

Applicant contact details

Title	Mr
First given name	Peter
Other given name/s	
Family name	Consadine
Contact number	[REDACTED]
Email	[REDACTED]
Address	[REDACTED]
Application on behalf of a company, business or body corporate	Yes
ABN	86641313591
ACN	641313591
Name	DIAMOND 7 PTY LTD
Trading name	DIAMOND 7 PTY LTD
Is the nominated company the applicant for this application	No

Owner/s of the development site

Owner/s of the development site	A company, business, government entity or other similar body owns the development site
Owner #	1
Company, business or body corporate name	DIAMOND 7 PTY LTD
ABN / ACN	86 641 313 591

I declare that I have shown this document, including all attached drawings, to the owner(s) of the land, and that I have obtained their consent to submit this application. - Yes

Note: It is an offence under Section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in relation to this application.

Site access details

Are there any security or site conditions which may impact the person undertaking the inspection? For example, locked gates, animals etc.	No
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Developer details

ABN	86 641 313 591
ACN	641 313 591
Name	DIAMOND 7 PTY LTD
Trading name	DIAMOND 7 PTY LTD
Address	[REDACTED]
Email Address	[REDACTED]

Development details

Application type	Modification Application
On what date was the development application to be notified determined	16/08/2023
Type of modification requested	S4.55(1A) - Modification involving minimal environmental impact, where the development will remain substantially the same as the development that was originally approved

Development Application number of the consent to be modified	
Description of the proposed modification	I am seeking a review of the imposition of conditions 30 and 31.c). An attached document from Western Project Services (WPS) on the portal provides additional reasoning and new information regarding traffic volumes, relevant standards and management measures in an effort to remove risks for the consent authority.
Was the DA applied for via the NSW Planning Portal?	Yes
Please provide portal application number (PAN)	PAN-141138
Site address #	1
Street address	33 HORATIO STREET MUDGEE 2850
Local government area	MID-WESTERN REGIONAL
Lot / Section Number / Plan	2/-/DP743615 <input checked="" type="checkbox"/> 3/-/DP743615 <input checked="" type="checkbox"/>
Primary address?	Yes
Planning controls affecting property	Land Application LEP Mid-Western Regional Local Environmental Plan 2012 Land Zoning SP3: Tourist Height of Building NA Floor Space Ratio (n:1) NA Minimum Lot Size NA Heritage Mudgee Significance: Local Land Reservation Acquisition NA Foreshore Building Line NA Groundwater Vulnerability Groundwater Vulnerable Local Provisions Former LEP Boundaries Map

Proposed development

Selected common application types	Demolition Erection of a new structure
Selected development types	Food and drink premise
Description of development	Proposed demolition of existing dwelling Proposed demolition of existing dwelling and development of a 'food and drink premises' being a 40 seat fast food store and development of a 'food and drink premises' being a 40 seat fast food store.
Provide the proposed hours of operation	
Proposed to operate 24 hours on Monday	No
Monday	10:30 AM - 10:00 PM
Proposed to operate 24 hours on Tuesday	No
Tuesday	10:30 AM - 10:00 PM
Proposed to operate 24 hours on Wednesday	No
Wednesday	10:30 AM - 10:00 PM
Proposed to operate 24 hours on Thursday	No
Thursday	10:30 AM - 10:00 PM
Proposed to operate 24 hours on Friday	No
Friday	10:30 AM - 10:00 PM
Proposed to operate 24 hours on Saturday	No

Saturday	10:30 AM - 10:00 PM
Proposed to operate 24 hours on Sunday	No
Sunday	10:30 AM - 10:00 PM
Dwelling count details	
Number of dwellings / units proposed	
Number of storeys proposed	
Number of pre-existing dwellings on site	
Number of dwellings to be demolished	
Number of proposed occupants	1
Existing gross floor area (m2)	
Proposed gross floor area (m2)	273
Total site area (m2)	
Total net lettable area (m2)	
Cost of development	
Estimated cost of work / development (including GST)	\$1,800,000.00
Capital Investment Value (CIV)	\$150,000.00
Do you have one or more BASIX certificates?	
Climate Zone	
What climate zone/s is the development in?	Climate zone 6 - mild temperate
Has the climate zone impacted the design of the development?	No
Subdivision	
Number of existing lots	
Proposed operating details	
Number of additional jobs that are proposed to be generated through the operation of the development	
Number of staff/employees on the site	8

Number of parking spaces

Category of development	Car parking spaces	Motorcycle spaces	Bicycle spaces
Commercial including business premises and retail premises	23	0	0
Total	23	0	0

Number of loading bays	
Is a new road proposed?	No
Concept development	
Is the development to be staged?	No, this application is not for concept or staged development.
Crown development	
Is this a proposed Crown development?	No

Related planning information

Is the application for integrated development?	No
Is your proposal categorised as designated development?	No
Is your proposal likely to significantly impact	

on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat?	No
Is this application for biodiversity compliant development?	No
Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?	No
Is the application accompanied by a Planning Agreement ?	No
Section 68 of the Local Government Act	
Is approval under s68 of the Local Government Act 1993 required?	No
10.7 Certificate	
Have you already obtained a 10.7 certificate?	No
Tree works	
Is tree removal and/or pruning work proposed?	Yes
Please provide a description of the proposed tree removal and/or pruning work	Council planted trees to be either transplanted to new location or new mature trees planted where affected by the entrance/ exit.
Number of trees to be impacted by the proposed work	2
Land area to be impacted by the proposed work	
Units	
Approximate area of canopy REQUESTED to be removed	10
Units	Square metres
Local heritage	
Does the development site include an item of environmental heritage or sit within a heritage conservation area.	Yes
Are works proposed to any heritage listed buildings?	No
Is heritage tree removal proposed?	No
Affiliations and Pecuniary interests	
Is the applicant or owner a staff member or councillor of the council assessing the application?	No
Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application?	No
Political Donations	
Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No
Please provide details of each donation/gift which has been made within the last 2 years	

Sustainable Buildings

Is the development exempt from the State Environmental Policy (Sustainable Buildings) 2022 Chapter 3, relating to non-residential buildings?	Yes
Provide reason for exemption. Is the	A modification or a review to a development application, or a review of determination, where the

Payer details

Provide the details of the person / entity that will make the fee payment for the assessment.

The *Environmental Planning and Assessment Regulation 2021* and Council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development.

If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the Council's adopted fees and charges. If your development needs to be advertised, the Council may charge additional advertising fees. Once this application form is completed, it and the supporting documents will be submitted to the Council for lodgement, at which time the fees will be calculated. The Council will contact you to obtain payment. Note: When submitting documents via the NSW Planning Portal, credit card information should not be displayed on documents attached to your development application. The relevant consent authority will contact you to seek payment.

The application may be cancelled if the fees are not paid:

First name	Peter
Other given name(s)	
Family name	Consadine
Contact number	██████████
██████████	██████████
Billing address	██

Application documents

The following documents support the application.

Document type	Document file name
Cost estimate report	KFC Development team costing unit model_PAN-141138_PAN-392715
Heritage impact statement	STAMPED APPROVED HIS - DA0087-2022 - Mudgee KFC - Horatio Street, Mudgee_PAN-141138 (2)_PAN-392715
Other	Section 4.55 Request reviv of imposition of conditions 2023 11 22 WPS-COR-23010 - Mudgee KFC DA 0087_2022 - 33 Horatio St - Review of Conditions (1)_PAN-392715 (1)
Site Plans	STAMPED APPROVED FINAL PLANS - DA0087_2022 - PAN-141138 Proposed KFC - Commercial @ 33-35 Horatio Street MUDGEES NSW 2850_PAN-141
Statement of environmental effects	STAMPED APPROVED SEE and Reports DA0087_2022 - PAN-141138 Proposed KFC - Commercial @ 33-35 Horatio Street MUDGEES NSW 2850_PAN-14

Applicant declarations

I declare that all the information in my application and accompanying documents is , to the best of my knowledge, true and correct.	Yes
I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application.	Yes
I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes
I understand that the consent authority may use the information and materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at its Offices and on its website and/or the NSW Planning Portal	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it.	Yes
I agree to appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes

I agree to pay any required NSW Planning Portal Service Fee/s specified under Schedule 4 of the Environmental Planning and Assessment Regulation 2021 to the Department of Planning and Environment.	Yes
I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice	Yes
I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s).	