

Statement of Environmental Effects and Heritage Assessment

Club Mudgee, 98 Mortimer Street, Mudgee, NSW 2506



Alterations and additions to Club Mudgee

February 2023

Statement of Environmental Effects prepared by:

Name: Damian O'Toole
Qualifications: MA Town Planning
Grad Dip Heritage Conservation

Address: Studio 9, Level 5, 35 Buckingham Street, Surry Hills NSW 2010

In respect of the following Development Application:

Land to be developed: 98 Mortimer Street, Mudgee

Proposed development: Approval is sought to provide alterations and additions to the club building.

Declaration: I declare that I have prepared this Statement and to the best of my knowledge:

1. The Statement has been prepared in accordance with clause 4.12 of the EP & A Act and Clause 50 of the EP & A Regulations.
2. The Statement contains all available information that is relevant to the environmental assessment of the development to which this Statement relates, and
3. That the information contained in the Statement is neither false nor misleading.

Signature:



Name: Damian O'Toole
Date: Jan 2023



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1.0 Introduction

This Statement is submitted in support of a development application for alterations to the Club Mudgee building at 98 Mortimer Street, Mudgee.

The club is slightly dated and requires the works to improve the facilities for patrons. The works seek to provide a new entrance area, new glazing to existing enclosed floor spaces, new smoking areas and a new alfresco area.

No additional patronage is being applied for or is anticipated. The proposal does not seek to increase the number of gaming machines which will remain at 110. The subject works seek to provide improved patron amenity.

No neighbour will be unduly impacted upon. The works are also appropriate to the character and appearance of the area, and the proposed development is permissible with consent and is suitable for the site and the area.

This report has been prepared, on behalf of the owner of the subject site. This Statement has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2021. The purpose of this document is to describe the existing improvements on the site, detail the proposed development, review the applicable planning regime relating to the proposal, assess the degree of compliance and examine the environmental effects of the development when measured against the Evaluation Criteria prescribed under Section S4.15 of the Environmental Planning and Assessment Act, 1979. In respect of the assessment of the proposal, where impacts are identified, measures proposed to mitigate any harm to environmental amenity have been addressed in this report.

The proposed development is permissible with Council's consent in the B3 Commercial Core under the Midwestern Regional Local Environmental Plan 2012. The proposal generally complies with Council's Codes and Policies. An assessment of the proposed development has not identified any unreasonable adverse environmental impacts likely to arise from the proposal. It is therefore recommended that consent for the proposed development is granted subject to Council's standard conditions.

2.0 Site Location and Description

The subject site contains a part one and part two storey community sports club at 98 Mortimer Street, Mudgee.

The site is legally described as Lot 1 in DP 1055657.

The site contains the club building, bowling greens, and car parking.

The closest resident is to the west of the site on Perry Street.

The locality contains a mixture of commercial uses and some low scale residential buildings.

The land is zoned B3 under the Midwestern Regional Local Environmental Plan 2012.

The site is not within the Mudgee C1 Heritage Conservation Area.

There is no significant landscaping on the site.

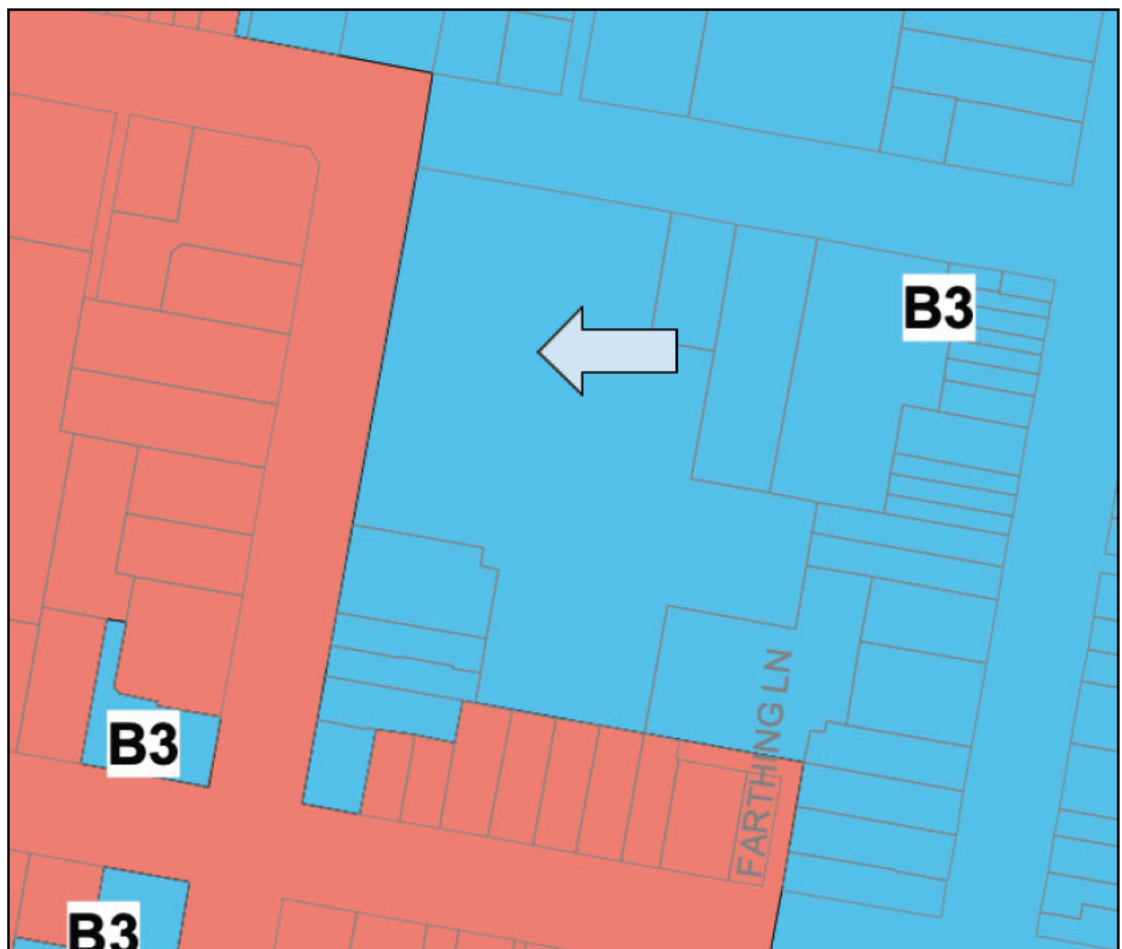


Figure 1: Zoning Map. Site is zoned B3 Commercial Core. Source: MWRLEP 2012.

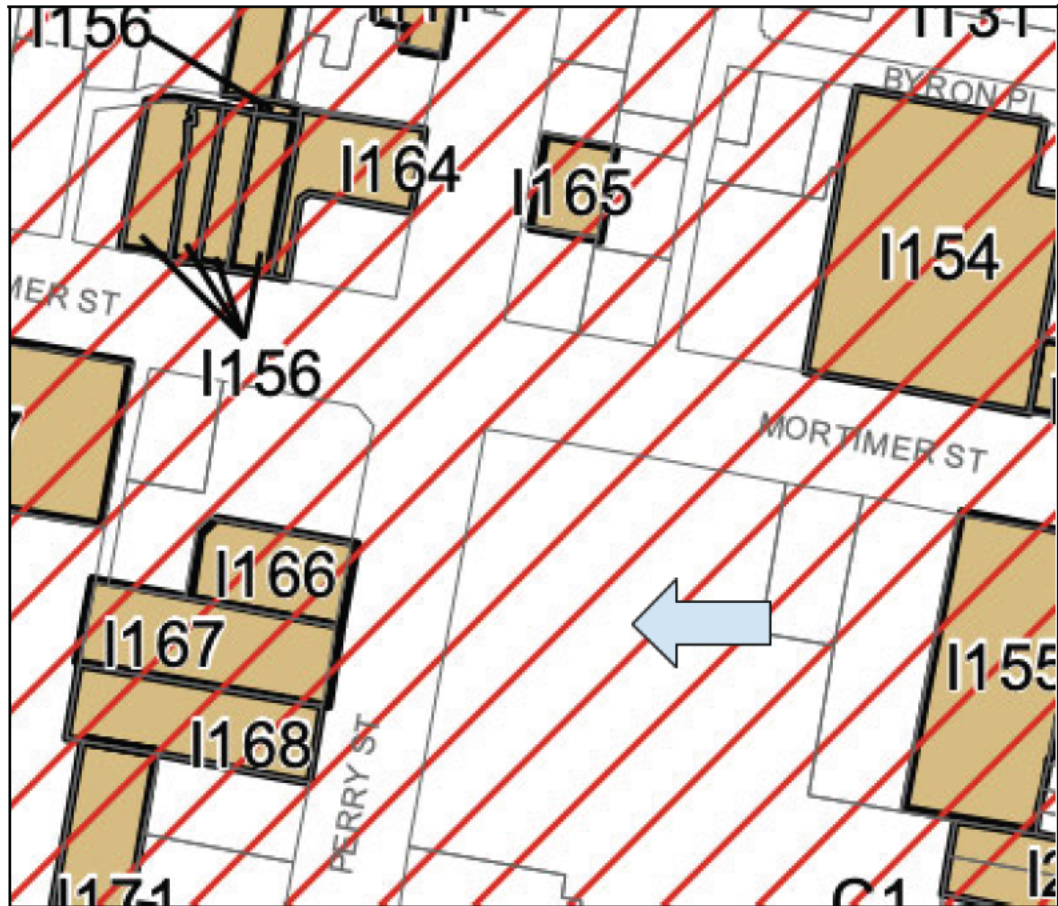


Figure 2: Heritage Map. Site is within the Mudgee Heritage Conservation Area. Source: MWRLEP 2012.

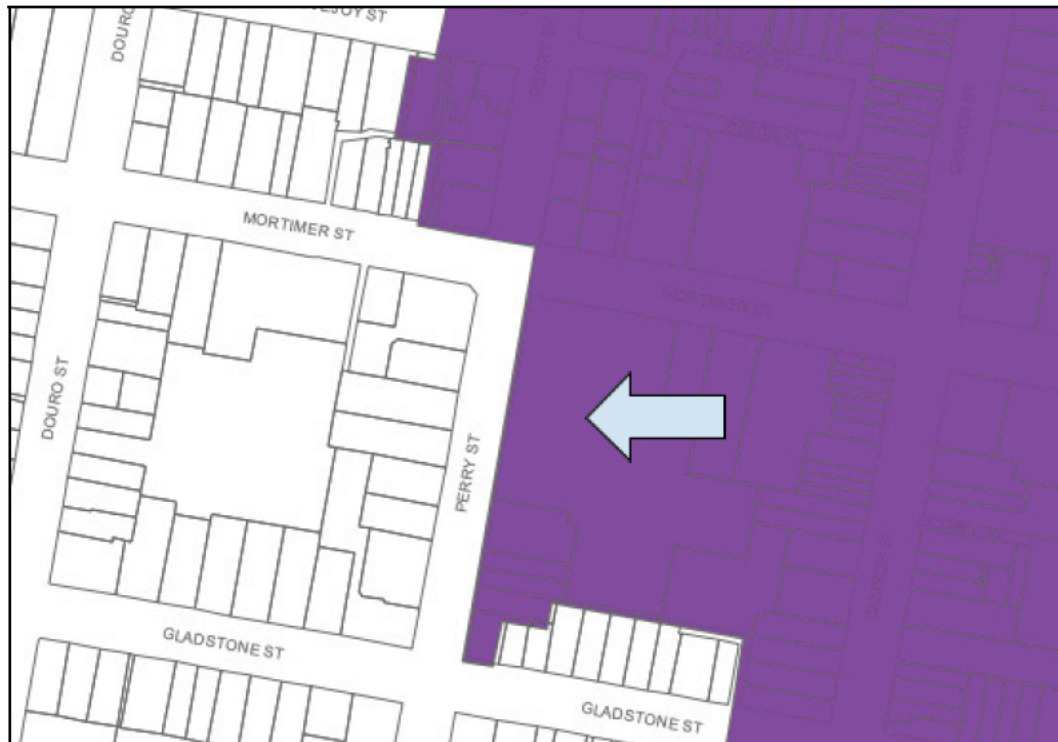


Figure 3: Active Frontages Map. Source: MWRLEP 2012.



Figure 4: Aerial Photograph. Source: Six Maps.

3.0 Photographs of Subject Site



Figure 5: View from the corner of Perry and Mortimer Streets.



Figure 6: View from Mortimer Street.



Figure 7: View from Perry Street.

4.0 Proposed Development

The proposed works seek the following:

- New entry area.
- New glazing to limited areas.
- New smoking areas.
- New alfresco area.

Design Intent

The works are intended to improve the patron experience and functionality at the club. The works are not intended to increase patron numbers.

The building style of the new additions will enhance the appearance of the front facade by providing an upgraded and contemporary form.

The new glazing is to areas that are already enclosed, and no new floor space is created.

New smoking areas will provide an area that will allow smokers to not leave the premises while smoking.

No neighbour is affected by the works given that the works are not close to any residence.

No car parking spaces will be lost due to the works.

Social Impacts

The proposal will not seek to increase the number of gaming machines which will remain at 110. The works seek to provide improved patron amenity. In terms of social impact, the retention of the existing number of gaming machines will result in no additional impacts to the community and accordingly no further social impact assessment is required.

Traffic Impacts

The club car park can accommodate 98 vehicles. All of these spaces will be retained.

5.0 Statutory Planning Considerations

The Environmental Planning and Assessment Act 1979 is the principal planning legislation in NSW. Section 4.15 of the Act specifies the matters that the consent authority must consider when determining any development application.

- Provisions of any environmental planning instrument – S4.15 (1) (a) (i)
- Provisions of any draft environmental planning instrument - S4.15 (1) (a) (ii)
- Provisions of any development control plan - S4.15 (1) (a) (iii)
- Any planning agreement - S4.15 (1) (a) (iii)
- Provisions of the Regulations - S4.15 (1) (a) (iv)
- The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts on the locality - S4.15 (1) (b)
- The suitability of the site for development - S4.15 (1) (c)
- Any submissions made in accordance with the Act or Regulations - S4.15 (1) (d)
- The public interest - S4.15 (1) (e).

Following is an assessment of the matters of relevance referred to in Section S4.15 of the Act.

5.1 S4.15 (1) (a) Provisions of any environmental planning instrument, draft instrument, development control plan or matter prescribed by the regulations

The planning instruments of most relevance to this application are:

- State Environmental Planning Policy — Industry and Employment 2021;
- State Environmental Planning Policy Resilience and Hazard 2021;
- Midwestern Regional Local Environmental Plan 2012 (LEP 2012);
- Midwestern Regional Council Development Control Plan 2013 (DCP 2013).

5.1.1 State Environmental Planning Policy Resilience and Hazards 2021

The site is not identified as potentially contaminated in Council’s inventory and its previous and present use would significantly reduce any likelihood of contamination. The proposal does not require works below ground.

State Environmental Planning Policy - Industry and Employment 2021

Clause/Requirement	Summary of proposal	Compliance?
CHAPTER 3 - Advertising and Signage Objectives		

<p>(a) to ensure that signage (including advertising):</p> <p>(i) is compatible with the desired amenity and visual character of an area, and</p> <p>(ii) provides effective communication in suitable locations, and</p> <p>(iii) is of high quality design and finish</p>	<p>The proposed sign will replace an existing sign in this location. The visual impacts of the sign are reasonable. The sign will be compatible with the character of the streetscape and broader locality.</p> <p>The replacement signage proposal provides efficient and effective communication for users of the site.</p> <p>The proposed design and construction is high-quality and provides an attractive finish.</p>	<p>Complies.</p> <p>Complies.</p> <p>Complies.</p>
<p>Schedule 5 Assessment Criteria</p> <p>1 Character of the area</p> <ul style="list-style-type: none"> • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? <p>2 Special areas</p> <ul style="list-style-type: none"> • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? <p>3 Views and vistas</p> <ul style="list-style-type: none"> • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers? <p>4 Streetscape, setting or landscape</p> <ul style="list-style-type: none"> • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? 	<p>The proposed sign is compatible with the existing location. The existing locality has a high number of signs of varying sizes and styles. The style of advertising is appropriate to this form. The proposal remains consistent with the associated signage and surrounding locality.</p> <p>The proposed signage will not have any detrimental impacts to the character or appearance of the heritage area.</p> <p>No views are obscured.</p> <p>The signage does not interfere with any view or vista. No heritage feature is covered over.</p> <p>The proposed replacement sign will remain respectful in this regard.</p> <p>The proposed sign is modest in size</p>	<p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>

<ul style="list-style-type: none"> • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management? <p>5 Site and building</p> <ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both? <p>6 Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? <p>7 Illumination</p> <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	<p>and is of an appropriate scale.</p> <p>The replacement sign has a neutral impact in this regard.</p> <p>Visual clutter does not result.</p> <p>NA – no unsightly elements to screen. No protrusion is proposed.</p> <p>No vegetation management required.</p> <p>The proposal remains compatible given the replacement nature of the proposed sign.</p> <p>The proposal remains respectful given the replacement nature of the proposed works. The building has no notable features. A clean and appropriate design is proposed.</p> <p>NA</p> <p>The sign has internal illumination.</p> <p>The glare will be reasonable.</p> <p>No residence is affected.</p> <p>The illumination cannot be adjusted.</p>	<p>Complies.</p> <p>Complies.</p> <p>NA</p> <p>Complies.</p> <p>NA</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>NA</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>
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<p>8 Safety</p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>No.</p> <p>No safety impacts are anticipated. The rear of the site is a carpark. No safety impacts are anticipated.</p> <p>No sightlines will be impeded.</p>	<p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>
<p>Division 3 Particular advertisements</p> <p>3.20 Wall advertisements</p> <p>(1) Only one wall advertisement may be displayed per building elevation.</p> <p>(2) The consent authority may grant consent to a wall advertisement only if—</p> <p>(a) the consent authority is satisfied that the advertisement is integrated with the design of the building on which it is to be displayed, and</p> <p>(b) for a building having—</p> <p>(i) an above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation, and</p> <p>(ii) an above ground elevation of more than 100 square metres but less than 200 square metres—the advertisement does not exceed 20 square metres, and</p> <p>(iii) an above ground elevation of 100 square metres or less—the advertisement does not exceed 20% of the above ground elevation, and</p> <p>(c) the advertisement does not protrude more than 300 millimetres from the wall, unless</p>	<p>The sign is most similar to a wall sign as per the definition. Only 1 sign will be on this side of the building. The sign is integrated, not affecting any feature and positioned between the main facade and adjoining site.</p> <p>The sign will equate to less than 5% of the facade.</p> <p>The site will not protrude within any pedestrian pathway and is well set back from the street frontage.</p> <p>Noted and complied with.</p>	<p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>

occupational health and safety standards require a greater protrusion, and (d) the advertisement does not protrude above the parapet or eaves, and (e) the advertisement does not extend over a window or other opening, and (f) the advertisement does not obscure significant architectural elements of the building, and (g) a building identification sign or business identification sign is not displayed on the building elevation.	No window or other feature is interfered with.	Complies.
	No heritage features are unaffected.	Complies.
	No business sign will be provided.	Complies.

5.1.1 Midwestern Regional – Local Environmental Plan 2012 (LEP 2012)

The Midwestern Regional Local Environmental Plan 2012 is the comprehensive Local Environmental Plan applying to the site.

Relevant provisions of LEP 2012 are considered below.

LEP 2012 – Relevant Clauses

Clause/Requirement	Summary of proposal	Compliance
Land Use Table		
<p><i>Zone B3 Commercial Core Objectives:</i></p> <p>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.</p> <p>To encourage appropriate employment opportunities in accessible locations.</p> <p>To maximise public transport patronage and encourage walking and cycling.</p>	<p>The proposal will allow this community facility to be provided with improved functions. Existing use is retained.</p> <p>The use is a registered club. A registered club is defined in the LEP as,</p> <p>Registered club means a club that holds a club licence under the <i>Liquor Act 2007</i>.</p>	<p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>

<p>Max Building Height: 8.5m</p>		
<p>5.10 Heritage Conservation</p>		
<p><i>Objectives</i> (2) Development consent is required for any of the following: 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</p>	<p>The subject site is located within the Mudgee Heritage Conservation Area (C1). The subject site is not listed as an individual heritage item. The works affect contemporary material only. The proposed works will maintain the main street appearance of the site and maintain the character of the Heritage Conservation Area. A separate Heritage Impact Statement (HIS) report is not usually required for works of this nature.</p>	<p>Complies.</p>
<p>6.7 Active street frontages</p>		
<p>1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages on land in Zone B3 Commercial Core. (2) This clause applies to land identified as "Active Street Frontage" on the Active Street Frontages Map. (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use. (4) Despite subclause (3), an active street frontage is not required for any</p>	<p>The works will retain an active frontage to the site. The works to the entry will further improve pedestrian access being consistent with this requirement.</p>	<p>Complies with all aspects.</p>

<p>the purposes of business premises or retail premises.</p>		
<p>(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.</p>	<p>Windows and doors are retained. New glazing is provided.</p>	<p>Complies.</p>
<p>(c) Building facades shall be articulated by use of colour, arrangement of elements or by varying materials</p>	<p>An improved high end entry is provided.</p>	<p>Complies.</p>
<p>(d) Consider elements within established heritage buildings and how its application may be applied to new development.</p>	<p>Not relevant in this instance.</p>	<p>Complies.</p>
<p>(e) Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials.</p>	<p>Not relevant in this instance.</p>	<p>Complies.</p>
<p>(f) Design of new development should seek to be sympathetic to heritage items not reproduce them.</p>	<p>Not applicable.</p>	<p>Complies.</p>
<p>(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.</p>	<p>Plans show all appropriate detailing.</p>	<p>Complies.</p>
<p>(h) Development on a corner must include architectural features to address both frontages.</p>	<p>The works do not affect the street corner.</p>	<p>Complies.</p>
<p>(i) Where the development adjoins the residential, village and mixed use zones, sufficient setbacks in the form of landscape buffers and access ways should be incorporated.</p>	<p>The works are too low key in this regard.</p>	<p>Complies.</p>
<p>Scale form and height</p>		

<p>(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.</p>	<p>The LEP height control is complied with.</p> <p>The character of the streetscape is maintained.</p> <p>N/A.</p>	<p>Complies.</p> <p>Complies.</p>
<p>Mortimer & Church Street Mudgee</p>		
<p>(a) Development fronting Mortimer and Church Streets in Mudgee should enhance and maintain the streetscape established in Church Street between Market and Mortimer Streets by encouraging a coherent double storey pattern of development adopting zero front and side property setbacks.</p>	<p>The external works will enhance the appearance of the site.</p>	<p>Complies.</p>
<p>(b) Where possible the use elements that emphasis the horizontal form of development established in the Town Centre, for example through the use of verandas.</p>	<p>The entry design is appropriate and sympathetic to the building and the streetscape.</p>	<p>Complies.</p>
<p>(c) Any new development should provide for a visual treatment to minimise visual bulk and maintain established pattern of building frontage widths, by providing variance particularly on upper floor levels , every 20-25m. Variance may be provided through change in building materials, fenestration, or changes in parapet height etc.</p>	<p>The works have no bearing to building bulk or pattern of development.</p>	<p>Complies.</p>
<p>Articulation and Facade Composition</p>		
<p>(a) To break visual bulk and create interest, use secondary vertical elements such as fenestration or detail such as changes in materials and colour.</p>		<p>Complies.</p>

<p>(b) Excessive length of blank walls are not supported in the front facade.</p> <p>(c) Where blank walls are unavoidable (alongside or rear boundaries), break the visual impact through the provisions of landscaping, or by creating visual interest through patterning of the facade, signage or public art.</p>	<p>The new entry is appropriately articulated to provide a high end and contemporary appearance.</p> <p>New fenestration will minimally improve this aspect.</p> <p>N/A.</p>	<p>Complies.</p>
<p>Post supported verandahs and balconies</p> <p>(a) Setback a minimum 600mm from the edge of kerb.</p> <p>(b) Compliment the elements of the building to which it is attached.</p> <p>(c) Public liability insurance and approval for works on public land will be required.</p> <p>(d) Not interfere with the operations of or access to public utilities or infrastructure.</p> <p>(e) The use of bollards at the base of posts to protect from rear parking vehicles will be required.</p>	<p>No impact in respect of this aspect.</p>	<p>Complies.</p>
<p>Residential- Commercial Interface</p> <p>(a) Provision of landscaping buffers to provide visual screening along residential boundaries that adjoin development sites in the Mortimer Street precinct.</p> <p>(b) Ground and first floor development should not overlook residential properties.</p>	<p>Not appropriate in this instance.</p>	<p>Complies.</p>

<p>(c) Maintain acoustic privacy through the use of acoustic fencing, where vehicular movement adjoins property boundaries to reduce visual bulk of the proposed development.</p> <p>(d) Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings must be located along property boundaries ensure that sufficient landscaping is provided</p> <p>(e) A development should not reduce the sunlight received by the north-facing windows of living area, private open space areas, or clothes drying areas of adjoining properties to less than 3 hours between 9 am and 3pm at the winter solstice.</p> <p>Utilities services</p> <p>(a) Documentation to demonstrate that the development is able to be services with water, sewer and drainage and adequate provision has been made for handling and disposal of solid waste.</p> <p>(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.</p> <p>(c) Building and structures are to be located clear of infrastructure.</p> <p>(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.</p> <p>Traffic Access</p>	<p>No change in this regard.</p> <p>No amenity impacts will occur to any neighbour, the works are too far away from any neighbour.</p> <p>No additional bulk is created.</p> <p>No additional overshadowing will occur.</p> <p>No change in respect of utilities.</p>	<p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>
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<p>(a) All vehicles must be able to enter and exit the site in a forward direction.</p> <p>(b) All vehicle movement paths are to be scaled.</p> <p>(c) Driveways must comply with Australian Standard AS 2890.1 Parking Facilities.</p> <p>(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.</p> <p>(e) All loading facilities shall be designed to complying with Australian Standards.</p> <p>(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.</p>	<p>No change to traffic access or manoeuvring within the site.</p>	<p>Complies.</p>
<p>Pedestrian Access</p> <p>(a) Maintain existing covered pedestrian access within the town centres.</p> <p>(b) Convenient and safe access through parking areas.</p> <p>(c) Convenient and safe disabled access through parking areas and where relevant focus on improving links with the existing retail areas.</p>	<p>Pedestrian access will be improved with the improved entry to the premises.</p> <p>The entry will be illuminated.</p>	<p>Complies.</p> <p>Complies.</p>
<p>Parking</p>	<p>Level access is provided.</p>	<p>Complies.</p>

<p>No specific parking demand for this type of use is noted.</p> <p>Landscaping</p> <p>(a) Landscaped areas within the car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries.</p> <p>(b) Landscaping to comprise low maintenance, drought and frost tolerant species.</p>	<p>The parking is reduced. No additional GFA is created.</p> <p>No additional landscaping is provided or required to be provided.</p>	<p>Complies.</p> <p>Complies.</p>
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5.2 S4.15 (1)(b) Impact on the Environment

The proposed development is appropriate for the site given the existing use at the site and its existing patron facilities.

No negative impacts are anticipated for the neighbours to the site as a result of the proposed works.

The development is considered to be in keeping with the character of the locality, and provides architectural detailing that will safeguard the character and appearance of the site.

Relationship to adjoining development

The proposed works have been designed to minimise adverse environmental impacts in relation to adjoining properties. In particular the entry works will not impact on any neighbours' amenity.

During construction, noise and building impacts will be minimised through observance of the requirements of the Environmental Protection Authority and Local Authorities. All noise emissions will comply with Australian Standards.

In this regard, adverse environmental impacts on adjoining dwellings will be minimal.

5.3 S4.15 (1)(c) The suitability of the site for the proposed development

Having regard to the characteristics of the site and its location, the proposed development is considered appropriate in that:

- It is consistent with the objectives of the B3 Commercial Core under LEP 2012; and,
- The height, bulk, scale, materials and finishes of the proposed development fit comfortably within the streetscape and are consistent with the existing form; and,
- The proposed development does not have any significant adverse environmental impacts in relation to adjoining properties.

As demonstrated repeatedly throughout this Statement of Environmental Effects, the proposed development will not result in any significant adverse environmental impacts.

5.4 Section S4.15 (1)(e) The Public Interest

The proposed development does not have any detrimental impact on the streetscape, external appearance of the building or on the amenity of nearby residents. Consequently, the proposal is in the public interest.

6.0 Conclusion

The proposed development is permissible with consent and is consistent in character, bulk, materials, setbacks and scale with the existing form.

The development is also consistent with the planning objectives for the zone and will allow for improved amenity on the site.

The proposed development generally promotes and implements the planning principles, aims and objectives of:

- Midwestern Regional Local Environmental Plan 2012; and,
- Midwestern Regional Development Control Plan 2013.

The proposed works have the following merits:

- The proposal is considered an appropriate development to meet the contemporary needs of patrons.
- The external appearance of the building is improved with an improved entry.
- The proposed materials are consistent with existing surrounding finishes.

- The amenity of neighbours to the site is not adversely affected by the proposal.
- The works are consistent with the principles of ESD.

In light of the significant merits of the proposal and the absence of any adverse environmental impacts, it is recommended that Council grant consent to this development, subject to appropriate conditions of consent.