

STATEMENT OF ENVIRONMENTAL EFFECTS v2

DEMOLITION OF A SHED

67 Perry Street, Mudgee



Navigate Planning

18 September 2024

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1 INTRODUCTION

This Statement of Environmental Effects (SEE) supports a development application for demolition of a shed at 67 Perry Street, Mudgee (Lot 1 DP 197822).

The subject land is zoned E4 General Industrial. The land contains two sheds.

Demolition is permitted with consent pursuant to clause 2.7 of the Mid-Western Regional Local Environmental Plan 2012. The proposed demolition is not exempt development as the site is located in a heritage conservation area.

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

The demolition will be managed to avoid adverse impacts on the environment, adjoining properties and human health.

The area of the shed to be demolished will be retained as an open car parking and storage area with a new security fence and new landscaping proposed along the Inglis Street frontage.

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 demolition of a single-storey shed on Lot 1 in DP 197822 at 67 Perry Street, Mudgee.

The demolition of the shed will facilitate more on site parking opportunities for business vehicles and outdoor storage areas. A new fence and landscaping will be provided along the Inglis Street frontage.

3 SITE ANALYSIS

3.1.1 Existing development

The subject land contains two industrial sheds. The two sheds are connected and provide active frontages to both Perry and Inglis Streets. The land has an area of 576.4m². With a total existing building area of 330.2m², the existing site coverage is 57%.

The site has a landscaped access and parking area off Perry Street and a number of existing driveways on Inglis Street.

3.1.2 History, Heritage and Archaeology

The subject land has been used for industrial purposes since the mid 1970's. The land is in the Mudgee Heritage Conservation Area but is not a listed heritage item. The Heritage Impact Study prepared for the development application states that the removal of the shed will have a positive aspect on the streetscape enabling additional parking and loading to occur off the road. There will be no effect on the significance of the streetscape in the Mudgee Conservation Area.

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

The site has access to all necessary services, including water, sewer, electricity and telecommunications. Stormwater from the site is directed to existing stormwater infrastructure in Inglis Street.

3.1.4 *Surrounding Development*

The subject land is located in a mixed industrial and residential area. Adjoining the site to the east is an industrial building, while to the north and across both Perry and Inglis Streets are dwellings.

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 cleared of vegetation. The proposed demolition will have no significant impact on any matter of national environmental significance.

4.2 Environmental Planning and Assessment Act 1979

4.2.1 *Section 4.5 – Designation of consent authority*

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

4.2.2 *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.

4.2.3 *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.

4.2.4 *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.

4.2.5 *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

The proposal is for demolition, which will be undertaken in accordance with the relevant Australian Standards.

Impacts on the built environment

The demolition of the shed will not have a significant impact on the built environment. The site will remain developed for industrial purposes and the proposed fence and landscaping along the Inglis Street frontage will be in similar materials to the shed to be demolished.

Impacts on the natural environment

The demolition of the shed will have no significant impact on the natural environment.

Social and economic impacts

The demolition will have no significant social and economic impacts as the proposal does not change the use of the land.

Suitability of the site

The site is zoned for industrial development. The proposed demolition provides for more on-site parking for business vehicles and outdoor storage. The site is considered suitable for the development.

The Public Interest

The demolition of the shed to facilitate more on-site parking frees up on street parking for customers and other vehicles. For this reason, the proposal is considered to be in the public interest.

4.2.6 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.

4.3 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 no native vegetation and the proposed development will have no direct or indirect impacts on any threatened ecological communities. The proposal will have no significant impact on biodiversity.

4.4 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 has been developed, disturbed and used over a long period of time for industrial purposes. Works associated with the proposed demolition will only involve areas previously disturbed. 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 works.

4.5 Water Management Act 2000

Section 91 of the Water Management Act 2000 requires a controlled activity approval for works within 40m of a watercourse. A mapped watercourse runs through the adjoining site to the east and the building to be demolished is wholly within 40m of the watercourse.

However, clause 42 and clause 28 of Schedule 4 of the Water Management Regulation 2018 provides an exemption for any activity carried out on waterfront land relating to a river where the channel of the river is fully concrete lined or is a fully enclosed pipe channel.

The proposed watercourse is fully concrete lined and therefore the proposal does not require a controlled activity approval and is not integrated 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. While the site is zoned industrial and has been used for industrial purposes, the known uses of the site are not uses likely to have caused contamination. The known uses are an appliance centre, a warehouse and a plumbing business.

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

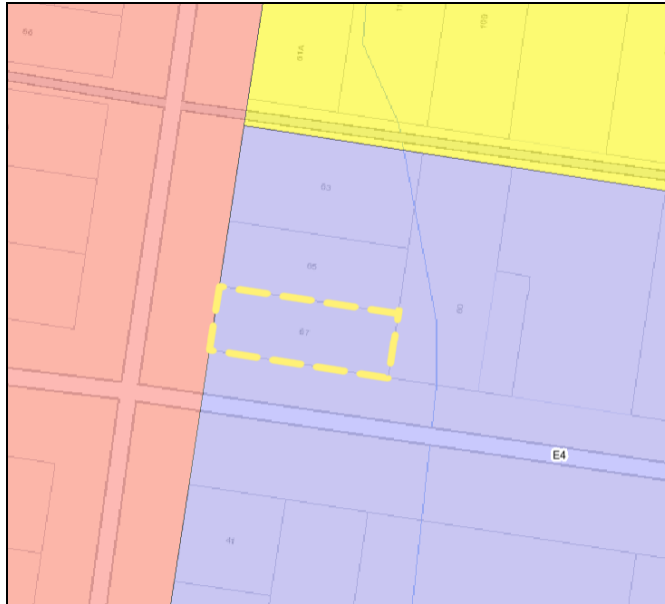
The fabric of the shed is not known to contain asbestos, however demolition will be undertaken in compliance with safe work practices.

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 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 facilitates the ongoing use of the land for industrial purposes with improved on-site parking and storage opportunities. The proposal is considered to be consistent with the zone objectives.

5.2.2 Land Use Permissibility

The proposed development is demolition. No change in land use is proposed as part of this development application. As noted above, demolition is permitted with consent pursuant to clause 2.7 of the MWRLEP 2012.

5.2.3 Lot Size

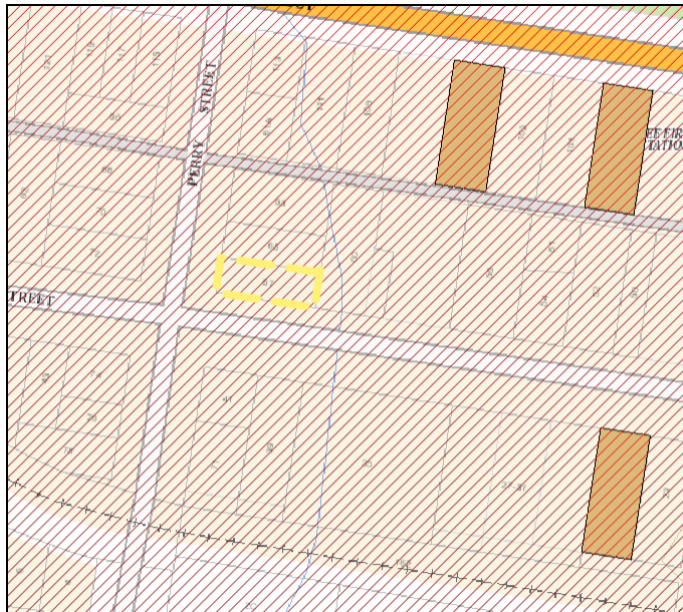
Not applicable to the proposed development.

5.2.4 Building height

Not applicable to the proposed development.

5.2.5 Heritage

The site does not contain a heritage item, however it is within the Mudgee heritage conservation area. There are no heritage items in the vicinity of the site that are likely to be affected by the proposed development. The heritage map in the MWRLEP 2012 is shown below.



A Heritage Impact Statement has been prepared for the development application. The HIS states that the removal of the shed will have a positive aspect on the streetscape enabling additional parking and loading to occur off the road. There will be no effect on the significance of the streetscape in the Mudgee Conservation Area.

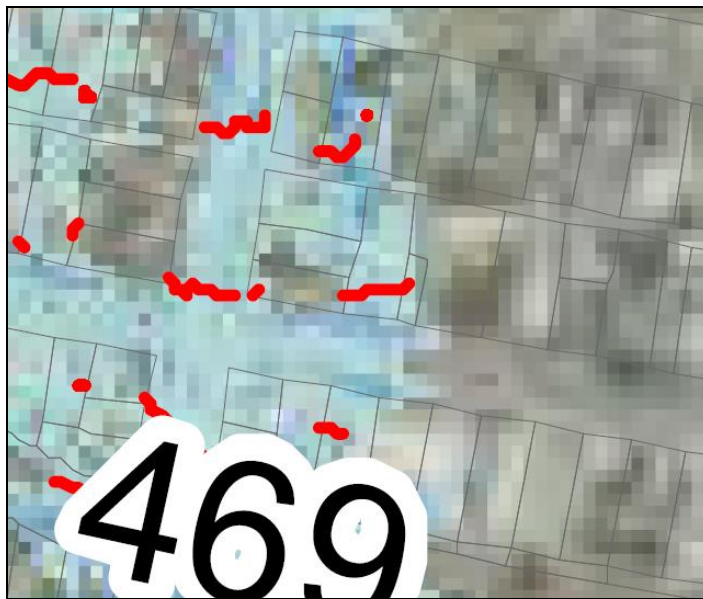
In relation to Aboriginal Heritage, the site has been developed, disturbed and used over a long period of time for industrial purposes. Works associated with the proposed demolition will only involve areas previously disturbed. It is considered that there is minimal potential for disturbance of Aboriginal 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 works.

5.2.6 Flood planning

Clause 5.21 (2) of the MWRLEP 2012 states that “*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.”*

The Mudgee Flood Study completed in February 2021 identifies the site as being partly within the flood planning area. An extract of the 1% AEP flood map in the study is provided below.



The demolition of the shed will have no impact on flood behaviour. The proposal is considered appropriate having regard to the provisions of clause 5.21 of the LEP.

5.2.7 Earthworks

Not applicable to the proposed development.

5.2.8 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 demolition will have no detrimental impacts on groundwater.

5.2.9 Terrestrial Biodiversity

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

5.2.10 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 has access to all necessary services, including water, sewer, electricity and telecommunications. Stormwater from the site is directed to the drainage channel beneath Inglis Street.

5.3 Mid-Western Regional Development Control Plan 2013

5.3.1 Section 4.6 Industrial Development

Setbacks and Site Coverage

Front – 6m

Secondary Street – 4m

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

Comment – The building to be demolished was approved with a 600mm setback to Inglis Street, being the site's secondary frontage. No change is proposed to the approved setbacks of the building to be retained on site.

Site Coverage

60%

Comment – The land has an area of 576.4m². With a total existing building area of 330.2m², the existing site coverage is 57%. The site coverage post demolition will be 37.6%.

Landscaping

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

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

Comment – No change is proposed to existing landscaping at the Perry Street frontage of the site. Additional landscaping is propose along part of the Inglis Street frontage to soften the appearance of the proposed new fence.

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

Comment – The proposed development include new landscaping along part of the Inglis Street frontage. It is considered that the proposed landscaping will provide visual relief to the proposed new fence along this frontage.

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

Comment – The proposed new landscaping will be in the form of a hedge similar to existing landscaping at the of the building facing Perry Street.

(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 – The proposed new parking and storage area is for business purposes, not customer parking. This control is therefore 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 – Not applicable to the proposed development.

Fencing

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

Comment – The proposed new fence will be colorbond in a colour similar to the existing building and existing gate.

(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 – The proposed new parking and outdoor storage area will be screened by the new fence.

(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 – The fence and gates will have a 1.2m setback from the Inglis Street property boundary. The largest vehicle to access the site will be used in the business on site. The gate setback is therefore considered appropriate and will ensure vehicles do not protrude onto the street while gates are opening.

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 – Not applicable to the proposed development.

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

Comment – The new parking and outdoor storage area will provide adequate room for storage of waste.

(c) Liquid Trade Waste Application and facilities are required where liquid wastes (excluding domestic waste from 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 – Not applicable to the proposed development.

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

Comment – Not applicable to 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 proposed parking and storage area is primarily for business vehicles. The largest business vehicle to use the area is a ute. Nevertheless, with a separate entry and exit, vehicles as large as medium rigid trucks (such as garbage collection vehicles), if required to enter the site, can enter and leave the site in a forward direction.

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

Comment – It is proposed that the outdoor parking and storage area be surfaced with compacted roadbase. This is considered acceptable for the proposal as it is not a heavily trafficked public parking area. The area will primarily be used for parking of company vehicles that are off-site for most of the day. With minimal traffic movements in the area during the day, and the existing stormwater infrastructure that includes sump pits, it is considered that there will be no environmental impacts arising from the proposed surfacing of the area.

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

Comment – The proposal will 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 – The proposed new parking and storage area will utilise two existing access points.

(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 with roadbase.

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

Comment – The proposed new outdoor parking and storage area provides for on-site loading and unloading to the rear of the building to be retained.

Car parking

Customer parking should be provided convenient to the public entrance.

Comment – No change is proposed to existing approved customer parking at the Perry Street frontage of the site. The provision of new on-site parking for business vehicles also ensures on-street parking is available for customers.

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 – Existing signage on the building to be demolished will be removed from the site. No change is proposed to other existing signage.

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 – Not applicable to the proposed development.

Subdivision

Comment – No subdivision of land is proposed.

5.3.2 Section 5.2 Flooding

The Mudgee Flood Study completed in February 2021 identifies the site as being partly within the flood planning area. The demolition of the shed will have no impact on flood behaviour. The proposal is considered appropriate having regard to the provisions of Section 5.2 of the DCP.

5.3.3 Section 5.3 Stormwater Management

No change is proposed to existing stormwater arrangements from the shed to be retained on site.

5.3.4 Section 5.4 Environmental Controls

Protection of Aboriginal Archaeological Items

The site has been developed, disturbed and used over a long period of time for industrial purposes. Works associated with the proposed demolition will only involve areas previously disturbed. 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 works.

Bushfire Management

The subject land is not mapped as bushfire prone land.

Riparian and Drainage Line Environments

A drainage line crosses the adjoining site to the east. The drainage line is mapped as a watercourse, but is not in a natural state. Pursuant to clause 42 and clause 28 of Schedule 4 of the Water Management Regulation 2018, the proposal does not require a controlled activity approval and is not integrated development. Appropriate measures will be in place prior to and during demolition to ensure there are no detrimental impacts on the watercourse.

Pollution and Waste Management

The development will generate demolition waste. All demolition waste, if not suitable for re-use on site (for new fencing) or on other sites, will be disposed of at the Mudgee Waste Transfer Station.

Threatened Species and Vegetation Management

Not applicable to the proposed development.

Building in Saline Environments

Not applicable to the proposed development.

6 CONCLUSION

This Statement of Environmental Effects (SEE) supports a development application for demolition of a shed at 67 Perry Street, Mudgee (Lot 1 DP 197822).

The subject land is zoned E4 General Industrial. The land contains two industrial sheds. The site is cleared of native vegetation. A drainage line crosses the adjoining site to the east of the subject land.

Demolition is permitted with consent pursuant to clause 2.7 of the Mid-Western Regional Local Environmental Plan 2012. The proposed demolition is not exempt development as the site is located in a heritage conservation area.

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

The demolition will be managed to avoid adverse impacts on the environment, adjoining properties and human health.

The proposal will have neutral social and economic benefits. 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.

