

# Statement of Environmental Effects

63 Horatio Street, Mudgee

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Proposed Take Away Food and Drink Premise

Prepared on behalf of J&A Sydney Pty Ltd

## Document Control Sheet

Issue ID.	Amendment	Date of Issue	Prepared By	Reviewed By	Project Ref
A	Final	14/03/2025	Ben Rankmore	Brooke Sauer (RPIA + REAP)	191021

Reference: "S:\191021\Planning\DA Prep\Draft - Statement of Environmental Effects.docx"

### Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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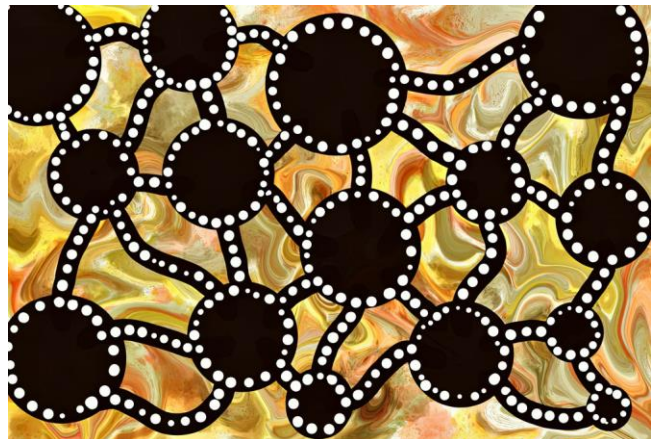
The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

### Acknowledgement of Country

We, ADW Johnson, acknowledge the Traditional Custodians of the land where we live and work, the country of Awabakal, Darkinjung and the Eora Nation.

We recognise their continuous connection to the land and waters of our beautiful regions. We pay our respects to Aboriginal and Torres Strait Islanders Elders past, present and emerging.

Artwork created by Joe Griffin, a proud Aboriginal man, descendant of the Awabakal people.



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# Executive Summary

## Purpose

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This Statement of Environmental Effects has been prepared by ADW Johnson on behalf of J&A Sydney Pty Ltd to accompany a Development Application to Mid-Western Regional Council for the construction, fit-out, and use of premises for the purpose of a *Take Away Food and Drink Premises* at 63 Horatio Street, Mudgee (Lot 100, Deposited Plan 1311787).

## Application Details

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Applicant:	J&A Sydney Pty Ltd C/- ADW Johnson
Development:	Erection, fit-out and use of premises for the purposes of a <i>take away food and drink premises</i>
Site Description:	Lot 100, Deposited Plan 1311787 at 63 Horatio Street, Mudgee, New South Wales
Owner:	Evan Hayes and John Stevens
Development Cost:	\$1,897,971.07 ( <b>Appendix G</b> )

## Development Standards/Controls

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Zone:	SP3: Tourist under <i>Mid-Western Regional Local Environmental Plan 2012</i>
Definition:	<p>The development is for the purposes of a Take Away Food and Drink Premises</p> <p><i>take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.</i></p> <p>Take Away Food and Drink Premises are permissible within the SP3: Tourist zoning.</p>

## External Referrals

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Detailed correspondence has been ongoing with Transport for New South Wales (TfNSW) in relation to the proposed development application. As identified within **Appendix N**, TfNSW have raised no issues or concerns with the subject development, as no access is proposed from Horatio Street.

It is noted that Council may undertake a referral to TfNSW with consideration to Schedule 3 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TISEPP), if considered necessary. However, noting the ongoing correspondence provided in **Appendix N**, we encourage Council to consider the application on its merits and associated supporting documentation without initiating this unnecessary time exhaustive request.

## Summary

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The proposed *Take Away Food and Drink Premises* (Hungry Jack's) is permissible with development consent within the SP3 zone, and is consistent with all relevant planning objectives. The proposed development does not give rise to any significant or adverse impacts on the surrounding environment is a suitable use within the tourist precinct and will stimulate continued growth of the town of Mudgee, and broader region.

The proposed Hungry Jacks achieves compliance with all key planning controls and associated objectives, under the *Mid-Western Regional Local Environmental Plan 2012* and *Mid-Western Regional Development Control Plan 2013*, with one exception to the minimum parking requirements under Part 5.1 Car Parking.

Whilst the proposed development does not achieve compliance with this one provision, the proposal nonetheless achieves the aims and objectives of the control and that of the SP3 zone.

The proposed development is associated with positive social and economic outcomes and is in the public interest. Therefore, taking the above into consideration, it is considered that the proposed development can be supported by Council as the consent authority.



# Section 1

## Introduction





# 1 Introduction

ADW Johnson has been engaged by J&A Sydney Pty Ltd (**the proponent**) to prepare a Statement of Environmental Effects (**SEE**) to accompany a Development Application (**DA**) with Mid-Western Regional Council for the erection, fit-out and use of a *take away food and drink premises*, at 63 Horatio Street, Mudgee Lot 100, Deposited Plan 1311787 (**the site**).

The proposed development involves the erection of a structure over the site, to be utilised for the purposes of a *take away food and drink premises*, trading as a Hungry Jack's. The premises includes internal seating for 40 persons, in addition to a two-lane drive-through. Other site works proposed include the facilitation of a 28-space car park (inclusive of drive-through waiting bays), lighting, signage, landscaping, and associated civil works (site preparation earthworks and stormwater infrastructure).

The site is within the Mudgee Local Government Area (**LGA**), and falls under the provisions of the *Mid-Western Regional Local Environmental Plan 2012 (MWRLEP2012)*. The site is zoned SP3: Tourist, in which *take away food and drink premises* are permissible with development consent. The development has been designed in consideration of the provisions of the *MWRLEP2012*, *State Environmental Planning Policy (Industry and Employment) 2021*, *State Environmental Planning Policy (Transport and Infrastructure) 2021* and the *Mid-Western Regional Development Control Plan 2013 (MWRDCP2013)*.

Mudgee is the primary town in the Mid-Western region, located approximately 100km north of Bathurst and 100km southeast of Dubbo. *The Central West and Orana Regional Plan 2041* vision for the Region is to be '*the most diverse regional economy in NSW with a vibrant network of centres leveraging the opportunities of being at the heart of NSW*'. The Mid-Western Region's location, broad range of industries and connections to Sydney, Newcastle and Canberra provide a strong foundation for the regional and state economy.

The Mid-Western Regional local strategic planning statement '*Our Place 2040*' recognises the value of promoting business that complement local industries within the region while identifying development opportunities. As such, the addition of the Hungry Jacks will complement the SP3: Tourist zoning, being a recognisable and trusted Australian owned company, delivering a service to the local community and visitors alike for the community of Mudgee and the wider region.

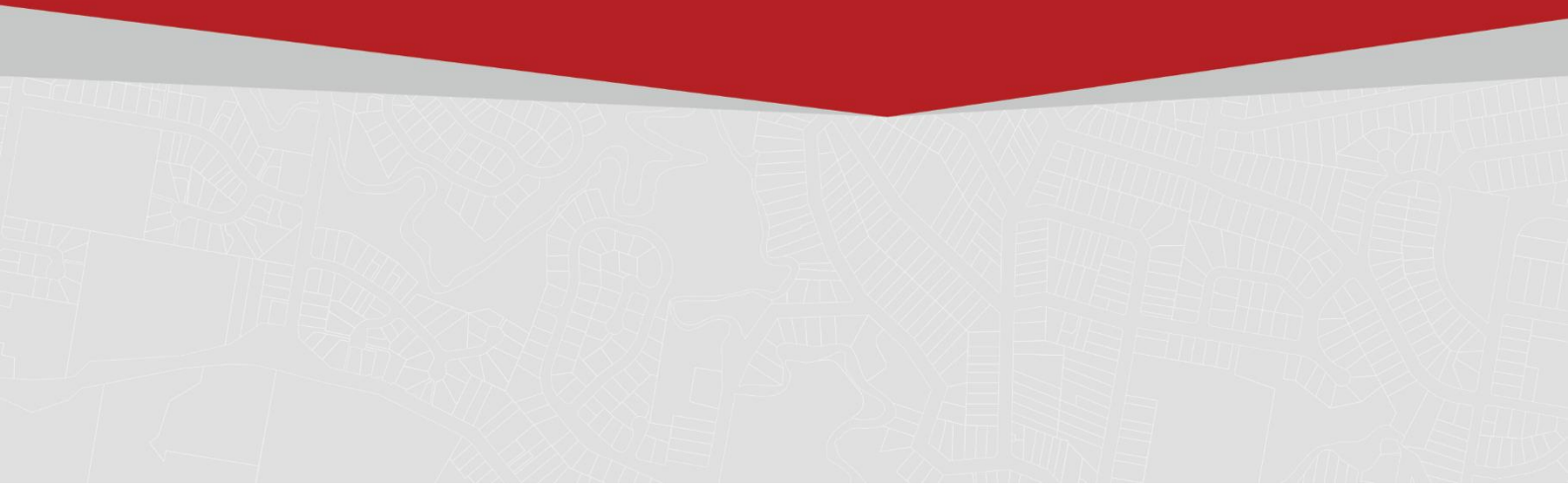
This SEE has been prepared pursuant to the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and accompanying regulations, and addresses the necessary issues that require assessment to assist Council in determining the subject application.

Overall, the proposed development is consistent with the relevant environmental planning instruments. On this basis, it is considered that Council can support the development application.



# Section 2

## The Site



# 2 The Site

## 2.1 Location

The site is located within the township of Mudgee, which is located within the Mid-Western region of New South Wales. The town is located approximately 100km north of Bathurst and 100km southeast of Dubbo.

The large country town provides many attractive offerings, including a wide variety of restaurants, wineries, schools, health services and recreational facilities. Mudgee hosts the monthly farmers' market to showcase the large range of local produce available along with many annual events including the Wine & Food Festival, Agricultural Show, NRL Charity Shield, and Small Farm Field Days.

The site within the context of the town is provided in below **Figure 1**.

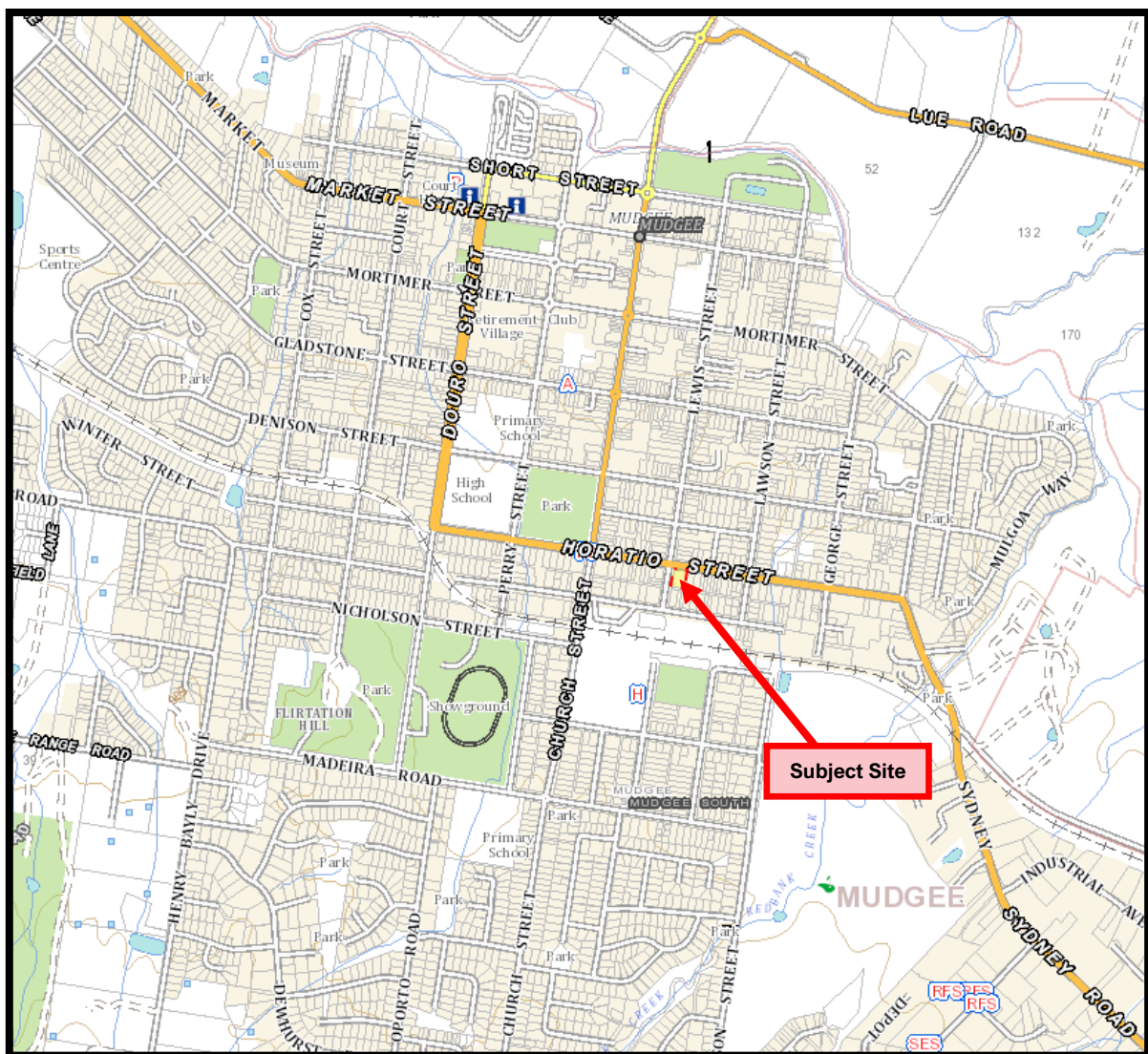


Figure 1: Local Area Site Context Map  
Source: Six Maps

As identified in Figure 1, the subject site is located within central Mudgee, and is surrounded predominately by low density residential development. There are several commercial premises in proximity, including the Federal Hotel (southwest), Corner Store (northwest), McDonalds restaurant (further west) and KFC restaurant (further North-west). The site is located north of the Mudgee Train station and has frontage to Horatio Street (Castlereagh Highway). The local site context is identified in Figure 2.

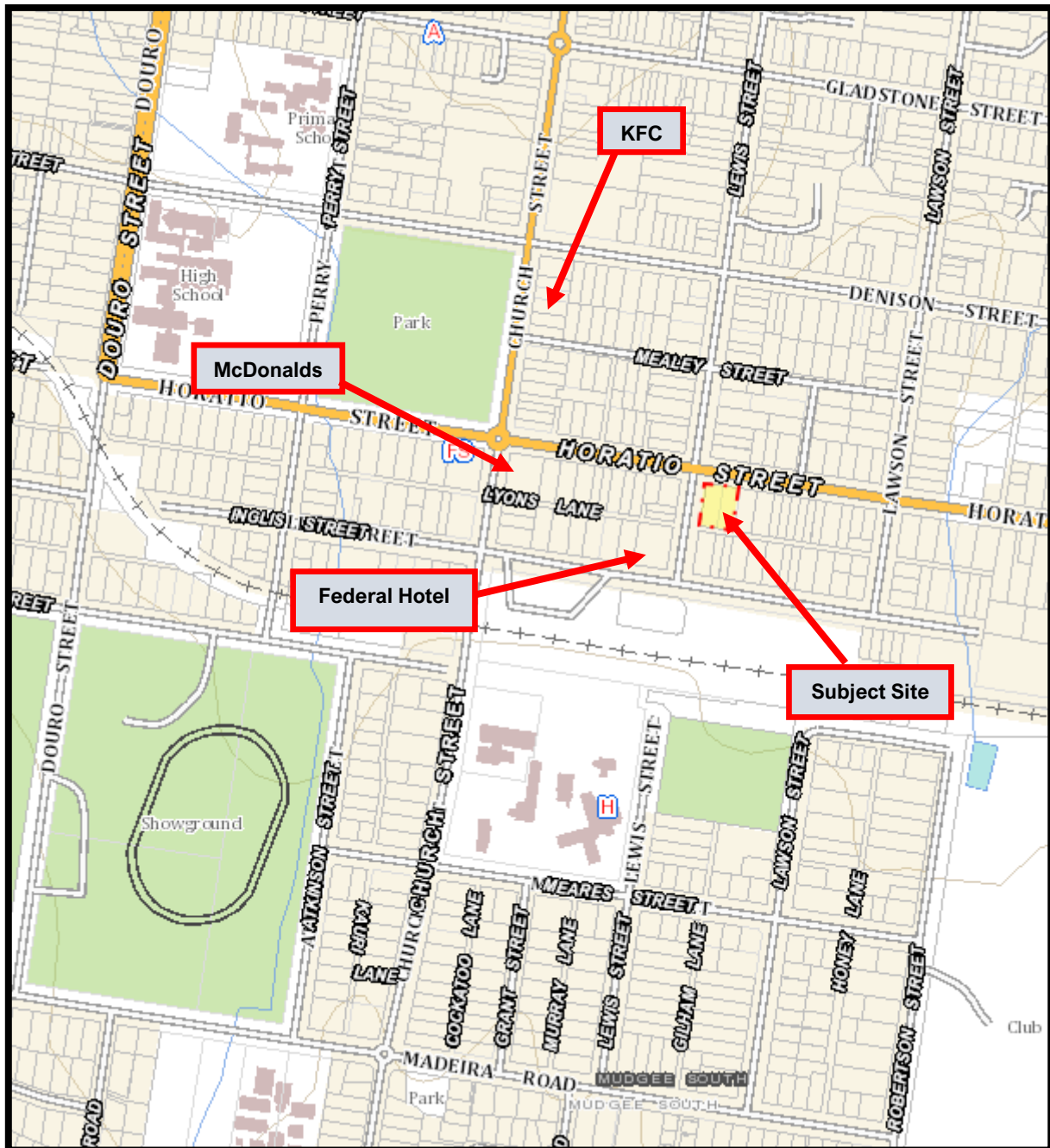


Figure 2: Site Context

## 2.2 Land Title

The site is identified as Lot100, Deposited Plan 1311787, which has an area of 2,026m<sup>2</sup> (as per the Deposited Plan). A copy of the Deposited Plan is provided in **Appendix D**. The site has recently been consolidated.

## 2.3 Ownership

Lot 100 in Deposited Plan 1311787 is owned by Evan Hayes and John Stevens whose consent to the lodgement of this DA is provided within the DA documentation submitted on the portal.

A copy of the owner's consent is provided in **Appendix E** for Council.

## 2.4 Physical Description

### 2.4.1 Site

The subject site is rectangular in shape and is currently vacant (see **Figure 3**). The site is a corner allotment, with frontage to Horatio Street (Castlereagh Highway) along the northern boundary, and access to Lewis Street to the West. The site is predominately bound by residential development, however there is a local corner store to the northwest and the Federal Hotel / Bottleshop is to the southwest. The surrounding area is currently undergoing various stages of development and is characteristic of an evolving urban area.



Figure 3: Aerial Image of the Site  
Source: Six Maps

### 2.4.2 Access

There is currently no formal access to the site. The proposed access will be gained off Lewis Street to the West only, with no access proposed off Horatio Street (Castlereagh Highway) to the north or Lyons Lane to the south.

A Transport Impact Assessment (TIA) has been submitted that outlines that this access can accommodate the anticipated traffic and associated service vehicles required for the proposed development (**Appendix I**).

### **2.4.3 Topography**

The topography of the site is relatively level, although there is a gradual decline towards the north of the site from the southern boundary of the property.

### **2.4.4 Vegetation**

The site is clear of any significant vegetation. The site contains only grasses and other small ground covers that have emerged since the lot was established. There is one large shrub that is to be removed as part of the development application. No established trees are contained within the site.

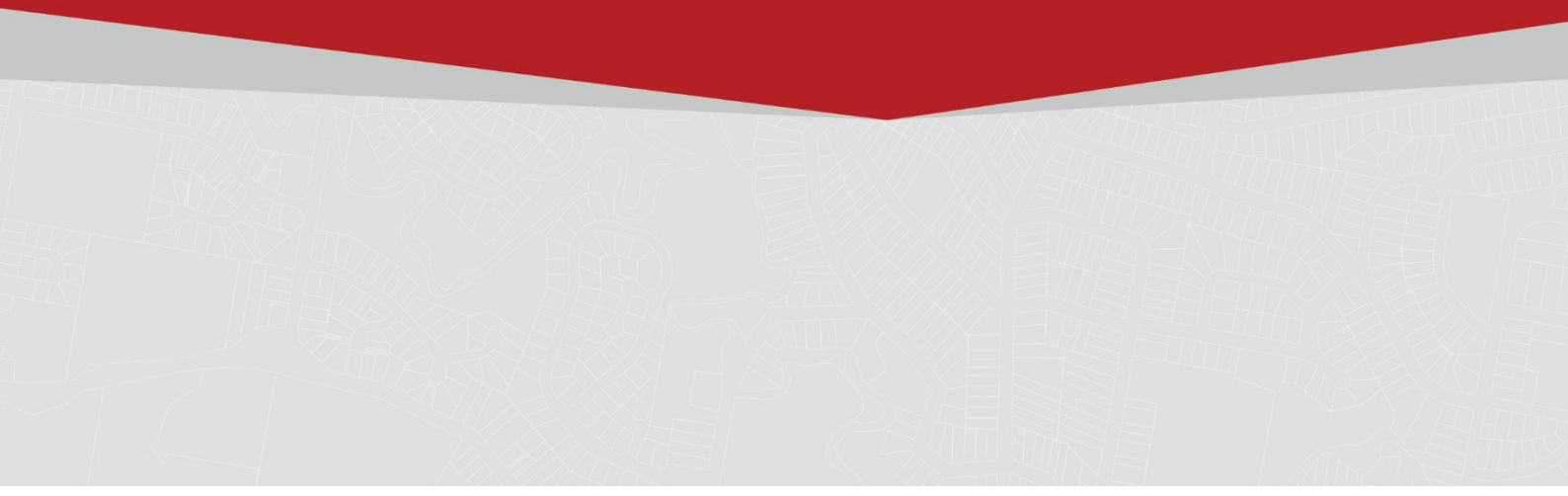
The site is not mapped as having *biodiversity values* on the *Biodiversity Values Map and Threshold Tool*.

It is acknowledged there are requirements for an arborist report in certain circumstances, however the proposed development does not warrant a report as the proposed removal of the existing vegetation is located within the footprint of the proposed development and attempting to retain the trees would not be viable.

The value of an Arborist Report lies in considering trees to be retained within proximity to the proposed works, where there is potential for the root zone/health of the tree to be impacted. As such, an Arborist Report is not deemed to be required for the proposed development.



# Section 3 Description of Proposed Development



# 3 Description of the Proposed Development

## 3.1 Proposed Development

The proposed development application is for the construction, fit-out and use of premises for a Hungry Jacks take away food and drink premise, over Lot 100, Deposited Plan 1311787, 63 Horatio Street, Mudgee.

The proposed development comprises the following elements:

### 3.1.1 Physical Works

The proposed works involves the construction of a new facility known as the Mudgee Hungry Jacks. The development will consist of:

- Erection, fit-out, and use of a 248m<sup>2</sup> structure, intended to trade as a Hungry Jack's restaurant, and consisting of:
  - Two drive thru lanes;
  - An on-site car parking area, comprising 26 car spaces (including one accessible space and one delivery bay), one bicycle rack and two additional waiting bay spaces located within the drive-thru area;
  - A shared loading zone with access to the waste storage area;
  - Associated signage, including:
    - A pylon sign;
    - External signage on the proposed building;
    - Directional signage in relation to the drive-thru;
    - Pedestrian, parking and general safety signage;
- Civil site works, including stormwater infrastructure, site preparation earthworks and the facilitation of hardstand areas for the drive thru area and car park;
- Site landscaping; and
- Half road construction.

A copy of the Architectural Plans is included in **Appendix A**, the Landscape Plan is included in **Appendix Q**, and the concept Civil Engineering Plans are included in **Appendix R**.

### Car Parking and Access

The existing site is not currently benefited from an established or formal access. Vehicular and pedestrian access to the proposed premise is provided from Lewis Street from the west of the site.

A proposed parking area forms part of the development application and will accommodate 26 parking spaces. The development is supported through a Transport Impact Assessment prepared by One Mile Grid (**Appendix I**). The report identifies that whilst 20 spaces are required for the development (as per the New South Wales Guide to Transport Impact Assessment), or 35 spaces required per the Mid-Western Regional Council Development Control Plan 2013, there will be a total demand of 0.35 car parking spaces per seat. This equates to 14 spaces being required for the subject site, which is suitably accommodated.

The car park is provided forward of the building line at the front of the site. The proposed car parking widths have been designed to comply with AS2890 and will have dimensions of 2.5m x 5.5m. The access driveways and internal circulation can accommodate turning paths for vehicles up to and including a Heavy Rigid Vehicle.

### Landscaping

Under this application, landscaping has been proposed within the design, to enhance and soften the impact of the built form. The landscape plan is provided within **Appendix Q**.



## Earthworks and Retaining

In order to create level building pads and accommodate stormwater requirements, standard site works are required. No dedicated retention works required. Detailed design is to be provided prior to construction certificate stage.

## Stormwater and Drainage

A Concept Detail Plan has been prepared by ADW Johnson and is provided within **Appendix R**. The plan outlines the proposed stormwater and associated Onsite Detention (OSD) tank for the development, catering to storm events up to 1% Annual Exceedance Probability (AEP).

## Signage

The proposal includes several business identification signs and a freestanding pylon sign. The signs are to be illuminated. Please refer to the elevations within the Architectural Plans (**Appendix A**) for the location and dimensions of all proposed signage.

An assessment against the signage provisions contained within *Schedule 5 Assessment Criteria* under *Statement Environmental Planning Policy Industry and Employment* is provided in **Appendix T** and assessment for local signage provisions within *The Mid-Western Development Control Plan 2013* is provided within **Appendix S**.

### 3.1.2 Operational Details

An operational plan of management has been provided for Councils review for the proposed food and drink premise (**Appendix F**). The plan outlines hours of operation and several management strategies

The fast-food restaurant is proposed to operate 24 hours a day, seven days a week. However, this will be subject to the needs of the location.

Staffing is proposed to consist of approximately 50 staff, both full and part time. The employment levels at the store will vary depending on customer volumes. The typical staffing would range from:

- Morning – 1 manager and 1 to 4 crew;
- Lunch – 1 to 2 managers and 4 to 7 crew;
- Dinner – 1 to 2 managers and 4 to 8 crew; and
- Night – 1 manager and 1 to 2 crew.

Deliveries are scheduled to avoid peak service times, with no deliveries scheduled before 7.30am, between 11:30am to 2pm and after 6pm.

Further detail in this regard can be found within the Hungry Jack's Operational Management Plan (**Appendix F**).

## 3.2 Council Consultation

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A formal pre-development meeting with Mid-Western Regional Council staff has been undertaken. The following table outlines the matters that were required to be addressed as part of this development application

Table 1: Pre-Development Meeting Minutes Summary

ISSUES DISCUSSED	
MATTER RAISED	RESPONSE
<i>It would be useful to have preliminary / pre-lodgement discussions with Transport for NSW to ascertain any issues they may have with Horatio Street being a Classified Road.</i>	Verbal and written correspondence has taken place with Transport for New South Wales (TfNSW) prior to the submission of this application. Based on the discussion, TfNSW are generally supportive of the development, though it is recognised that the Council may opt to refer the development to TfNSW as part of the assessment process, noting proximity to the classified road (Horatio Street/Castlereagh Highway). Refer to <b>Appendix N</b> for details.
<i>A detailed Traffic Impact Assessment, including traffic counts is required to be submitted with the application. This will need to detail all works to Horatio and Lewis Streets, including any required intersection treatments and new signage, e.g. No stopping signage along Horatio Street. Road works and new signage will also need to be considered by the Local Traffic Committee.</i>	A Transport Impact Assessment report has been prepared by Onemilegrid in support of the application. Refer to <b>Appendix I</b> for details.
<i>Council will require kerb and gutter and half road construction in Lewis Street.</i>	Half road construction has been proposed.
<i>The development application will be referred to Transport for NSW even if no direct access to Horatio Street is proposed (refer to s2.119 and s2.122 of the SEPP Transport and Infrastructure 2021) - the development is a traffic generating development.</i>	Noted.
<i>An Acoustic Report will be required. The KFC development at 33-35 Horatio Street, Mudgee had issues with noise and as a result they moved the building to the centre of the site to increase distances to neighbouring residences whilst also requiring acoustic mitigation measures such as lapped and capped timber boundary fencing upgrades.</i>	An Acoustic report has been prepared by PKA Acoustic Consulting in support of the application. Refer to <b>Appendix J</b> for details.
<i>The stormwater design is to accommodate overland flooding within the road reserve and must not impact upon adjoining properties.</i>	The stormwater design will accommodate overland flooding and not cause any impact to adjoining properties. Refer to <b>Appendix R</b> for details.
<i>There are no MUSIC requirements for stormwater.</i>	Noted.
<i>It is recommended that the applicant email Council at council@midwestern.nsw.gov.au, attention to Development Engineering, and ask for minimum floor levels required in response to part of the site being affected by the PMF for overland flooding.</i>	ADW Johnson have undertaken ongoing consultation with Council in regards to flood levels. These have been applied accordingly. Refer to <b>Appendix O</b> for details.
<i>A Statement of Heritage Impact, prepared by a professional heritage consultant, will need to be submitted with the application as the site is located in the Mudgee Heritage Conservation Area and there is in the vicinity of Heritage Items under the LEP, being the Federal Hotel and single dwelling opposite the site in Horatio Street. It should also be noted that the row of single dwellings to the east of the site, including the adjoining vacant dwelling has been considered contributory to the Mudgee HCA by Councils Heritage Advisor.</i>	A Heritage Impact Assessment has been submitted by Barbara Hickson (Architect and Heritage Adviser). Refer to <b>Appendix K</b> for details.
<i>The pylon sign at the front of the property should be no higher than 7m, consistent with the existing McDonalds and approved KFC developments.</i>	The proposed pylon sign has a maximum height of 7m.
<i>Council's signage requirements discourage a proliferation of signage. Proposed banner signs were removed from the KFC proposal.</i>	Noted. None proposed.
<i>The carparking dimension for the parking spaces at the front of the site is shown as 4.9m. This should be amended to 5.4m.</i>	Carparking has been amended to comply.

<i>Council encourages good landscaping along the property frontages, particularly where we have significant hardstand for car parking. A detailed landscaping plan will be required to support the application and a wider landscape strip is encouraged along the Lewis and Horatio Street frontages.</i>	A detailed landscape plan has been submitted by ADW Johnson. Refer to <b>Appendix Q</b> for details.
<i>There is a labelling issue on the elevations provided. Please ensure the direction the elevation faces is correctly shown on the drawings submitted with the application.</i>	Noted.
<i>Where the cost of works is more than \$2 million, there is an LEP variation over 10% and / or there are more than 6 objections, the application will be referred to a Council Meeting for determination.</i>	Noted.
<i>Any development consent issued will include a condition for the payment of Section 7.12 contributions. The contribution amount will be 1% of the cost of development, where the cost of development is over \$200,000.</i>	Noted.
<i>Any development consent issued will include a condition for the payment of Sewer and Water Headworks contributions. It is estimated that the cost of these contributions will be approximately \$30,000.00 (based on a current floor area of 248m<sup>2</sup>).</i>	Noted.
<b>INFORMATION TO BE SUBMITTED WITH THE DEVELOPMENT APPLICATION</b>	
<b>Matter Raised</b>	<b>Matter Raised</b>
<i>A Statement of Environmental Effects (SoEE). This document should address the statutory requirements of section 4.15 of the EP&amp;A Act including a detailed assessment of the proposal against Council's LEP and DCP provisions. Any variations proposed from the DCP requirements will need to be supported by written justification in the SoEE and any clause 4.6 variation must be supported by a professionally prepared clause 4.6 justification report. It is expected that this document will be prepared by a town planning consultant</i>	Submitted.
<i>A site plan of the development, including cut and fill details, parking arrangements, loading and unloading area/s, drive thru facilities with swept paths shown, and works onsite proposed to support the development including tree removal, fencing and signage.</i>	Submitted.
<i>Floor plans of the development, including details of proposed fire safety measures, seating / serving arrangements, accessibility details, concept kitchen details including exhaust location/s, waste management location/s.</i>	Submitted.
<i>Elevations of the development including signage, schedule of colours and materials of the building and any additional screening measures proposed. The elevation plans for the Horatio and Lewis Street frontages should clearly show the changes to the streetscape proposed.</i>	Submitted.
<i>A letter from the owner of the property consenting to lodgement of the application. As the owner is a company, the letter should be on company letterhead and signed by two directors, a director and a secretary or a sole director. The positions of the signatories are to be clearly shown.</i>	Submitted.
<i>A Statement of Heritage Impact. This is a standalone document prepared by a professional Heritage Consultant.</i>	Submitted.
<i>Stormwater Management Plan, including full calculations for on-site detention.</i>	Submitted.
<i>A sediment and erosion control plan</i>	Submitted.
<i>A sewer and water servicing plan, including hydrants.</i>	Submitted.
<i>An Acoustic Report.</i>	Submitted.
<i>A Waste Management Plan.</i>	Submitted.
<i>A Landscape Plan.</i>	Submitted.
<i>A Traffic Assessment Report including traffic counts and detailing all road upgrades and new street signage.</i>	Submitted.

<p><i>A CPTED Assessment Report.</i></p>	<p>An assessment against the principles of Crime Prevention through Environmental Design has been provide within this Statement of Environmental Effects. Refer to <b>Section 5.1.15</b>.</p> <p>An additional specialist CPTED report is being prepared and will be submitted to Council for review, once finalised.</p>
<p><i>A Building Code of Australia Compliance Report.</i></p>	<p>The development has been designed to comply with the relevant provisions of the BCA. Additional details are to be submitted prior to the issue of a Construction Certificate.</p>
<p><i>A cost summary report, note: if the development exceeds \$3 million a quantity surveyors report will be required.</i></p>	<p>A cost summary report has been submitted (<b>Appendix G</b>).</p>



# Section 4

## Planning Controls



# 4 Planning Controls

## 4.1 Environmental Planning Instrument (S4.15C1(A)(I))

### 4.1.1 Mid-Western Regional Local Environment Plan 2012

#### 4.1.1.1 Zoning and Permissibility

The site and immediate surrounds are located within the SP3 Tourist zone as identified within *Mid-Western Regional Local Environmental Plan 2012* (see **Figure 4**). The area to the south and north of the site is identified as R3: Medium Density Residential, whilst land further south is identified as MU1: Mixed Use.

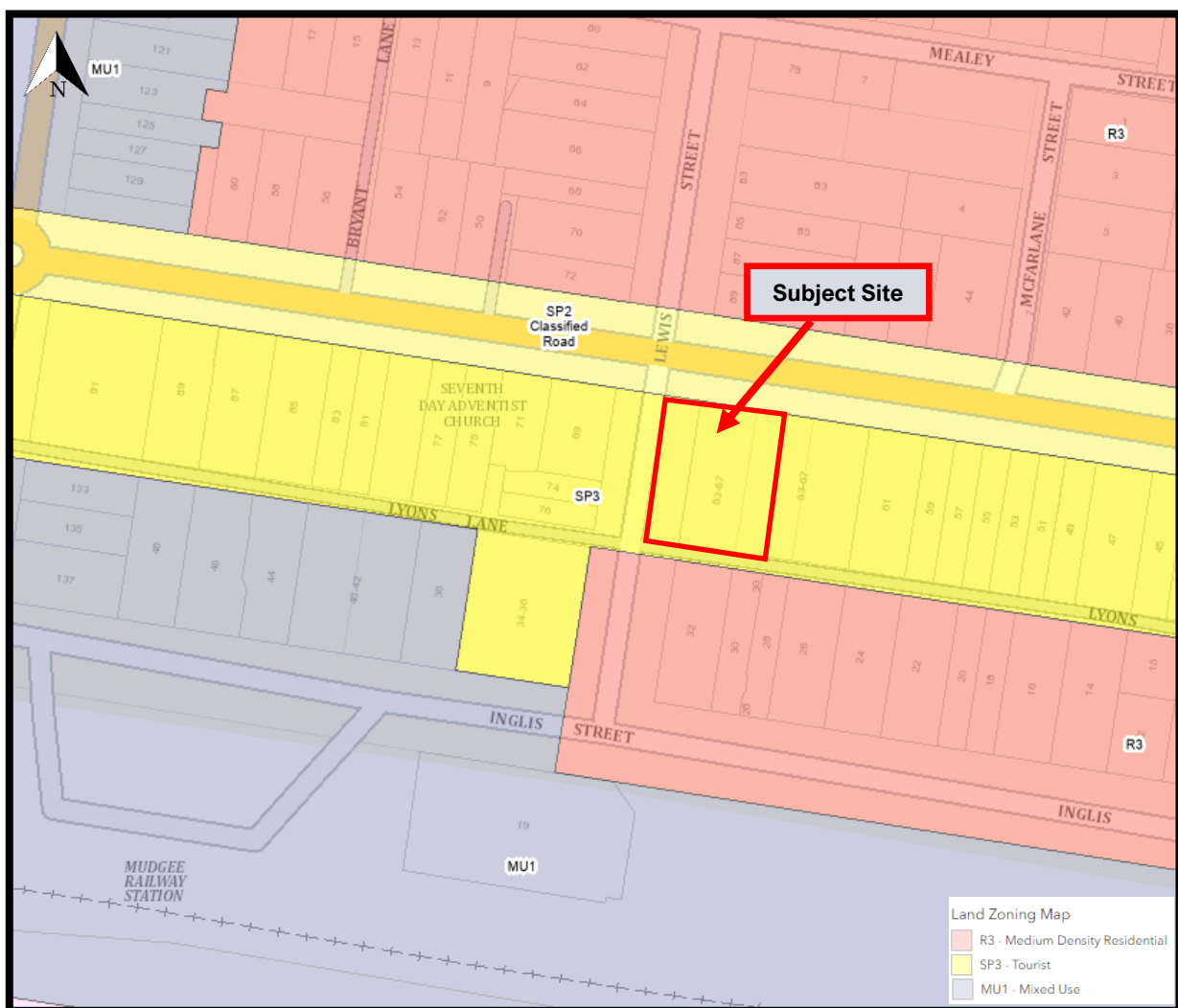


Figure 4: Zoning Map  
Source: E-planning Spatial Viewer

The proposed development is best defined as a *take away food and drink premise*, defined within *Mid-Western Regional Local Environmental Plan 2012* as:

**Take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

*Note— Take away food and drink premises are a type of food and drink premises—see the definition of that term in this Dictionary.*

'Take away food and drink premises' are not listed as prohibited in the SP3 zone and are therefore permissible with development consent pursuant to Clause 2.3 of the *MWLEP2012*.

#### **4.1.1.2 Land Use Table**

As noted, the site to be developed is zoned SP3: Tourist under *Mid-Western Regional Local Environmental Plan 2012*. The objective of the SP3 zone is as follows:

- To provide for a variety of tourist-oriented development and related uses

The proposal is for a retail land use that will generate growth within the local economy of the area. The Hungry Jack's restaurant will provide employment positions ranging from junior/entry level to management roles, and as such will contribute to the overall employment opportunities within the emerging locality. The Hungry Jacks development will provide a key service for the desired character of the tourist growth area. Hungry Jacks is a trusted and recognisable brand that tourists and locals alike can relate to and enjoy.

Taking the above into consideration, the proposed development is consistent with the objective of the SP3 Tourist zone

#### **4.1.1.3 Clause 4.3 Height of Buildings**

N/A – The subject site is not mapped as having a maximum height on the Height of Buildings Map.

#### **4.1.1.4 Clause 4.4 Floor Space Ratio**

N/A – The subject site is not identified as being subject to a maximum floor space ratio on the Floor Space Ratio Map.

#### **4.1.1.5 Clause 5.1 Relevant Acquisition Authority**

This clause operates to identify the authority of the State that is the relevant authority to acquire land reserved for public purposes. The site is not within land identified on the Land Reservation Acquisition Map

#### **4.1.1.6 Clause 5.10 Heritage Conservation**

##### European Heritage

The subject site is not identified as containing any European heritage items, although is identified within a heritage conservation area (see **Figure 5**). As such, the development is supported with a Statement of Heritage Impact, undertaken by Heritage Adviser, Barbara Hickson, dated 10 March 2025 (**Appendix K**).

The report notes that the site has long been vacant and used as a car park / informal car sales yard. The site comprises a few bushes and a tree, but generally, contains open grassland. As such, the proposed site does not presently contribute to the significance of the Mudgee Conservation Area.

In terms of impacts, the nearest heritage Item is the Federal Hotel, located on the corner of Inglis and Lewis Streets. Views to and from the building will be affected only minimally. The heritage listed hotel is not in sufficient proximity to the proposed new building to have an effect to the Hotel's heritage significance.

The proposed Hungry Jacks restaurant is an in-fill development and although signage and carparking are proposed, effects on Horatio Streetscapes will be low key and ameliorated by the intended landscaped boundary.

The report outlines that there are no unreasonable impacts associated with the development. A recommendation has been provided.

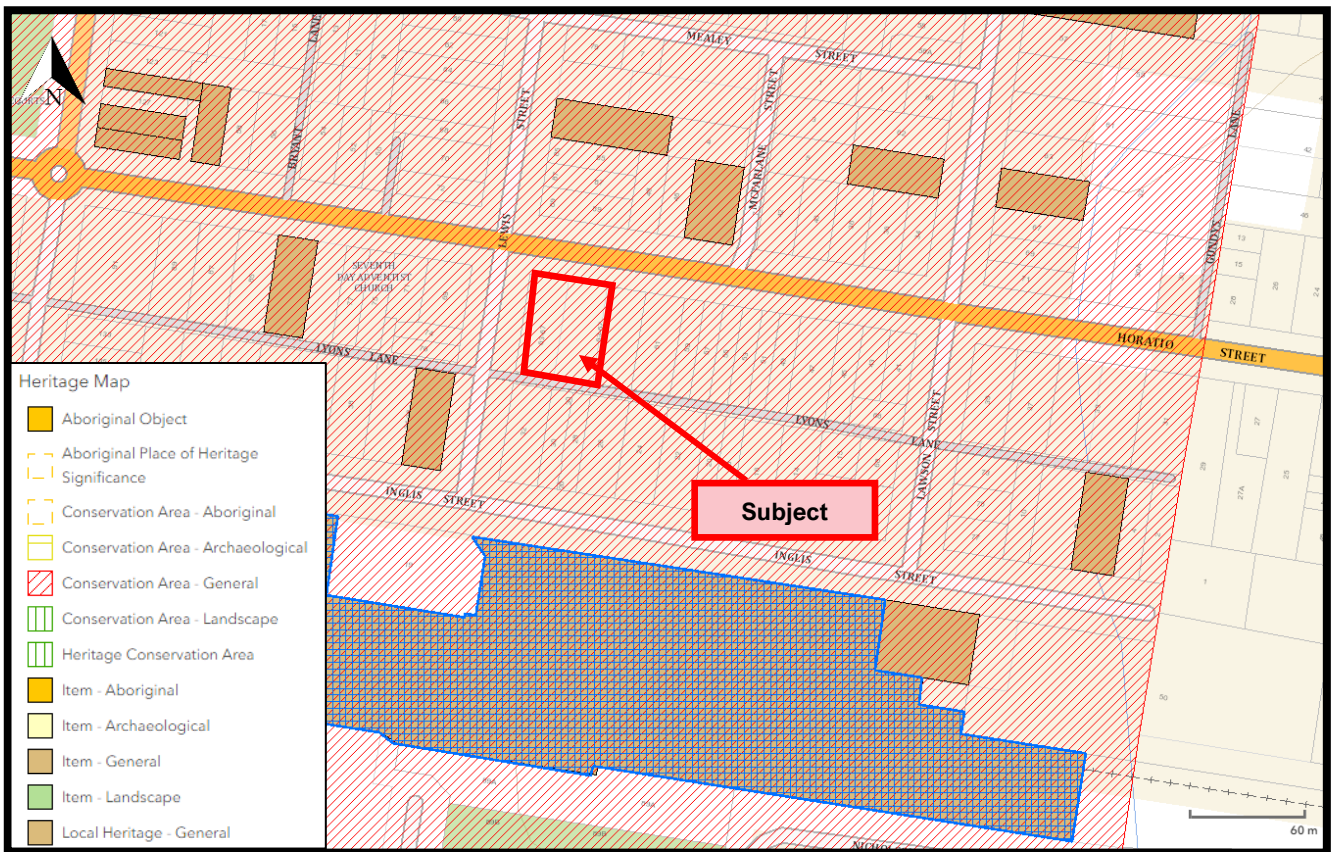


Figure 5: Heritage Map  
Source: E-planning Spatial Viewer

### Aboriginal Heritage

In terms of Aboriginal heritage, due to the disturbed nature of the site, the potential for impacts on Aboriginal objects are considered to be low. An Aboriginal Heritage Information Management System (AHIMS) basic search was undertaken, which did not identify any mapped items. As such, further consideration regarding Aboriginal heritage is not considered to be required.

A copy of the AHIMS Search has been provided in **Appendix L**.

### 4.1.1.7 Clause 5.21 – Flood Planning

The provisions of Clause 5.21 stipulate considerations that the consent authority must undertake when development is proposed within the flood planning area (FPA). **Figure 6** below shows that based off Councils flood mapping, the site is mapped as flood affected land, being impacted by the Probable Maximum Flood (PMF) extent as indicated by the light blue shading on the map.



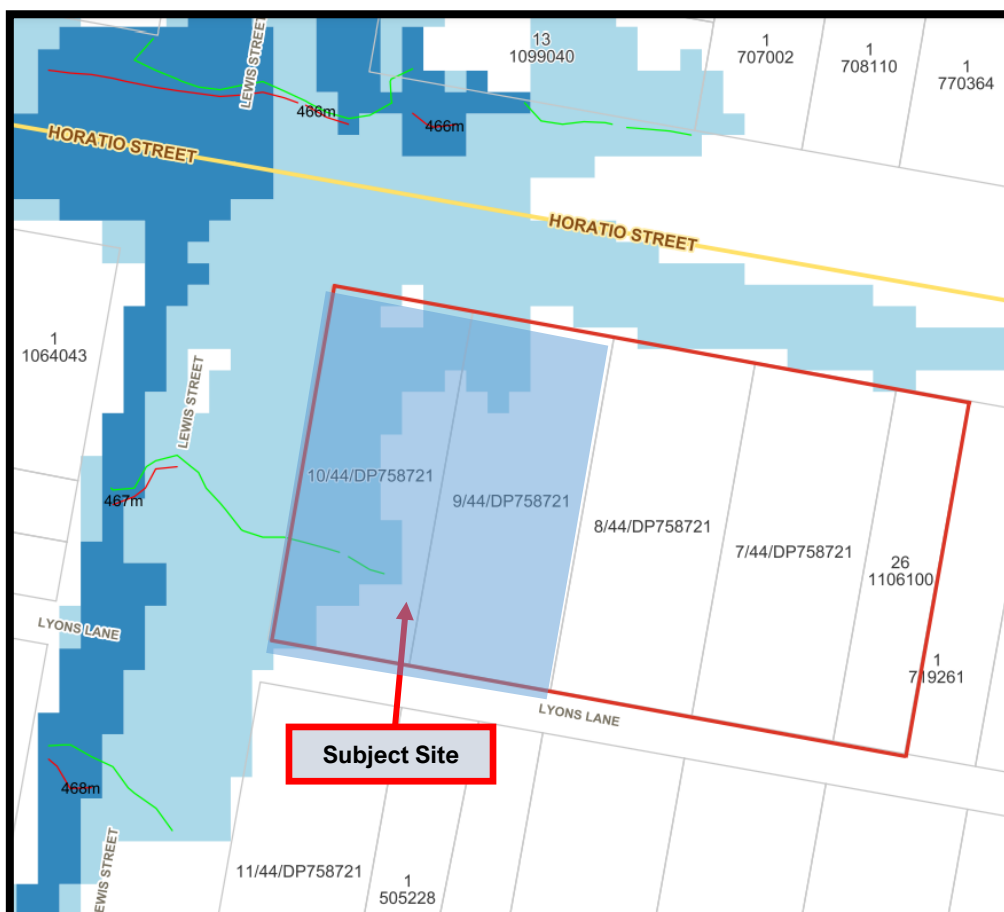


Figure 6: Flood Mapping  
Source: Mid-Western Regional Council (January 2025)

As such, the provisions of Clause 5.21 apply as follows:

- 2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
  - a. *is compatible with the flood function and behaviour on the land, and*
  - b. *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
  - c. *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
  - d. *incorporates appropriate measures to manage risk to life in the event of a flood, and*
  - e. *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*
  
- 3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
  - a. *the impact of the development on projected changes to flood behaviour as a result of climate change,*
  - b. *the intended design and scale of buildings resulting from the development,*
  - c. *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
  - d. *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Flood advice has been obtained from Mid-Western Regional Council for the subject site. The advice (and ongoing discussion (**Appendix O**)) outlines that the site is impacted by the Probable Maximum Flood (PMF) level and a minimum freeboard of 300mm above natural ground level of the site.

Whilst half road construction with kerb and gutter along Lewis Street will be provided, which will mitigate the majority of stormwater flows, the restaurant will remain 300mm above the mapped PMF event level of RL467.00m.

Therefore, with consideration to the Clause 5.21, the development will not adversely affect the flood behaviour or impact the flood environment. The development will not compromise the safe occupation and efficient evacuation of people during a flood event that reaches the PMF level. In this regard, the hazard category and depth are considered negligible for the proposed commercial development. The proposed development application considers and addresses flooding characteristics, requirements and potential impacts and provides appropriate design to manage risks. Council can be satisfied that the proposed development is consistent with the intent of this clause.

#### **4.1.1.8 Part 6.1 Salinity**

The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.

There have been no saline and sodic soils identified on the site. The works are of such that they are not anticipated to significantly increase the salt load in existing soils. However, should such soils be identified during the construction process, suitable measures to minimise soil erosion and siltation during construction will be undertaken in accordance with *Managing Urban Stormwater – Soils and Construction*. It is anticipated the council will apply a condition of consent to address potential Salinity.

#### **4.1.1.9 Clause 6.3 – Earthworks**

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The subject development application does not incorporate substantial earthworks. The site is relevantly level, and earthworks to be carried out (top level grading) is negligible.

Any associated works will not impact the amenity of the surrounding locality.

#### **4.1.1.10 Clause 6.4 – Groundwater Vulnerability**

The subject site is not within land that is identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map. Therefore, the provisions of the clause do not apply.

#### **4.1.1.11 Clause 6.5 – Terrestrial biodiversity**

The subject site is not within land that is identified as “Moderate Biodiversity Sensitivity” or “High Biodiversity Sensitivity” on the Sensitivity Biodiversity Map. Therefore, the provisions of the clause do not apply.

### **4.1.2 State Environmental Planning Policy (Transport and Infrastructure) 2021**

#### **Division 17 Roads and traffic**

Clause 2.122 outlines provisions for traffic-generating development. Types of development that are considered to be *traffic generating* and therefore require referral to Transport for NSW (TfNSW) are identified in Schedule 3 of *SEPP (Transport and Infrastructure) 2021*.

Schedule 3 declares that a *take away food and drink premises* with drive-through facilities (with access within 90m of connection to a classified road) is traffic-generating development.

As the site is within 90m the proposal is traffic-generating development and thereby it is expected that a referral will be undertaken to Transport for New South Wales.

### 4.1.3 State Environmental Planning Policy (Planning Systems) 2021

#### Chapter 2 – State and Regional Development

The proposed development does not constitute State or Regionally Significant Development under this SEPP and hence, the provisions relating to same are not applicable.

The proposed development does not have a value of over \$30 million under Schedule 6 of the SEPP. As such, the proposal does not require the Joint Regional Planning Panel to become the consent authority.

### 4.1.4 State Environmental Planning Policy (Resilience & Hazards) 2021

#### Chapter 2 – Coastal Management

No part of the site is mapped as being within a coastal management area, and therefore consideration against the provisions of this Chapter does not apply.

#### Chapter 4 – Remediation of Land

Chapter 4 of the SEPP aims to provide a Statewide planning approach to the remediation of contaminated land.

Clause 4.6 *Contamination and remediation to be considered in determining development application* stipulates matters that the consent authority must consider prior to granting consent as follows:

- (1) *A consent authority must not consent to the carrying out of any development on land unless—*
  - (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site has remained relatively underdeveloped and dormant for a period amount of time. The site comprises a few bushes, but generally contains open grassland. The previous use on the site was a single residential dwelling. The site has not contained a hazardous form of development that has notably compromised or contaminated the land. There are no noted fill deposits on site and no evidence of Asbestos has been observed. A search of the *NSW Environmental Protection Authority (EPA) list of notified sites* has been reviewed, and the subject site is not identified as a noted contaminated site. An extract of the list is provided within **Appendix M**. The land is considered suitable for the purposes of the commercial development.

### 4.1.5 State Environmental Planning Policy (Industry & Employment) 2021

#### Chapter 3 – Advertising and Signage

Chapter 3 of this SEPP aims to ensure signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high-quality design and finish. It also aims to regulate signage, provide time-limited consents for certain advertisements, regulate the display of signage in transport corridors, and ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

*This chapter aims –*

- a. *To ensure signage:*
  - i. *is compatible with the desired amenity and visual character of an area, and*
  - ii. *provides effective communication in suitable locations, and*
  - iii. *is of high-quality design and finish*
- b. *to regulate signage (but not content) under Part 4 of the Act, and*
- c. *to provide time-limited consents for the display of certain advertisements, and*
- d. *to regulate the display of advertisements in transport corridors, and*

e. to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

Subclause (a) of Section 3.6 *Granting of consent to signage* requires the consent authority to be satisfied that the proposal is consistent with the aims and objectives of the policy as specified in Section 3.1(1)(a), which states:

(1) *This Chapter aims—*

- a. to ensure that signage (including advertising):
  - i. is compatible with the desired amenity and visual character of an area, and
  - ii. provides effective communication in suitable locations, and
  - iii. is of high quality design and finish, and
- b. to regulate signage (but not content) under Part 4 of the Act, and
- c. to provide time-limited consents for the display of certain advertisements, and
- d. to regulate the display of advertisements in transport corridors, and
- e. to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

The proposed signage is consistent with the aims and objectives above, noting the following:

- The proposed signage is compatible with the desired character of the area, noting the tourist zone it is located within, and similarity to the signage of surrounding comparable development;
- The proposed signage does not compromise advertising opportunities of nearby development, nor does it impact any transport corridors; and
- The proposed signage will result in public benefit through effective business identification that is consistent with the desired character of the tourist zoning and the broader locality.

Subclause (b) of Section 3.6 also requires a consent authority to consider the assessment criteria within Schedule 5. A compliance table addressing the provision of Schedule 5 in relation to the proposed signage is provided in **Appendix T**.

Division 3, Section 3.15 specifies assessment criteria for *Advertisements with display area greater than 20 square metres or higher than 8 metres above ground*. However, as the proposed pylon sign is 7m in height, and there is no single sign with an area of more than 20 square metres that is proposed, this section is not applicable.

It is also noted, that despite being within 250m of a classified road, as Section 3.15 does not apply, the referral criteria under Section 3.16 is not applicable either.

As the assessment identifies the proposed signage is consistent with the SEPP aims and requirements.

#### **4.1.6 State Environmental Planning Policy (Sustainable Buildings) 2022**

The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings, monitor the embodied emissions of materials used in the construction of buildings, and generally oversee sustainable development in terms of both residential and non-residential development.

Chapter 3 applies as follows:

- (1) *This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—*
  - (a) *the erection of a new building, if the development has an estimated development cost of \$5 million or more, or*
  - (b) *alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more*

The proposed development involves the erection of a new building, but does not have an estimated development cost of \$5 million or more. As such, the provisions of this Chapter do not apply.

## **4.2 Draft Environmental Planning Instruments (S4.15(1)(A)(II))**

There are no draft environmental planning instruments that would impact the proposed.

## 4.3 The Mid-Western Regional Development Control Plan (DCP) 2013 (S4.15(1)(A)(III))

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The proposed development has been assessed against the relevant requirements of the *Mid-Western Regional Development Control Plan 2013* (MWRDCP2013). This assessment has been attached as **Appendix S**.

The assessment concludes that the proposed development is compliant with provisions of the MWRDCP2013, with an exception to the minimum carparking requirements for *Restaurants or cafes or Take away food and drink premises*.

In this regard, a variation has been requested.

### Non-Compliance – Variation Request

#### The Mid-Western Regional Development Control Plan (DCP) 2013 – Part 5 – Development Standards

##### Part 5.1 Car Parking

The proposed development is for the construction and use of a food and drink premise with drive through facilities (Hungry Jacks) at 63 Horatio Street, Mudgee. The subject site is zoned SP3 Tourist under *Mid-Western Regional Local Environmental Plan 2012*.

The clause reads as follows:

##### Restaurants or Cafes or Take Away Food and Drink Premises

- 1 space per 7 m<sup>2</sup> gfa or 1 space per 3 seats whichever is the greater
- 1 space per 4m<sup>2</sup> for licensed floor including outdoor seating or dining

##### Drive thru food service

- 10 spaces, either in queue or as normal parking

The proposed development has a total gross floor area of 248m<sup>2</sup> and has capacity for 40 seats. This results in a carparking requirement of 36 spaces (gfa) or 14 spaces (seats) under the DCP. 10 additional spaces are required for the drive thru food service, requiring a total minimum parking area of 46 spaces.

##### Comment

The proposed development incorporates a shortfall of 10 parking spaces as recommended to be provided in accordance with the car parking rates under the *Mid-Western Regional Council Development Control Plan 2013*. This parking shortfall results in a 27.7% variation to the car parking requirements for a take-away food and drink premise.

However, a surplus of drive through parking is provided with 14 cars able to be accommodated rather than the required 10. In this regard, as a total of 40 vehicles can be accommodated on the site, there is a total shortfall of parking for the proposed premise of 6 spaces, or 16.7%

Section 5.1 of the Mid-Western Regional Development Control Plan states the following in relation to a reduction of car parking again the requirements of the DCP:

*“Where site conditions warrant, Council may vary the above standards by up to 10% provided the applicant lodges a formal objection, including reasons, against the subject standard. This is likely to require a car parking and/or traffic impact assessment as means of justification for the variation”.*

Whilst the numerical non-compliance falls just outside of this concession, the provided carparking and associated development is considered acceptable and warrants support. The following comments have been provided for Council’s consideration:

## 1. Compliance with The Central West and Orana Regional Plan 2041

The development is consistent with the *Central West and Orana Regional Plan 2041*. The plan was endorsed on December 2022 and outlines the visions, goals and actions that are geared towards facilitating this growth in a sustainable way by adapting to future challenges posed by changes in climate, housing markets and the economy.

The development will deliver positive social and economic infrastructure to the area that is identified and encouraged within the regional plan. Part 5: Local government priorities, specifically relates to the development as follows:

- *providing infrastructure and services to cater for the current and future needs of our community*
- *supporting the attraction and retention of a diverse range of businesses and industries*

Compliance with the car parking arrangement would be onerous noting the wider benefits the proposed development will bring to the township of Mudgee. Compromising the design of the development to comply with the control, would result in a poor outcome. The development is benefitted through supporting documentation that ensures local amenity and associated impacts are mitigated accordingly. Landscaping and acoustic fencing are part of the measures that will be implemented to ensure the development is appropriate of the location. Furthermore, upgrades to the local infrastructure forms part of the subject works including half road construction.

Therefore, the development complies with the objectives of the regional plan, by introducing the trusted commerce brand of Hungry Jacks into the township of Mudgee. The development will improve economic investment on a regional scale, whilst also improving local infrastructure for residents.

## 2. The Hills Local Environment Plan 2019 Objectives

The development is consistent with the zoning objectives of the SP3 Tourist zone as outlined within *Mid-Western Regional Local Environmental Plan 2012*. In relation to the car parking non-compliance, the objective and response is listed as follows:

*To provide for a variety of tourist-oriented development and related uses*

The Hungry Jack's restaurant will generate growth within the local economy of the area and provide employment positions ranging from junior/entry level to management roles. The location of the site is on Horatio Street/Castlereagh Highway which is the principal access route through the township of Mudgee. This location promotes short visits to the site, which is accommodated through the drive thru surplus parking, allowing for tourists to access the site, order meals, and continue their journey along the Castlereagh Highway. The minor shortfall in parking is considered negligible in terms of impacts, as the objective of the zone is to promote tourist orientated development and related uses. The Hungry Jacks restaurant is a tourist related use that will provide a service to locals and tourists alike. Several amenity impact mitigation measures have been included within the site, such as landscaping and acoustic controls, ensuring the development also caters for local impacts and concerns. As such, the development is considered consistent with the objectives of the SP3: Tourist zoning.

## 3. Supporting Documentation – Transport Impact Assessment

The proposed development is supported by a Transport Impact Assessment undertaken by One Mile Grid Pty Ltd, dated 3 March 2025 and is available within **Appendix I**, for Council's review.

The report provides a full assessment into the existing conditions of the site, immediate road network and available public transport. The report also demonstrates the development will comply with Section 4.5 of the *Mid-Western Regional Development Control Plan, Commercial development traffic and access design requirements* (refer to table 4 within **Appendix I**).

In regards to the DCP car parking non-compliance, the One Mile Grid report references the recently published New South Wales Roads and Traffic Authority (now Transport for NSW) document "Guide to Transport Impact Assessment" dated 2024, which aims to assist with the assessment and preparation of development applications. Based on the parking rates for the land use 'Food and drink premises: Developments with on-site seating and drive-through facilities', a **total of 20 parking spaces are required for the proposed development**. The report outlines that this parking rate is generally consistent with a number of similar recognised car parking rates for convenience restaurants and take-away premises.

## **Final Comment**

The proposed provision of 40 on-site parking spaces (including the 14 drive thru spaces) is anticipated to comfortably accommodate the projected parking demand generated by the proposed convenience restaurant. There is no anticipated impact to the surrounding road network or adjoining properties that cannot be mitigated through design improvements, such as the proposed landscaping and acoustic barriers. Therefore, the development is considered to be consistent with the objectives of the regional and local planning provisions and can be assessed on the positive merits of the proposal.

## **4.4 Planning Agreements (S4.15C1(A)(IIIA)) and Contributions Plans**

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### **4.3.1 Local Infrastructure Contribution**

It is understood that a condition of consent will be applied to the development potentially requiring the payment of contributions in accordance with the any applicable Local Infrastructure Plan prior to the release of the Construction Certificate.

## **4.5 Integrated Development**

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Pursuant to Section 4.46 of the EP&A Act 1979, that proposal is not integrated development.



# Section 5 Environmental Controls





# 5 Environmental Controls

## 5.1 The Likely Impacts of Development (S4.15C(1)(B))

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### 5.1.1 Context & Setting

Mudgee is the principal town located within the Mid-Western region, identified as a significant growth area as identified within the *Central West and Orana Regional Plan 2041*. The vision for Mudgee is to maintain its economic significance and to continue being at the heart of connectivity and the regional economy in NSW. The proposed development is consistent with this vision for the township of Mudgee and the surrounding region.

The proposed development will create a fast-food restaurant that would create a local hub for residents and connect to the desired urbanisation of the local area. The height, bulk, and scale of the proposed development is considered appropriate for the location, and compatible with the existing comparable development and desired future character of the area. The proposal is of a form of development which achieves the relevant objectives of the SP3 Tourist zone, whilst remaining sympathetic to the nearby residential area.

As such, the context and setting of the site and its surrounds are considered to be entirely suitable for the proposed development.

### 5.1.2 Access, Transport & Traffic

There are no adverse impacts from the proposed development to the immediate transport network or the surrounding locality.

Access to the site is provided along the western boundary of the site via Lewis Street in the form of a two-way crossover approximately 24m south of the intersection at Horatio Street. Ingress and egress will be provided via a sealed driveway. No access is proposed from Horatio Street to the north or Lyons Lane to the south

In terms of public transport, although it is expected that most patrons will arrive via private vehicles, the site is in proximity to the 560 and 562 bus services.

The proposed development incorporates 26 on-site car parking spaces, including one accessible parking space to service the proposed development. The proposed car parking widths have been designed to comply with AS2890 and will have dimensions of 2.5m x 5.5m.

A Transport Impact Assessment has been prepared by Onemilegrid and is enclosed as **Appendix I**. The report concludes that demand from the new development is negligible in terms of impacts to the site and surrounding network. The report outlines the proposed off-street parking arrangements is capable of meeting the anticipated demand for the premise, and complies with the recently published New South Wales Roads and Traffic Authority (now Transport for NSW) document "Guide to Transport Impact Assessment" dated 2024.

The Traffic Impact Assessment report concludes that demand from the new development is negligible in terms of impacts to the site and surrounding network. The intersection of Horatio Street and LEWIS Street will continue to operation under excellent conditions.

### 5.1.3 Public Domain

The proposed development will establish a fast-food restaurant within an area specifically identified for tourist-oriented development and related uses.

The premise will contribute to the immediate growth of the area, and provide a service to the adjoining land which includes residential areas. The site also has frontage to Horatio Street (Castlereagh Highway) and as such, will provide a greater choice of food to patrons passing through.

The building is of high-quality built form and is visually complementary to the desired growth and character of the area.

The proposed development is therefore considered to have a positive impact on the public domain, contributing to the emerging urban area through the provision of varied development.

#### **5.1.4 Utilities**

The site has existing connections to appropriate utility services available; and services will be extended to ensure the development will continue to be suitably connected to such services upon completion.

#### **5.1.5 Stormwater, Drainage & Water Quality**

Details pertaining to stormwater management are included within the Concept Civil Engineering plans located within **Appendix R**.

#### **5.1.6 Erosion & Sediment Control**

An Erosion and Sediment Control plan is located within **Appendix R** and appropriately outlines the mechanisms and controls that will be implemented during the construction phase of the project.

#### **5.1.7 Flora & Fauna**

The site is not mapped as containing any biodiversity values as per the Biodiversity Values Map and Threshold Tool.

The subject site is currently clear of significant vegetation. No unreasonable impacts to flora and fauna are therefore anticipated as a result of the development.

#### **5.1.8 Heritage**

As discussed within **Section 4.1.1.6** of this Statement, the site is not known to contain any Aboriginal or European heritage items, although the site is mapped as being within a heritage conservation area. The nearest heritage Item is the Federal Hotel; however, it is not in sufficient proximity to the proposed new building to have an effect to the Hotel's heritage significance. As such, with respect to Aboriginal and European heritage no adverse impacts are expected as a result of the proposal.

#### **5.1.9 Natural Hazards**

##### **Bushfire**

As in accordance with the NSW Planning Portal mapping, the site is not classified as bushfire prone land. The nearest impacted area is approximately 2,100m to the southwest of the site.

##### **Mine Subsidence**

The subject site is not located within a Mine Subsidence District.

##### **Flooding**

As outlined in **Section 4.1.1.7** of this SEE, the site is impacted by flooding. However, with improvements to the on-street infrastructure along Lewis Street, stormwater flows will be sufficiently mitigated and the restaurant will remain 300mm above the mapped PMF event as recommended by Council.

### 5.1.10 Noise & Vibration

Demolition and construction will be required as part of the works required during the development process which potentially may impact the acoustic amenity of the area for a short timeframe. Any construction noise and work times will be managed appropriately on site to ensure visitors and surrounding neighbours are not adversely impacted; and can be appropriately conditioned as part of the DA consent to manage and monitor any impacts in this regard.

The development is supported by an acoustic report, undertaken by PKA Consultants (**Appendix J**). The report includes a substantial assessment of the proposed development and impacts to nearby receivers within proximity to the site. The report outlines that the development will comply with the relevant acoustic requirements of Mid-Western Regional Council, along with the *NSW EPA Noise Policy for Industry*. The report contains suitable mitigation measures and recommendations to reduce impacts to adjoining properties during the operation of the facility.

### 5.1.11 Social & Economic Impact

As identified within the *Central West and Orana Regional Plan 2041*, Mudgee is experiencing a significant transformation in growth and local character development. Particularly sought after by families for the lifestyle opportunities, the township of Mudgee and the surrounding region continues to maintain its stance as being at the heart of connectivity and the regional economy in NSW. With this growth spread across the town, the overall social change occurring within the area is significant.

New businesses continue to open their doors in the Region to meet local needs and economic growth across all sectors of the local economy. There is strong interest locally in innovation and entrepreneurial activities for existing and new investors. This interest will help attract other likeminded individuals and businesses in the future.

Against this context, the social impacts of the proposal have been assessed using the Department's Social Impact Assessment (SIA) Guideline as outlined in **Table 1**. Levels of impact have been assessed using the Department's Guidelines which are: *minor, standard, detailed and not relevant*.

Table 2: Social Impact Assessment

Category	Level of Impact	Comment
<p><b>Way of life</b> Including how people live, how they get around, how they work, how they play, and how they interact each day.</p>	Minor	<p>The vision for Mudgee is to continue positive growth to ensure the economic viability of the regional town continues.</p> <p>Compliant with the Local Environment Plan zoning objectives of a tourist area, the proposal will positively contribute to the future development and opportunities within the community.</p> <p>The proposal does not compromise the capacity of the transport network, creates more opportunities for work, and enhances the opportunity for interaction by providing a space to share a meal and connect with others.</p>
<p><b>Community</b> Including composition, cohesion, character, how the community functions, resilience and people's sense of place.</p>	Standard	<p>Through the establishment of a modern building, consistent with the desired future character of the tourist zoning, the proposal will directly contribute to the evolving character of the area. This will help contribute to an enhanced sense of place for existing and future residents within the locality, and visitors travelling through Mudgee.</p> <p>Although the proposal will not have any direct impact on population growth, it will provide an additional food service to support the locality's existing population and projected growth.</p>

Category	Level of Impact	Comment
<p><b>Accessibility</b> Including how people access and use infrastructure, services, and facilities, whether provided by a public, private or not-for-profit organisation</p>	Minor	<p>The proposed development is situated directly on the main throughfare of Mudgee, that of the Castlereagh Highway (Horatio Street). In this way, the development is proposed within a highly accessible location and does not produce any significant access inequalities.</p> <p>Furthermore, during the construction phase works will be generally contained within the site and will not impede any external access within the area.</p>
<p><b>Culture</b> Both Aboriginal and non-Aboriginal, including shared beliefs, customs, practices, obligations, values and stories and connections to Country, land, waterways, places and buildings</p>	Minor	<p>Given the existing site context, the proposal is not likely to produce any adverse impact on the culture of the area whether Aboriginal culture or non-Indigenous culture.</p>
<p><b>Health and Wellbeing</b> Including physical and mental health especially for people vulnerable to social exclusion or substantial change, psychological stress resulting from financial or other pressures, access to open space and effects on public health</p>	Standard	<p>The proposal will increase the availability of fast-food in the locality.</p> <p>In terms of health, fast-food restaurants provide a range of food options that consumers can choose to purchase. With nutritional information available for all products sold at Hungry Jack's restaurants, consumers are equipped with the necessary information to make appropriate food choices for themselves and their families.</p> <p>Hungry Jack's also provides a large plant-based and vegan food menu which supports wider food choices for consumers with specific dietary requirements or preferences.</p> <p>During the construction phase of development, dust, and noise emissions may result in short-term, minor impacts on surrounding properties.</p>
<p><b>Surroundings</b> Including ecosystem services such as shade, pollution control, erosion control, public safety and security, access to and use of the natural and built environment and aesthetic value and amenity</p>	Minor	<p>The development does not compromise access to the use of the natural and built environment, and will have positive long-term benefits on the surroundings.</p> <p>As the site is currently vacant and not maintained, the proposed landscaping and dedicated maintenance, will improve the aesthetic value and amenity of the site and surrounding areas.</p> <p>Any pollution from construction and ongoing operations is to be appropriately managed as outlined in the Waste Management Plan (<b>Appendix F</b>).</p> <p>Regarding public safety and security, as discussed in <b>Section 5.1.15</b> of this SEE, public safety and security have been prioritised by employing Crime Prevention Through Environmental Design (CPTED) principles.</p>
<p><b>Livelihoods</b> Including people's capacity to sustain themselves through employment or business</p>	Standard	<p>The establishment of a food and drink premises will contribute to the evolution of the town and provide increased employment opportunities and additional commerce options.</p> <p>As such, the proposal will produce cumulative positive impacts through greater employment opportunities and the development of the town.</p>

<p><b>Decision-making systems</b> Including the extent to which people can have a say in decision that affect their lives and have access to complaint, remedy and grievance mechanism.</p>	<p>Minor</p>	<p>This SEE and associated consultant reports provide a holistic assessment of the development. Consequently, any development impacts can be managed and minimised following conditions of consent and any recommendations of reports.</p> <p>Hungry Jack’s management will be available at all times to deal with any customer grievances as they arise in relation to the operation of the fast-food restaurant. As a first point of contact, front-of-house staff are trained to remedy customer complaints. For the escalation of grievances, a hierarchal system of management is in place to appropriately deal with and remedy complaints.</p>
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**5.1.12 Landscaping**

The landscaping proposed as part of this development and a copy of the landscape plans is provided within **Appendix Q**. The proposed landscaping is sympathetic to both the proposed development and the desired character of the area. The landscaping proposed is well-designed, and effectively softens the development, as well as providing appropriate screening.

**5.1.13 Waste**

A Litter and Waste Management Plan has been prepared for the proposed development and is included in **Appendix F**.

This plan outlines waste management measures both for the construction, and ongoing operations of the proposed development. The maximisation of recycling and re use of materials will be encouraged on site where possible.

The proposal includes appropriate storage areas for the type and volume of waste the premises will generate, and suitable collection arrangements have been indicated. Further details of waste storage areas are indicated on Architectural Plans with **Appendix A**.

**5.1.14 Odour**

The development is not expected to adversely impact upon air quality or microclimatic conditions. A mechanical exhaust system in accordance with the relevant Australian Standards will be suitably installed with a certificate of compliance provided to the appointed principal certifier to assist in ensuring concerns are mitigated.

**5.1.15 Safety, Security & Crime Prevention**

The proposed take away food and drink premises has been designed in such a way that ensures a high level of safety and security is afforded to future staff and patrons.

The following provides a detailed assessment of the Crime Prevention through Environmental Design (CPTED) principles implemented within the proposal. CPTED is a ‘crime prevention strategy that reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients (law, offender, victim or target, opportunity).

**Territorial Re-Enforcement**

“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.”

The design is simple and effective and clearly identifies where patrons can undertake certain activities and where they cannot. Internal signage, plans of management, and identification markers onsite, help to further identify suitable locations for certain activities. Pathways are used to direct pedestrians safely through the car park. These areas are further distinguished to motorists through signage and speed bumps.

The loading bay contains a roller door to indicate this area is inaccessible to the public. To further reinforce territorial cues, rubbish is to be promptly removed from the site. It is expected that these measures will promote strong ownership and maintenance of space.

## **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.”

The proposed development has been provided with an Anti-Social Behaviour Plan (**Appendix F**) to increase security and surveillance and in turn minimise antisocial behaviour. Large glass windows are incorporated within much of the building exterior that faces the street and the car park to encourage natural surveillance. To reduce any hidden areas where crime could persist, the internal layout of the restaurant is designed to be open plan with seating orientated in such a manner that allows for patrons and staff to undertake natural surveillance. The restaurant, drive thru and car park are expected to be well-lit to encourage the safety and visual perceptibility of patrols at all hours of the day and night.

The premises will be fitted with panic alarms as well as security surveillance operating 24/7. At a minimum, the surveillance system will have a CCTV system with 30 days recording memory. This system will operate as a deterrent for crime, and enhance staff and customer safety.

## **Access Control**

“Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development.”

The proposed development includes suitable access control treatments. The proposal includes one vehicular and one pedestrian entry and exit point which are clearly signposted as such and further distinguished through landscaping. The internal carpark and drive thru lanes will be clearly signposted and have a clear layout to reduce driver decision making that could lead to situations of road use conflict. Overall, the path of travel throughout the development is clear and distinguishes where people and vehicles can and cannot travel.

## **Space/Activity Management**

“Space management involves the formal supervision, control and care of the development.”

The Hungry Jack's management team will ensure ongoing activity is monitored and managed within the premises. This includes the following operation measures:

- Hungry Jack's reserves the right to refuse service to any customer not behaving in an acceptable manner;
- The police are to be called if a situation escalates;
- Graffiti is to be removed within 24 hours of it being reported;
- Surveillance systems can be viewed as required;
- Managers are to conduct travel paths every 60 minutes; and
- Proper cleanliness of the premises will be maintained.

As per the above assessment, the proposed development has been designed in such a way that encourages safety and security and has considered the key CPTED principles for future users of the site.

## **5.2 The Suitability of the Site for the Development (S4.15C(1)(C))**

The site is suitable for the use as a food and drink premise. In this regard, the development is consistent with the objectives SP3 Tourist zoning as detailed under *Mid-Western Local Environment Plan 2012*.

The site is centrally located to service both commuters and residents due to its proximity to Horatio Street/Castlereagh Highway. Further to this, the site has been generally cleared for a substantial period of time, used as an informal car storage/sale by the community. The development will provide for a practical and modern use that will improve the aesthetics to the local area and to commuters travelling through Mudgee.

Overall, the proposal is consistent with the existing and desired future character of the area and produces no prejudice to future development of the area.

### **5.3 Any Submissions made in Accordance with the Act (S4.15C(1)(D))**

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Council will consider whether the proposed development requires notification in accordance with the City Council Community Participation Plan (October 2019). Any submissions will be considered within the assessment of the proposal.

### **5.4 The Public Interest (S4.15C(1)(E))**

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The proposed works are within the public interest and do not result in any conflicts with the perceived broader public interest. The proposed development is permissible within the zone and is compliant with the legislated development standards and associated development controls.

The construction of the take away food and drink premises will provide increased local employment opportunities and food service facilities to the developing town and local area. The proposal will also contribute to the broader community and commuters travelling through Mudgee by encouraging development along the primary access to the town on Horatio Street, accessed from the Castlereagh Highway.

The proposed development is therefore considered to be in the public interest through the establishment of a modern take away food and drink premises, that is consistent with the character of the broader area, and will result in positive social and economic impacts.

# Section 6 Conclusion





# 6 Conclusion

The proposed development seeks development consent for a take away food and drink premises. The proposal includes the use, erection and fit-out of a structure to be utilised as a Hungry Jack's restaurant, in addition to an on-site car park, signage, civil site works, and landscaping.

As described throughout this SEE and its appendices, the proposed development is unlikely to result in any significant or adverse impacts. The proposal is compliant with the relevant aims and objectives of the *Mid-Western Local Environment Plan 2012 and Mid-Western Regional Development Control Plan 2013*, with the exception of onsite parking. The proposal is also compliant with all relevant provisions of the SEPP (Industry and Employment) 2021 and achieves compliance with the recently published New South Wales Roads and Traffic Authority (now Transport for NSW) document "Guide to Transport Impact Assessment".

The proposed development does not introduce any conflicts in relation to surrounding land uses, or any predominant environmental concerns. The proposed development is consistent with the objectives of the SP3 zone, and is representative of the desired outcomes for the broader area in which it is located. As such, when considered holistically, the development is suitable for the site.

Taking the above and the contents of this SEE into consideration, the proposal addresses all relevant matters of Section 4.15 of the EP&A Act and on this basis, it is requested that Council grant development consent to the application.



# Appendix A

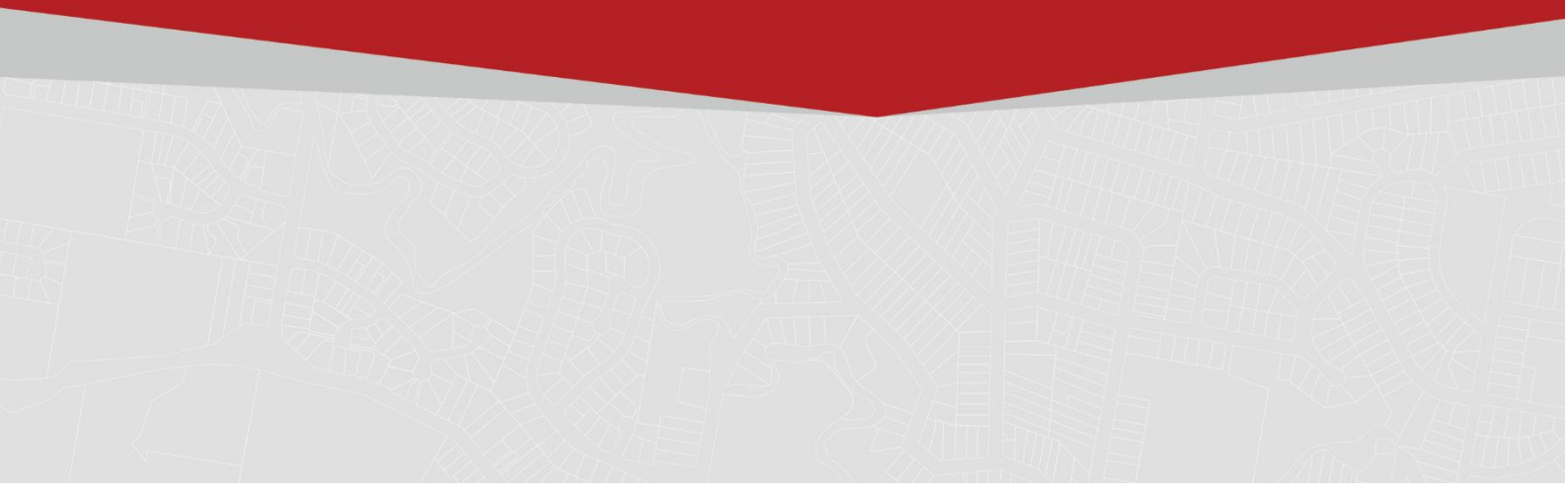
## Architectural Plan Set





# Appendix B

## Crown Plan



# Appendix C

NSW Title





# Appendix D

## Deposited Plan





# Appendix E

Signed Owners Consent





# Appendix F

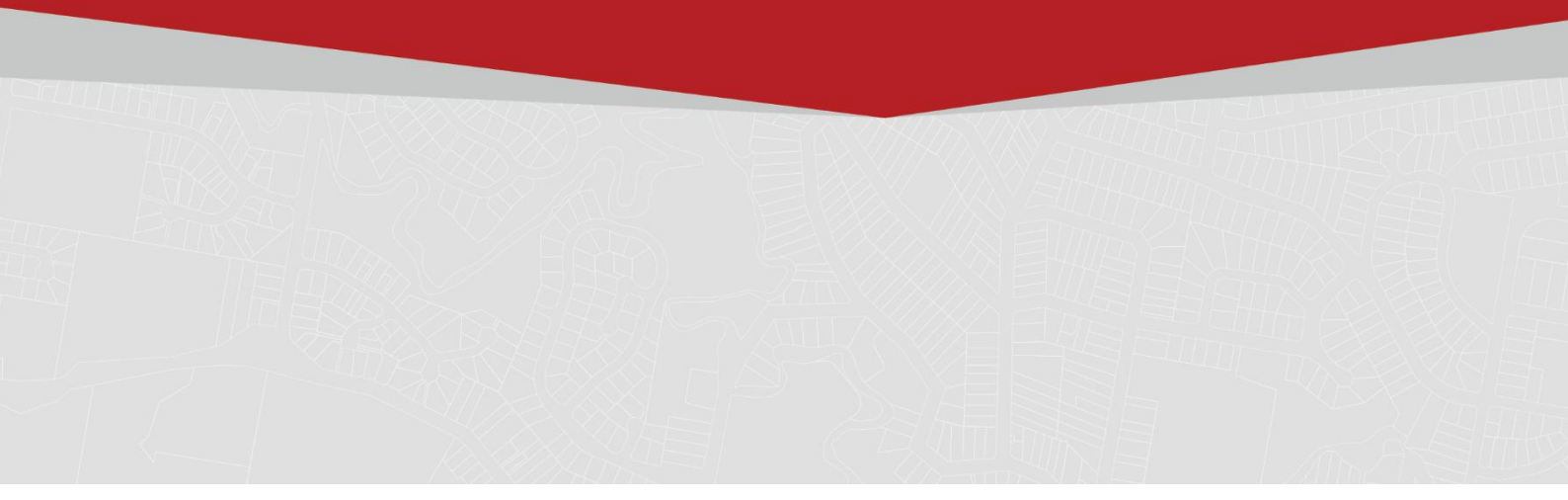
Operational and Waste  
Management Plan





# Appendix G

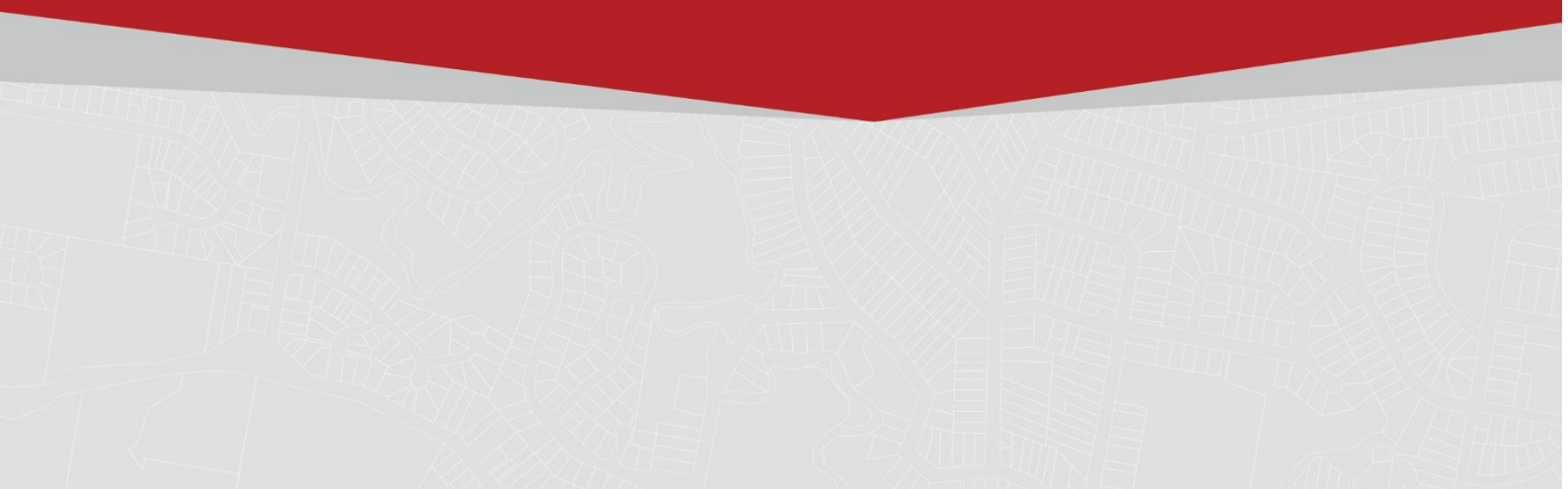
## Cost Summary





# Appendix H

## Site Survey





# Appendix I

## Transport Impact Assessment





# Appendix J

## Acoustic Report



# Appendix K

## Statement of Heritage Impact





# Appendix L

AHIMS





# Appendix M

NSW EPA List of Notified Sites



# Appendix N

TfNSW Correspondence



# Appendix O

Council Flooding Advice







# Appendix P

## Pre-Lodgement Meeting Minutes





# Appendix Q

## Landscape Plan





# Appendix R

## Concept Engineering Plans





# Appendix S

## DCP Compliance Table





# Appendix T

SEPP 2021 Assessment

