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STATEMENT OF ENVIRONMENTAL EFFECTS

TO ASSIST A DEVELOPMENT APPLICATION FOR:

**Kelly's Hotel, 49 - 51 Church Street
Mudgee**

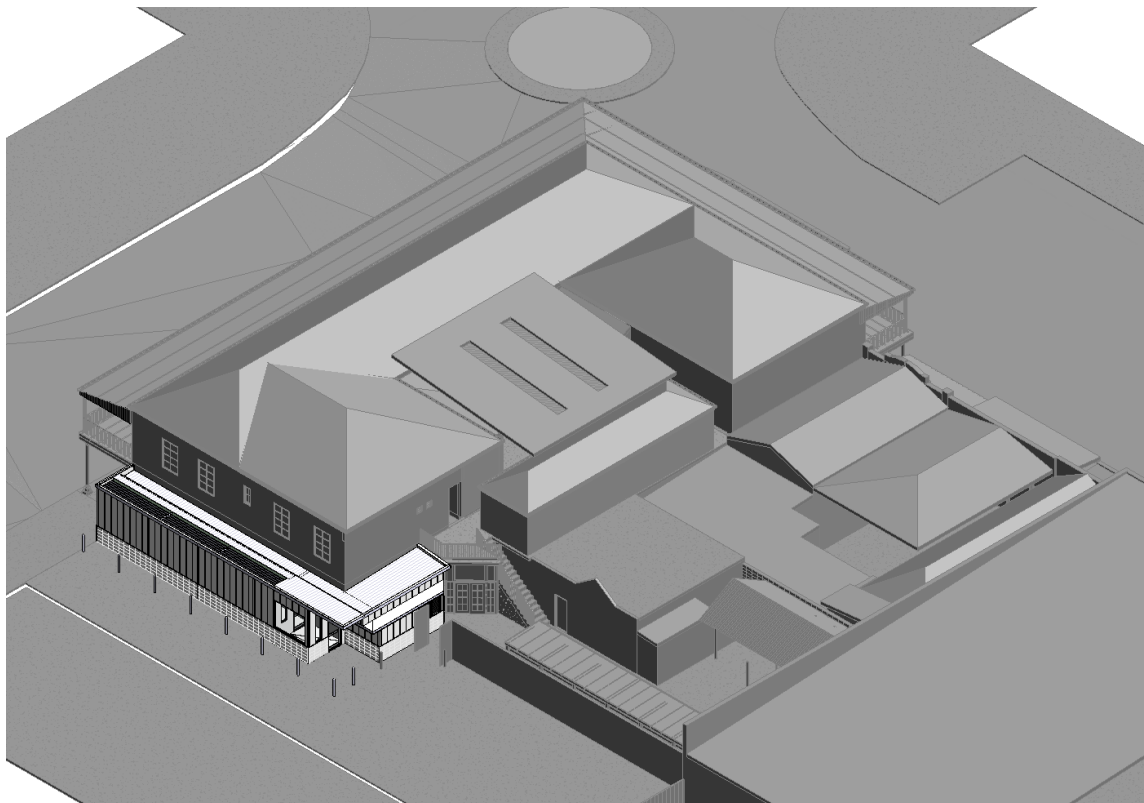


Image -Axonometric drawing of the proposal as seen from the north-east & elevated.

Introduction

This report is written by the architect & applicant, Jason McCarthy of Vibe Architects.

The application is made on behalf of Kelly Hotels Properties Pty Ltd who own the subject site. The subject site is at 49-51 Church Street Mudgee, registered as Lot 2 DP 332516. The site is approximately 1340m² and forms part of the B3 Core Business Centre within Mudgee and falls within a heritage conservation area containing many heritage items. The site supports a hotel known as Kelly's Hotel. The hotel is a heritage item listed as locally significant. The hotel is 2 storeys and has been added to several times since its inception. The proposed alterations and additions are to parts added in the 1990's not of any heritage significance.

The proposed changes at ground level include:

- Reworking of the existing gaming room and kids indoor play area and extending into the bistro to create a bigger gaming room to also include a cashier and entrance airlock.
- Extending the gaming room towards the west and into the driveway.
- Relocation of the kid's indoor play area to north side of the amenities and southern part of the beer garden.

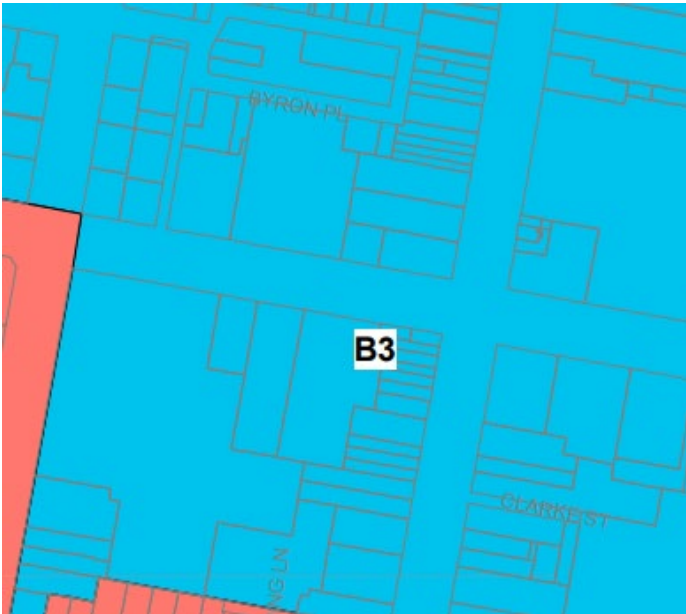
There are no proposed changes at first floor level.

The following document considers the proposal against the relevant parts of the 'Mid-Western Regional Council Environment Plan 2012' & 'Mid-Western Regional Council Development Control Plan 2013'.

The planning instrument extracts are shown in *italics* and the reporters' comments are shown in non-italics.

Mid-Western Regional Local Environmental Plan 2012

Part 2 Permitted or prohibited development



Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To promote the central business district of Mudgee as the major focus for retail and commercial activity in Mid-Western Regional.
- To consolidate business development in the Mudgee town centre and avoid unnecessary or inappropriate expansion of business-related land uses into surrounding residential neighbourhoods.
- To ensure that new development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core area.
- To ensure that the form and layout of new development is designed to encourage free pedestrian movement and connectivity within the commercial core.

2 Permitted without consent

Roads; Water reticulation systems

3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

The proposal does not seek any new forms of use and complies as a commercial premise and with hotel accommodation.

Part 4 Principal development standards

4.3 Height of buildings

(1) *The objectives of this clause are as follows—*

(a) *to establish a maximum height limit to which buildings can be designed in particular locations,*
(b) *to enable infill development that is of similar height to existing buildings and that is consistent with the heritage character of the towns of Mudgee, Gulgong, Kandos and Rylstone.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*



The proposed additions do not exceed the 8.5 metre height limit.

The top of the roof of the accommodation addition to the first floor is approximately 6 metres and the ground level addition of the gaming room extends to approximately 3.8 metres above the natural ground level.

Part 5 Miscellaneous provisions

5.10 Heritage conservation

Note—

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) *Objectives The objectives of this clause are as follows—*

- (a) *to conserve the environmental heritage of Mid-Western Regional,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) *Requirement for consent Development consent is required for any of the following—*

(a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*

- (i) *a heritage item,*
- (ii) *an Aboriginal object,*
- (iii) *a building, work, relic or tree within a heritage conservation area,*
- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) *disturbing or excavating an Aboriginal place of heritage significance,*
- (e) *erecting a building on land—*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*

- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land—*
- (i) on which a heritage item is located or that is within a heritage conservation area, or*
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

Please refer to the Heritage Impact Statement (HIS) by Edwards Heritage.

(4) Effect of proposed development on heritage significance

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

The applicant's heritage consultant has informed and supports the design. Please refer to their HIS.

(5) Heritage assessment

The consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or*
 - (b) on land that is within a heritage conservation area, or*
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

A 'Heritage Impact Assessment' has been submitted by Edwards Heritage. The proposed works do not constitute and Heritage Management Plan for the site.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

The applicant proposes that this is not yet a requirement for the site.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—

- (a) notify the Heritage Council of its intention to grant consent, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

Please refer to the Heritage Impact Statement (HIS) by Edwards Heritage.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

Please refer to the Heritage Impact Statement (HIS) by Edwards Heritage.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

The pub is not state listed and is of local heritage significance.

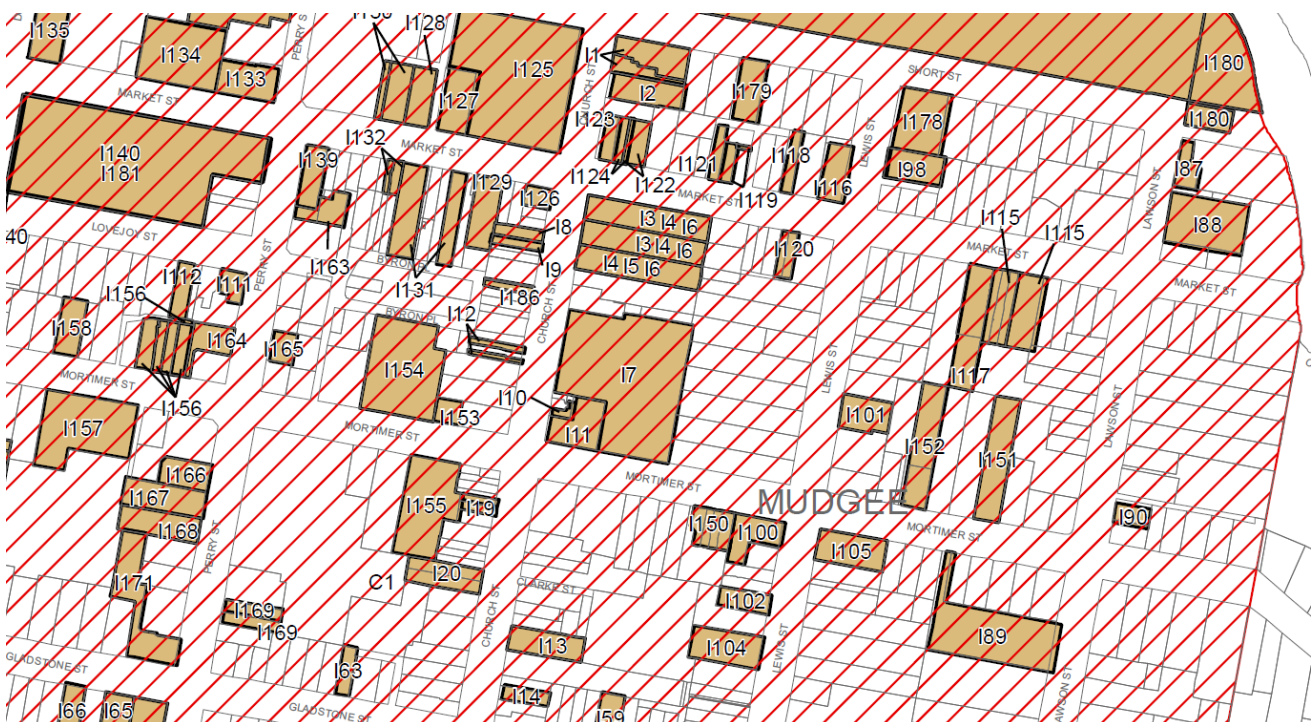
(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

The proposed alterations and additions will help ensure the business will successfully operate and be capable of maintaining all parts of the hotel including for historically significant parts and/or fabric.

Below is an extract of the heritage map where the pub is listed as 'I11'. The image demonstrates how the pub is surrounded by heritage items and falls within a heritage conservation area.



Development Control Plan 2013

Amendment No. 5

PART 4 SPECIFIC TYPES OF DEVELOPMENT

4.5 COMMERCIAL DEVELOPMENT

Building Setbacks

(a) No minimum front setbacks apply.

(b) Side and rear must comply with Building Code of Australia (BCA)

The proposal includes for a reduction in setback to the eastern boundary which is shared with the Coles carpark. The proposed reduction remains compliant with the BCA.

Design

(a) The LEP includes provisions relating to active street frontages. All premises on the ground level of a building facing the street are used for the purposes of business premises or retail premises.

(b) All premises on the ground level of a building facing the street shall be comprised of windows and doors to encourage the interaction between pedestrians and the retail space

(c) Building facades shall be articulated by use of colour, arrangement of elements or by varying materials

(d) Consider elements within established heritage buildings and how its application may be applied to new development

(e) Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials.

(f) Design of new development should seek to be sympathetic to heritage items not reproduce them.

(g) Plans must include details of all external infrastructure (air conditioning ducts, plant rooms) and how it will be screen from view from a public road.

(h) Development on a corner must include architectural features to address both frontages.

(i) Where the development will adjoin the residential, village and mixed use zones, sufficient setbacks in the form of landscape buffers and access ways should be incorporated.

The hotel is open to the public through 5 separate points of entry contributing to the activity of the street fronts. The proposed changes will clearly have the pub remain as a place that clearly welcomes visitors. The building façade is already well articulated and the proposed addition 'ties in' with the existing façade by referencing parts the existing facades horizontal lines and colour scheme.

Scale form and height

(a) The LEP controls the height of buildings to a maximum of 8.5m

(b) Consistent with the existing heritage character of the town centres of Gulgong, Mudgee and Rylstone.

(c) Gulgong has a building height limit to a maximum of 5m

The proposed additions do not seek to increase the height or apparent bulk of the building and is suitable for the heritage conservation area.

Mortimer & Church Street Mudgee

(a) Development fronting Mortimer and Church Streets in Mudgee should enhance and maintain the streetscape established in Church Street between Market and Mortimer Streets by encouraging a coherent double storey pattern of development adopting zero front and side property setbacks.

(b) Where possible the use elements that emphasis the horizontal form of development established in the Town Centre, for example through the use of verandas.

(c) Any new development should provide for a visual treatment to minimise visual bulk and maintain established pattern of building frontage widths, by providing variance particularly on upper floor levels , every 20-25m. Variance may be provided through change in building materials, fenestration, or changes in parapet height etc.

The proposal does not seek to raise the height of the building.

The proposal is a suitable addition to the existing heritage item. The proposed changes are minor and appear subordinate and complimentary due to the relatively small addition that makes references to the existing facades whilst not dominating it. The proposed addition, as would be seen from the street is only single storey and is suitable given the adjoining property is a Coles carpark.

The proposed extensions roof aligns with the existing balcony floors horizontal edge and the base of the extensions new wall is proposed of a differing Material (blockwork) aligning with the horizontal datum of the painted lower wall of the existing facades.

Articulation and Facade Composition

(a) To break visual bulk and create interest, use secondary vertical elements such as fenestration or detail such as changes in materials and colour.

(b) Excessive length of blank walls are not supported in the front facade.

(c) Where blank walls are unavoidable (alongside or rear boundaries), break the visual impact through the provisions of landscaping, or by creating visual interest through patterning of the facade, signage or public art.

The proposed addition contains several differing materials and façade treatments including, horizontal datums, modules, blockwork, cladding without battens, cladding with battens, louvres and glazing to create visual interest whilst situated in harmony next to the heritage pub.

Post supported verandahs and balconies and position

(a) Setback a minimum 600mm from edge of kerb

(b) Compliment the elements of the building to which it is attached

(c) Public liability insurance and approval for works on public land will be required

(d) Not interfere with the operations of or access to public utilities or infrastructure

(e) The use of bollards at the base of posts to protect from rear parking vehicles will be required.

No new verandah posts are proposed but a run of bollards are to protect pedestrians and the building.

Utilities and services

(a) Documentation to demonstrate that the development is able to be serviced with water, sewer and drainage and adequate provision has been made for handling and disposal of solid waste

(b) Trade Waste Application is required where liquid waste (other than water from wash basins, toilet or bathrooms) will be discharged into Council's sewerage system.

(c) Building and structures are to be located clear of infrastructure.

(d) For new sewer mains structures are to be located 1m plus the equivalent inverted depth, whichever is greater) of the centreline of the main.

The proposal includes for the relocation of a stormwater pit to the east side of the building and close to the Mortimer Street boundary. The pit relocation will allow reconnection of existing related pipework plus for new downpipe connections. The relocation will also necessitate the adjustment of pipework in council's footpath area to allow reconnection to the kerb and gutter inlet.

Traffic and Access

(a) All vehicles must be able to enter and exit the site in a forward direction

(b) All vehicle movement paths are to be sealed

(c) Driveways must comply with Australian Standard AS 2890.1 Parking Facilities

(d) For new commercial development all loading facilities are to be located within the site with no loading to occur from the public road system.

(e) All loading facilities shall be designed to complying with Australian Standards.

(f) Where the truck delivery paths extend through car parking areas due consideration should be

given to the separation of truck, pedestrian and car traffic. Where separation cannot be achieved then the application it to address traffic flow and safety issues.

Pedestrian Access

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

Parking

Refer Specific Provisions relating to parking section 1.3.

Landscaping

- (a) Landscaped areas within the car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries.
- (b) Landscaping to comprise low maintenance, drought and frost tolerant species.

The proposal includes for changes about the driveway that does not affect the number of parking spaces or diminish the ability to manoeuvre vehicles in and to exit. The proposed width of driveway will be increased at the exit from 4.3 metres to 4.7 metres, plus an additional 1.2 metres with afforded by the proposed pedestrian accessway will benefit the visibility between drivers and pedestrians using the adjoining footpath to the north side of Mortimer Street.

PART 5 DEVELOPMENT STANDARDS

5.1 CAR PARKING

Spaces shall be provided to the next highest whole number. Floor space areas refer to gross internal spaces, excluding stairs, amenities and corridors, except as noted in the schedule. Car parking requirements are based on the net increase in demand for parking created by a development. A reference to staff parking includes staff and management. Parking requirement rates are to be pro-rated in accordance with the proposed gross floor area (GFA) and rounded-up.

Where it is proposed to change the use of an existing retail premises/ floorspace to a restaurant, dining, and/or take food bar, additional car parking shall not be required where car parking cannot be provided on site.

Land Use	Car Parking Requirement
Offices and Business Premises	1 space per 30 m ² gross floor area (gfa)
Restaurants or cafes or Take away food and drink premises	1 space per 7 m ² gfa or 1 space per 3 seats whichever is the greater (Restaurant). 1 space per 4m ² for licensed floor including outdoor seating or dining
Pub	Within the Commercial Core B3 zone, car parking study required. All other areas, 1 space per 5m ² of public/licensed area plus 2 spaces per 3 guest rooms plus 2 spaces per 3 employees.
Shops	1 space per 30 m ² gfa

It is considered that the proposal does not warrant any further car parking spaces given the proposed venue will cater for less patrons compared to the existing venue.

As shown on the site plan, the existing total gross floor area is 1584 m² and the proposed total gross floor area is 1628 m², being an increase of 44 m² or just under 3%.

However, the existing gaming room is 58 m² and the proposed gaming room is 123 m², being an increase of 65 m².

Hence, if the gaming room allocations are discarded, the proposed gross floor area is reduced by 21 m². The proposed gaming room does not aim to increase the number of gaming machines and therefore the number of patrons that can use the gaming room.

Therefore, the proposal does not result in an intensification of use for the site and the need for additional car parking spaces.

Hours of Operation

a) Off-Peak development is development which operates or carries out its business outside the peak demand periods for parking which is generally between 9.00 am and 5.00 pm weekdays.

b) Development of this type will be assessed in accordance with DCP and have regard to the characteristics of the proposed development, its hours of operation and the availability of publicly accessible parking in walking distance of the development site.

The hotel does operate as off-peak development and may benefit from the availability of on-street car parking.

Car Parking Credits

Historic parking credits for lawfully established uses are recognised under this clause and evaluated in accordance with the DCP.

Frontage credits related to parking availability on-street. The parking frontage credit calculation is the subject lot width reduced by the extent of driveways and no-parking zones.

The parking credit available is the historic credit and the frontage credit.

It is not known and thought unlikely the hotel has any car parking credits.

Conclusion

The proposed alterations and additions to the hotel at 49-51 Church Street Mudgee is considered acceptable given:

- The proposal affects only a small percentage of the hotel.
- Essentially, the nett result is minor including:
 - A slightly larger gaming room.
 - A slightly smaller bistro.
 - A slightly smaller beer garden.
- The proposal will not lead to an intensification of use or should cause any undue impacts upon the surrounding properties or locality.
- The proposal does not directly affect any heritage fabric.
- The proposal will not detract from the heritage item or its heritage conservation area.
- The proposal aims to improve the financial performance of the business.
- A better performing business will better ensure the building (including its heritage fabric) will be best maintained into the future.
- The proposed changes will not reduce the number of jobs generated by the business.
- The proposed changes should not cause any undesirable environmental or social impacts.
- The proposed changes are in the public interest.

Yours Sincerely,



Jason McCarthy

VIBE ARCHITECTS

