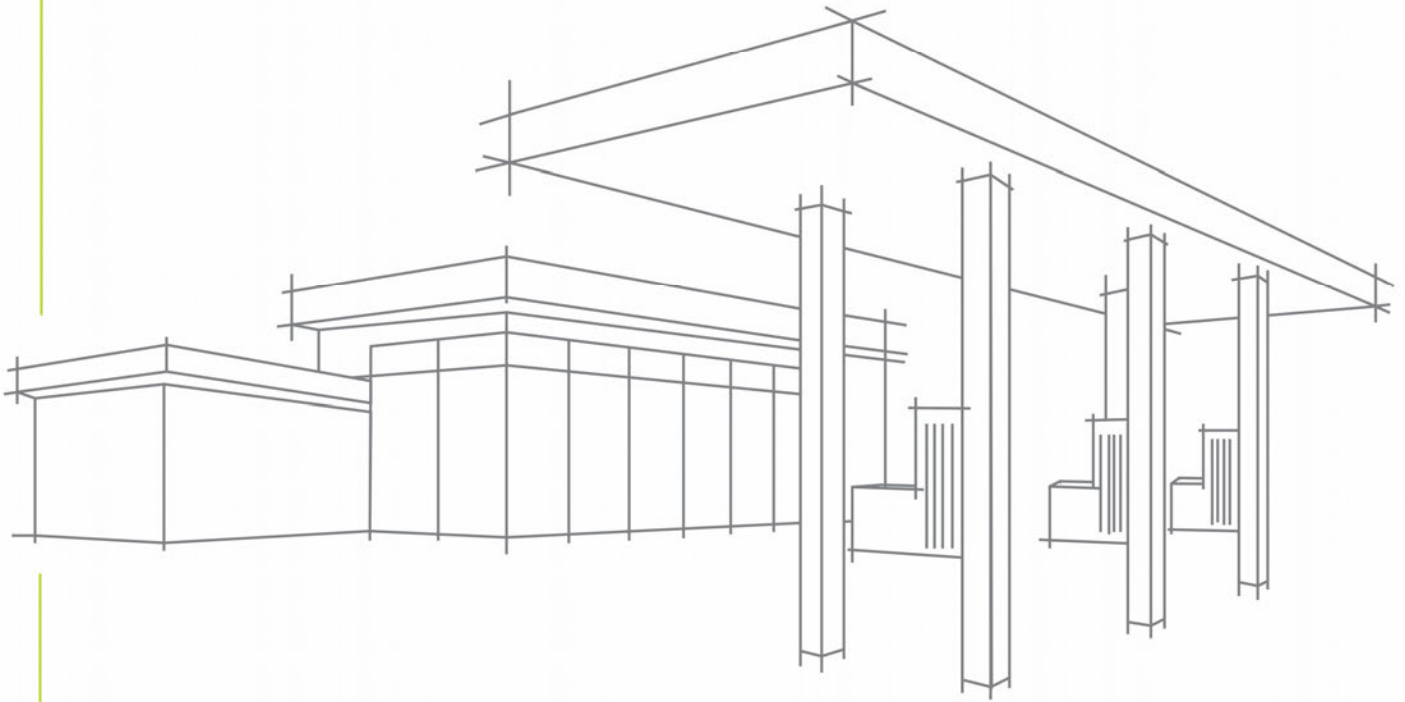


# STATEMENT OF ENVIRONMENTAL EFFECTS

BP - MUDGEES (STORAGE EXPANSION)

DEVELOPMENT APPLICATION FOR ALTERATIONS AND ADDITIONS TO A SERVICE STATION



CREATE • PLAN • DELIVER

PROJECT MANAGERS | PLANNERS | DESIGNERS | ENGINEERS

**STATEMENT OF ENVIRONMENTAL EFFECTS**

BP - Mudgee (Storage Expansion)

Development Application for Alterations and Additions to a Service Station

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

**TFA REFERENCE:** [REDACTED]  
**TFA CONTACT:** Jacob McRae

**Document Control** [REDACTED]

REVISION	DATE	PREPARED BY	REVIEWED BY	COMMENTS
A	10 June 2025	T. Berg	J. McRae	Final Report

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## EXECUTIVE SUMMARY

### Applicant

Applicant Details	BP Australia Pty Ltd
Contact Details	C/- Jacob McRae (Town Planner) TFA Project Group [REDACTED] [REDACTED]

### Site

Address	77 Church Street, Mudgee, NSW 2850
Site Details	Lot 41 DP 998528
Site Area	876 m <sup>2</sup>
Current Land Use	Service station

### Proposal

Proposal Description	Alterations and additions to a Service Station (Storage Expansion)
Application Type	Development Application (Permitted with Consent)

### Local Government

Determining Authority	Mid-Western Regional Council
LEP Instrument	<i>Mid-Western Regional Local Environmental Plan 2012</i>
Zone	E2 – Commercial Centre

### State Government

SEPPs	<ul style="list-style-type: none"><li>State Environmental Planning Policy (Transportation and Infrastructure) 2021<ul style="list-style-type: none"><li>Chapter 2 Infrastructure</li></ul></li></ul>
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## 1.0 INTRODUCTION

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

The development application is made over land located at 77 Church Street, Mudgee, NSW 2850, formally described as Lot 41 of DP 998528. The application seeks approval for alterations and additions to an existing service station, for the purpose of establishing a shipping container (providing additional on-site storage)

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

- **Appendix A:** Title Searches
- **Appendix B:** DA Drawings

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

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

## 2.0 THE SITE

### 2.1 Site Description

The site is located at 77 Church Street, Mudgee, NSW 2850, formally described as Lot 41 of DP 998528. Lot 41 of DP998528 is approximately 876 m<sup>2</sup> in area, supporting an existing service station. The site is a corner lot with a frontage to Gladstone Street and Church Street, or approximately 35m and 25m respectively. Access to the site is via two crossovers, both of which act as an egress/ingress to the site and are situated in the middle of both street frontages.

The site is located in the Mid-Western Regional Council Local Government Area (LGA).

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

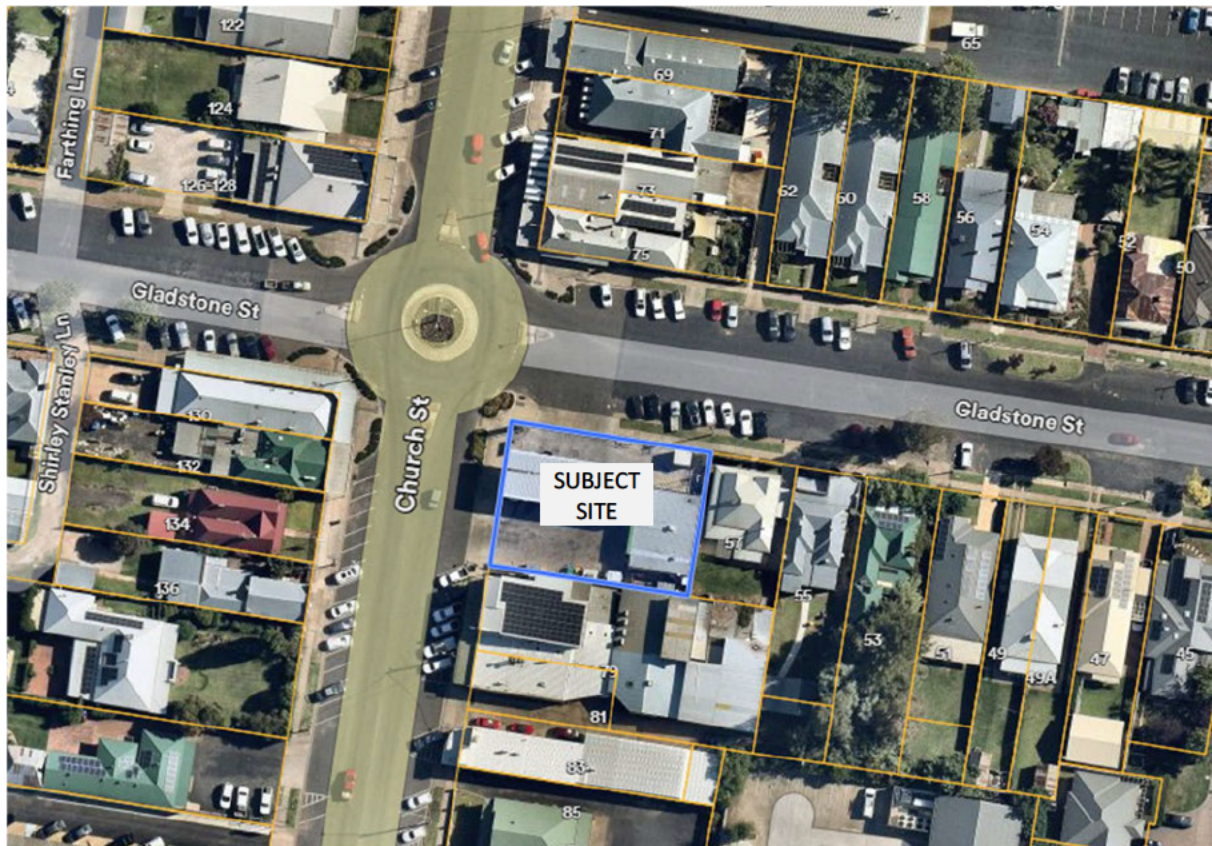


Figure 1: Aerial View – Site highlighted (Source: Nearmap)

Figure 2 on the following page provides a street view from Gladstone Street.





*Figure 2: Street View from Gladstone Street (Source: Google Maps)*

Figure 3 below provides a street view of the subject site from Church Street.



*Figure 3: Street View from Church Street (Source: Google Maps)*

## 2.2 Surrounding Uses

The description of the surrounding land use of the subject site is as follows:

- North – adjacent to Gladstone Street and opposite a restaurant.
- West – adjacent to one (1) Residential Dwelling
- West – adjacent to Church Street and opposite a restaurant and a visitors' accommodation.
- South – adjacent to real estate office.



## 3.0 PROPOSED DEVELOPMENT

### 3.1 Description of the Proposal

The application seeks approval for alterations and additions to an existing service station, for the purpose of establishing a shipping container (providing additional on-site storage) and the associated rearrangement of site features.

The proposal's drawings are attached in **Appendix B**.

The proposed development involves the following main features:

- Installing a 20 ft Storage Container (2.35m (W) x 5.9m (L) x 2.39m (H));
- Reposition of PWD Park Space and new line-marking and chevron shared zone;
- Relocation of bollard;
- Existing line-marking to be removed;
- Existing bollard to be removed;

Refer to Figure 4 below for details of the proposed site layout.

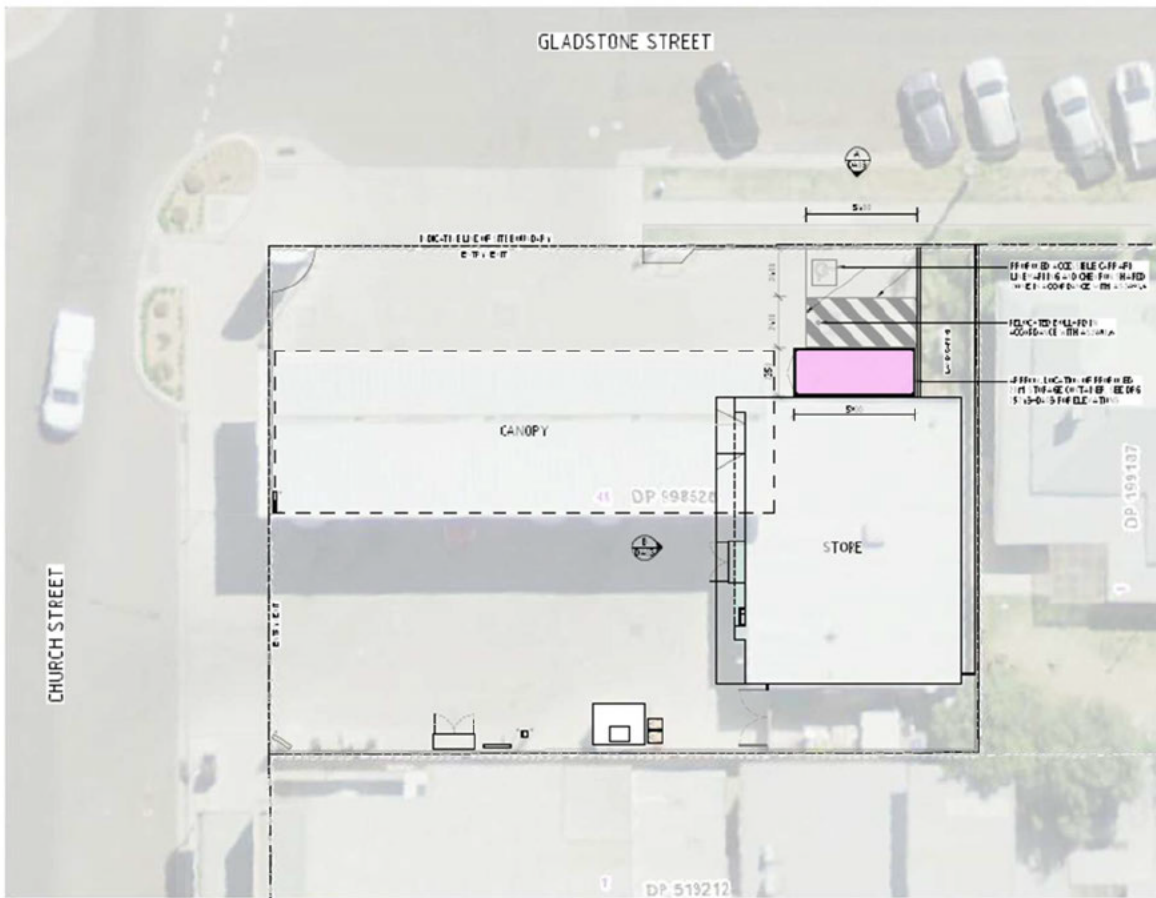


Figure 4: Proposed Site Layout (Source: TFA)

## 4.0 STATUTORY CONTEXT

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

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

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

#### 4.1.1 Integrated Development

Section 4.46 of the EP&A Act lists all integrated development approval triggers and their jurisdictions. The table below provides an extract from the EP&A Act and identifies those referral triggers considered relevant to the proposed development.

*Table 1: Integrated Development List*

Act	Provision	Development Response
<b>Fisheries Management Act 1994</b> (NSW Fisheries)	s144	Not applicable
	s201	Not applicable
	s205	Not applicable
	s219	Not applicable
<b>Heritage Act 1977</b> (NSW Office of Environment & Heritage)	s58	Not applicable
<b>National Parks &amp; Wildlife Act 1974</b> (NSW Office of Environment & Heritage)	s90	Not applicable
<b>Protection of the Environment Operations Act 1997</b> (Environment Protection Authority)	ss43(a), 47 and 55	Not applicable
	ss43(b), 48 and 55	Not applicable
	ss43(d), 55 and 122	Not applicable
<b>Roads Act 1993</b> (Roads & Maritime Services)	s138	Not applicable
<b>Rural Fires Act 1997</b> (NSW Rural Fire Service)	s100B	Not applicable
<b>Water Management Act 2000</b> (Department of Primary Industries – Water)	ss89, 90, 91	Not applicable

## 4.2 Mid-Western Regional Local Environmental Plan 2012

The Mid-Western Regional LEP makes local environmental planning provisions for land within the Mid-Western Regional Council LGA (Council). Council is the consent authority for the purposes of the Mid-Western Regional LEP.

### 4.2.1 Site Zoning

The subject site under the Mid-Western Regional LEP is zoned E2 (Commercial Centre). Refer Figure 5 below

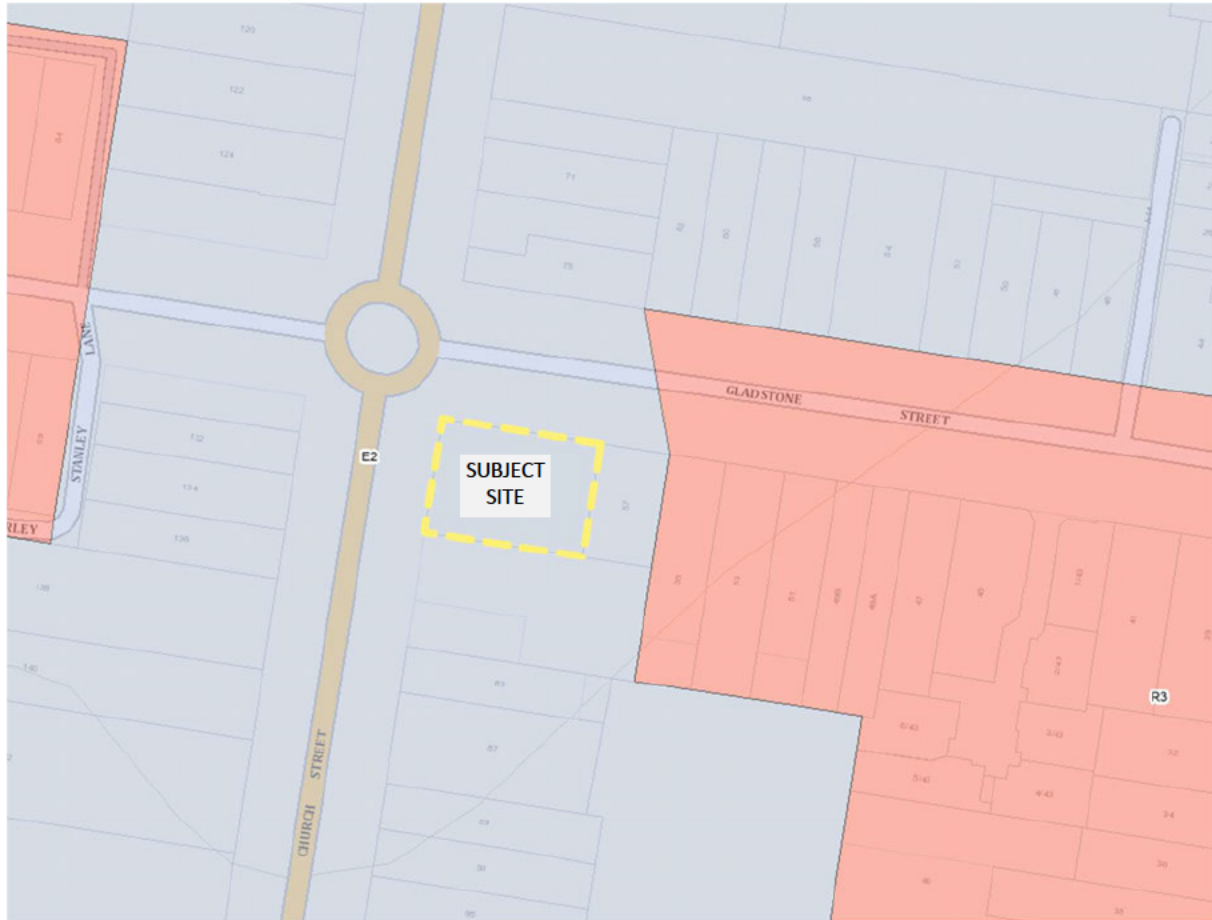


Figure 5: Zoning Map (Source: NSW Planning)

#### 4.2.1.1 Objectives

The objectives of the E2 (Commercial Centre) 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 site's existing use as a service station aligns with the objectives of this zone. The site is currently a service station and will continue to support the commercial area.

#### 4.2.1.2 Permissibility

Under the Mid-Western Regional LEP, 'Service Station' is defined as:

**Service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- b) the cleaning of motor vehicles,
- c) installation of accessories,
- d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- e) the ancillary retail selling or hiring of general merchandise or services or both.

The existing land use is consistent with the Service Station, which provides refuelling for light vehicle patrons. The proposed development is therefore best defined as being for the purpose of a service station.

The site is zoned E2 (Commercial Centre) under the *Mid-Western Regional Local Environmental Plan 2012* (the Mid-Western Regional LEP). The land use table for the E2 zone lists development that is permitted with consent and includes any development that is not specified as 'permitted without consent' or 'prohibited'. The land use table for the E2 zone in the Mid-Western Regional Council LGA is shown below:

#### 2 Permitted without consent

Roads; Water reticulation systems

#### 3 Permitted with consent

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Group homes; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Home-



*based child care; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Service stations; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Water recreation structures; Water storage facilities; Water treatment facilities; Wholesale supplies*

As per the above, service stations are listed as 'Prohibited' within the E2 Zone. However, it is noted that the site currently benefits from 'existing use rights', allowing the continued use of the site in accordance with section 4.65 of the EP&A Act.

In accordance with section 4.65 of the EP&A Act 1979, an 'existing use' is defined as -

- (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and*
- (b) the use of a building, work or land—*
  - (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*
  - (ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.*

In accordance with the above definition, it is noted that the applicant's existing site has been continuously operating as a service station since circa 1988, and subsequently rebuilt in 2015, as nominated by the imagery provided below and the most recent development consent granted by council on 17 December 2014 (ref: DA0129/2015).



Figure 6: Historic Aerial Image (1988) (Source: NSW Gov)



Figure 7: Historic Aerial Image (2015) (Source: Google Earth)

In this regard, the service station relies on the existing use rights provisions which allow the continued operation pursuant to Section 4.65 of the EP&A Act 1979 and Section 163 of the EP&A Regulation 2021.

Accordingly, pursuant to section 4.67 of the EP&A Act and section 163 of the EP&A Regulation, an existing use may:

- (a) *be enlarged, expanded or intensified, or*
- (b) *be altered or extended, or*
- (c) *be rebuilt, or*
- (d) *be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act, or*
- (e) *if it is a commercial use—be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or*
- (f) *if it is a light industrial use—be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).*

In accordance with this, and as detailed in the provided drawings, the proposed works aim to modify the service station by introducing additional storage in line with the existing land use, in the form of a container structure.

It is determined that development consent would be required to alter or extend the service station use. Overall, the proposed works are considered to comply with sections 164 of the EP&A Regs on the following grounds:

- The proposed intensification is for the existing service station use.
- The shipping container will create an increase in GFA for the overall site. However, it serves as a storage function and will not result in a fundamental change in the existing use.
- The proposed works are to be carried out and operate only within the boundaries of the subject site.



- the existing service station use is not classified as either a commercial or light industrial premises, as defined under section 41 of the Act;

Accordingly, it is determined that the proposed works would be consistent with the allowances for existing uses under the EP&A Act and Regs.

#### 4.2.2 Height of Building

The height of the proposed structure is lower than that of any existing building or structure onsite and does not exceed the prescribed maximum height of 8.5m as outlined in the identified Maximum Height of Building LEP Map.

#### 4.2.3 Heritage Conservation

In accordance with the Mid-Western Regional LEP, the subject site is identified to form part of a Heritage Conservation Area, therefore requiring consideration against section 5.10 of the LEP. In accordance with subsection (2), assessment against this section is requirement of the purpose of:

(e) *erecting a building on land—*

(i) *on which a heritage item is located or that is within a heritage conservation area, or*

(ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*

With regard to the above, for the purpose of the proposed works it is understood that prior to granting consent, they are required to consider the effect of the development on the heritage item or area in accordance with the below.

*The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

In accordance with the above, the proposed works are not considered to cause any substantial effect on the heritage significance of the area on the following grounds:

- The proposed container is to be positioned behind the front building line of the adjoining property on Gladstone Street (57 Gladstone Street), therefore not presenting a dominant part of the frontage;
- The difference in height and the position of the shipping container act as a step-down feature to the road frontage, creating a break in the facade;
- The proposed container is to be established with a complementary colour scheme to the existing BP development located on the subject site, utilising a charcoal colouring, as to blend into the adjoining wall.

Accordingly, the proposed works are not considered to result in any worsening to the visual presentation of the existing site in the context of the heritage area.

#### 4.2.4 Groundwater Vulnerability

The service station use does not propose any additional components that would result in groundwater contamination.

#### 4.2.5 Rural Subdivision

The NSW Property report stipulates provisions under 4.2 of the LEP for subdivisions in rural zones (RU1-6) to which this clause applies. However, the site is not zoned within a rural zone, and this provision does not apply to the subject, so no further consideration is needed.

### 4.3 Mid-Western Regional Development Control Plan 2013

The *Mid-Western Regional Development Control Plan 2013* (Mid-Western Regional DCP 2013) provides details and criteria for assessing development to support the provisions of the Mid-Western Regional DCP.

The following Chapters of the Mid-Western Regional DCP are as follows:

- Part 4 – Specific Types of Development
  - Part 4.5 - Commercial Development
- Part 5 – Development Standards
  - Part 5.1 - Carparking

#### 4.3.1 Part 4 – Specific Types of Development

This section briefly describes how the proposed development will fulfil the relevant planning outcomes in Part 4 – Specific Types of Development of the Mid-Western Regional DCP.

*Table 2: Part 4 Assessment Responses*

PLANNING OUTCOME	DEVELOPMENT RESPONSE
<b>4.4 Signs</b>	
<b>4.5 Commercial Development</b>	
<i>Building Setbacks</i> (a) <i>No minimum front setbacks apply.</i> (b) <i>Side and rear must comply with Building Code of Australia (BCA)</i>	The shipping container position will not exceed the side and rear setback requirements of the BCA.
<i>Signage</i> <i>Refer section 4.4 Signs</i>	Not Applicable
<i>Design</i> (a) <i>The LEP includes provisions relating to active street frontages. All premises on the ground level of a building facing the street are used for the purposes of business premises or retail premises.</i> (b) <i>All premises on the ground level of a building facing the street shall be comprised of windows and doors to encourage the interaction between pedestrians and the retail space</i> (c) <i>Building facades shall be articulated by use of colour, arrangement of elements or by varying materials</i> (d) <i>Consider elements within established heritage buildings and how its application may be applied to new development</i> (e) <i>Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials.</i> (f) <i>Design of new development should seek to be sympathetic to heritage items not reproduce them.</i> (g) <i>Plans must include details of all external infrastructure (air conditioning ducts, plant rooms) and how it will be screen from view form a public road.</i> (h) <i>Development on a corner must include architectural features to address both frontages.</i>	<p>The shipping container, although not considered a formalised building, will be used for storage purposes for the business and retail premises of the BP.</p> <p>The proposed shipping container is to be positioned behind the front building line of the adjoining property on Gladstone Street (57 Gladstone Street), therefore not presenting a dominant part of the frontage.</p> <p>Being a corner lot, the difference in height and the position of the shipping container serve as a step-down feature to the road frontage, creating a less harsh façade from the building walls facing the road.</p> <p>The proposed container is to be established with a complementary colour scheme to the existing service station building located on the subject site, utilising a charcoal colouring, as to blend into the adjoining wall.</p>

PLANNING OUTCOME	DEVELOPMENT RESPONSE
<p>(i) Where the development will adjoin the residential, village and mixed use zones, sufficient setbacks in the form of landscape buffers and access ways should be incorporated.</p>	
<p><i>Scale form and height</i></p> <p>(a) The LEP controls the height of buildings to a maximum of 8.5m</p> <p>(b) Consistent with the existing heritage character of the town centres of Gulgong, Mudgee and Rylstone.</p> <p>(c) Gulgong has a building height limit to a maximum of 5m</p>	<p>The shipping container height is 2.39m, while the tallest structure on site is the canopy, measuring approximately 6.35m.</p> <p>No structures will exceed the maximum 8.5m limit prescribed by the LEP.</p>
<p><i>Mortimer &amp; Church Street Mudgee</i></p> <p>(a) Development fronting Mortimer and Church Streets in Mudgee should enhance and maintain the streetscape established in Church Street between Market and Mortimer Streets by encouraging a coherent double storey pattern of development adopting zero front and side property setbacks.</p> <p>(b) Where possible the use elements that emphasis the horizontal form of development established in the Town Centre, for example through the use of verandas.</p> <p>(c) Any new development should provide for a visual treatment to minimise visual bulk and maintain established pattern of building frontage widths, by providing variance particularly on upper floor levels, every 20-25m. Variance may be provided through change in building materials, fenestration, or changes in parapet height etc.</p>	<p>The position of the proposed shipping container will be predominantly visible from the Gladstone street frontage and set far back from the Church street frontage.</p> <p>The material, colour, and bulk of the shipping container will be integrated into the existing site design, ensuring it does not detract from the site's character and its surroundings.</p>
<p><i>Articulation and Facade Composition</i></p> <p>(a) To break visual bulk and create interest, use secondary vertical elements such as fenestration or detail such as changes in materials and colour.</p> <p>(b) Excessive length of blank walls are not supported in the front facade.</p> <p>(c) Where blank walls are unavoidable (alongside or rear boundaries), break the visual impact through the provisions of landscaping, or by creating visual interest through patterning of the facade, signage or public art.</p>	<p>The position of the shipping container in front of the building facing Gladstone Street provides a visual break in the wall façade.</p> <p>An existing landscape buffer along the site's boundaries creates a separation between the proposed shipping container and the road frontage to provide a break from the visual impact of any façades.</p>
<p><i>Post supported verandahs and balconies</i></p> <p>(a) Setback a minimum 600mm from edge of kerb</p> <p>(b) Compliment the elements of the building to which it is attached</p> <p>(c) Public liability insurance and approval for works on public land will be required</p> <p>(d) Not interfere with the operations of or access to public utilities or infrastructure</p> <p>(e) The use of bollards at the base of posts to protect from rear parking vehicles will be required.</p>	<p>No verandahs and/or balconies are considered a part of the proposed works.</p>
<p><i>Residential-Commercial Interface</i></p> <p>(a) Provision of landscaping buffers to provide visual screening along residential boundaries that adjoin</p>	<p>No worsening impact on the visual amenity of the adjoining residential lot. There is to be no change to existing landscaping.</p>

PLANNING OUTCOME	DEVELOPMENT RESPONSE
<p><i>development sites in the Mortimer Street precinct (in particular.</i></p> <p>(b) <i>Ground and first floor development should not overlook residential properties</i></p> <p>(c) <i>Maintain acoustic privacy through the use of acoustic fencing, where vehicular movement adjoins property boundaries to reduce visual bulk of the proposed development.</i></p> <p>(d) <i>Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings must be located along property boundaries ensure that sufficient landscaping is provided</i></p> <p>(e) <i>A development should not reduce the sunlight received by the north-facing windows of living area, private open space areas, or clothes drying areas of adjoining properties to less than 3 hours between 9 am and 3pm at the winter solstice.</i></p>	<p>The proposed shipping container is separated from the adjoining residential boundary.</p>
<p><i>Utilities and services</i></p> <p>(a) <i>Documentation to demonstrate that the development is able to be services with water, sewer and drainage and adequate provision has been made for handling and disposal of solid waste</i></p> <p>(b) <i>Trade Waste Application is required where liquid waste (other than water from wash basins, toilet or bathrooms) will be discharged into Council's sewerage system.</i></p> <p>(c) <i>Building and structures are to be located clear of infrastructure</i></p> <p>(d) <i>For new sewer mains structures are to be located 1m plus the equivalent inverted depth, whichever is greater) of the centreline of the main.</i></p>	<p>The proposed works comprise of no new service connections and is not considered to be works of a type that would contribute to an increase to the intensity of the existing development.</p>
<p><i>Traffic and Access</i></p> <p>(a) <i>All vehicles must be able to enter and exit the site in a forward direction</i></p> <p>(b) <i>All vehicle movement paths are to be sealed</i></p> <p>(c) <i>Driveways must comply with Australian Standard AS 2890.1 Parking Facilities</i></p> <p>(d) <i>For new commercial development all loading facilities are to be located within the site with no loading to occur from the public road system.</i></p> <p>(e) <i>All loading facilities shall be designed to complying with Australian Standards.</i></p> <p>(f) <i>Where the truck delivery paths extend through car parking areas due consideration should be given to the separation of truck, pedestrian and car traffic. Where separation cannot be achieved then the application it to address traffic flow and safety issues.</i></p>	<p>The accessways and driveways are to remain unchanged, and fully sealed. Existing maneuvering pathways are to remain the same.</p> <p>No change to the current loading and unloading parameters of the site.</p>
<p><i>Pedestrian Access</i></p> <p>(a) <i>Maintain existing covered pedestrian access within the town centres</i></p> <p>(b) <i>Convenient and safe access through parking areas</i></p>	<p>No changes to pedestrian access are to be undertaken as part of the proposed works.</p>

PLANNING OUTCOME	DEVELOPMENT RESPONSE
<i>(c) Convenient and safe disabled access through parking areas and where relevant focus on improving links with the existing retail areas.</i>	
<i>Parking</i> <i>Refer Specific Provisions relating to parking section 1.3</i>	Refer to Section 4.3.2.
<i>Landscaping</i> <i>(a) Landscaped areas within the car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries.</i> <i>(b) Landscaping to comprise low maintenance, drought and frost tolerant species</i>	No changes to landscaping is to be undertaken as part of the proposed works.

### 4.3.2 Part 5 – Development Standards

This section describes how the proposed development will fulfil the relevant planning outcomes in Part 5 – Development Standards of the Mid-Western Regional DCP.

Table 3: Part 5 Assessment Responses

PLANNING OUTCOME	DEVELOPMENT RESPONSE
<b>5.1 CAR PARKING</b>	
<i>Spaces shall be provided to the next highest whole number. Floor space areas refer to gross internal spaces, excluding stairs, amenities and corridors, except as noted in the schedule. Car parking requirements are based on the net increase in demand for parking created by a development. A reference to staff parking includes staff and management. Parking requirement rates are to be pro-rated in accordance with the proposed gross floor area (GFA) and rounded up.</i> <i>Where it is proposed to change the use of an existing retail premises/ floorspace to a restaurant, dining, and/or take food bar, additional car parking shall not be required where car parking cannot be provided on site.</i> <i>Service Stations and Highway service centres</i> <i>6 spaces per service bay (including automatic car wash bay), plus</i> <i>2 driveway spaces per fuel bowser</i>	There will be no service bay included in the proposed works. No change to the number of bowsers associated with the site is proposed. Accordingly, no additional parking is required, and the proposed parking loss is still considered to comply with the parking rate under the DCP.

## 4.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

### 4.4.1 Infrastructure

The aim of Chapter 2 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 is to provide regulation for the design and planning of works as it relates to relevant NSW infrastructure. Particularly, under the Transport and Infrastructure SEPP, particular regard is given to clauses 2.118 and 2.122, relating to development fronting classified roads and traffic generation development respectively, of which the Golden Highway (Erskine Street) is determined to be.

#### 4.4.1.1 Traffic Generating Development

Section 2.122 of the Transport and Infrastructure SEPP applies to new or enlarged premises that comprise a size or scale in excess of the traffic generation thresholds outlined within Schedule 3 of the SEPP. In accordance with



Schedule 3, the proposed land use of a 'service station' is identified as a relevant land use under this schedule. The relevant criteria for the proposed service station use are outlined in the table below.

*Table 4: Traffic Generating Development*

Purpose of Development	Size of Capacity – Site with Access to a Road (Generally	Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
Service stations without heavy vehicle refuelling or maintenance services	N/A	Any Size or Capacity

In accordance with the above, the existing service station gains direct access to a local road, located over 90m from the intersection Douro Street (being the closest classified road). In this regard, the proposed works are not considered to constitute traffic generating development.



## 5.0 ENVIRONMENTAL ASSESSMENT

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

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

Table 5: Section 4.15 – Assessment Summary

Section 4.15 Clause	Development Response
(1) (a)(i) – Provisions of any environmental planning instrument	<p>This SEE has provided an assessment against:</p> <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021 <ul style="list-style-type: none"> <li>Chapter 2 - Infrastructure</li> </ul> </li> </ul> <p>The proposal has been shown to comply with the provisions of the above instruments.</p>
(1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
(1) (a)(iii) – Provisions of any development control plan	<p>An assessment against the Mid-Western Regional Development Control Plan 2013 is provided in Section 4.3 of this SEE.</p> <p>In summary, the proposal is considered to comply with the relevant Council DCP provisions.</p>
(1) (a)(iiia) – Provisions of any planning agreement	None applicable.
(1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	The proposal is consistent with the regulations for development applications.
(1) (b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p><b>(i) Environmental Impact</b></p> <p>The environmental impacts of the proposal on the natural and built environment are addressed under the DCP response (Section 4.3) in this SEE.</p> <p><b>(ii) Social Impact</b></p> <p>The proposed development is not considered to have a detrimental social impact in the locality, considering the size and nature of the proposal.</p> <p><b>(iii) Economic Impact</b></p> <p>The proposed development will not have a detrimental economic impact on the locality, considering the nature and scale of the use.</p>
(1) (c) – The suitability of the site for the development	<p>The existing service station's use and site operations are expected to remain the same. The purpose of the proposed works is to provide additional storage for the primary use on site.</p> <p>The proposed works are consistent with the zone objectives and compliant with the relevant SEPP and DCP controls.</p> <p>As such, the site is considered suitable for the proposal.</p>
(1) (d) – Any submissions made in accordance with the EPA Act or EPA Regs	This is a matter that can be addressed following the notification of the application, where necessary.

Section 4.15 Clause	Development Response
(1) (e) – The public interest	The proposal is considered to be in the public interest, given that the proposed works are permissible in the zone and meet the zone objectives under the LEP. Further, the environmental impacts have been considered and can be appropriately mitigated accordingly.

## 6.0 CONCLUSION

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

The development application is made over land located at 77 Church Street, Mudgee, NSW 2850, formally described as 101 of DP 1183571. The application seeks approval for alterations and additions to an existing service station, for the purpose of establishing a shipping container (providing additional on-site storage).

The proposal has been assessed against the relevant provisions within the Dubbo Regional Local Environmental Plan (LEP) 2012 and the relevant State Environmental Planning Policies. From this assessment, the following conclusions are able to be drawn:

- The site currently benefits from existing use rights allowing for the continued use of the site in accordance with section 4.65 of the EP&A Act.
- The proposed works are not considered to detract from the heritage features of the locality.
- The shipping container will be positioned behind the front building line of the adjoining property along Gladstone Street so as not to present as a dominant part of the frontage;
- The difference in height and the position of the shipping container act as a step-down feature to the road frontage, creating a less harsh façade from the building walls facing the frontage;
- The proposed container is to be established with a complementary colour scheme to the existing BP development located on the subject site, utilising a charcoal colouring, as to blend into the adjoining wall;
- The proposed development is not expected to result in a direct increase in traffic-generating activity on the subject site.
- The proposed works are considered to result in no worsening impact on the amenity of the adjoining residential lot.
- All parking requirements are complied with – the PWD park and share bay are being relocated.
- The application demonstrates compliance with all relevant local and State planning policies, including the Mid-Western Regional LEP 2012, DCP 2013 and Transport and Infrastructure SEPP.

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

## APPENDIX A – TITLE SEARCHES

## APPENDIX B – DA DRAWINGS