waste management facilities.

Waste generated from the operation of the use will be managed by the owner/operator of the premises. A storage area within the building contains bins for use by tenants. These bins are then moved to Byron Place for collection. Food waste will be disposed of on a daily basis.

Threatened Species and Vegetation Management

The subject land is fully developed and contains no vegetation. The proposed development will have no impact on threatened species or native vegetation.

Building in Saline Environments

Not applicable as no building works are proposed.

6 Other Matters

6.1 Acoustic Impacts

An acoustic report has been prepared for the development application to consider the potential impacts on adjoining tenancies and on nearby residential receivers (shop top houses). The acoustic report finds that the proposal will not exceed noise limits at nearby residential receivers as there is no outdoor dining and as the existing windows in the premises are fixed.

There is potential impacts on the adjoining retail tenancy as the double brick wall separating the tenancies does not extend to the underside of the roof. The report recommends installing an acoustic vinyl material above the tenancy wall.

Subject to the installation of this material in accordance with manufacturers specifications, the proposal is considered acceptable in relation to acoustic impacts.

6.2 Safety by Design

The provision of amusement devices and the proposed application for a liquor license presents potential issues in relation to crime and anti-social behaviour. It is therefore relevant to consider how the proposal addresses the principles of crime prevention through environmental design. The principles are:

- territorial re-enforcement,
- surveillance,
- access control and
- space/activity management.

Territorial reinforcement

Territorial Re-enforcement uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.

Comment – The proposed development is within an existing building that covers the entire site, with a legible front entrance to a public pedestrian walkway. With no building work proposed, the proposal does not change the existing nature of the site that already demonstrates satisfactory territorial reinforcement.

Surveillance

Natural surveillance is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting – it is a by-product of well-planned, well-designed and well-used space.

Technical/mechanical surveillance is achieved through mechanical/electronic measures such as CCTV, help points and mirrored building panels. It is commonly used as a 'patch' to supervise isolated, high risk locations.

Formal (or Organised) surveillance is achieved through the tactical positioning of guardians. An example would be the use of on-site supervisors, e.g. security guards at higher risk locations.

Comment – The subject premises already provides good activation of the adjoining public spaces with large windows providing natural surveillance from within the premises to the outside. Security cameras will be installed at the front entrance to provide a deterrence to criminal activity and anti-social behaviour and assist in solving crimes should they occur.

Importantly, the premises will be operating as a café during daylight hours, and it is during these times that children will be able to attend the premises without adult supervision to use the amusement machines. At night, during the hours of the liquor licence when the premises will be operating as a small bar, unattended children will not be permitted into the premises. This ensures the proposed development will not result in the congregation of youths outside the premises during night time hours.

Access Control

Natural access control includes the tactical use of landforms and waterways features, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens.

Technical/Mechanical access control includes the employment of security hardware. Crime, Design and Urban Planning: From theory to Practice Formal (or Organised) access control includes on-site guardians such as employed security officers.

Formal (or Organised) access control includes on-site guardians such as employed security officers.

Comment – Access to the interior of the premises is clear through the use of an obvious entrance point. Security cameras will be installed at the front entrance to provide a deterrence to criminal activity and anti-social behaviour and assist in solving crimes should they occur.

Space Activity Management

Space/Activity Management strategies are an important way to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

Comment – The whole of the site will be actively managed and maintained by the business operator and staff to minimise anti-social behaviour. Graffiti will be quickly cleaned from walls should it occur. The obvious use of security cameras acts as a deterrent for crime and anti-social behaviour.

In summary, it is considered that the proposed development will be managed to avoid or minimise the risk of crime or anti-social behaviour taking place.

7 CONCLUSION

This Statement of Environmental Effects (SEE) supports a development application for the change of use of an existing commercial tenancy to a café and small bar with ancillary amusement machines at Unit 1, 36 Church Street, Mudgee (Lot B DP 396161).

The subject land is zoned E2 Commercial Centre and is fully developed with a commercial building containing 6 tenancies. No building works are proposed. Internal shop fitout works will not require a Construction Certificate.

The purpose of the new development is defined as a “café” and “small bar”, which are permitted with consent in the E2 zone.

The development is sited, designed and will be managed to avoid adverse environmental or amenity impacts. The amenity of adjoining commercial premises and nearby residential premises will be protected through acoustic attenuation measures. There are no known contamination issues with the site. No changes are proposed to existing service connections to the building or to stormwater discharge from the building.

The development will not increase traffic movements and no additional car parking demand is generated by the development.

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.

