

8.5 DA0069/2024 - Demolition of existing building and alterations and additions to Pub - The Woolpack Hotel, 67 Market Street, Mudgee NSW 2850 & 15-17 Byron Place, Mudgee NSW

REPORT BY THE TOWN PLANNER AND MANAGER PLANNING
 TO 20 MARCH 2024 ORDINARY MEETING
 GOV400105, DA0069/2024

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner and Manager Planning on the DA0069/2024 - Demolition of existing building and alterations and additions to Pub - The Woolpack Hotel, 67 Market Street, Mudgee NSW 2850 & 15-17 Byron Place, Mudgee NSW;
- B. that DA0069/2024 - Demolition of existing building and alterations and additions to Pub - The Woolpack Hotel, 67 Market Street, Mudgee NSW 2850 & 15-17 Byron Place, Mudgee NSW be approved subject to the following conditions and statement of reasons:

APPROVED PLANS

- 1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Title / Name:	Drawing No.	Rev	Date	Prepared by:
Site Plan – Proposed	A02	E	15/08/2023	EJE
Ground Floor Existing / Demolition Plan	A04	E	15/08/2023	EJE
Ground Floor Plan	A05	H	06/03/2024	EJE
First Floor Existing / Demolition Plan	A06	E	15/08/2023	EJE
First Floor Plan	A07	F	15/08/2023	EJE
Roof Existing / Demolition Plan	A08	E	15/08/2023	EJE
Roof Plan	A09	E	15/08/2023	EJE
North & East Elevations	A10	E	15/08/2023	EJE
South & West Elevations	A11	E	15/08/2023	EJE
Section A-A & B-B	A12	E	15/08/2023	EJE
Signage Details	A13	D	15/08/2023	EJE
3D Perspectives 01	A17	E	15/08/2023	EJE
3D Perspectives 02	A18	E	15/08/2023	EJE
Schedule of Materials	A19	D	15/08/2023	EJE

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

GENERAL

- 2. This development consent provides approval for partial demolition, alterations and additions to the existing pub and associated signage, only.**
- 3. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.**
- 4. All building work must be carried out in accordance with the Building Code of Australia.**
- 5. The maximum height of the additions must not exceed 8.5 metres above existing ground level.**
- 6. The only waste derived fill material that may be received at the development site must be:
 - a) Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and**
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.****
- 7. All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.**
- 8. Notwithstanding the approved plans, the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.**

There are to be no works involving cut or fill within the registered easement or within 1.5m of the water or sewer line
- 9. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.**
- 10.
 - 1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.**
 - 2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
 - a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and******

- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

3. This section does not apply if—

- a) the person having the benefit of the development consent owns the adjoining land, or
- b) the owner of the adjoining land gives written consent to the condition not applying.

11. 1. This section applies to a development consent for development involving building work, subdivision work or demolition work.

2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

3. The sign must be—

- a) maintained while the building work, subdivision work or demolition work is being carried out, and
- b) removed when the work has been completed.

4. This section does not apply in relation to—

- a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
- b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

12. Application shall be made to Council under Part B, Section 68 of the Local Government Act 1993 to carry out Water Supply, Stormwater and Sewerage Works.

The application shall contain details demonstrating compliance with the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia. The Section 68 application shall be considered and approved by Council prior to the release of any Construction Certificate for the development.

13. Prior to the issue of a Construction Certificate, the developer shall pay a Long Service Levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.

Note - The amount payable is currently based on 0.25% of the cost of work. This is a State Government Levy and is subject to change.

Note – Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the Long Service Levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.

14. **Prior to issue of a Construction Certificate, details demonstrating compliance with the Disability (Access to Premises – Buildings) Standards 2010 shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier).**
15. **A schedule of existing and proposed fire safety measures is to be submitted to the Certifier (i.e. Council or a private Certifier) with the application for the Construction Certificate.**
16. **Pursuant to section 64 of the Environmental Planning and Assessment Regulation 2021, the existing buildings are to be brought into conformity with the following Performance Requirements of the BCA, Volume 1.**
 - a) **C1P2 – Spread of Fire**
 - b) **D1P4 – Exits**
 - c) **D1P6 – Paths of Travel to Exits**
 - d) **E1P1 – Fire Hose Reels**
 - e) **E1P2 – Fire Extinguishers**
 - f) **E1P3 - Fire Hydrants**
 - g) **E4P1 – Visibility in an emergency**
 - h) **E4P2 – Identification of exits**
 - i) **E4P3 – Emergency warning and intercom systems.**

Plans and specifications demonstrating compliance are to be submitted to and approved by the Certifier prior to the issue of a construction certificate.

17. **Prior to the issue of a Construction Certificate, a survey plan prepared by a registered surveyor is to be submitted to the Certifier, verifying the proposed building footprint does not extend over the property boundary into the neighbouring property.**
18. **Trade Waste Application will be required to be submitted and approved by Council for the proposed development prior to issue of a construction certificate.**
19. **In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to issue of a Construction Certificate.**

The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.

Note: Based on the proposed cost of works being \$1,654,000 it is estimated the contribution amount will be \$16,540.

Note: The contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.

Note: Mid-Western Regional Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.

20. Prior to the issue of a construction certificate, the developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.

Note: Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

21. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars), is to be provided to Council, prior to issue of the Subdivision Works Certificate. The insurance cover shall include the following:

Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

Public Liability Insurance is to include Mid-Western Regional Council as an interested party.

The copy of the Contractor's public liability insurance cover is to include the Certificate of Currency.

22. An Erosion and Sediment Control Plan is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Subdivision Works Certificate. The Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:

- a) Saving available topsoil for reuse in the revegetation phase of the development;
- b) Using erosion control measures to prevent on-site damage;
- c) Rehabilitating disturbed areas quickly; and
- d) Maintenance of erosion and sediment control structures.

23. Details of the internal circulating driveway and car parking spaces are to be submitted to and approved by the Certifier (i.e. Council or a private Certifier), prior to the issue of any Construction Certificate. These details shall comply with the requirements of AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-street Car Parking and the relevant conditions of this development consent.

The plans shall include the provision of the following:

- A total of 10 off-street car parking spaces, including 1 accessible car parking space.
- The provision of a retractable bollard within the accessible car parking space.

24. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of a

Construction Certificate. The accesses are to be designed and constructed in accordance with Council's Access to Properties Policy.

25. **The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.**
26. **Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and Council's "Access to Properties" Policy.**

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice.

Failure to have the work inspected may result in the access being removed and reconstructed at the contractors / owners expense.

27. **Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan:**
- a) **A plan view of the entire site and frontage roadways indicating:**
 - i) **Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.**
 - ii) **Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.**
 - iii) **The locations of proposed work zones in the frontage roadways.**
 - iv) **Location of any proposed crane, concrete pump, truck standing areas on and off the site.**
 - v) **A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.**
 - vi) **Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.**
 - vii) **An on-site parking area for employees, tradespersons and construction vehicles as far as possible.**
 - viii) **The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.**
 - ix) **How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.**
 - x) **The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.**

- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
- c) All site works must comply with the occupational health and safety requirements of the New South Wales WorkCover Authority.
- d) During excavation, demolition and construction phases, toilet facilities are to be provided on site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
- e) All traffic control plans must be in accordance with the RMS publication Traffic Control Worksite Manual and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum for six (6) weeks prior to the activity proposed being undertaken.

28. Prior to the issue of a construction certificate, detailed plans of all food/beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.

Plans must be prepared in accordance with the following editions in force on the date of determination and provided to the Certifier (i.e. Council or a Private Certifier)

- a) Food Standards Code (Australia) and Food Safety Standard 3.2.3 Food Premises and Equipment;
- b) Food Act 2003 and Food Regulation 2015;
- c) Food Premises Design, construction and fit-out guide;
- d) AS 1668.2-2012 – The use of ventilation and air conditioning in buildings;
- e) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage)
- f) Mid-Western Regional Council's commercial trade wastewater requirements for food premises, and/or
- g) The Building Code of Australia.

29. Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F6D6 or F6D12 of the Building Code of Australia 2022 and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points) are to be provided to the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate.

PRIOR TO COMMENCEMENT OF WORKS

30. In accordance with the provisions of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:

- a) A Construction Certificate has been issued by the Certifier (i.e. Council or an accredited certifier); and
- b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with the Environmental Planning and Assessment Act 1979; and
- c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

31. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

NOTE - ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE

32. If the work involved in the erection/demolition of the building;

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) involves the enclosure of a public place, then a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

33. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department in writing, of any existing damage to Council property.

34. The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

35. Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (i.e. Council or the Principal Certifier), prior to the commencement of works.

DURING CONSTRUCTION

36. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.

37. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier shall be carried out during the relevant stage of construction.

38. Fill material shall not raise the existing surface level within the dedicated easement/s.
39. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
40. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
41. Site work must only be carried out between the following times –
- 8am to 5pm Monday to Saturday
- No site work is permitted on Sundays or Public Holidays.
- Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
42. While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
43. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
44. The developer is to extend and meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the National Specification – Water Supply Code of Australia.

Note: Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. Please contact Council's Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of sewer (Private Works Order).

45. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the National Specification – Sewerage Code of Australia.

Note - Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. Please contact Council's Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of sewer (Private Works Order).

BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

46. Prior to the issue of any Construction Certificate, evidence that the lots making up the subject site have been consolidated into a single allotment and registered with NSW Land Registry Services is to be submitted to Council and the Certifier (if applicable). The lots to be consolidated into a single parcel include:
- a) Lot 111 DP 1136686
 - b) Lot 112 DP 1136686
47. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all approved car parking and associated driveway works are to be completed.
48. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that the building is connected to reticulated water supply, stormwater and/or sewerage in accordance with the relevant section 68 approval/s.
49. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.
50. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
51. The adjustment of existing services or installation of new services and meters, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.

52. Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.
53. Before the issue of an occupation certificate, the food premises shall be inspected by an Authorised Officer of Mid-Western Regional Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises.
54. Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.

ONGOING / OPERATIONAL

55. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
56. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.
57. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
58. There being no interference with the amenity of the neighbourhood by reason of the emission of any “offensive noise”, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
59. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.
60. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with *Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”*.

COUNCIL ADVISORY NOTES:

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Construction Certificate.

A person may apply to Mid-Western Regional Council as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*.

Please be advised that as a precondition to the granting of a Compliance Certificate, a monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable).

Section 64 Contributions	
	Value
Water Headworks	\$63,115.07
Sewer Headworks	\$29,477.23
Total Headworks	\$92,592.30

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. Division 8.2 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
5. If you are dissatisfied with this decision section 8.7 of the *EP&A Act* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the *EP&A Act*.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

- 1) The proposed development generally complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
 - 2) The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
 - 3) No submissions were received during the public exhibition period.
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Executive summary

OWNER/S	Woolpack Mudgee Hotel Pty Ltd
APPLICANT:	Mr Jamie Fitzgerald
PROPERTY DESCRIPTION	67 Market Street MUDGEE NSW 2850 and 15-17 Byron Place MUDGEE NSW 2850 Lots 111 and 112 DP 1136686
PROPOSED DEVELOPMENT	Demolition of existing building and alterations and additions to pub (including signage)
ESTIMATED COST OF DEVELOPMENT:	\$1,654,00.00 (including GST)
REASON FOR REPORTING TO COUNCIL:	A Councillor is part owner of the subject land.
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of Development Application DA0069/2024 that seeks approval for demolition of existing building and alterations and additions to pub (including signage) located at The Woolpack Hotel 67 Market Street MUDGEE NSW 2850 & 15-17 Byron Place MUDGEE NSW 2850, Lots 111 and 112 DP1136686, received by Council on 15 August 2023.

The site is comprised of two allotments with frontage to Market Street and Byron Place containing the Woolpack Hotel facing Market Street (a heritage listed building) and a double storey commercial building fronting Byron Place.

The applicant is proposing the demolition of the existing building facing Byron Place and to undertake internal alterations to the Woolpack Hotel as well as construction of a new double storey addition to the rear of the Hotel.

The ground floor additions are proposed to extend to the Byron Place frontage, primarily accommodating a new gaming area. The upper floor which contains accommodation rooms will be altered so that all accommodation rooms have ensuites, resulting in the loss of two rooms in the existing building. This shortfall of two rooms will be accommodated in the new upper storey addition. The overall number of accommodation rooms will not change from existing.

As a result of the proposed alterations and additions, changes to the car parking number and layout and additional wall signage to the additions facing Byron Place is also proposed.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 14 September 2023. During the notification period, 0 submission/s were received.

The proposed development has been assessed in accordance with Council's DCP and the LEP. The proposed development is considered generally consistent with Council's planning controls.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the applicant or owner of the land application to which the development relates is a Senior Staff member of Council, or Councillor.

The application is recommended for Approval.

Disclosure of Interest

Mayor Des Kennedy is a part owner in the property / development.

Detailed report

Proposed development

Council is in receipt of Development Application DA0069/2024 that seeks approval for demolition of existing building and alterations and additions to pub (including signage), located at The Woolpack Hotel 67 Market Street MUDGEE NSW 2850 & 15-17 Byron Place MUDGEE NSW 2850, Lots 111 and 112 DP1136686.

The applicant is proposing to demolish the existing two-storey commercial building on Lot 111 DP1136686 at 15-17 Byron Place, Mudgee and to undertake internal alterations and a new addition to the rear of the Woolpack Hotel on Lot 112 DP1136686 at 67 Market Street, Mudgee.

The ground floor alterations include the relocation of the TAB area, dining area and gaming area. The number of poker machines in the gaming area is proposed to increase from 22 to 30. The upper floor alterations include the provision of ensuites in each room. The number of existing rooms will reduce by two.

Construction of a ground floor extension of the Woolpack Hotel from the existing rear façade though to Byron Place. The ground floor extension will predominantly cater for a new larger gaming area.

Construction of a first floor extension of the Woolpack Hotel to provide two additional rooms with ensuites. With the loss of two rooms in the existing building, the total number of rooms will not change.

The proposal also includes the provision of wall signage at the rear entries to the Woolpack Hotel facing Byron Place.

Figures 1 and 2 show the ground floor and upper floor layout of the proposed development. 3D perspectives of the development as viewed from Byron Place is provided in **Figures 3 and 4**. Please refer to **Attachment 1** for a full set of the proposed development plans.

The application also proposes to consolidate Lots 111 and 112 into one lot, rearrangement of the car parking area and the provision of new signage visible from Byron Place.

No changes are proposed to the façade of the building facing Market Street. The Woolpack Hotel is identified as a Heritage Item

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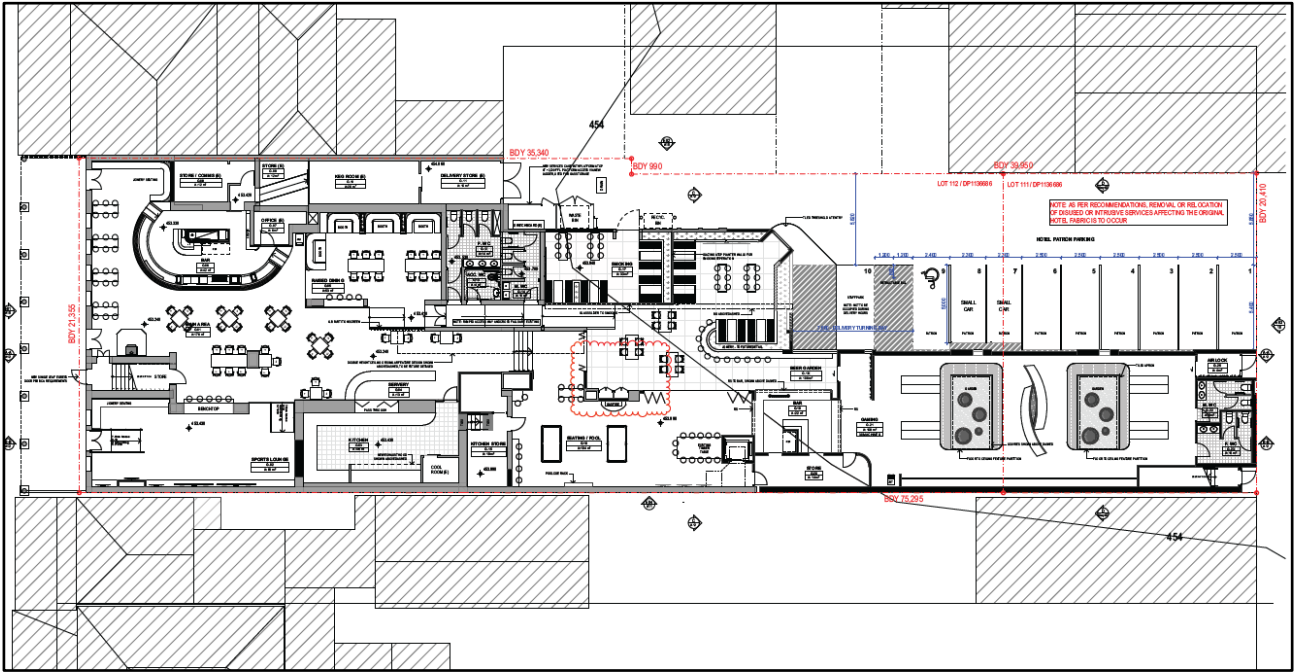


Figure 1: Proposed Ground Floor Layout

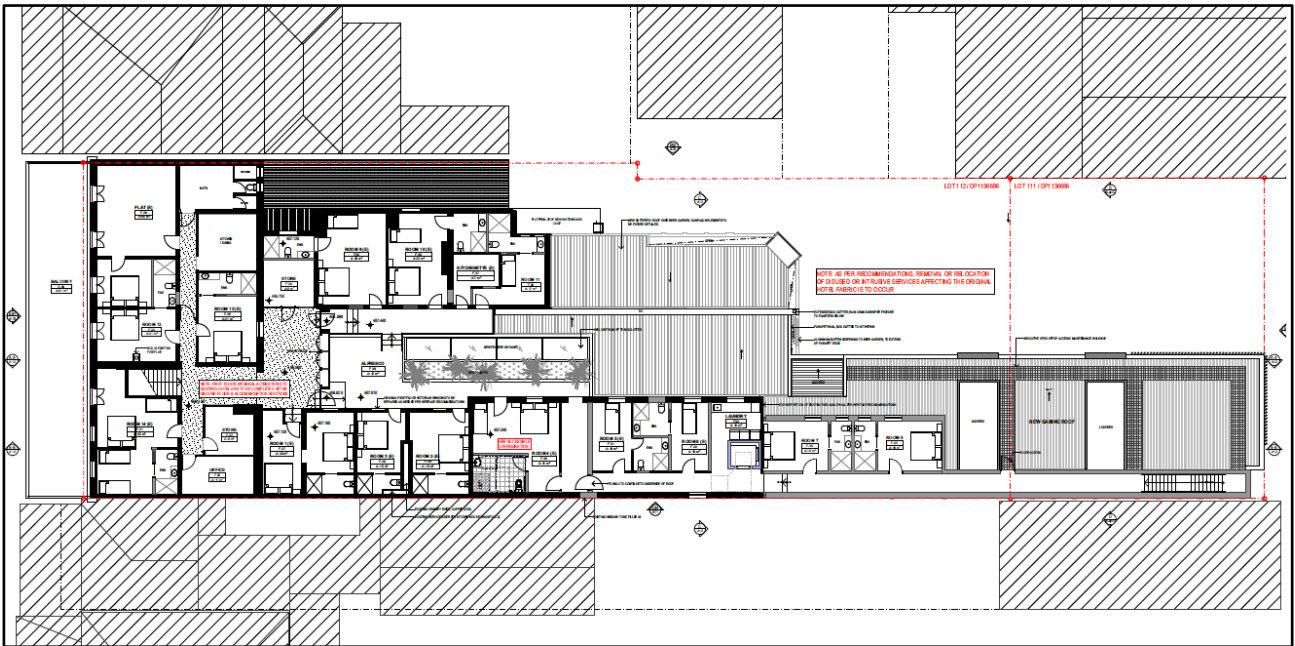


Figure 2: Proposed Upper Floor Layout



Figure 3: 3D Perspective of development from Byron Place



Figure 4: 3D Perspective of development

Site Description

The site is comprised of two lots identified as Lot 111 DP1136686 and Lot 112 DP1136686.

Lot 111 DP1136686 contains a double storey commercial building fronting Byron Place. Lot 112 DP1136886 contains a double storey building fronting Market Street containing the Woolpack Hotel which is comprised of a pub, restaurant and accommodation rooms and associated car parking. A number of historical easements including right of carriageways impact the site.

The Woolpack Hotel is identified as a Heritage Item and has been used since around 1855 as a hotel. Both Lots 111 and 112 historically formed part of the original allotment for the Woolpack Hotel which was subsequently subdivided in 2004. The commercial building facing Byron Place was constructed around the late 1980s / early 1990s.

The site is located within the Mudgee town centre with a mix of retail and other commercial uses in the vicinity of the site.

Please refer to the aerial image shown in **Figure 5** below.



Figure 5: Aerial Image of subject site and surrounds

REQUIREMENTS OF REGULATIONS AND POLICIES

ASSESSMENT

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act 1979 (EP&A Act)

Designated Development

The development proposal is not considered to be Designated Development, in accordance with Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regs).

Integrated Development

The development proposal is not considered to be Integrated Development, in accordance with section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

SECTION 4.15(1) – MATTERS FOR CONSIDERATION - GENERAL

The application has been assessed in accordance with **Section 4.15** of the *Environmental Planning & Assessment Act 1979*. The main issues are addressed below as follows:

4.15(1)(a) REQUIREMENTS OF REGULATIONS AND POLICIES

(i) Do any environmental planning instruments (SEPP, REP or LEP) apply to the land to which the Development Application relates?

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 Koala Habitat Protection 2021

The proposed development will not require removal of vegetation or koala habitat under this Policy. Therefore, no further consideration of this SEPP is considered necessary.

State Environmental Planning Policy (Industry and Employment) 2021 Chapter 3 Advertising and signage

It is proposed to include additional wall signage at the rear entries to the Woolpack Hotel facing Byron Place as shown in **Figure 6** below:

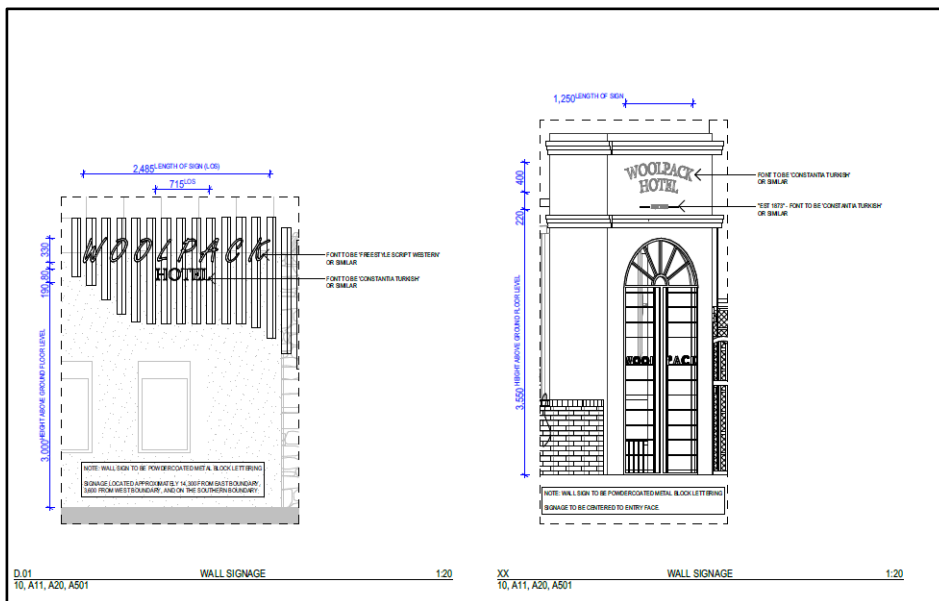


Figure 6: Proposed signage

In accordance with Clause 3.6, all advertising is to satisfy the assessment criteria specified in Schedule 5. The signage is considered acceptable, assessment against Schedule 5 is as follows:

SCHEDULE 5 REQUIREMENT	COMMENT
<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 	<p>The proposed signage is considered to be appropriate to the character of the Byron Place surrounds.</p>

<p>particular theme for outdoor advertising in the area or locality?</p>	
<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>The site is identified as a Heritage Item and located within a heritage conservation area. The proposed signage will face Byron Place and will not detract from the primary frontage and heritage significance of the site to Market street.</p>
<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>The proposed signs will not impact on views or vistas in the vicinity of the site and is appropriately positioned so that it will not impact on views to other advertisements.</p>
<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? 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? 	<ul style="list-style-type: none"> The proposed signage is appropriate with regards to scale and form in the area. The proposed signage will be of high quality, contributing to the streetscape The proposed signage is appropriate to the size of existing development in the area. Existing vegetation including large trees will not be impacted as a result of the signage.
<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>The proposed signage is considered to be compatible in scale and proportion to the proposed development. The signage will be modern in design to match the addition to the rear of the site. No signage is proposed to the existing Heritage Item.</p>
<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>No additional devices required for the operation of the signage.</p>
<p>7 Illumination</p> <ul style="list-style-type: none"> Would illumination result in unacceptable 	<p>Not Applicable – the signs are not proposed to</p>

<p>glare?</p> <ul style="list-style-type: none"> • 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>be illuminated.</p>
<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>The proposed signs will not reduce the safety for vehicles, pedestrians or bicyclists and does not obscure views along the road, footpath or to any public area or safety zone.</p>

State Environmental Planning Policy (Planning Systems) 2021

The proposed development is not identified as State or Regionally Significant Development nor is impacted by any other requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

Pursuant to section 4.6 of the Policy, a site inspection and a search of council’s records did not reveal any potentially contaminating activities upon the site. Accordingly, no further consideration is necessary.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Pursuant to section 2.48, the development will not have impact on underground electricity power lines, distribution pole or tower. There are no electrical easements that constrain the subject site and therefore no further consideration of this SEPP is considered necessary.

Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)

The following clauses of Mid-Western Regional Local Environmental Plan 2012 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 1.2 Aims of Plan

The application is not contrary to the relevant aims and objectives of the plan.

Clause 1.4 Definitions

The proposal is defined in accordance with the MWRLEP 2012 as a:

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- a) An advertising structure
- b) A building identification sign

c) *A business identification sign but does not include traffic signs or traffic control facilities.*

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned E2 Commercial Centre and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use table

The land is zoned E2 Commercial Centre pursuant to MWRLEP 2012. The proposal is permissible with consent in the zone and complies with the relevant objectives. The objectives of the zone and how the proposal satisfies the objectives is addressed below:

E2 Commercial Centre

1. *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*

1. **Comment** 2. The proposal contributes to the range of land uses available within the downtown area.

2. *To encourage investment in commercial development that generates employment opportunities and economic growth*

3. **Comment** 4. The proposal will provide for additional employment opportunities in the downtown area.

3. *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*

5. **Comment** 6. The proposal provides for the continued free pedestrian movement throughout the CBD.

4. *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.*

7. **Comment** 8. Not applicable to this application – no residential development proposed.

5. *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*

9. **Comment** 10. The development will retain the existing active street frontage, attracting pedestrian traffic and contributing to a vibrant, diverse and functional street and public space.

6. *To promote the central business district of Mudgee as the major focus for retail and commercial activity in Mid-Western Regional.*

11. **Comment** 12. The proposal will contribute to the central business district of Mudgee as the major focus for commercial activity

7. *To ensure that new development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core area.*

13. **Comment** 14. The proposed works contribute positively to the heritage streetscape in the immediate vicinity. Refer to comments under clause 5.10 below.

Clause 2.7 Demolition requires development consent

In satisfaction of this clause, the development application seeks approval for the demolition of the existing double storey building fronting Byron Place.

Clause 4.3 Height of buildings

The subject site is mapped for a maximum height limit of 8.5 metres above existing ground level. The proposed extension will have a maximum height of 8.3 metres and therefore complies. A condition will be included to ensure the height of the additions does not exceed 8.5m above existing ground level.

It is noted that the parts of the existing building already exceed the maximum height limit including the Market street frontage at approximately 9.65m.

Clause 5.4 Controls relating to miscellaneous permissible uses

The proposal does not include any of the listed uses contained under this clause.

Clause 5.10 Heritage Conservation

The Woolpack Hotel is identified as Heritage Item I129 under Schedule 5 of the MWRLEP and the site is located within the Heritage Conservation area.

As the proposal includes works involving a Heritage Item and the site is located within the Heritage Conservation Area, consideration must be given to the relevant heritage significance in accordance with 5.10(4). The application was supported by a Statement of Heritage Impact prepared by Barbara Hickson Architect and Heritage Adviser and dated 18 May 2023 which includes analysis identifying fabric which makes high and low contributions to the significance of the item as a whole.

Overall, the Woolpack Hotel is identified as probably the oldest hotel in Mudgee, and has historical, aesthetic and social significance.

The subject site and application was reviewed by Council's Heritage Adviser who raised no objections to the proposal stating the following:

The freestanding building should be demolished was constructed after 1990, and has no significance. The alterations do not affect the Market Street facade. The extensions at the rear are sympathetic, and subtly distinguished from the original form. The minor built features at the rear will be subordinate and complementary, and views to the original structure from the rear will be enhanced.

The application is supported.

As a result, it is considered that the works to the heritage item and the demolition of the existing building within the heritage conservation area will have no significant adverse impacts on the significance of the heritage item or the surrounding area and streetscape and is supported pursuant to the objectives of Clause 5.10 of the MWRLEP.

Clause 5.21 Flood planning

Council's mapping system indicates the site is not affected by flooding during the 1% AEP flood event. No further consideration necessary.

Clause 6.1 Salinity

The extent of earthworks is not expected to significantly affect the process of salinisation.

Clause 6.3 Earthworks

The proposal involves only minor earthworks to prepare the site for the development. The works are not expected to generate any significant impacts as listed in Clause 6.3(3). Conditions of consent have been included to ensure any earthworks related activities are carried out appropriately and minimise impacts upon neighbouring properties.

Clause 6.4 Groundwater vulnerability

The site is identified as groundwater vulnerable in accordance with Council’s mapping. No broad excavation is needed to facilitate the proposal and no significant impacts upon those matters contained within clause 6.4(3) is expected as a result of the proposed development. Given the extent of excavation, it is considered that the development would not cause groundwater contamination, adversely affect any groundwater dependent ecosystems, will not cumulatively impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

Clause 6.5 Terrestrial biodiversity

The proposal is not located in any area identified as ‘Moderate or High Biodiversity Sensitivity’.

Clause 6.7 Active street frontages

The subject site is located within the area mapped as ‘Active street frontage’ pursuant to the LEP mapping. The proposal will result in all premises on the ground floor facing the street having a use for a *pub* which is included in the group definition of a *retail premises (food and drink premises)*. Accordingly, the proposal is considered to satisfy this clause.

Clause 6.8 Airspace operations – Mudgee Airport

The proposal will not penetrate the relevant height limits for safe operation of the Mudgee Airport.

Clause 6.9 Essential Services

All essential services that are relevant to the proposal are available or will be available as a result of the proposed development.

Clause 6.10 Visually sensitive land near Mudgee

The land is not located within the area identified within the visually sensitive land map.

4.15(1)(a) REQUIREMENTS OF REGULATIONS AND POLICIES

(ii) Draft environmental planning instruments (EPI)

No draft environmental planning instruments apply to the land to which the Development Application relates.

(iii) Any development control plans

Mid-Western Regional Development Control Plan 2013 (DCP)

An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Part 4.4 Signs

An assessment against the relevant sections of this Part is provided below.

SIGNS IN TOWNS AND VILLAGES HERITAGE CONSERVATION AREAS	
REQUIREMENT	COMMENT
(a) The streetscapes in the business areas of Mudgee, Gulgong, Rylstone and Hargraves are within a heritage conservation and particular attention is paid to the preservation and enhancement of the character and appearance of these areas.	The proposed signage will face Byron Place and will be complementary to the modern addition to the rear of the Heritage Item. The development has been reviewed by Council’s Heritage adviser and it is considered to be appropriate to the building and locality.
(b) Corporate identification should be carefully selected and amended where necessary to	

retain the character of individual buildings and the surrounding locality.	
(c) Generally, signs on individual buildings or within areas of special significance should be discreet and should complement the building or area. An importance element of Council's planning policies involves the careful control of all advertisements and external building colours in the main business areas.	

BUSINESS AREAS	
REQUIREMENT	COMMENT
(a) Generally, a maximum signage area per commercial building (regardless on number of tenancies) of 25% of the frontage is permitted per building.	The proposed signage will not exceed 25% of the building fronting Byron Place.
(b) Under-awning / verandah signs must have a minimum height of 2.6 metres distance from the pavement to the bottom of the sign and protrude no further than a maximum length of 3.5 metres as measured from the front wall of the commercial building and will not protrude beyond the line of the awning / verandah	Not Applicable – no new under-awning / verandah signs proposed.
(c) Additional pylon signs, projecting wall signs, above awning signs, illuminated wall signs located above the verandah or awning and roof signs are not permitted in both Mudgee and Gulgong business areas.	Complies - None of these types of signs are proposed.
(d) Wall signs should be either painted directly onto the building or constructed of painted wood, or coated at point of manufacture or powder coated flat metal sheets. Wall signs utilising plastic or modern metal materials are not favoured. Specific consideration should be given to buildings that are Heritage Items or within a Heritage Conservation Area. In those instances, it is recommended that you discuss your proposal with the Town Planning Section or Heritage Advisor prior to finalising the design.	The signage is proposed to be complementary to the modern extension with the use of materials of powder coated metal block lettering. The proposal including signage was reviewed by Council's Heritage Adviser who raised no objections to the proposal. The proposed signage is considered appropriate.

Part 4.5 Commercial Development

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Building setbacks	
No minimum front setbacks apply	Yes – existing front setback to Market Street will be retained.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Side and rear setbacks must comply with BCA	To be conditioned
Signage	
Signage complies with relevant provisions in section 4.4 DCP 2013	Yes. Refer assessment of Section 4.4 previously discussed in this report.
Design	
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.	The existing frontage to Market street will be retained.
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 retail space.	Existing frontage to Market street will be retained which contains windows and doors providing interaction with pedestrians and the business.
Building facades shall be articulated by use of colour, arrangement of elements, or by varying materials	Yes. The façade to Byron Place is articulated and contains a mix of materials.
Consider elements within established heritage buildings and how its application may be applied to new development.	The proposed extensions to the rear of the existing Heritage Item have been considered by Council's Heritage Adviser who has advised that the additions are "sympathetic, and subtly distinguished from the original form. The minor built features at the rear will be subordinate and complimentary, and views to the original structure from the rear will be enhanced"
Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials.	The façade to Byron Place has been appropriately designed to consider the surrounding built form and will have an appropriate modern presentation to Byron Place whilst allowing views to the rear of the Heritage Item.
Design of new development should seek to be sympathetic to heritage items do not reproduce them.	The proposed addition is considered to be sympathetic to the Heritage Item as discussed throughout this report.
Plans must include details of all external infrastructure (air conditioning ducts, plant rooms) and how it will be screened from view from a public road.	Yes. Condition of consent
Development on a corner must include architectural features to address both frontages.	Not applicable
Where the development will adjoin the residential, village and mixed use zones, sufficient setback in the form of landscape buffers and access ways should be incorporated.	Not applicable - the site does not adjoin a residential, village or mixed use zone.
Scale form and height	
The LEP controls the height of building to a maximum of 8.5m	The proposed addition will have a maximum height of 8.3m
Consistent with existing heritage character of the town centres of Gulgong, Mudgee and Rylstone	Yes. The existing frontage to Market street will be retained. The new additions to Byron Place are sympathetic to the Heritage building and Mudgee Heritage Conservation Area.
Mortimer and Church Street, Mudgee	
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 patter of development adopting zero front and side property setbacks.	Not applicable
Where possible the use of elements that emphasis the horizontal form of development established in the Town Centre, for example through the use of	Not applicable

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
verandas	
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.	Not applicable
Articulation and Façade Composition	
To break visual bulk and create interest, use secondary vertical elements such as fenestration or detail such as changes in materials and colour.	Appropriate interest to the façade of the building additions where it faces Byron Place has been provided despite its narrow form through the use external materials and finishes.
Excessive length of blank wall are not supported in the front façade.	Extensive blank walls not proposed on Byron Place frontage.
Where blank walls are unavoidable (alongside or rear boundaries), break the visual impact through the provision of landscaping, or by creating visual interest through patterning of the façade, signage or public art.	Where blank walls are proposed that will be visible, appropriate measures have been proposed through external finishes to create visual interest.
Residential–Commercial interface	
Provision of Landscape buffer to residential boundaries	Not applicable
Ground and first floor do not overlook residential properties	Not applicable
Maintain acoustic privacy through the use of acoustic fencing where vehicles movements adjoin property boundaries	Not applicable
Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings are located along residential boundaries ensure sufficient landscaping is provided	Not applicable
Development does not reduce sunlight available to north facing windows of living areas, private open space or clothes drying areas of adjoining properties to less than 3 hours between 9am and 3pm at winter solstice	Not applicable
Utilities and Services	
Building and structures located clear of infrastructure	Yes
Able to be serviced by water, sewer and waste disposal	Yes – development is already connected to relevant services.
Trade waste application required?	Yes – new application required to address changes to existing approvals.
Traffic and Access	
All vehicles must be able to enter and exit the site in a forward direction	Yes
All vehicle movement paths are sealed	Yes. Condition
Driveways comply with Australian Standard AS2890.1 Parking Facilities	Yes
For new commercial development all loading facilities are to be located within the site with no loading to occur from the public road system.	Not applicable - Turning area provided for small delivery vehicles. Loading area in Byron Place will also continue to be utilised for larger vehicles.
All loading facilities designed to comply with Australian Standards	Not applicable.
Application addresses traffic flow and safety issues, e.g. pedestrian, car and truck movements	Yes.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Pedestrian Access	
Maintain existing covered pedestrian access within town centres	Covered access extended/retained
Convenient and safe access through parking areas	Complies
Convenient and safe disabled access through parking areas, focus on improving links with existing retail	Links to other sites not altered
Parking	
Discussed elsewhere in report	Refer to Part 5.1 for assessment of car parking.
Landscaping	
Landscaped areas in car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries	Not applicable
Landscaping to comprise low maintenance, drought and frost resistant species	Not applicable

Part 4.7 Tree Preservation Order

No trees listed in the Tree Preservation Order are proposed to be removed.

Part 5.1 Car Parking

Under this Part there is no set car parking rate for pubs located within the Commercial Core B3 Zone (equivalent to the E2 Commercial Centre recently introduced), rather a car parking study is required to justify the provision of car parking proposed.

The application was supported by a car parking study prepared by Seca Solution and dated 15 December 2023. A total of 7 car parking spaces are currently provided onsite, this number will be increased to 10 spaces (an additional 3 spaces) as a result of the proposal. It is also noted that there are a number of historic car parking credits relating to the land as well as credits resulting from the payment of parking contributions for eleven spaces for the building at 15-17 Byron Place under DA154/87 issued on 17/9/87 for \$22,000.

The study concluded that the proposed expansion can be accommodated within the available town parking supply without impacting the operation of surrounding businesses stating the following:

The proposed expansion can be accommodated within the available town parking supply without impacting the operation of surrounding businesses and therefore will have an acceptable impact on the local road network. The supply of on-street parking in Mudgee allows for shared use of this parking across the varying businesses in town, with the core retail area in Mudgee creating the parking demands during the normal working days. Outside of the core business hours, the parking surveys completed by Seca Solution show that there is a significant amount of vacant parking spaces within an easy walk of the Woolpack Hotel which can accommodate the potential increase in parking created by the expansion of this hotel.

Allowing for the minor increase in overall public floor area, the proposal could see a net change in the parking demand of between 27 and 54 spaces. Parking beat surveys completed as part of the project work indicate that current parking demands on street in the general locality of the subject site are not fully utilised at the times when the hotel will generate peak demands i.e. Friday and Saturday late afternoon and into the evening. The surveys show that there is between 75 and 135 vacant spaces in the general locality of the site, excluding the Council car park to the rear of the site. The potential maximum increase of 54 spaces can be accommodated in this area and the more considered value of 27 additional parking space demands can be accommodated with no impact on the adjacent businesses in this part of Mudgee.

There is adequate parking to accommodate the additional demands associated with the proposal recognising the complimentary nature of the business to others in the area, the opportunity for walking trips from local accommodation and the availability of overflow parking in this area.

Of note, the accommodation units will be redeveloped as part of the proposal however the existing number of rooms, comprising 14 accommodation rooms and one managers flat will not change. The number of on-site car spaces will increase from 7 to 10, allowing more guests to utilise on-site parking during their stay as a result of the development.

Part 5.2 Flooding

Not Applicable

Part 5.3 Stormwater Management

Council's Development Engineer has reviewed the application and provided the following advice:

The subject site is currently 100% impervious and while the proposed development involves the demolition of one of the buildings on-site, it will be replaced with additions to the hotel and new car parking areas. As such, runoff from the site will not increase beyond that currently occurring. The applicant has provided calculations demonstrating that post development flows do not exceed pre development flows.

The information is considered acceptable for DA purposes, full details will be required at CC stage. Standard engineering conditions are able to be applied.

Part 5.4 Environmental Controls

All the relevant considerations have been discussed elsewhere in this report or dealt with through conditions of consent.

CONTRIBUTIONS

Mid-Western Regional Contributions Plan 2019

Pursuant to Council's Contributions Plan 2019, the development is commercial and has a proposed cost greater than \$200,000 therefore a levy of 1% applies and is payable to Council which requires the payment of a contributions in accordance with the plan as follows:

1% of \$1,654,000.00 is \$16,540.00

An appropriate condition has been imposed requiring payment of the contribution.

Section 64 - Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the proposed development will require the payment of DC headworks. Charges calculated by Water and Sewer as follows:

Water Headworks

Payable Water Contributions – 6.498 ET/units x \$9,713.00 = \$63,115.07

This calculation is based on:

- Credit of 0.392 ET/units for the existing commercial building to be demolished and
- New ET/units of 6.89ET/units for additional floor area and beds as a result of the proposed development.

Sewer Headworks

Payable Sewer contributions – 6.648 ET/units x \$4,434.00 = \$29,477.23

This calculation is based on:

- Credit of 0.392 ET/units for the existing commercial building to be demolished.
- New ET/Units of 7.04 ET/units for additional floor area and beds as a result of the proposed development.

Total headworks are as follows:

Section 64 Contributions	
	Value
Water Headworks	\$63,115.07
Sewer Headworks	\$29,477.23
Total Headworks	\$92,592.30

A condition has been imposed accordingly.

4.15(1)(a) PROVISIONS OF ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT – (1)(a)(iia)

No Planning Agreements are applicable.

4.15(1)(a)(iv) REGULATIONS

Environmental Planning and Assessment Regulation 2021

Clause 61 – Additional matters that consent authority must consider

Clause 61(1) requires Council to consider Australian Standard AS2601-2001: *The Demolition of Structures* when consent is sought for demolition of a building. The application includes demolition and compliance with AS2601 has been included as a condition of consent.

Clause 64 – Consent authority may require upgrade of buildings

The proposal will involve works as described within Clause 64(1) and therefore 64(2) is to be considered.

64(2) requires Council to consider whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia. Council’s Health & Building Surveyor has provided conditions requiring the existing building to be brought into conformity with the following Performance Requirements of the BCA, Volume 1:

- C1P2 – Spread of Fire
- D1P4 – Exits
- D1P6 – Paths of Travel to Exits
- E1P1 – Fire Hose Reels
- E1P2 – Fire Extinguishers
- E1P3 - Fire Hydrants
- E4P1 – Visibility in an emergency
- E4P2 – Identification of exits
- E4P3 – Emergency warning and intercom systems.

LIKELY IMPACTS OF THE DEVELOPMENT – 4.15(1)(b)

(a) Context and Setting

The proposal is appropriate with regards to the surrounding context and setting.

(b) Access, Transport and Traffic

The implications of additional traffic and suitable access are discussed throughout this report. The proposal is considered appropriate.

(c) Public Domain

The development will not impact the public domain in terms of recreation opportunities, the amount, location, design, use and management of public spaces, or pedestrian linkages between public spaces.

(d) Utilities

All relevant utilities are available or can be made readily available to the site.

(e) Heritage

The site is identified as a Heritage Item and is located within the Mudgee Heritage Conservation area. Consideration of the impact of the development on the heritage significance has been undertaken throughout this report, with the demolition of the commercial building fronting Byron Place supported. The alterations and additions to the heritage item (being the Woolpack Hotel) are also supported given the alterations do not affect the Market Street façade and that the extensions to the rear are sympathetic and distinguished from the original form.

(f) Other Land Resources

No impact expected on the conserving and the use of valuable land, such as productive agricultural land, mineral or extractive resources, or water supply catchments.

(g) Water

No significant impact expected.

(h) Soils

No significant impact expected. The land is not known to be affected by subsidence, slip or mass movement, subject to contamination, and will not result in significant soil erosion or degradation.

(i) Air and Microclimate

The development is not expected to impact air quality or microclimatic conditions.

(j) Flora and Fauna

Not applicable

(k) Waste

Waste service available.

(l) Energy

Not Applicable

(m) Noise and Vibration

The Woolpack Hotel is located within the commercial centre of Mudgee with scattered residences located within the area. The development will continue to operate as per existing approvals for the operation of the use including liquor licencing requirements which regulate noise levels to affected residential premises in the area and operating hours. The redevelopment of the site is not expected to result in significant changes in noise. The extension to the rear, containing the new gaming area, will be fully enclosed within the building. No new outdoor areas are proposed, noting

that the beer garden will be redeveloped to be semi-enclosed with a roof. The proposal is considered to be satisfactory.

(n) Natural Hazards

The development site is not identified as bushfire prone or flood prone and there are no known subsidence, slip or mass movement issues.

(o) Technological Hazards

There are no known risks to people, property or the biophysical environment, resulting from technological or industrial hazards, or building fire risk.

(p) Safety, Security and Crime Prevention

The development is considered to be generally consistent with principles of Crime Prevention through Environmental Design. The proposal will result in increased passive surveillance through improvements to the visibility of the development from Byron Place and redesign of the car parking area.

(q) Social Impact in the Locality

Generally positive.

(r) Economic Impact in the Locality

Generally positive.

(s) Site Design and Internal Design

Adequate as discussed throughout this report.

(t) Construction

To comply with the BCA where relevant.

(u) Cumulative Impacts

Nil. There are no known impacts that have the potential to act in unison, in terms of space or time, or owing to their repetitive nature, that would produce an effect greater or different than the sum of the separate parts.

SUITABILITY OF SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

Yes. There are no hazardous land uses or activities nearby, there are no constraints posed by adjacent developments and there are adequate utilities and transport facilities in the area available for the development.

Are the site attributes conducive to development?

Yes. The site is not subjected to any natural hazards, and the project will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site.

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS – 4.15(1)(d)

Public Submissions

The application was neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 14 September 2023. During the notification period, 0 submission/s were received. The application was amended during the assessment of the application; however, the changes were not considered to be significant to require re-notification.

Submissions from Public Authorities

No submissions were sought or received from public authorities.

THE PUBLIC INTEREST – 4.15(1)(e)

Federal, State and Local Government interests and Community interests

There are no matters other than those discussed in the assessment of the Development Application above that would be considered to be contrary to the public interest.

CONSULTATIONS

Health and Building

Council's Health & Building Surveyor have recommended conditions to address building matters. These conditions are incorporated in the recommendation.

Development Engineering

Council's Development Engineer has provided conditions to address the detailed engineering matters including access, traffic, car parking, stormwater and servicing. These conditions are incorporated in the recommendation.

Heritage Adviser

Council's Heritage Adviser has reviewed the application and hasn't raised any objections to the proposed demolition and extension including the following comments:

"The freestanding building to be demolished was constructed after 1990, and has no significance. The alterations do not affect the Market Street facade. The extensions at the rear are sympathetic, and subtly distinguished from the original form. The minor built features at the rear will be subordinate and complementary, and views to the original structure from the rear will be enhanced.

The application is supported.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our region and heritage value of our towns

Strategic implications

Council Strategies

Not Applicable

Council Policies

Mid-Western Development Control Plan 2013
Community Participation Plan 2019
Mid-Western Regional Contributions Plan 2019
Mid-Western Regional Developer Servicing Plan 2008

Legislation

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulations 2021
Mid-Western Regional Local Environmental Plan 2012

Financial implications

Not Applicable

Associated Risks

Should Council refuse the application, the applicant may seek further review of this decision or appeal through the Land and Environment Court.

SARAH HOPKINS
TOWN PLANNER

ALINA AZAR
DIRECTOR DEVELOPMENT

29 February 2024

Attachments: 1. Architectural Plans. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER