

Statement of Environmental Effects

Alterations and addition to the Federal Hotel, construction of a single storey liquor store and construction of a two-storey hotel accommodation building containing 38 rooms for the Federal Hotel. Associated works include construction of a surface car park with 38 spaces (includes 2 accessible spaces), associated site servicing and loading areas, landscaping across the site, and amalgamation of the lots



34 - 42 Inglis Street Mudgee, NSW 2850



Certification

This Statement of Environmental Effects (SEE) has been prepared to address the requirements of the Environmental Planning and Assessment Regulation 2000 (the Regulations), in particular Clause 50 and its related schedules.

This SEE is prepared in good faith to accurately describe the proposed development, its context and environmental effects and can be relied on by the consent authority.

	
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Documents Control

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1	Draft	17/09/2023	AC/PB	PB
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3	Draft for IMG Group review	27/09/2023	AC/PB	AC/PB
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Executive Summary

This Statement of Environmental Effects (**SEE**) accompanies a Development Application (**DA**) seeking approval for alterations and addition to the Federal Hotel, construction of a single storey liquor store and construction of a two-storey hotel accommodation building containing 38 rooms for the Federal Hotel. Associated works include construction of a surface car park with 38 spaces (includes 2 accessible spaces), associated site servicing and loading areas, landscaping across the site, and amalgamation of the lots for 34-36, 38 and 40 – 42 Inglis Street, Mudgee (**the site**).

The site has a combined area of 5,065m² with extensive and prominent frontages to Inglis Street and Lewis Street, and rear access to Lyons Lane. The site is zoned a mixture of SP3 Tourist (Federal Hotel – 34-36 Inglis Street) and MU1 – Mixed use (38 and 40-42 Inglis Street), and contains a locally listed Heritage Item – The Federal Hotel under the provisions of the Mid-Western Regional Local Environmental Plan 2012 (**MWRLEP 2012**). The site is surrounded by a mixture of land uses and building forms including detached and attached dwellings, place of public worship, takeaway food and drink premises, smash repairers, mechanics, and a gallery housed within the State heritage listed Mudgee Railway Station. There is no longer a rail service to Mudgee Railway Station.

The site is located within walking distance of the Mudgee central business, approximately 1km south of the Mudgee Post Office and Mid-Western Regional Council (**MWRC**) building.

The DA submission to MWRC is lodged under Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**), and the comprehensive DA package includes a variety of drawings, specialist studies and reports which must be read in conjunction with this SEE.

Prior to the submission of the DA a pre-lodgement meeting was held MWRC on 1 June 2023 and the DA submission has considered and addressed the commentary provided in the pre-lodgement meeting minutes. In addition, a detailed site inspection and onsite meeting was held with Council's heritage consultant on 1 June 2023 regarding the draft concept design for the proposed alterations and additions to the Federal Hotel and overall development of the site. The final design for the alterations and addition to the Federal Hotel has incorporated feedback from Council's Heritage consultant regarding heritage preservation and restoration works, building materials, colours and finishes.

The SEE has considered the subject site characteristics, nature of surrounding land uses and demonstrates that the proposed development will not have any adverse environmental or amenity impacts on neighbouring properties, the locality or streetscape. Furthermore, the SEE describes the proposed development and any likely impacts and measures to be implemented to ensure the successful management and mitigation of environmental impacts during construction and operation of the development.

The proposal addresses the aims of MWRLEP 2012 by delivering a high-quality development incorporating land uses that will foster a sustainable and vibrant economy that supports and celebrates the Mid-Western Regional's rural, natural and heritage attributes of the LGA. In addition, proposal is consistent with the sites SP3 Tourist and MU1 – Mixed use zone objectives providing a diversity of complimentary, and tourist orientated uses that will stimulate tourism Mudgee, generate employment opportunities and are permissible with Council consent. The proposed building heights on land zoned MU1 Mixed use are compliant with and below the maximum 8.5 metre height development standard. While the alterations and additions to the heritage listed Federal Hotel address the provisions of clause 5.9 Heritage conservation of the MWRLEP 2012.

The SEE demonstrates that the proposed development is acceptable under Section 4.15 of the EP&A Act and recommends that the Consent Authority grant conditional approval.



1 Introduction

This Statement of Environmental Effects (**SEE**) accompanies a Development Application (**DA**) seeking approval for alterations and addition to the Federal Hotel, construction of a new storey drive through liquor store and construction of a two-storey hotel accommodation building containing 38 rooms for the Federal Hotel. Associated works include construction of a surface car park with 38 spaces (includes 2 accessible spaces), associated site servicing and loading areas, landscaping across the site, and amalgamation of the lots for 34-36, 38 and 40 – 42 Inglis Street, Mudgee.

This SEE is to be read in conjunction with the supporting drawings and specialist reports which accompany the DA submission (refer to section 1.2 for a full list of accompanying documentation). The SEE details the site's location and context and describes the proposed development. It further provides an assessment of the proposal against the relevant matters for consideration including the Mid-Western Regional Local Environmental Plan 2012, Mid-Western Regional Development Control Plan 2013 and Section 4.15 considerations of the Act. The preparation of this SEE is pursuant to Part 4 of the Act and Clause 50 of the Environmental Planning and Assessment Regulation 2000 (**the Regulations**).

This assessment concludes that the proposed development is permissible within the sites MU1 Mixed Use and SP Tourist zoning, the site is suitable for the development, therefore the proposal warrants approval under Section 4.15 of the Act.

1.1 Purpose and structure of SEE

The purpose and structure of this SEE are detailed as follows:

- Section 2 – Site Analysis identifies the site in terms of context, setting and locality, and also describes the site characteristics and surrounding locality;
- Section 3 – Details the Proposal and describes the background of the project;
- Section 4 – Regulation Matters are addressed in this section;
- Section 5 – Environmental Assessment addresses designated and integrated development;
- Section 6 – Section 4.15 Evaluation of the EP&A Act assesses the proposed development against Section 4.15 of the EP&A Act; and
- Section 7 – Conclusion concludes the SEE.

1.2 The DA

The DA comprises the following documents:

- A complete and signed **Owner Consent letter** accompanying the DA submission;
- **Survey Plan**, dated 03/03/2023 and prepared by VMark Survey Pty Ltd;
- Full set of **Architectural drawings**, Revision A, dated September 2023 and by Bergstrom Architecture consisting of:
 - Site Analysis and Site Plan
 - Existing Floor Plans
 - Demolition Plans
 - Proposed Floor Plans
 - Roof Plans
 - Signage Plans
 - Elevations
 - Sections
 - Shadow Diagrams
 - External View and Perspectives
 - Schedule of External Materials and Finishes
 - Lot Consolidation Plan
- **Landscape plan**, dated September 2023 and prepared by Paddock Studio;
- **Stormwater Management Plan** prepared by NDY;
- **Sewer Servicing Plan** prepared by NDY;
- **Water Servicing Plan** prepared by NDY;
- **Vehicle turning circle templates**, dated xxx and prepared by SCT Consultants;
- **Cost of works estimate** prepared by Capital Airport Group;
- **Heritage Impact Statement**, dated August 2023 and prepared by Sue Rosen Associates;
- **Tree Assessment Report**, dated 2 August 2023 and prepared by McArdle and Sons Arboricultural Services Pty Ltd;
- **Traffic Impact Assessment**, dated 29 August 2023 and prepared by SCT Consultants;
- **Noise Impact Assessment**, dated 5 September 2023 and prepared by NDY;
- **Federal Hotel – 34 Inglis Street, Mudgee – BCA Assessment**, dated September 2023 and prepared by Steve Watson and Partners; and
- **Statement of Environmental Effects** (this report).

2 Site description, context and locality

This section of the report describes the physical location and characteristics of the subject site, the nature of adjoining developments/land uses and character of the locality.

2.1 The site location

The site is located with the southcentral part of the Mudgee within walking distance of a variety of developments and land uses. The site is located approximately 1km south of the Mudgee Post Office and Mid-Western Regional Council building (see figure below).



Figure 1: Aerial imagery of Mudgee and the site location. (Source: Google Maps, accessed August 2023)

2.2 Site description and land use

The site comprises of the Federal Hotel and three adjoining lots to the west, that are:

- 34-36 Inglis Street Mudgee (the existing Federal Hotel and drive through bottle shop) Lot 10 DP 1275386;
- 38 Inglis Street Mudgee (formally a vehicle smash repairer), Lot 18 Sec 43 DP75872; and
- 40-42 Inglis Street Mudgee (formally a plumbing store / cabinet maker), Lot 16 Sec 43 DP758721 and Lot 17 Sec 43 DP758721.

See Aerial Mapping of Lots below.



Figure 1: Aerial Lot Plan of the subject site. (Source: Six Maps, accessed January 2022)

The combined site has a rectangular shape, with a north rear boundary to Lyons Lane measuring 100.58 metres, east frontage to Lewis Street measuring 50.29 metres, south frontage to Inglis Street measuring 100.52 metres and west side boundary with 44 Inglis Street measuring 50.29 metres. The site has combined area of 5,065sqm and falls from the south frontage to Inglis Street towards to the rear boundary with Lyons Lane by approximately 1.2 metres (see survey detail below).

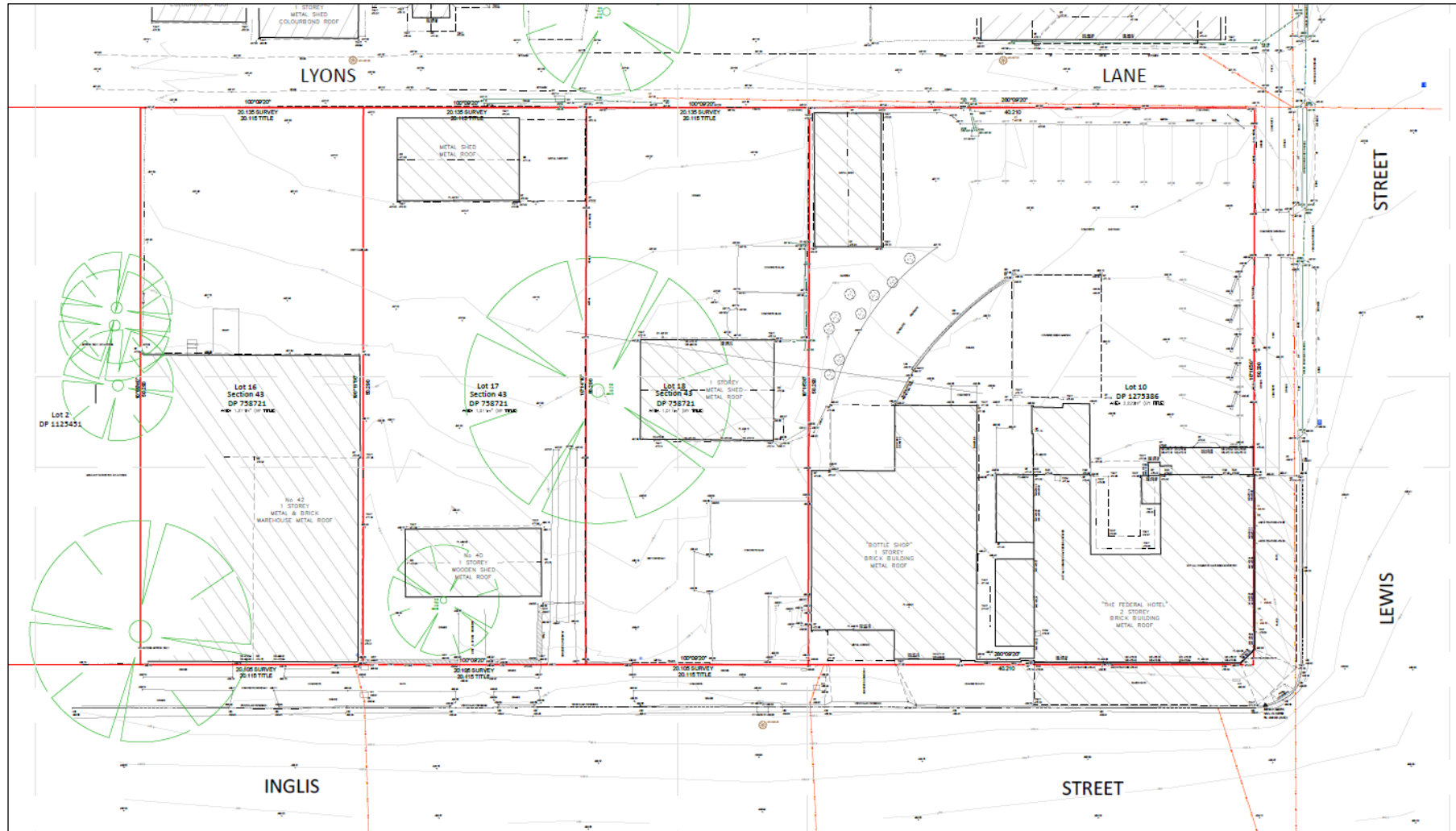


Figure 2: Survey Plan of the subject site – 34-42 Inglis Street, Mudgee. (Source: VMark Survey Pty Ltd)

The Federal Hotel (34-36 Inglis Street)

On the existing Federal Hotel Lot 10 DP1275386 (34-36 Inglis Street) there is a 2-storey Victorian Hotel building which was constructed originally around the 1880s as a single storey building known as Hall's Federal Hotel. In 1927 a first addition was constructed over the original building and from then it became known as the *Federal Hotel*. Over the following years ad hoc additions were constructed to the main building. This included an unsympathetic lean-to addition on the northside of the building, construction of ground floor storage rooms. The largest addition to the Federal Hotel building was the construction of the single storey drive through liquor store in the 1990s. The drive through liquor store was constructed off the west side of the Federal Hotel building fronting Inglis Street. Limited surface car parking was line marked to some available hardstand area around the perimeter of the site. Several detached light weight structures were also added on an ad hoc basis and include a marquee over the outdoor dining and seating areas, storage sheds and rooms. See photographs below or for further details refer to the Heritage Impact Statement submitted with the DA.



Photograph 1: Historical photograph of Hall's Federal Hotel dated 1880s.
(Source: Heritage Impact Statement, by Sue Rosen Associates)



Photograph 2: The site's frontage to Wolseley Road looking northwest.
(Source: Heritage Impact Statement, by Sue Rosen Associates)



Photograph 3: The Federal Hotel as viewed from the corner of Inglis and Lewis Street.



Photograph 5: The Federal Hotel as viewed from Lewis Street looking south.



Photograph 7: External seating areas and marquee to the Federal Hotel.



Photograph 4: Federal Hotel and bottle shop as viewed from Inglis Street.



Photograph 6: North elevation of Federal Hotel with latter lean to additions.



Photograph 8: Storage sheds situated in the northwest part of the site.

Federal Hotel building requires significant heritage conservation, restoration and upgrade works.

Following the acquisition of the Federal Hotel in 2021 IMG Group undertook a review of the state of the heritage listed hotel building. This work was also informed by the project planner, architect and heritage consultant, and forms part of the DA submission. The review of the Federal Hotel heritage listed building has found that the buildings has historically had very limited investment in conservation and restoration works. In addition, several ad hoc alterations both externally and internally to the Federal Hotel have been completed over a number of decades. An overview of the dilapidated state of the Federal Hotel building is provided below and photographs on the following pages.

- Substantial movement and cracking to façade brickwork at the buildings Inglis and Lewis Street facades.
- Rising damp and deterioration of mortar to brickwork across the external facades at Inglis and Lewis Street;
- Unsympathetic infill brick work to the Lewis Street façade.
- Historic removal of timber framed external windows and doors replaced with unsympathetic aluminium framed windows and door to Inglis and Lewis Street facades.
- Deterioration of the building's parapets and painted facades.
- Ad hoc internal and external additions to the building impacting on historic significance of the building and its setting.

A combination of failing to invest in heritage conservation and restoration works and historical unsympathetic alterations and additions to the Federal Hotel has resulted a poor-quality building in need to restoration and repair.



Photograph 9: The Federal Hotel deterioration of external brickwork as viewed from Lewis Street.



Photograph 10: Federal Hotel external cracking to brickwork at Inglis Street.



Photograph 11: Federal Hotel deterioration of parapet details.



Photograph 11: The Federal Hotel front bar collapsing internal ceiling and unsympathetic additions to heritage item.



Photograph 12: External unsympathetic additions to Federal Hotel situated at the rear of the building.



Photograph 13: Federal Hotel bottle shop wall damage by fire at 38 Inglis Street.

38, 40-42 Inglis Street

Located on 38-42 Inglis Street are a variety of nondescript light industrial buildings such as sheds, outbuildings and other structures. The majority of the buildings are in a poor condition as a fire on 38 Inglis Street destroyed a small building which was fronting Inglis Street. Three trees are situated across the property which vary in species and quality. The site is bound by a mixture of Colourbond fencing and temporary steel hoarding. The site is illustrated in the photographs below.



Photograph 9: 38 Inglis Street as viewed from the street looking north.



Photograph 10: 38 Inglis Street and location of building burnt down year ago.



Photograph 11: Warehouse building at 40-42 Inglis Street as viewed from the street.



Photograph 12: Garages, carports and sheds at 40-42 Inglis Street.



Photograph 13: Warehouse building and Inglis Street looking east to the Federal Hotel.



Photograph 14: Tree located on 38 Inglis Street.

2.3 Site context and locality

The site is situated within walking distance of the central streets of Mudgee, approximately 1km south of the Mudgee Post Office and Mid-Western Regional Council building. The site is surrounded by a variety of land uses and building forms including detached and attached dwellings, places of public worship, takeaway food and drink premises, smash repairers, mechanics, light and general industry uses and the Mudgee Railway Station. Located further south of the site is the Mudgee Show Ground, Mudgee Hospital and Health Services. The site context and locality are illustrated in the figure below.



Figure 3: Location of the subject site Lot 7 and surrounding Lots. (source: Six Maps, accessed July 2023)

North

The site is bound on the north side by Lyons Lane which is a two-way vehicular access and service lane for properties with frontages to Inglis Street and Horatio Street. Situated on the north side of Lyons Lane are a variety of land uses including detached and attached dwellings, a place of public worship and other use. Lyons Lane and buildings north of the site are illustrated in the photographs below.



Photograph 15: Attached dwellings situated on the north side of Lyons Lane.



Photograph 16: Attached dwelling elevation abutting Lyons Lane.



Photograph 17: Lyons Lane looking east towards Lewis Street.



Photograph 18: Lyons Lane as viewed looking west.

East

The site is bound on the east side by Lewis Street with lane carriageways in both directions and 45-degree angled public parking on both sides. Situated on the east side of Lewis Street are a variety of land uses including an electrical supplies store, pump and irrigation supply and service store, and detached dwellings. Lewis Street and buildings east of the site are illustrated in the photographs below.



Photograph 19: Lewis Street as viewed from the north looking back towards the site.



Photograph 20: Electrical supplies store situated east across Lewis Street.



Photograph 21: Electrical supplies store and pump/irrigation store located east across Lewis Street.



Photograph 22: Light industry use situated southeast across Inglis Street.

South

The site is bound on the south side by Inglis Street with single lane carriageways in both directions and 45-degree angled public parking on both sides. Situated on the south side of Inglis Street are a variety of land uses including an Mudgee Railway Station (state listed heritage item), commercial use facility and the railway line. Inglis Street and the surrounding land uses are illustrated in the photographs below.



Photograph 23: Inglis Street as viewed looking west.



Photograph 24: Inglis Street as viewed looking east.



Photograph 25: Commercial use building located on the south side of Inglis Street.



Photograph 26: Mudgee Railway Station located south of the site.

West

Adjoining the site along with west side boundary is 44 Inglis Street which is occupied by a single storey dwelling setback considerably from the Inglis Street frontage. A double garage is situated in the properties north boundary to Lyons Lane. 11 trees are located on the 44 Inglis Street boundary with the subject site. A number of the trees are large and have canopies overhanging the subject site. The neighbouring property at 44 Inglis Street is illustrated in the photographs below.



Figure 5: Aerial imagery of 44 Inglis Street and subject site. (Source: Sixmaps)



Photograph 27: Neighbouring property at 44 Inglis Street as viewed from the Inglis Street.



Photograph 28: Neighbouring properties along Inglis Street to the west.



Photograph 29: Neighbouring properties along Inglis Street to the west.

2.4 Road network, On-street Public Car Parking and Public Transport

The road adjoining the site and roads in the vicinity of the site are described below:

- **Lyons Lane** (north boundary) is an east-west local laneway used as a service laneway for developments fronting Horatio Street and Inglis Street. The two-way lane extends from Church Street to the west to Lewis Street to the east.
- **Lewis Street** (east frontage) is a north-south local street which travels north to Short Street and the Cudgegong River and south to Inglis Street. Located in the east and west sides of Lewis Street is unmarked 45-degree kerb side public car parking spaces.
- **Inglis Street** (south frontage) is an east-west local street which terminates to the east at a local industrial park and terminates to the west at Bellevue Road. Located on the north and south sides of Inglis Street are unmarked 45-degree kerb side public car parking spaces.
- **Horatio Street** (north of the site) is an east-west classified road which to the east connects with Castlereagh Highway that provides connections to regional town centres and boarder parts of Mudgee and NSW. Located on the north and south sides of Horatio Street are parallel kerb side car parking spaces.
- **Church Street** (west of the site) is a north-south local road which connects with the central Mudgee to the north and south Mudgee and outer suburbs. Located on the east and west sides of Church Street are unmarked 45-degree kerb side public car parking spaces.

Located within 400 metres of the site are bus stops I and J on Church Street and bus stop on Horatio Street which run bus routes 561, 562 and 560 servicing south, east and west Mudgee.

The main north west street for the Mudgee commercial area is Church Street is one block to the west. See current Mid-Western Regional Council Structure Plan¹ overleaf. The Structure Plan identifies the site as employment lands which are surrounded by tourism land. The site ideally located to accommodate the proposed uses which will generate employment opportunities and support the tourism industry. The proposed development is consistent with the ongoing, short, medium and long term themes of the Structure Plan.

¹ Midwest regional Council, May 2020 Mid-West Regional Local Strategic Planning Statement.

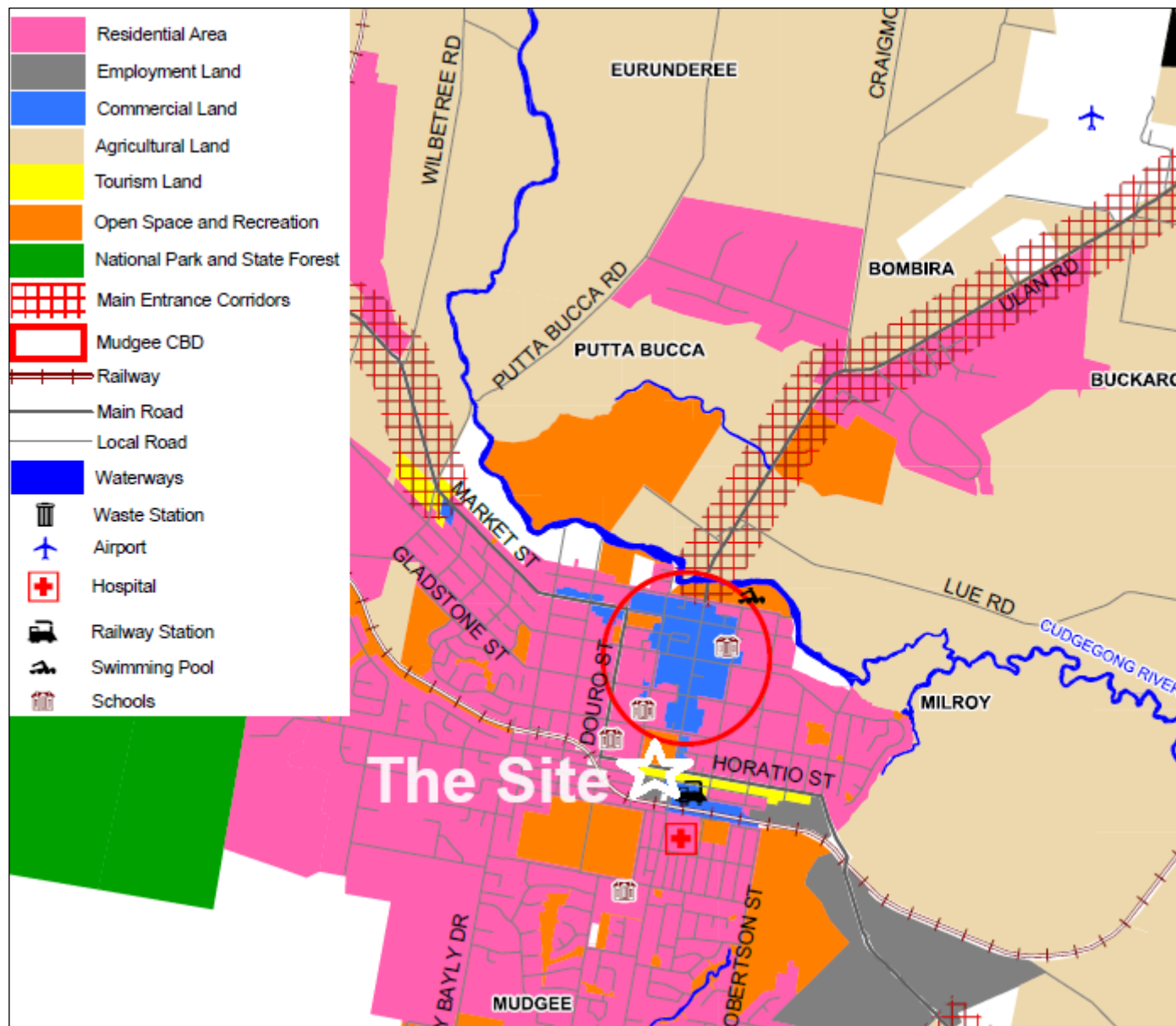


Figure 4: Extract Mudgee Structure Plan, Mid West Regional Local Strategic Planning Statement, May 2020

3 The proposal

3.1 Background

Mid-Western Regional Council - Pre-Lodgement Meeting Minutes

A pre-lodgement meeting was held with representatives of MWRC on 1 June 2023. The proposed development has addressed the key matters raised in the meeting minutes and the comprehensive DA submission addresses the commentary provided in the pre-lodgement meeting minutes.

Mid-Western Regional Council - Heritage consultant inspection and advice

A detailed site inspection and onsite meeting was held with Councils Heritage consultant on 1 June 2023 regarding the proposed development and in particular the alterations and additions to the Federal Hotel. The final DA design of the alterations and addition to the Federal Hotel incorporated feedback from Councils Heritage consultant and included:

- architectural design and massing;
- heritage conservation and restoration works; and
- building colours, material and finishes.

Councils Heritage Consultant has provided verbal and written support for the proposed alterations and additions to the heritage listed Federal Hotel.

3.2 General description of proposal

The proposal seeks approval for alterations and a single storey addition to the Federal Hotel, construction of a two-storey hotel accommodation building containing a total of 38 rooms and construction of a single storey drive through liquor shop. See proposed building heights summarised below.

The proposal has a capital investment value of \$14million.

A more detailed description of the proposal is provided in the following subsection sections.

3.3 Detailed description of proposal

Site Analysis and Planning

The proposed concept design for the site has been informed by a detailed site analysis process. This analysis and process has included testing a variety of site layout and design options for the development. The proposed concept design and site layout has the following benefits:

- The proposed site layout is supported from a heritage perspective as the layout achieves the following:
 - The proposed additions to the Federal Hotel along Lewis Street provide an appropriate separation and interface between the heritage building and additions;
 - The low scale single storey additions to the heritage Federal Hotel building at Inglis Street maintains views the original building form and prominence of the two storey heritage buildings interface within the Inglis Street streetscape.
 - The proposed layout maximises separation distances between the Federal Hotel and proposed drive through liquor store and tourist accommodation building; and
 - The proposed site layout and additions to the Federal Hotel provides a heritage interface between the adjacent State heritage listed Railway buildings and stations.
- Locating the proposed single storey drive through liquor store building at the site frontage to Inglis Street activates this part of the sites frontage while providing an appropriate interface with the adjacent low scale building and land use at 44 Inglis Street.
- Locating the proposed two storey tourist accommodation building in the sites northwest corner is considered appropriate for the following reasons:
 - The location maximises separation distances between heritage listed Federal Hotel building.
 - Provides an appropriate location and interface with the Federal Hotel additions.
 - Provides appropriate privacy interface the adjoining property to the west and neighbouring residential uses to the north across Lyons Lane.
 - The proposed location and design of the building minimises shadow impacts on neighbouring properties and has no impact on the streetscape.

Demolition, tree removal and early site works

The proposed works includes the demolition of a number of buildings and structures across the site which are identified on the demolition plan and summarised below:

Federal Hotel – 34-36 Inglis Street

- Demolition of existing drive through bottle shop, outdoor gaming room, laundry;
- Demolition of lean-to additions on the north side of the building;
- Demolition of a select number of internal walls to open up ground floor and provide a more functional ground floor plan;
- Demolition of detached metal shed and covered outdoor beer garden;
- Demolition of perimeter fencing around the site;
- Demolish existing footpaths, along Lewis and Inglis Street; and
- Demolition of external cross overs, internal driveways and associated structures.

38 Inglis Street

- Demolition of metal shed and demolish and remove concrete slabs across the site;
- Remove existing tree situated in the central west part of the site;
- Demolition of external cross overs, internal driveways and associated structures; and
- Demolition of perimeter fencing around the site.

40-42 Inglis Street

- Demolition of large metal shed/warehouse fronting Inglis Street;
- Removal of two trees within the front setback;
- Demolition of dilapidated small timber shed setback from Inglis Street;
- *Demolish metal shed situated in the rear yard of the side;*
- Demolition of external cross overs, internal driveways and associated structures; and
- Demolition of perimeter fencing around the site.



Figure 5: Demolition Plan for consolidated site. (Source: Bergstrom Architects refer to drawing number DA090)

Alterations and additions to the Federal Hotel

The proposed alterations and additions to the Federal Hotel have been architecturally designed by Bergstrom Architects and the proposed building form, materials and finishes will provide a cohesive response to the retained heritage building. The proposed alterations and additions are summarised as follows:

- Construction of a single storey addition on the north side of the Federal Hotel containing the following:
 - New bar and internal bistro areas;
 - Indoor / outdoor beer garden covered by partially operable roof;
 - New kitchen, back of house storage;
 - New entries and access points including Accessible ramps and entries; and
 - Loading bay and area.
- Single level outdoor covered gaming area;
- New Federal Hotel signage including high quality wall signs to the addition on all facades (refer to signage plan in DA set).
- Building materials are predominately face brick and commercial materials.
- Heritage restoration and conservation works include:
 - Repoint external brickwork at the ground floor of the building fronting Inglis and Lewis Streets;
 - Remove unsympathetic later addition bathroom windows fronting Lewis Street and reinstate with timber framed double sash window consistent with the original windows;
 - Removal and replacement of aluminium framed doors and windows with original style timber doors and windows consistent with the original heritage building;
 - Demolition of later additional external stairs and corrugated iron roof over the central courtyard; and
 - Partially retain existing lean-to wall, door and window from the existing laundry as a key feature in the main bar and bistro area.

For further details refer to the Heritage Impact Statement submitted with the DA.



Figure 6: Perspective of proposed additions to the Federal Hotel as viewed from Lewis Street. (Source: Bergstrom Architects DA drawings)



Figure 7: Perspective of proposed alterations and additions to Federal Hotel, new bottle shop and tourist and visitor accommodation as viewed from Inglis Street. (Source: Bergstrom Architects DA drawings)



Figure 8: Perspective of proposed alterations and additions to Federal Hotel as viewed internally within the site. (Source: Bergstrom Architects DA drawings)



Figure 9: Internal perspective of proposed additions to Federal Hotel. (Source: Bergstrom Architects DA drawings)

Construction of a single storey drive through liquor shop for the Federal Hotel

The proposed single storey drive through bottle shop for the Federal Hotel will be situated in the southwest corner of the site fronting Inglis Street. The proposed building has been architecturally designed by Bergstrom Architects and the proposed building form, materials and finishes will provide a cohesive relationship with the heritage listed Federal Hotel, an appropriate response to the site and site planning, locality, and Inglis Streetscape. Key characteristics of the drive through bottle shop include:

- The proposed building comprises of a dry storage areas, cool room and bottle shop.
- Car parking is provided in the driveway and can accommodate a total of 10 parked cars.
- The proposed building has a maximum height of 5 metres.
- The drive through bottle shop incorporates high quality signage to the east and wester facades (refer to signage plan in DA set).
- The proposed building covered vehicular awning is built to the Inglis Street frontage and the main building is setback 4.45 metres from Inglis Street. The building is setback 2.02 metres from the sites west boundary with 44 Inglis Street.

Perspectives of the proposed drive through bottle shop for the Federal Hotel are illustrated in the Figures below.



Figure 10: Perspective of proposed drive through bottle shop as viewed from Inglis Street. (Source: Bergstrom Architects refer to DA drawing set)



Figure 11: Perspective of proposed drive through bottle shop as viewed internally within the site. (Source: Bergstrom Architects refer to DA drawing set)

Construction of a two-storey hotel accommodation building for the Federal Hotel

The construction of the two-storey Federal Hotel motel accommodation building is proposed in the north portion of the site fronting Lyon Lane. The proposed building has been architecturally designed to provide a cohesive response to the overall development. The proposed building siting, form and height are summarised below:

- The proposed building incorporates the following setbacks from site boundaries 3.2 metres from the sites north boundary with Lyons Lane and 2.6 metres from the sites west side boundary with 44 Inglis Street.
- New Federal Hotel signage including high quality wall signs to the addition on all facades (refer to signage plan in DA set).
- The proposed motel accommodation building has a maximum height of 8.1metres.



Figure 12 : Perspective of proposed two storey tourist and visitor accommodation building as viewed within the site.
(Source: Bergstrom Architects drawing set)

Consolidation of Lots comprising of 34-42 Inglis Street

The proposed development seeks consent for the consolidation of all Lots forming part of 34-42 Inglis Street. The Lots, DPs and street addresses are listed below:

- 34-36 Inglis Street Mudgee - Lot 10 DP 1275386;
- 38 Inglis Street Mudgee - Lot 18 Sec 43 DP75872; and
- 40-42 Inglis Street Mudgee - Lot 16 Sec 43 DP758721 and Lot 17 Sec 43 DP758721.

Carparking and service vehicle access and delivery

The proposed development includes the construction of a centrally located surface car with a total of 38 car spaces including 2 accessible spaces. The proposed surface car park been designed to incorporate and comply with car turning templates and a vehicle movement strategy has been put in place across the car park.

Service and loading vehicle areas have been provided across the site for each of the buildings and land uses, this includes:

- A service vehicle only loading bay is provided along the Lyons Lane and will be used to service the Federal Hotel and the Tourist and Visitor Accommodation building. The service vehicle area has access to the back of house facilities for both uses.
- A service vehicle and loading area is provided to the drive through bottle shop within the front setback to Inglis Street. The service vehicle and area has access to the back of house and storage areas for the bottle shop.

For more details refer to the Traffic Impact Assessment submitted with the DA.

Site services and connection to utilities

The proposed development includes provision of site services and utilities to all buildings and land uses these are:

- New potable water connections to each building and use;
- New sewer connections to each building;
- Removal/relocation of sewer easement across the site to account for the development;
- Allowance for water sensitive urban design principles across the development; and
- Stormwater retention/detention provided as part of the development.

Landscaping

Soft landscaped areas are proposed across the development and primarily focused to the north and west perimeter of the site as well as between buildings and across the surface car park. In addition, a number of green walls are proposed to the drive through bottle shop and Federal Hotel addition. The landscape design has been completed by Paddock Studio and includes planting across the site for trees (large and medium sized), shrubs and ground covers, refer to the landscape plans submitted with the DA.

4 Regulatory matters

4.1 Environmental Planning and Assessment Act 1979

The proposed development is made under Part 4 of the Act and is not Designated Development.

The proposal is not Integrated or Designated Development under the EP&A Act 1979.

The development is Local Development, and its empowering Environmental Planning Instrument (EPI) is **Mid-Western Regional Council Local Environmental Plan 2012**.

The consent authority for the proposal is the Mid-Western Regional Council.

4.2 Environmental Planning and Assessment Regulations

Further to the above, the application is made in accordance with the provisions of the Regulations and the general provisions concerning DA submissions.

4.3 National Construction Code

The Building Code of Australia (BCA) is contained within the National Construction Code (NCC).

The Pub and bottle shop Class 6², and the Hotel Building Class 3³.

The buildings have been developed with suitable NCC expertise and a supporting report is provided with the DA.

The proposed building can be built to comply with the NCC.

² A Class 6 building is a shop or other building used for the sale of goods by retail or the supply of services direct to the public, including—

(1) an eating room, café, restaurant, milk or soft-drink bar; or
 (2) a dining room, bar area that is not an assembly building, shop or kiosk part of a hotel or motel; or
 (3) a hairdresser's or barber's shop, public laundry, or undertaker's

³ A Class 3 building is a residential building providing long-term or transient accommodation for a number of unrelated persons...

5 Environmental assessment

This section of the report details an environmental assessment of the proposed development having regard to the relevant Commonwealth legislation and against limited provisions of the EP&A Act:

- Commonwealth legislation (including Environment Protection and Biodiversity Conservation Act 1999).
- Section 1.7 – Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994.
- Division 4.8 – Integrated development.
- Section 4.10 – Designated development.

The above matters are detailed and discussed in the following section of this report.

5.1 Commonwealth legislation

Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999)

The EPBC Act protects matters of National Environmental Significance (**NES**), such as threatened species and ecological communities, migratory species (protected under international agreements), and National Heritage places (among others). Significant impacts are defined by the Commonwealth for matters of NES. Any actions that will or are likely to have a significant impact on the matters of NES, require referral and approval from the Australian Government Environment Minister.

The proposed development is located on a developed site which has contained a variety of land uses over many years. The site does not contain matters of NES and no further considerations are required having regard to the provisions of the EPBC Act.

Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (**BC Act**) commenced on 25 August 2017 and replaces the Threatened Species Conservation Act 1995 (TSC Act). Together with the Local Land Services Amendment Act 2016 and State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, this regulatory framework introduced a balanced approach to land management and biodiversity conservation in NSW.

The proposed development is located on a developed site which has contained a variety of land uses over many years. The site does not contain Threatened Species as defined under the BC Act.

5.2 Integrated development

Integrated development is development that, in order for it to be carried out, requires one or more approvals from a NSW State Government Agency. Integrated development links development consent for matters under Part 4 of the EP&A Act with any associated approval, licence, consent, permission or permit required under other legislation. The aim of Integrated development is to promote a unified, whole of government approach to the assessment of development in NSW.

Section 4.46 of the EP&A Act requires a review of whether the proposed development on the land would trigger an approval under other environmental or related legislation. Such development is categorised as ‘integrated development’. A review of the proposal against the relevant integrated development is provided in the table below.

Table 1 – Integrated Development - Compliance Table

Act	Relevant provision	Approval required/applicability to site	Integrated development
Coal Mine Subsidence Compensation Act 2017	s 22	The site is not within an identified Mine Subsidence District. Therefore, the proposed development will not require approval from SA NSW.	No
Fisheries Management Act 1994	s 144	Aquaculture permit. No works proposed as part of this Application will harm defined marine vegetation or impede the movement or development of marine life. Therefore, the proposed development will not require approval under the FM Act.	No
Heritage Act 1977	s 58	Approval in respect to works or use to a State heritage item. A review of the relevant heritage registers has been undertaken and the site does not contain any State listed heritage items.	No
Mining Act 1992	ss 63, 64	Grant of mining lease. No works proposed as part of this Application will require the granting of a mining licence. Therefore, the proposed development will not require approval under the Mining Act 1992.	No
National Parks and Wildlife Act 1974	s 90	Grant of Aboriginal heritage impact permit. The proposed subdivision and early works do not trigger the requirement for a heritage impact permit.	No
Petroleum (Onshore) Act 1991	s 16	Grant of production lease. No works proposed as part of this Application will require the granting of a petroleum production lease. Therefore, the proposed development will not require approval under the Petroleum (Onshore) Act 1991.	No
Protection of the Environment Operations Act 1997	ss 43(a), 47 and 55 ss 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”) and non-scheduled activities for the purposes of regulating water pollution resulting from the activity. No licences have been identified as being required for the proposed development, including an Environmental Protection Licence (EPL).	No

Act	Relevant provision	Approval required/applicability to site	Integrated development
Roads Act 1993	s 138	No new connections to classified public roads are proposed.	No
Rural Fires Act 1997	s 100B	The site is not bushfire affected land as defined under the Rural Fire Act 1997. Accordingly, the proposed development is not subject to the provisions of the Rural Fires Act 1997.	No
Water Management Act 2000	ss 89, 90, 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3, that is activities that occur within 40 metres of a water course, riverbank, and lake shore or estuary. The site and proposed development do not involve carrying out work within 'waterfront land' and therefore, does not require approval under the WM Act.	No

6 Section 4.15 - Evaluation of the EP&A Act

6.1 Section 4.15(1)(a) – Statutory planning considerations

Section 4.15(a) of the Act requires the consent authority to take into consideration:

- "(a) the provisions of:
 - (i) any environmental planning instrument; and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved); and
 - (iii) any development control plan; and
 - (iiiv) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) (Repealed)"

The relevant matters are addressed in the following sections of this report.

6.2 Environmental Planning Instruments (s4.15 (1)(a)(i))

State and Environmental Planning Policies (**SEPPs**) are Environmental Planning Instruments established by the State Government under the provisions of the EP&A Act to control and regulate planning and assessment practices across NSW. The following subsections identifies SEPPs relevant to the proposed development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

There is no significant vegetation on the site. A Tree Assessment Report that notes low-quality landscape on the site and documents and retains adjacent trees.

A comprehensive landscape is provided with the DA. The proposal will have a positive effect in terms of local landscape amenity.

State Environmental Planning Policy (Resilience and Hazards) 2021

The SEPP establishes a state-wide planning approach to the remediation of contaminated land. A historical search of the sites and land uses developments indicates that site contamination is unlikely. Accordingly, the site is considered acceptable for the proposed land uses and addresses the relevant provisions of the SEPP.

State Environmental Planning Policy (Sustainable Buildings) 2022

The SEPP establishes a state-wide planning approach to Sustainable Building design and construction and the provisions applicable to non-residential development commence on 1 October 2023. Chapter 3 Standards for non-residential development applies to the proposed development. An assessment of the proposed development having regard to Chapter 3 of the SEPP is provided in the table below.

SEPP Clause and Provision	Proposal
3.1 Application of Chapter (1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves— (a) the erection of a new building, if the development has a capital investment value of \$5 million or more, or (b) alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more.	The proposed development has a combined capital investment value of approximately 14 million and involves construction of new buildings and alteration and additions to an existing heritage building.
3.2 Development consent for non-residential development (1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following— (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials, (b) a reduction in peak demand for electricity, including through the use of energy efficient technology, (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design, (d) the generation and storage of renewable energy, (e) the metering and monitoring of energy consumption, (f) the minimisation of the consumption of potable water. (2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	The proposed development has been designed in accordance with the requirements of clause 3.2 as stated below: (a) The proposed development seeks to minimise the generation of waste by using sustainable building materials and finishes. Some of the heritage building historic elements will be reused in the proposed alterations and additions to the Federal Hotel. (b) The proposed development includes the use of solar panels which will reduce the peak and off peak use of electricity.

SEPP Clause and Provision	Proposal
	<p>(c) Passive design has been incorporated into the Federal Hotel additions within internal layout, operable roofs and windows. The hotel building has also incorporated passive design elements to reduce energy efficiency.</p> <p>(d) Solar panels are proposed for generation of renewable energy. Batteries for energy storage will be considered as part of the Construction Certificate detailed documentation.</p> <p>(e) Energy will be metred and monitored to reduce energy consumption and demand.</p> <p>(f) The proposed development will reduce the use of water across the various buildings and uses.</p>
<p>3.3 Other considerations for large commercial development</p> <p>(1) In deciding whether to grant development consent to large commercial development, the consent authority must consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.</p> <p>(2) Development consent must not be granted to large commercial development unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3.</p> <p>(3) For the purposes of subsection (2), development is capable of achieving a standard specified in Schedule 3 if there is a NABERS commitment agreement in place to achieve the standard.</p> <p>(4) Subsection (2), to the extent it relates to energy use, does not apply to large commercial development on land to which the following local environmental plans apply—</p> <p>(a) <i>Sydney Local Environmental Plan 2012</i>,</p> <p>(b) <i>Sydney Local Environmental Plan (Green Square Town Centre) 2013</i>,</p> <p>(c) <i>Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013</i>.</p>	<p>The proposed development does not rely upon nor generate significant demand for fossil fuels.</p> <p>The proposed development is not a large scale commercial development as characterised under schedule 3 of the SEPP.</p> <p>Subclauses (3) and (4) are not applicable to the proposed development.</p>

SEPP Clause and Provision	Proposal
(5) Despite subsection (4), subsection (2) applies to large commercial development to the extent that the development relates to prescribed serviced apartments.	
3.4 Other considerations for certain State significant development (1) This section applies to non-residential development that is declared to be State significant development by <i>State Environmental Planning Policy (Planning Systems) 2021</i> , section 2.6(1) and specified in that policy, Schedule 1, sections 13–15. (2) In deciding whether to grant development consent to development to which this section applies, the consent authority must consider whether the development will minimise the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.	The proposed development is not Stage significant development.

The proposed development addresses and meets the requirements of Chapter 3 Standards for non-residential development of the SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The site is adjacent to an unused rail corridor and the adjacency provisions of the SEPP should be considered (see Clause 2.98 Development adjacent to rail corridors).

The relevant guidelines are Development Near Rail Corridors and Busy Roads – Interim Guideline – see diagram below.

3.5.1 RAIL CORRIDORS

Noise

Figure 3.1 provides a guide as to the level of assessment required when noise sensitive developments are located in the vicinity of existing rail lines. Zones A and B are indicative acoustic assessment zones where sensitive land-uses are likely to be adversely affected. Where there are noise maps available based on actual rail movements the noise map information should be used in preference to **Figure 3.1**.

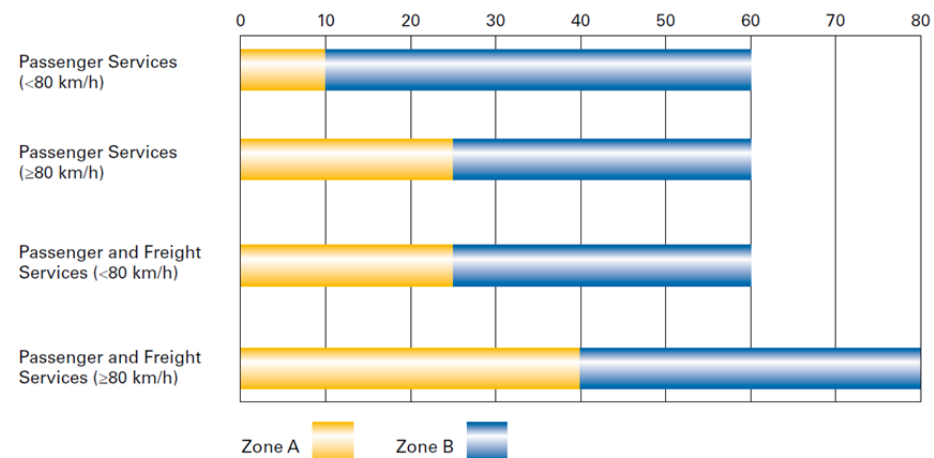


Figure 3.1: Acoustic Assessment Zones based on distance (m) of noise-sensitive development from operational track (not corridor)

Figure 13: The State Government of NSW through the Department of Planning 2008 Development Near Rail Corridors and Busy Roads – Interim Guideline page 15.

The site is approximately 100m from the rail land – see diagram below.



Figure 14: Distance to Rail Corridor, Sixmaps

The site is suitably distanced from the rail corridor and in neither zone A or B zones that would require acoustic reporting in terms of noise impact on the use. If the adjacent rail corridor were to be reused, the proposal is suitably distanced and provides for uses that are complementary to a rail /station function.

The proposal will also provide an opportunity to kerb and gutter around the site improving public domain and kerbside parking opportunities.

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development does not apply as the buildings are for commercial purposes and 2-storey.

The site is suitable for development as proposed under the SEPPs.

6.3 Local Environmental Planning Instruments

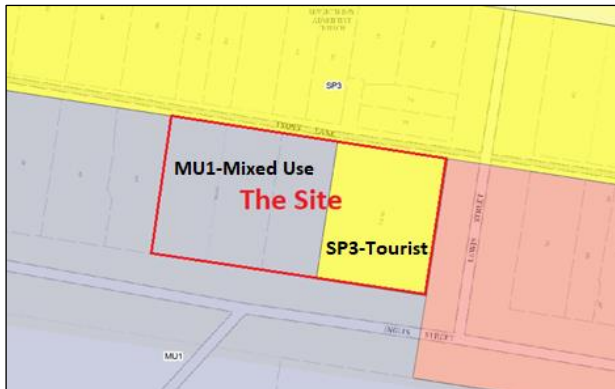
The following Local EPIs are relevant to the site and proposed subdivision.

Mid-Western Regional Local Environmental Plan 2012


An assessment of the proposed development against the provisions of the Mid-Western Regional Local Environmental Plan (**MWLEP 2012**) is provided in the table on the following page.

Table 2 – MWRLEP 2012 - Compliance Table

Control	Standard	Proposed	Compliance
cl 1.2 Aims of Plan	<p>(2) The particular aims of this Plan are as follows—</p> <p>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</p> <p>(a) to promote growth and provide for a range of living opportunities throughout Mid-Western Regional,</p> <p>(b) to encourage the proper management, development and conservation of resources within Mid-Western Regional by protecting, enhancing and conserving—</p> <p>(i) land of significance to agricultural production, and</p> <p>(ii) soil, water, minerals and other natural resources, and</p> <p>(iii) native plants and animals, and</p> <p>(iv) places and buildings of heritage significance, and</p> <p>(v) scenic values,</p> <p>(c) to provide a secure future for agriculture through the protection of agricultural land capability and by maximising opportunities for sustainable rural and primary production pursuits,</p> <p>(d) to foster a sustainable and vibrant economy that supports and celebrates the Mid-Western Regional's rural, natural and heritage attributes,</p>	<p>The proposed alterations and additions to the Federal Hotel, construction of drive through bottle shop and tourist and visitor accommodation addresses the aims of the plan as outlined below:</p> <ul style="list-style-type: none"> • The proposal facilitates the restoration and preservation of a locally listed heritage item – Federal Hotel via significant financial investment and the expansion of the hotel facilities. • The proposed relocation of the drive through bottle shop will facilitate the ongoing orderly operation of the site and overall development. • The proposed tourist and visitor accommodation will add considerable high quality tourist accommodation to Mudgee. • The proposed development foster a sustainable and vibrant economy that supports the rural and heritage attributes of the LGA. • The proposed development has been design and sited to minimise any potential land use conflicts and the proposed uses are acceptable for the site, locality and streetscape. • The proposed development does not result in any environmental impacts. <p>The proposed development addresses the provisions of clause 1.2 Aims of Plan.</p>	Yes

Control	Standard	Proposed	Compliance
	<p>(e) to protect the settings of Mudgee, Gulgong, Kandos and Rylstone by—</p> <p>(i) managing the urban and rural interface, and</p> <p>(ii) preserving land that has been identified for future long- term urban development, and</p> <p>(iii) promoting urban and rural uses that minimise land use conflict and adverse impacts on amenity, and</p> <p>(iv) conserving the significant visual elements that contribute to the character of the towns, such as elevated land and the rural character of the main entry corridors into the towns,</p> <p>(f) to match residential development opportunities with the availability of, and equity of access to, urban and community services and infrastructure,</p> <p>(g) to promote development that minimises the impact of salinity on infrastructure, buildings and the landscape.</p>		
cl 2.1 Land use zones	<p>SP3 Tourist and MU1 Mixed Use</p> 	The site is zoned a mixture of SP3 Tourist and MU1 Mixed Use. See discussions below.	Yes
cl 2.6 Subdivision – consent requirements	This clause indicates that land to which this Plan applies may be subdivided, but only with development consent.	The proposal seeks consent to consolidate the site into a single Lot. The proposed Lot consolidation addresses the provisions of clause 2.6 of the LEP.	Yes

Control	Standard	Proposed	Compliance
cl 2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	The proposal seeks consent for demolition of buildings and structures across the site. These works are listed in the proposal section of the SEE and detailed in the demolition plan. The proposal addresses the requirements of clause 2.7 of the LEP.	Yes
cl 4.1 Minimum Lot size	The site is not subject to a minimum lot size control.	The proposal seeks consent to consolidate the site into a single Lot with a combined area of xxxm ² . The proposed Lot consolidation complies with the requirements of clause 4.1 of the LEP.	Yes

Control	Standard	Proposed	Compliance
cl 4.3 Height of buildings	<p>(1) The objectives of this clause are as follows—</p> <p>(a) to establish a maximum height limit to which buildings can be designed in particular locations,</p> <p>(b) to enable infill development that is of similar height to existing buildings and that is consistent with the heritage character of the towns of Mudgee, Gulgong, Kandos and Rylstone.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> 	<p>The portion of the site zoned SP3 Tourist (Federal Hotel site) is <u>not</u> subject to a Maximum Building height development standard. The proposed alterations and additions to the Federal Hotel has a maximum height of 8.85metres. There is no building height control to this part of the land and this work.</p> <p>The portion of the site (36-42 Inglis Street) zoned MU1 Mixed Use has a Maximum Building height development standard of 8.5 metres. Proposed buildings on this land has the following maximum building heights:</p> <ul style="list-style-type: none"> • Federal Hotel drive through bottle shop 4.45 metres; and • Federal Hotel motel accommodation building 7.9metres. <p>The proposed maximum building heights for developments on 36-43 Inglis Street are below the maximum Height of Buildings Map control of 8.5 metres.</p> <p>The proposed alterations and additions to the Federal Hotel and new buildings across the site address the clause 4.3 Height of Buildings objectives as the proposed buildings incorporate maximum heights which are appropriate for the location, are below the existing maximum height of the Federal Hotel building and provides a character and scale which compliments the heritage character of the area and is consistent with the character of the area.</p>	Yes
cl 4.4 Floor Space Ratio	The site is not subject to a Floor Space Ratio development standard	Not Applicable	N/A

Control	Standard	Proposed	Compliance
cl 5.10 Heritage Conservation	<p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to conserve the environmental heritage of Mid-Western Regional,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The site is in the Mudgee Heritage Conservation Area and is the Federal Hotel is listed as a local Heritage Item under Schedule 5 of the MWLEP. Accordingly, the provisions of clause 5.10 Heritage Conservation are applicable to the site and proposed development.</p> <p>Further discussion regarding clause 5.10 is provided below this table.</p>	Yes
cl 6.2 Public Utility Infrastructure	This clause requires the consent authority to ensure that all land has appropriate access to public utilities infrastructure prior to subdivision and development.	All works associated with public utility infrastructure have been completed as part of the previously approved and completed subdivision and early works DA.	Yes
cl 6.3 Development Control Plan	This clause requires the consent authority to consider the appropriate DCP provisions relating to the subdivision and development of a site.	The proposal has been considered with regards to the applicable DCP in the following section of this report.	Yes
cl 7.1 Earthworks	The objective of this clause is to ensure that earth works for which development consent is required does not have detrimental impact on environmental functions and processes, neighbouring uses, cultural heritage or features of surrounding land.	The proposed development Lot 7B for the purposes of a light industry use and associated buildings and structures on the site, provides for acceptable amounts of earthworks. These works include minor and acceptable levels of site grading to accommodate buildings and provide accessibility. The proposed works address the provisions of clause 6.1 in the LEP.	Yes

Control	Standard	Proposed	Compliance
cl 7.8 Airspace Operations	To ensure that the ongoing operation of Canberra Airport is not compromised by proposed development.	The proposed building on Lot 7B has a maximum height of 12 metres and will not impact on the operation of Canberra Airport. Accordingly, the proposed development is considered to address the provisions of clause 6.3 of the LEP.	Yes

Clause 2.1 Land Use Zoning

The Federal Hotel site (34-36 Inglis Street) is zoned SP3 Tourist and the remainder of the site (38-42 Inglis Street) is zoned MU1 Mixed Use under the MWLEP 2012. The SP3 Tourist and MU1 Mixed Use zone objectives and land uses permitted with consent are detailed in the table below.

Federal Hotel 34-36 Inglis Street Zone SP3 Tourist	38-42 Inglis Street Zone MU1 Mixed Use
<p>1 Objectives of zone</p> <ul style="list-style-type: none"> To provide for a variety of tourist-oriented development and related uses. <p>3 Permitted with consent</p> <p>Amusement centres; Aquaculture; Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Entertainment facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Health consulting rooms; Helipads; Hostels; Information and education facilities; Kiosks; Multi dwelling housing; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Secondary dwellings; Semi-detached dwellings; Timber yards; Tourist and visitor accommodation</p>	<p>1 Objectives of zone</p> <ul style="list-style-type: none"> To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. 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. To minimise conflict between land uses within this zone and land uses within adjoining zones. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. To ensure development is consistent with the character of adjoining residential neighbourhoods. <p>3 Permitted with consent</p> <p>Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Water recycling facilities; Any other development not specified in item 2 or 4</p>

The proposed alterations and additions to the Federal Hotel improves and expands the facilities and services offered within the existing hotel. In addition, the works to the Federal Hotel includes heritage restoration and conservation works which will ensure the ongoing preservation of a locally listed heritage item, ensuring the buildings ongoing contribution to Mudgee and the Mudgee heritage conservation area. Accordingly, the proposed alterations and additions to the Federal Hotel will retain and expand an existing tourist orientated development which addresses the address the SP3 zone objective in the MWLEP 2012.

The proposed new drive through bottle shop and motel accommodation for the Federal Hotel situated on the land zoned MU1 Mixed Use addresses the zone objectives as outlined below:

- The proposal creates a diversity of uses across the site which will generate a variety of employment opportunities.
- The proposed development provides a diverse and active street frontage which will attract pedestrian activity and contribute positively to vibrant, diverse and functional Inglis and Lewis Street frontages;
- The proposed development has been designed and sited to minimise and avoid conflicts between land uses within the MU1 – Mixed Use and neighbouring SP3 Tourist zones. In this regard the proposed development does not result adverse environmental, or amenity impacts on surrounding land uses and properties;
- The proposed buildings incorporate non-residential land uses on the ground floor which will promote commercial activity on the site and within the locality; and
- The proposed buildings are high quality and architecturally designed providing a cohesive relationship with the Mudgee Heritage Conservation Area. In addition, the proposed buildings have a scale of one to two storeys which is consistent with the scale and character of surrounding residential uses located on land zoned SP3 Tourist.

The SP3 Tourist and MU1 Mixed Use zones both contain a broad variety of land uses permitted with consent. The SP3 Tourist zone permits **food and drink premises** which permits the subset individual term a **pub**. The MU1 Mixed Use zone permits **commercial premises** which permits the subset group term of **retail premises** and in turn permits the subset group term of **food and drink premises** which permits the subset individual term a **pub**. A pub is defined in the MWLEP 2012 dictionary as follows:

*“**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.*

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

The proposed development comprises of alterations and additions to the Federal Hotel and construction of a new drive through bottle shop, construction of a motel accommodation building for the Federal Hotel and amalgamation of the site. The proposed development satisfies the land uses definition of a **pub** under the provisions of the MWLEP 2012. Accordingly, the proposed development addresses the objectives of the SP3 Tourist and MU1 Mixed Use zones and is permitted with consent.

Clause 5.10 Heritage Conservation

The Federal Hotel building is a local Heritage Item (Item Number I86 in Schedule 5 of the MWLEP 2012) and situated within a general Conservation Area. The MWLEP 2012 heritage mapping is illustrated in the figure below and the statement of significance of the Federal Hotel is also provided.

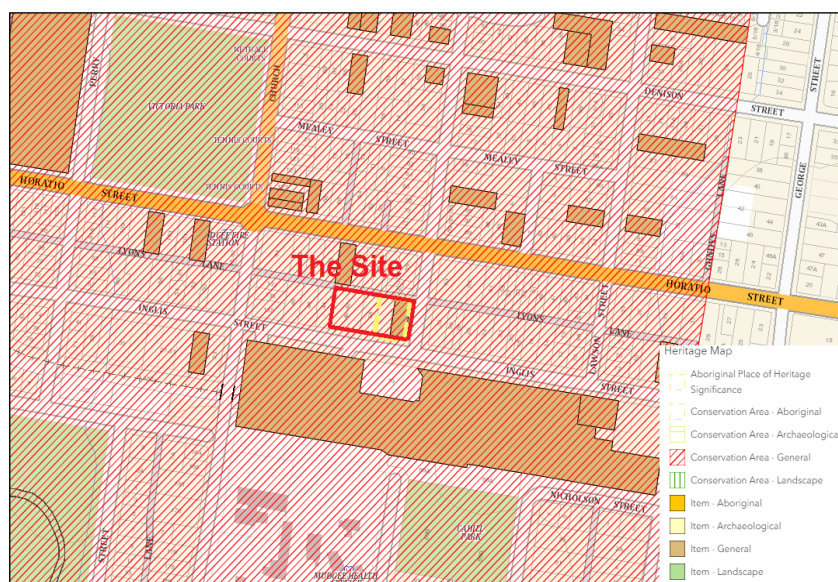


Figure 16: Perspective of proposed two storey tourist and visitor accommodation building as viewed within the site.

(Source: NSW Planning Portal website)

2020 Statement of Significance from the State Heritage Inventory listing for the Federal Hotel

Constructed originally as a single storied hotel in c.1881, the upper storey was added in 1927 by George Knight to a design by local architect Harold Hardwick creating an exceptional grand corner hotel. In the 1990s additions on the west side, by local architect B Hickson, provided a drive-through liquor shop. Constructed largely in English bond brickwork, the building features a high parapet wall to both Inglis and Lewis Streets.

The parapet is finished with several large half round moulded tablets with the central one splayed and focussed on addressing the corner of Inglis and Lewis Streets with the words 'Federal Hotel' in relief. Windows are generally simple rectangular double hung sashes, except below the tablets where they are enlarged with upper sashes of small lights. The elevations are further decorated with raised string courses, moulded garlands and a suspended awning. The entrance doors below the awning have been modernised to full glass. A landmark building that contributes to the streetscapes of Lewis and Inglis Streets.

A detailed Heritage Impact Statement prepared Sue Rose Associates accompanies the DA submission. The HIS includes extensive historical research and evidence of the site and the Federal Hotel. In addition, the HIS includes a detailed assessment of the heritage significance and heritage impact of the proposed development. The HIS conclusion provides support for the proposed development and associated heritage restoration and conservation works stating:

“The proposed works will retain significant fabric, form and detailing at the Federal Hotel, reconstruct missing fabric and undertake essential conservation works. Where change conflicts with original or early fabric, the proposal has made efforts to mitigate impact by partially retaining and incorporating fabric/layout into the new concept so that an interpretable vestige remains. There will be a visual improvement to the principal building facades of the Federal following the removal of detracting elements such as aluminium frames windows and doors, the rear 1930s mezzanine addition, and repainting of sections of the hotel’s 1880s brick façade.

The bistro addition, new accommodation hotel and bottle shop allow the Federal to cater to a larger demographic of potential patrons, improving its commercial viability and ensuring its continued function as a public hotel and ability to fund ongoing essential maintenance of the building.

The Federal Hotel will continue to be a dominant landmark in the streetscape. There is considered to be minimal adverse impact on items in the immediate vicinity and the Mudjee Heritage Conservation Area.

Overall, the outcome of the proposal will be the revitalisation of a landmark venue and activation of a less-frequented section of the Mudjee Heritage Conservation Area. It has potential to also improve engagement with the historic Mudjee Railway Station buildings across the road.”

In addition, to the very supportive conclusions provided in the HIS prior to submission of the DA the applicant and architect engaged extensively with Council and the Councils Heritage Consultant. These early engagements ensured the design and proposed materials and finishes were, considered, reviewed and informed Councils Heritage Consultant. Councils Heritage Consultant has provided support for the proposed development.

Having regard to the HIS submitted with the DA and pre-lodgement engagement with Council and support from Councils Heritage Advisor the proposed development addresses the provisions of clause 5.10 Heritage Conservation of the MWLEP 2012.

6.4 Draft Environmental Planning Instruments (s4.15 (1)(a)(ii))

There are no draft Environmental Planning Instruments applicable to the site or the proposed development.

6.5 Provisions of Development Control Plans (s4.15 (1)(a)(iii))

The Mid-Western Region Development Control Plan 2013 (**MWDCP2013**) was adopted by Council on 6 February 2013 and commenced operation on 11 February 2013. Amendment 6 to the MWDCP2013 commenced operation on 19 July 2023 following the resolution of Council to approve the Amendment at its Ordinary Meeting, on the same date. The aims of the MWDCP2013 are to:

- Define development standards that deliver the outcomes desired by the community and Council;
- Provide clear and concise development guidelines for various forms of development;
- Encourage innovation in design and development by not over-specifying development controls;
- Expedite development approvals by providing clear direction of Council's intent and criteria; and
- Provide certainty of development outcomes for developers and the community.

The following Parts and subsections of the MWDCP2013 are applicable to the proposed development:

- Part 1 Introduction:
 - 1.11 Sewer Infrastructure
 - 1.12 Community Consultation
- Part 4 Specific Types of Development:
 - 4.4 Signs
 - 4.5 Commercial development
 - 4.7 Tree Preservation Order
- Part 5 Development Standards:
 - 5.1 Car Parking
 - 5.2 Flooding
 - 5.3 Stormwater Management
 - 5.4 Environmental Controls
- Part 7 Subdivision:
 - 7.1 Urban Subdivision

The proposed development is assessed against the applicable Parts of the MWDCP 2013 in the tables on the following pages of the SEE.

Table 3 – Part 1 Introduction MWRDCP 2013 – Compliance Table

Section	Objectives and Controls	Proposal	Compliance
PART 1 INTRODUCTION			
1.11 SEWER INFRASTRUCTURE			
1.11 Sewer Infrastructure	Council does not permit the following types of development over an existing sewer main or easement for sewer; <ul style="list-style-type: none"> • erection of permanent structures, • cut or fill of land, • the planting of trees, or • Concrete structures. 	The subject site does not contain existing sewer mains or easements. The existing sewer connections will be relocated within the site to accommodate the development refer to service drawings submitted with the DA.	Yes
1.12 Community Consultation	Repealed and is suspended by the Community Participation Plan.	It is noted that the DA will require public notification in accordance with Councils Community Participation Plan.	N/A

Table 4 – Part 4 Specific Types of Development MWRDCP 2013 - Compliance Table

Section	Objectives and Controls	Proposal	Compliance
PART 4 SPECIFIC TYPES OF DEVELOPMENT			
4.4 SIGNS			
General Requirements	Full details of sign type, size, lettering, location, colours etc. must be provided with a development application. All advertising must relate to the lawful uses or activities carried out on the same land on which the advertising sign is to be erected.	The architectural drawings submitted with the DA includes a signage plan which details the sign type, size, lettering and location of all signs. All signs relate to a lawful use or activity carried out on the site.	Yes
Types	Fascia Sign, Pylon Sign, Wall Sign	The proposed development includes signage to the Federal Hotel, drive through bottle shop and motel accommodation buildings. The signage comprises of fascia, pylon and wall signs. The signage is detailed on the signage plan submitted with the DA.	Yes
Prohibited Signs	A variety of prohibited signs are listed in this subsection of the DCP.	The proposed development does not seek consent for prohibited signage.	Yes

Section	Objectives and Controls	Proposal	Compliance
Signs in Towns and Villages	<p>Heritage Conservation Areas</p> <ul style="list-style-type: none"> (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. (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 important element of Council's planning policies involves the careful control of all advertisements, and external building colours in the main business areas. 	<p>The proposed signage addresses the heritage conservation considerations as outlined below:</p> <ul style="list-style-type: none"> (a) The proposed signage has considered, preserves and enhances the character and appearance of the area as all signage is incorporated into the architectural design of the development and supported by the Heritage Consultant. (b) Signage has been designed to be discrete and high quality maintaining the heritage significance of the Federal Hotel and providing a cohesive relationship with the conservation area. (c) The coordinated signage design compliments the development, site and heritage considerations. 	Yes
Business Areas	<ul style="list-style-type: none"> (a) Generally a maximum signage area per commercial building (regardless on number of tenancies) of 25% of the frontage is permitted per building. (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. (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. (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 Heritage Advisor. 	<p>The proposed signage to the Federal Hotel, drive through bottle shop and motel accommodation buildings addresses the business area controls as outlined below:</p> <ul style="list-style-type: none"> (a) All signage is less than 25% than a building frontage. (b) All under awning signs are fixed to the wall of the buildings and do not create a pedestrian or public realm hazard. (c) The proposed pylon sign is not proximate to nor does it project above verandah or awning. (d) The proposed wall signs are high quality and will compliment the architectural character of the buildings, heritage conservation and Federal Hotel heritage building. The proposed development has been discussed with Councils planners and heritage advisor. 	

Section	Objectives and Controls	Proposal	Compliance
Tourist Signage	Tourist related development includes winery and cellar door facilities, restaurants, accommodation and other businesses catering for tourists. Signs on private land must relate to the business contained on the land itself.	All signage on the site relates to the business proposed on the site.	Yes
Identification Signs	<p>These are post supported or wall structures located at the front of the site with the express purpose of identifying the business or facility to the travelling public.</p> <p>(a) Post supported structures max. height of 3m above ground level or an advertising area of more than 3m² with typical dimensions being 1.2m x 2.5m.</p> <p>(b) Identification signs must relate to a lawful or approved use of the land and be located on private land, not in the road reserve.</p> <p>(c) The size, colour and shape of the signs will generally be left to the discretion of the business but should not include the use of bright or fluorescent colours or highly reflective or illuminated materials.</p> <p>(d) Each property shall be allowed two Identification signs (which may be double sided). In circumstances when the property has two road frontages Council will consider a third sign on the secondary frontage where that frontage has a minimum of 250m.</p> <p>(e) In circumstances where there are two or more businesses operating from a site, Council will consider increasing the maximum sign face area from 3m² to 4m².</p>	<p>The proposed identification signs address the controls as outlined below:</p> <p>(a) Although the pylon sign has a maximum height of 7.5m the proposed dimensions and area of the sign are consistent with the requirement to identify the range of uses on the site.</p> <p>(b) Identification text within the signage is for lawfully constructed land uses.</p> <p>(c) The proposed signage has been design to compliment the architectural design of the development, heritage characteristics of the Federal Hotel and conservation area.</p> <p>(d) Each building generally contains a maximum of 2 signs for the proposed use. All signage is complimentary to the development and locality.</p> <p>(e) If under awning signs are fixed to the wall of the buildings and do not create a pedestrian or public realm hazard</p>	Yes
Entrance Signs	Signs incorporated into the primary entrance of the site and may include fencing or walls. Advertising incorporated into the entrance structure is restricted to the name of the premises. In circumstances where the business operates after sunset, Council will consider low intensity external illumination of entrance signage.	The proposed signage is limited to the uses on the site and is acceptable for the site and locality.	Yes
Internal Signage	This includes signs that direct visitors within the site and include entry/exit signs, toilet and parking facilities, picnic areas and the like. These signs only require approval if they can be viewed from a public road.	Internal directional signage will be incorporated across the site and the development.	Yes

Section	Objectives and Controls	Proposal	Compliance
4.5 COMMERCIAL DEVELOPMENT			
Building Setbacks	(a) No minimum front setbacks apply. (b) Side and rear must comply with Building Code of Australia (BCA)	The site layout and Federal Hotel alterations and addition, drive through bottle shop and motel accommodation buildings incorporate appropriate setbacks complying with the BCA.	Yes
Design	(a) The LEP includes provisions relating to active street frontages. All premises on the ground level of a building facing the street are used for the purposes of business premises or retail premises. (b) All premises on the ground level of a building facing the street shall be comprised of windows and doors to encourage the interaction between pedestrians and the retail space. (c) Building facades shall be articulated by use of colour, arrangement of elements or by varying materials. (d) Consider elements within established heritage buildings and how its application may be applied to new development. (e) Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials. (f) Design of new development should seek to be sympathetic to heritage items not reproduce them. (g) Plans must include details of all external infrastructure (air conditioning ducts, plant rooms) and how it will be screen from view form a public road. (h) Development on a corner must include architectural features to address both frontages. (i) Where the development will adjoin the residential, village and mixed use zones, sufficient setbacks in the form of landscape buffers and access ways should be incorporated.	The proposed development has been designed by a highly experience architect working with heritage listed buildings and in heritage conservation area. The proposed design of the development having regard to the design requirements of the DA are listed below: (a) The site is not subject to the LEP active street frontage control. (b) The alterations and additions to the Federal Hotel provides for windows and door fronting Lewis Street and internally within the site. (c) All building facades will be articulated by use of colours and robust/quality building materials and finishes. (d) The design of the additions to the Federal Hotel responds appropriately to the heritage significance of the building and conservation area. The DA is supported by a HIS and advice from Councils Heritage Advisor prior to submission. (e) The pattern of building form and scale across the site is complimentary to the site, locality and streetscape. (f) All building plant and infrastructure has been integrated into the overall design of the development and screened from the streetscape and public view. (g) The proposed development addresses the sites frontages of Inglis Street, Lewis Street and Lyons Lane.	Yes

Section	Objectives and Controls	Proposal	Compliance								
		(h) The proposed development incorporates adequate setbacks and landscape buffers with neighbouring land uses and developments. The proposed development does not result in adverse environmental, or amenity impacts on neighbouring site or land uses.									
Scale form and height	(a) The LEP controls the height of buildings to a maximum of 8.5m. (b) Consistent with the existing heritage character of the town centres of Gulgong, Mudgee and Rylstone. (c) Gulgong has a building height limit to a maximum of 5m.	<p>The proposed development incorporates the following building heights:</p> <table><tr><td>Maximum Building Height</td><td>Height</td></tr><tr><td>Pub Addition (beer garden)</td><td>8.85m</td></tr><tr><td>Hotel Accommodation</td><td>7.9m</td></tr><tr><td>Bottle Shop</td><td>4.45m</td></tr></table> <p>(a) Alterations and additions to the Federal Hotel maximum height of 8.85 metres. Site zoned SP3 not subject to a height control and height well below heritage listed primary building. (b) Proposed drive-thru liquor store maximum height of 4.45 metres. (c) Proposed two storey hotel/motel building 7.9m metres. These structures are under the relevant 8.5m building height control.</p>	Maximum Building Height	Height	Pub Addition (beer garden)	8.85m	Hotel Accommodation	7.9m	Bottle Shop	4.45m	Yes
Maximum Building Height	Height										
Pub Addition (beer garden)	8.85m										
Hotel Accommodation	7.9m										
Bottle Shop	4.45m										
Articulation and Facade Composition	(a) To break visual bulk and create interest, use secondary vertical elements such as fenestration or detail such as changes in materials and colour. (b) Excessive length of blank walls are not supported in the front facade. (c) Where blank walls are unavoidable (alongside or rear boundaries), break the visual impact through the provisions of landscaping, or by creating visual interest through patterning of the facade, signage or public art.	<p>The proposed development addresses the building articulation and façade composition as outlined below:</p> <p><u>Alterations and additions to the Federal Hotel</u></p> <p>(a) The additions to the Federal Hotel have designed to create visual interest and design elements particularly where the heritage building and additions intersect. This includes the use of a clear glazed intersection at the additions Lewis Street frontage. The clear glazing maintains the prominence of the original Federal Hotel building and views to the original brickwork and building form.</p>	Yes								

Section	Objectives and Controls	Proposal	Compliance
		<p>(b) The proposed additions do not incorporate excessive lengths of blank facades.</p> <p><u>Federal Hotel drive through bottle shop building</u></p> <p>(a) The façade of the building fronting Inglis Street is articulated through use of building setbacks and the projecting awning over the drive through area. This includes using a variety of complimentary and robust materials and finishes which articulate the elevation and provides visual interest.</p> <p>(b) The building has been designed to avoid excessive lengths of blank facades. A green wall is proposed to one façade and landscaping and/or signage is proposed to other elevations.</p> <p><u>Federal Hotel motel building</u></p> <p>(a) The motel building is articulated through a variation of building materials and finishes. In addition, external planter boxes are provided to rooms on the north and south elevations. The planter boxes and landscaping articulate and soften the building facades while also providing a green outlook for occupants of the rooms. The east elevation orientated within the site is articulated through a metal awning, and external metal framed windows.</p> <p>(b) The blank west building elevation is provided to ensure no visual or acoustic privacy impacts are generated for the residence adjoining the site to the west. The blank wall will be constructed from quality and robust brickwork and broken up by a window to the common corridor which is set back a further approximately 1 metre from the west boundary of the site.</p> <p>As indicated above the proposed development addresses the building articulation and façade composition objectives/controls of the MWDCP2013.</p>	

Section	Objectives and Controls	Proposal	Compliance
Residential Commercial Interface	<ul style="list-style-type: none"> (a) Provision of landscaping buffers to provide visual screening along residential boundaries that adjoin development sites in the Mortimer Street precinct (in particular). (b) Ground and first floor development should not overlook residential properties (c) Maintain acoustic privacy through the use of acoustic fencing, where vehicular movement adjoins property boundaries to reduce visual bulk of the proposed development. (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. (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>The site has three Street and Laneway frontages. Only the west side boundary is shared with residential developments. Residential developments are situated on the north side of Lyons Lane. The proposed development addresses the building articulation and façade composition as outlined below:</p> <ul style="list-style-type: none"> (a) Landscape buffers are provided around the drive through bottle shop and motel accommodation building on the north frontage to Inglis Street and west boundary with 46 Inglis Street. A detailed landscape set of drawings accompanies the DA submission and indicates the type of species along with vegetation mature heights. The proposed landscape design and building setbacks will facilitate appropriate landscape buffers with surrounding residential developments. (b) The ground and first floors of all buildings do not overlook residential properties. As indicated with the site planning section of the SEE the proposed group of buildings have been designed to provide overlooking of the sites three public street and laneway frontages or overlook publicly accessible areas within the site, (c) The proposed development has been designed to ensure acoustic privacy and the DA is accompanied by a detailed acoustic impact assessment. All recommendations of the acoustic assessment are incorporated into the development and compliance with the report will be conditioned by Council. Accordingly, the proposed development is acceptable having regard to the potential acoustic privacy impacts on surrounding land uses and buildings, including between buildings and uses within the development. 	Yes

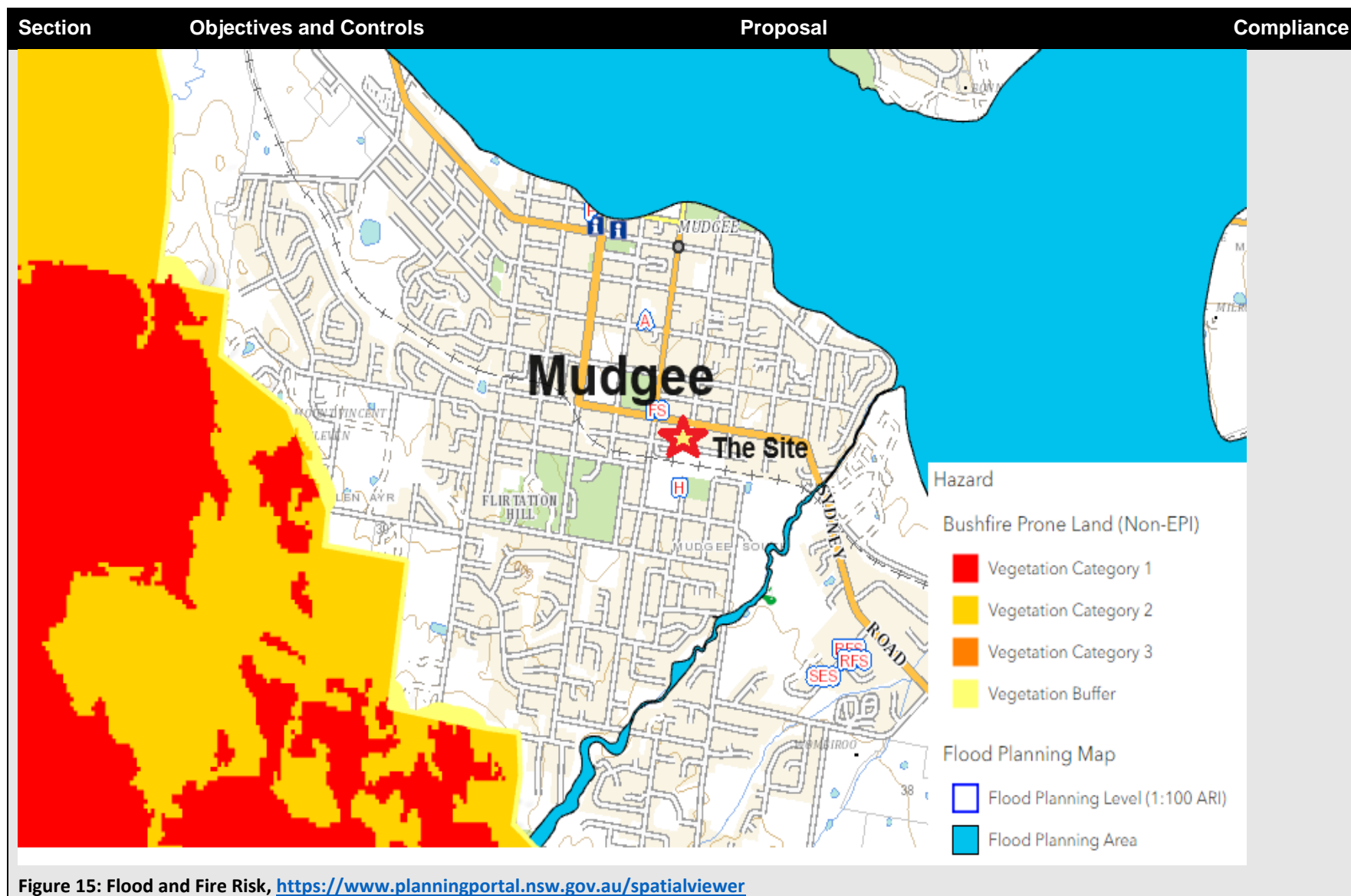
Section	Objectives and Controls	Proposal	Compliance
		<p>(d) The proposed development has been designed and sited to reduce the visual bulk and scale of buildings along residential boundaries. The single storey bottle shop and two storey buildings are setback some 2 metres from the west side boundary. Furthermore, the narrow elevation of the motel accommodation building is fronting the sites west side boundary with the residential development. The proposed development does not result in adverse visual bulk and scale impacts on adjacent residential properties nor do the development adversely impact on residential developments situated north across Lyons Lane.</p> <p>(e) The architectural drawing set provided with the DA submission includes shadow diagrams. These shadow diagrams indicate that the proposed development does not result in unreasonable solar access or shadow impacts to neighbouring or surrounding residential dwellings or open spaces.</p> <p>The proposed development addresses the residential commercial interface as sought in the MWDCP2013.</p>	
Utilities and services	<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>The proposed development addresses the utilities and services requirements as outlined below:</p> <p>(a) Documentation detailing the development can connect to water, sewer and has adequate drainage is provided with the DA submission.</p> <p>(b) A trade waste application will form part of a Construction Certificate or other point during the construction of the development.</p> <p>(c) All buildings and structures are located clear of infrastructure.</p> <p>(d) Relocated sewer mains are located as per the numeric requirements.</p>	Yes

Section	Objectives and Controls	Proposal	Compliance
Traffic and Access	<ul style="list-style-type: none"> (a) All vehicles must be able to enter and exit the site in a forward direction. (b) All vehicle movement paths are to be sealed. (c) Driveways must comply with Australian Standard AS 2890.1 Parking Facilities. (d) For new commercial development all loading facilities are to be located within the site with no loading to occur from the public road system. (e) All loading facilities shall be designed to complying with Australian Standards. (f) Where the truck delivery paths extend through car parking areas due consideration should be given to the separation of truck, pedestrian and car traffic. Where separation cannot be achieved then the application it to address traffic flow and safety issues. 	The DA is accompanied by a detailed traffic and transport assessment prepared by SCT Consulting. The Traffic and Transport Assessment confirms that vehicles can comply with the relevant Australian Standards and traffic engineering requirements. In addition, all vehicle movement paths are sealed as are the car parking areas across the site.	Yes
Pedestrian Access	<ul style="list-style-type: none"> (a) Maintain existing covered pedestrian access within the town centres. (b) Convenient and safe access through parking areas. (c) Convenient and safe disabled access through parking areas and where relevant focus on improving links with the existing retail areas. 	The proposed development addresses the building articulation and façade composition as outlined.	Yes
Parking	Refer Specific Provisions relating to parking section 1.3.	Refer to discussions on parking in the table below and Traffic and Transport Assessment submitted with the DA.	Yes
Landscaping	<ul style="list-style-type: none"> (a) Landscaped areas within the car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries. (b) Landscaping to comprise low maintenance, drought and frost tolerant species. 	Soft landscaped areas are proposed across the development and primarily focused to the north and west perimeter of the site as well as between buildings and across the surface car park. In addition, a number of green walls are proposed to the drive through bottle shop and Federal Hotel addition. The landscape design has been completed by Paddock Studio and includes planting across the site for trees (large and medium sized), shrubs and ground covers, refer to the landscape plans submitted with the DA.	Yes
4.7 TREE PRESERVATION ORDER			

Section	Objectives and Controls	Proposal	Compliance
Mudgee and Gulgong	-	The site is not subject to a tree preservation order.	N/A

Table 5 – Part 5 Development Standards MWRDCP 2013 - Compliance Table

Section	Objectives and Controls	Proposal	Compliance
PART 5 DEVELOPMENT STANDARDS			
5.1 CAR PARKING			
Car Parking Credits	<p>Historic parking credits for lawfully established uses are recognised under this clause and evaluated in accordance with the DCP.</p> <p>Frontage credits related to parking availability on-street. The parking frontage credit calculation is the subject lot width reduced by the extent of driveways and no-parking zones. The parking credit available is the historic credit and the frontage credit.</p>	<p>The proposed alterations and additions to the heritage listed Federal Hotel building seeks to utilise this section of the MWDCP2013. Refer to the Traffic and Transport Assessment submitted with the DA</p> <p>Also see further discussions on Car Parking Credits and Heritage Incentives below this table.</p>	Yes
Heritage Incentive	<p>The Mid-Western Regional Council may exempt development involving the restoration and/or conservation of a heritage item from part or all of the subject developments parking demand. The applicant shall make a claim for the exemption and the justification thereof in the development application.</p> <p>The Heritage Incentive will only be applied where the applicant can demonstrate that the conservation of the building depends upon the use of this clause.</p>	<p>The proposed alterations and additions to the heritage listed Federal Hotel building seeks to utilise this section of the MWDCP2013. Refer to the Traffic and Transport Assessment submitted with the DA.</p> <p>Also see further discussions on Car Parking Credits and Heritage Incentives below this table.</p>	Yes
5.2 FLOODING see mapped flood and fire risk.			



Section	Objectives and Controls	Proposal	Compliance
Flood Risk Precincts	<p>Each of the floodplains within the local government area which have been subject to flood investigations have been divided based on different levels of potential flood hazard. The relevant Flood Risk Precincts (FRP's) are outlined below.</p> <ul style="list-style-type: none"> • High Flood Risk • Medium Flood Risk • Low Flood Risk 	The site is not located in a High, Medium or Low Flood Risk area. Accordingly, these provisions of the MWDCP 2012 are not applicable to the site nor the development.	N/A
Development Controls	<p>The development controls apply to all known potentially flooded areas (that is up to the largest estimated flood including the PMF when known). The type and stringency of controls have been graded relative to the severity and frequency of potential floods, having regard to categories determined by the relevant Floodplain Management Study and Plan. The categories applicable to each floodplain are depicted on the planning matrices in Appendix A as follows:</p> <ul style="list-style-type: none"> • Matrix 1 – Urban Floodplains • Matrix 2 – All other floodplains 	The proposed development addresses the requirements of the performance criteria and does not result in an increased risk to human life. Refer to associated information on flood planning and design.	Yes
	<p><u>Performance Criteria</u></p> <p>(a) The proposed development should not result in any increased risk to human life.</p> <p>(b) The additional economic and social costs which may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general community.</p> <p>(c) The proposal should only be permitted where effective warning time and reliable access is available for the evacuation of an area potentially affected by floods, where likely to be required.</p> <p>(d) Development should not detrimentally increase the potential flood affectation on other development or properties.</p>	The proposed development addresses the requirements of the performance criteria and does not result in an increased risk to human life. Refer to associated information on flood planning and design.	Yes
Fill	Earthworks that change the nature of a watercourse and have the potential to affect upstream or downstream properties is not permitted. This standard applies to watercourses in the high hazard flood risk precinct.	The proposed development does not seek to undertake earthworks in a watercourse or in a high hazard flood risk precinct.	Yes
Development Application	Applications must include information which addresses all relevant controls listed above, and the following matters as applicable.	The DA is accompanied by all required flood planning information and documents.	Yes

Section	Objectives and Controls	Proposal	Compliance														
Survey plan required	<p>Development applications for Flood Prone Land shall be accompanied by a survey plan showing:</p> <ul style="list-style-type: none"> (a) The position of the existing building/s or proposed building/s; (b) The existing ground levels to Australian height datum around the perimeter of the building and contours of the site; (c) The existing or proposed floor levels to Australian height datum; and (d) A reliable access route, with regular levels to Australian Height Datum along the centreline of this route, wherever development is within a high or medium flood risk precinct. <p>Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan (with a contour interval of 0.25m) showing relative levels to Australian height datum Flood Study</p>	The DA is accompanied by a detailed survey plan and all required flood planning information and documents.	Yes														
Flood Study	For large scale developments, or developments in critical situations, particularly where an existing catchment-based flood study is not available, a flood study using a fully dynamic one- or two-dimensional computer model may be required.	A flood study is not required for the site or the proposed development.	N/A														
5.3 STORMWATER MANAGEMENT																	
Performance Targets Table 1 Development Categories, Performance Targets & Relevant references		The DA is accompanied by a detailed stormwater management information and documents. Refer to information, documents and drawings submitted with the DA.	Yes														
Commercial, Industrial Developments & Mixed Use	<table border="1"> <tr> <td>I.</td><td>Quality Management During Construction</td><td>C</td><td>4</td></tr> <tr> <td>II.</td><td>Quality Management During Operation</td><td>D</td><td>5</td></tr> <tr> <td>III.</td><td>Water conservation</td><td>E</td><td>6</td></tr> <tr> <td>IV.</td><td>Salinity Prevention (where applicable)</td><td>F</td><td>7</td></tr> </table>			I.	Quality Management During Construction	C	4	II.	Quality Management During Operation	D	5	III.	Water conservation	E	6	IV.	Salinity Prevention (where applicable)
I.	Quality Management During Construction	C	4														
II.	Quality Management During Operation	D	5														
III.	Water conservation	E	6														
IV.	Salinity Prevention (where applicable)	F	7														
A BASIX	The Development proponent shall meet all obligations included on their BASIX certificate.	A BASIX certificate is not applicable to the development.	N/A														

Section	Objectives and Controls	Proposal	Compliance
B Quality Management During Operation	<p>Step 1: Determine the minimum runoff storage volume required.</p> <p>Step 2: Work out how much a rainwater tank can reduce the infiltration volume?</p> <p>Table 2 Credits (reductions in the runoff storage volume) given for various rain tank sizes and proposed end uses of the rainwater.</p> <p>Step 3 Configure the proposed trench, rain garden or rainwater tank according to the supporting S2S - Supporting Technical Guidelines (Appendix B2)</p>	The detailed stormwater management information and documents considered the requirement of quality management during operation. Refer to information, documents and drawings submitted with the DA.	Yes
C Quality Management During Construction	<p><u>Performance Targets</u></p> <p>Commercial and industrial internal alterations, refits and refurbishments which do not disturb any earth are exempt from complying with this part.</p>	The detailed stormwater management information and documents considered the requirement of quality management during operation. Refer to information, documents and drawings submitted with the DA.	Yes
D Quality Management During Operation	<p><u>Performance Targets</u></p> <p>This performance target is applicable to:</p> <ul style="list-style-type: none"> • Car parks which have a capacity for more than 5 cars • Commercial development (excluding internal refurbishment and refits) 	The detailed stormwater management information and documents considered the requirement of quality management during operation. Refer to information, documents and drawings submitted with the DA.	Yes
E Water Conservation for non-Residential Development	<p><u>Deemed to comply solutions</u></p> <p><u>Alternate solutions</u></p>	The detailed stormwater management information and documents considered the conservation requirements for non-residential development. Refer to information, documents and drawings submitted with the DA.	Yes
F Salinity Prevention	To prevent a decline in the health of receiving waters from development located in areas with high ground salinity.	The site is not mapped for salinity issues there controls are not applicable to the development.	N/A
5.4 ENVIRONMENTAL CONTROLS			
Protection of Aboriginal Archaeological Items	<p>(a) Aboriginal archaeological relics are protected by the provisions of the National Parks and Wildlife Act 1974, which makes the disturbance or destruction of these relics, without permission of the Director, an offence.</p> <p>(b) Proponents should determine whether their site has potential archaeological significance and if so, should submit an archaeological survey with their development application. Generally, where a site is located near a</p>	The site is not mapped for Aboriginal archaeological relics. In addition, the Heritage Impact Statement provides a detailed assessment of the sites historical relevance to indigenous populations and the locality.	Yes

Section	Objectives and Controls	Proposal	Compliance
	<p>water course or on an elevated area, an archaeological study will be required.</p> <p>(c) Proponents should determine if the development application is classified as integrated development under Section 4.46 of the EP&A Act 1979 and if an Aboriginal Heritage Impact Permit is required.</p>		
Bushfire Management	<p>(a) Where the development site is affected by a bushfire hazard as identified on the Bushfire Prone Land Map produced by the NSW Rural Fire Service, the design and management of the development shall comply with the guideline "Planning for Bushfire Protection" and where required; the Australian Standard AS 3959 - Construction of Buildings in Bush Fire Prone Areas.</p> <p>(b) Buildings shall be located to ensure that requirements for fuel free or fuel reduced zones do not impact on existing native vegetation on the site.</p> <p>(c) Proponents should determine if the development application is classified as integrated development under Section 4.46 of the EP & A Act 1979 and if a Bushfire Safety Authority is required.</p>	The site and development are not affected by bushfire mapping or management issues. Accordingly, these provisions of the MWDCP 2013 are not applicable to the site nor the development.	N/A
Riparian and drainage line Environments	<p>(a) Proponents must identify all drainage lines, streams, creeks and rivers on development plans and identify how the development has been designed to respect and be setback from such waterways and their vegetation.</p> <p>(b) Proponents should determine if the development application is classified as integrated development under Section 4.46 of the EP & A Act 1979 and if a water use approval, water management work approval or activity approval is required.</p>	The site and development are not affected by riparian drainage lines and environments. Accordingly, these provisions of the MWDCP 2013 are not applicable to the site nor the development.	N/A
Pollution and Waste Management	<p>(a) Proponents should indicate all waste streams i.e. trade, liquid, chemical, solid, medical, and clarify how they will be managed and contained safely on-site and disposed of such that there are no environmental impacts or effects on adjoining properties, stormwater or sewerage systems or waterways.</p> <p>(b) Proponents should determine if the development application is classified as integrated development under Section 4.46 of the EP&A Act 1979 and if an environmental protection license is required.</p>	<p>The site and proposed development address the pollution and waste management controls as detailed below:</p> <p>(a) The proposed uses do not store nor use high risk trade waste materials. All trade waste materials will be managed in accordance with the standard requirements.</p> <p>(b) The proposed development is not integrated development.</p>	Yes

Section	Objectives and Controls	Proposal	Compliance
	(c) Proponents will refer to Groundwater Vulnerability Mapping associated with Mid-Western Regional Council Local Environmental Plan 2012.	(c) The site is not mapped for groundwater vulnerability in the MWLEP 2012.	
Threatened Species and Vegetation Management	(a) An assessment of any potential impact on native flora and fauna is to accompany a development application. If considered necessary by Council a Flora and Fauna Impact Assessment will be required from a suitably qualified professional. This Assessment will determine whether a Species Impact Statement will be required.	The site does not contain threatened species or vegetation and therefore these provisions are not applicable to the site nor the development.	N/A
Building in Saline Environments	Information provided by the NSW Government indicates that salinity may occur in parts of the Mid-Western Regional Local Government Area (LGA). This salinity potential is due to inherent characteristics of the Mid-Western Regional LGA landscape. As a result, residential buildings in the Mid-Western Regional LGA may be susceptible to salt damage	The site does not contain threatened species or vegetation and therefore these provisions are not applicable to the site nor the development.	N/A

Car Parking Credits and Heritage Incentive

A detailed Traffic Impact Assessment is provided with the DA that concludes:

The redevelopment is expected to generate 78 additional trips during peak periods. The traffic impact assessment confirms that the redevelopment will have minimal impact on the road network with a maximum delay of 1.3 seconds accounting for future growth on the state road network. Similarly, the Degree of Saturation is at a maximum of 0.57 in the 10-year future growth scenario with the development scenario modelled using SIDRA 9.1. This indicates that network capacity will remain concurrent with existing conditions.

The proposed redevelopment satisfies Mid-Western Regional Council DCP accommodation and staff parking provisions for pub/hotel developments, with on-street parking able to meet pub/restaurant patron parking demands. Expansion of the drive through liquor store will deliver an extra five spaces which given its high turnover, will be able to accommodate the steady stream of vehicles using this service without impacting traffic on the public road network.

An AS2890 review of the carpark and service area undertaken shows compliance with relevant clauses of Australian standards related to off street and commercial vehicle parking.

The site is in a dormant part of the Mudgee commercial area (noting the railway station has been closed since ?) and there is excess road capacity and the likely traffic movements that the proposal will generate can more than adequately be accommodated on the existing network.

Impact on Adjoining Residences

In terms of the DCP Residential - Commercial Interface provisions, the locality is zoned for commercial purposes, see local zonings below.

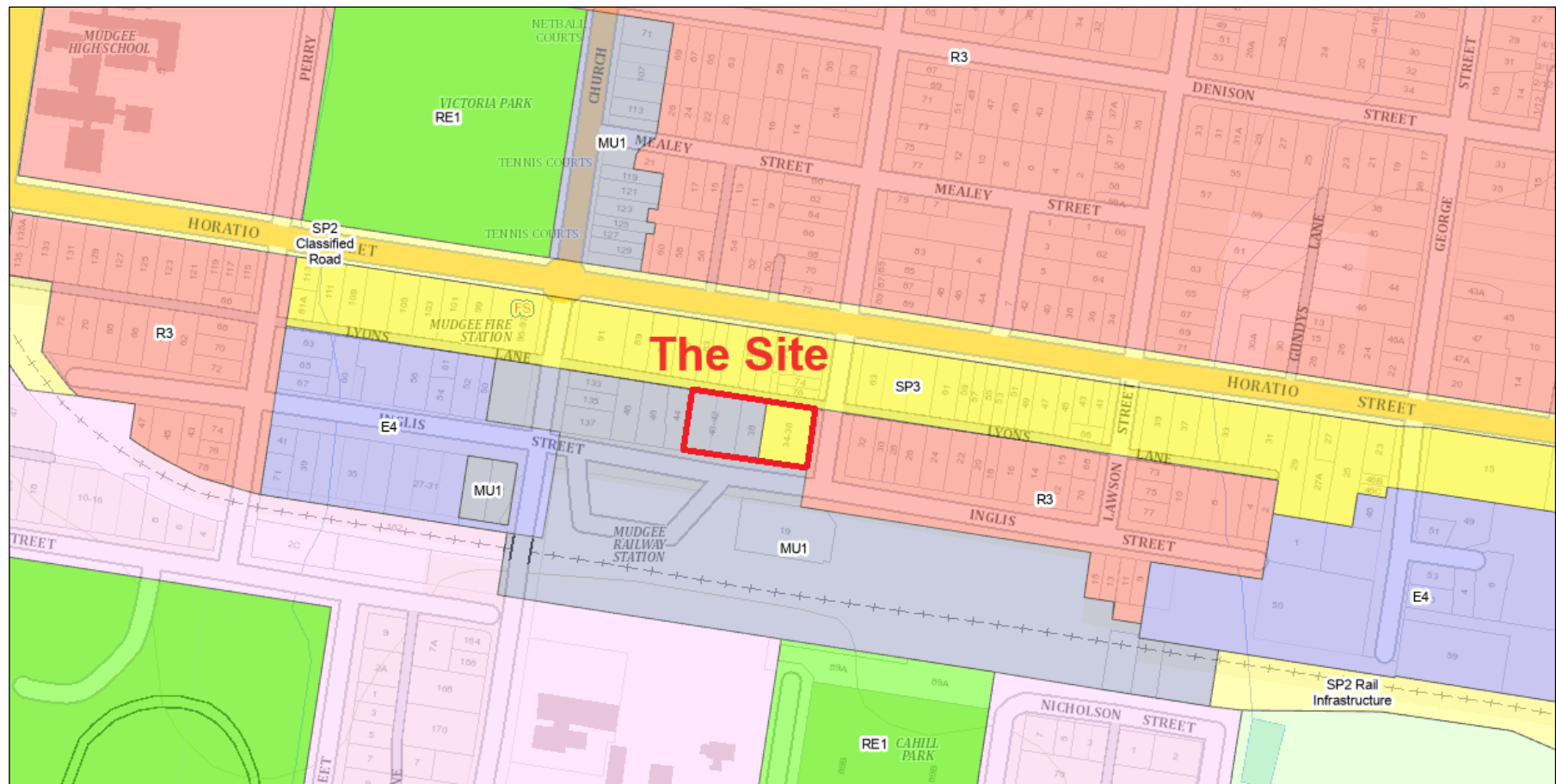


Figure 16: Adjoining Zonings,

The nearest residences front Horatio Street or Lewis Street with a frontage to Lyons Lane. Vehicular use to the lane is limited and all active commercial function are located on the ground floor.

An Acoustic Report is provided with the DA that details various measures that will be implement with the DA to minimise acoustic impacts.

The Pub/Bottle Shop/Hotel will be operated by experienced owners.

There are no first-floor decks or balconies that could overlook adjoining residences. The first-floor rooms to the Hotel that front the lane have a 3m setback to the lane.

Noting the commercial zoning of the land and its locality the proposal provides for reasonable impacts to adjoining residences (that may in the future be redeveloped, given current zonings).

Dilapidation and Need for the Works

Following the acquisition of the Federal Hotel in 2021 IMG Group undertook a review of the state of the heritage listed hotel building. This work was also informed by the project planner, architect and heritage consultant, and forms part of the DA submission. The review of the Federal Hotel heritage listed building has found that the buildings has historically had very limited investment in conservation and restoration works. In addition, a number of ad hoc alterations both externally and internally to the Federal Hotel have been completed over a number of decades. An overview of the poor quality state of the Federal Hotel building is provided below and photographs on the following pages.

- Substantial movement and cracking to façade brickwork at the buildings Inglis and Lewis Street facades.
- Rising damp and deterioration of mortar to brickwork across the external facades at Inglis and Lewis Street.
- Unsympathetic infill brick work to the Lewis Street façade.
- Historic removal of timber framed external windows and doors replaced with unsympathetic aluminium framed windows and door to Inglis and Lewis Street facades.
- Deterioration of the building's parapets and painted facades.
- Ad hoc internal and external additions to the building impacting on historic significance of the building and its setting.

A combination of failing to invest in heritage conservation and restoration works and historical unsympathetic alterations and additions to the Federal Hotel has resulted a poor-quality building in need to restoration and repair.

6.6 The regulations (s4.15 (1)(a)(iv))

This DA is not subject to any prescribed matters referred to in Section 92 of the EP&A Regulation that are required to be considered in relation to the assessment of an application.

6.7 Coastal Zone Management Plan (s4.15 (1)(a)(v))

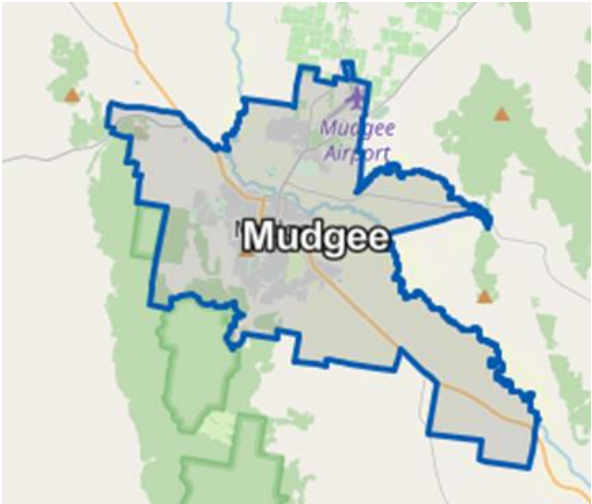
A Coastal Zone Management Plan is not applicable to the subject site.

6.8 Likely impacts of the development (s4.15 (1)(b))

Socio-Economic

As noted in the adopted **Structure Plan for Mudgee** (see LSPS) the site is within the main commercial precinct and identified for tourist related land uses.

A current demographic profile for Mudgee is provided below.

Mudgee 2021 Census Statistical Areas Level 2 		People					12,563
		Male					48.80%
		Female					51.20%
		Median age					37
		Families					3,319
		Average number of children per family					
		for families with children					1.9
		for all families					0.7
		All private dwellings					5,708
		Average number of people per household					2.5
		Median weekly household income					\$1,742
		Median monthly mortgage repayments					\$1,733
		Median weekly rent (a)					\$363
		Average number of motor vehicles per dwelling					1.9
Household composition	Mudgee	%Mudgee	NSW	%NSW	Australia	%Australia	
Family households	3,267	69	2,065,107	71.2	6,542,648	70.5	
Single (or lone) person households	1,306	27.6	723,716	25	2,370,742	25.6	
Group households	163	3.4	111,646	3.8	361,822	3.9	
Number of bedrooms	Mudgee	%Mudgee	NSW	%NSW	Australia	%Australia	
None (includes studio apartments or bedsitters)	9	0.2	21,051	0.7	44,864	0.5	
1 bedroom	128	2.7	190,792	6.6	488,681	5.3	
2 bedrooms	603	12.7	657,578	22.7	1,768,530	19.1	
3 bedrooms	1,935	40.9	1,006,121	34.7	3,617,803	39	
4 or more bedrooms	1,951	41.2	983,314	33.9	3,224,351	34.8	

Number of bedrooms not stated	108	2.3	41,623	1.4	130,989	1.4
Average number of bedrooms per dwelling	3.3	N/A	3.1	N/A	3.1	N/A
Average number of people per household	2.5	N/A	2.6	N/A	2.5	N/A
Dwelling structure	Mudgee	%Mudgee	NSW	%NSW	Australia	%Australia
Separate house	4,047	85.6	1,902,734	65.6	6,710,582	72.3
Semi-detached, row or terrace house, townhouse etc	556	11.8	340,582	11.7	1,168,860	12.6
Flat or apartment	49	1	630,030	21.7	1,319,095	14.2
Other dwelling	73	1.5	19,374	0.7	54,711	0.6

Existing demographic data shows a clear demand for smaller dwellings in this area, noting a stark mismatch between single person households (25% of households) and available studio or 1-bedroom dwellings (2.9% of dwelling stock). That is also an indicator of demand for hotel style accommodation.

The 38 Hotel rooms provided also can be used for short term rental if under occupied. The proposal provides for an appropriate increase in local housing diversity.

The 2019 population projections for Mid-West Regional LGA to 2041 state a likely 17% population increase to 2041 compared to state averages of 21%.⁴ This growth will be concentrated in the urban centres such as Mudgee; however, this level of growth is modest compared to coastal and fringe metropolitan areas.

Nevertheless, there is strong evidence that COVID has accelerated regional migration trends and strengthened these markets with record low rental vacancy rates and dwelling house price rises comparable with metropolitan areas.

The proposal will provide renewed facilities to a currently underutilised site that is identified for redevelopment.

The proposal will provide long term employment, recreation facilities for the community and diverse accommodation, this is considerable improvement on the current state of the site and the Heritage Building that is dilapidated.

The proposal is considered to have generally positive social and economic impacts.

Traffic and parking

The Traffic and Transport Assessment provided establishes that there is more than adequate road and car parking capacity for the proposal.

⁴ NSW Government NSW 2019 Population Projections ASGS 2019 LGA projections

Acoustic environment

The proposed development has been designed to ensure not adverse environmental impacts are generated either during construction and during operation of the development. The DA is accompanied by a detailed acoustic impact assessment. All recommendations of the acoustic assessment are incorporated into the development and compliance with the report will be conditioned by Council. Accordingly, the proposed development is acceptable having regard to the potential acoustic privacy impacts on surrounding land uses and buildings, including between buildings and uses within the development.

Sustainability

The Principles of Ecologically Sustainable Development are considerations that must be suitably addressed as part of the development process. The four Principles are:

- The Precautionary Principle: The principle, in application, suggests that if there are threats of serious irreversible environmental damage, the lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In this instance, the level of detailed reporting in the application is extensive and clearly establishes that the proposal would have no serious irreversible environmental consequences and that any perceived risks would be minor and manageable.
- Intergenerational Equity: The principle, in application, places a duty of care on the present generation to ensure that the health, diversity and productivity of the environment is maintained and enhanced for the benefit of future generations. In this instance, the proposed development is consistent with MWLEP 2012 aims of plan and zone objectives creating employment opportunities and providing additional tourist and visitor accommodation that will benefit the local community and future generations.
- Conservation of Biodiversity and Ecological Integrity: The principle effectively mandates that the conservation of biological diversity and ecological integrity should be a fundamental consideration in the decision-making process. In this instance, the site and proposed development are not mapped nor do they impact on biodiversity and ecology matters. Accordingly, no further considerations are required.
- Improved Valuation of Environmental Resources: The principle means integrating long and short term economic, environmental, social and fairness considerations into the decision-making process. In this instance, the site and proposed development

The proposed development addresses the Principles of Ecologically Sustainable Development.

6.9 Suitability of the site for the development (s4.15 (1)(c))

The site is suitable for the proposed development.

6.10 Submissions made (s4.15 (1)(d))

This DA will be publicly notified and advertised in accordance with Councils DCP. The Applicant requests the opportunity to review and to comment on any submissions received, should that arise.

6.11 Public interest (s4.15 (1)(e))

The proposed development for is considered to be in the public interest for the following reasons:

- The proposed development and land use is consistent with the zone objectives in the LEP and the future land uses will fulfill requirement for use of the land for employment and tourist orientated purposes.
- The sustainable development of land for employment and tourist land purposes is considered in the public interest.
- The proposed development includes a variety of built forms and land uses which are appropriate for the site and locality..
- The development is considered an orderly development and efficient use of the urban area land for employment and tourist land purposes.

6.12 Compliance with non-discretionary development standards and Development Control Plans (s4.15(2) and (3A))

These provisions of Section 4.15 (2), (3) and (3A) state:

“Section 4.15(1)

(2) Compliance with non-discretionary development standards—development other than complying development.

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

(a) is not entitled to take those standards into further consideration in determining the development application, and

(b) must not refuse the application on the ground that the development does not comply with those standards, and

(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 80 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and

(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note. The application of non-discretionary development standards to complying development is dealt with in section 85A (3) and (4).

(3A) Development control plans If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.”

The above provisions are relevant to the subject proposal, as they provide the statutory requirements as to how general compliance with Environmental Planning Instruments are met by the proposed.

Section 4.15(1)(2) states that a consent authority cannot refuse a development that complies with non-discretionary development standards. Section 4.15(1)(3A) then requires that the assessment of DCP provisions is undertaken with reasonable flexibility. The proposal is compliant with Council policies and any proposed variations will deliver a better planning and development outcome. Accordingly, this development warrants the reasonable flexibility envisaged under Section 4.15(1)(3A) of the Act in respect to the application of DCP controls, such as in terms of a nominal short-fall in on-site parking.

7 Conclusion

This DA seeking approval for alterations and addition to the Federal Hotel, construction of a new storey drive through liquor store and construction of a two-storey tourist and motel building containing 38 rooms for the Federal Hotel. Associated works include construction of a surface car park with 38 spaces (includes 2 accessible spaces), associated site servicing and loading areas, landscaping across the site, and amalgamation of 34-36, 38 and 40 – 42 Inglis Street, Mudgee.

The site has a combined area of 5,065m² with extensive and prominent frontages to Inglis Street and Lewis Street, and the site is afforded rear access from Lyons Lane. The site is zoned a mixture of SP3 Tourist (Federal Hotel – 34-36 Inglis Street) and MU1 – Mixed use (38 and 40-42 Inglis Street) and contains a locally listed Heritage Item – The Federal Hotel under the provisions of the Mid-Western Regional Local Environmental Plan 2012.

The proposal addresses the aims of MWRLEP 2012 by delivering a high-quality development that implements the purpose of the site's SP3 Tourist and MU1 – Mixed use zone.

The proposed building heights on land zoned MU1 Mixed use are compliant with and below the maximum 8.5 metre height development standard. While the alterations and additions to the heritage listed Federal Hotel address the provisions of clause 5.9 Heritage conservation of the MWRLEP 2012.

In terms of potential impact on neighbours, an Acoustic Report is provided with the DA that details various measures that will be implemented to minimise acoustic impact and the Pub use is confined the ground floor and its Lewis Street frontage.

In terms of traffic matters, a Traffic Impact Assessment is provided with the DA. The site is in a dormant part of the Mudgee commercial area (noting the railway station has been closed since 1985) and there is excess road capacity and the likely traffic movements that the proposal will generate can more than adequately be accommodated on the existing network.

The proposal is also consistent with and implements various local and regional strategies that seek tourist related development in this location. The proposal will provide long term employment, recreation facilities for the community and diverse accommodation, this is considerable improvement on the current state of the site and the Heritage Building that is dilapidated.

The proposal is considered to have generally positive social and economic impacts.

Based on the information contained within this SEE and the technical documentation included with the DA submission, the proposed development warrants approval by Council.