

Statement of Environmental Effects

**(To support a Section 4.55 (1A) Application
to modify DA0140/2024)**



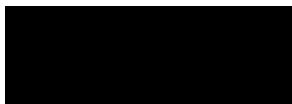
34 - 42 Inglis Street, Mudgee NSW 2850

Consolidated Lot 100 DP 1313280

Certification

This Statement of Environmental Effects (SEE) has been prepared to address the requirements of the Environmental Planning and Assessment Regulations 2021 (the Regulations) 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.



Andrew Connor
Planning and Environment Manager

Date: 2/18/25



Documents Control

Rev	Description	Date	Author	Checked
A	For client review	03/02/2025	AC	AC
B	Final for DA lodgment	17/02/2025	AC	AC

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ATTACHED – DA NOTICE TO BE MODIFIED DA0140/2024

STATEMENT OF ENVIRONMENTAL EFFECTS | FEDERAL HOTEL 32-42 INGLIS STREET, MUDGEE NSW

1 Introduction

We write on behalf of IMG Group to provide a Statement of Environmental Effects (SEE) addressing the planning considerations under the Environmental Planning and Assessment Act 1979 (the Act) for a Section 4.55 (1A) Modification Application (the Application) for DA0140/2024 approval for alteration and additions to Federal Hotel and Hotel/Motel Accommodation at 34 – 42 Inglis Street Mudgee NSW 2850. Since obtaining DA approval the properties have been consolidated into Lot 100 DP 1313280.

The minor modifications relate to the original Federal Hotel building including deletion/surrender of approved demolition, alterations and change of use works to first floor, introduction of a fire sprinkler system to the Federal Hotel and deletion of condition 26 of DA0140/2024. The modifications to DA0140/2024 are required for the future operation of development and moreover reduces unsympathetic alterations to the heritage listed Federal Hotel building. Finally, a series of very minor building refinements.

This Section 4.55(1A) Modification Application comprises of the following documents, drawings and reports:

- **Owner Consent letter** accompanying the Section 4.55 submission.
- **Amended Architectural drawings** by Bergstrom Architecture consisting of demolition, floor plans, roof and section plans, and revised internal perspectives.
- **Site Plan Fire Services drawing** No. FS-0002, Revision 3 prepared by MGP Building and Infrastructure Services Pty Ltd.
- **BCA Fire Safety Upgrade Report (Sections C, D and E)** for the Federal Hotel Mudgee, Revision 1.1, Steve Watson & Partners
- **Fire Engineering Report** for the Federal Hotel, Revision FER_1.0, prepared by Jensen Hughes Pty Limited;
- **Fire Engineering Upgrade Strategy Report** for the Federal Hotel Mudgee, Revision Pub_FEUSR_1.1, prepared by Jensen Hughes Pty Limited;
- **Accessibility – Performance Based Design Brief (PBDB)**, Dated 2 December 2024, prepared by Vallabh Bailey Consulting;
- **Heritage Impact Statement**, dated January 2025 and prepared by Heritage21;
- **Tree Assessment Report**, dated 2 August 2023 and prepared by McArdle and Sons Arboricultural Services Pty Ltd

As detailed in this SEE, there are sufficient planning grounds for approval of this Application.

1.1 The Site and Locality

The site has been consolidated into Lot 100 DP 1313280 and formerly comprises of the Federal Hotel and three adjoining lots to the west, that were:

- 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 historical Aerial Mapping of Lots below which all form part of the original DA0140/2024 approval.



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).

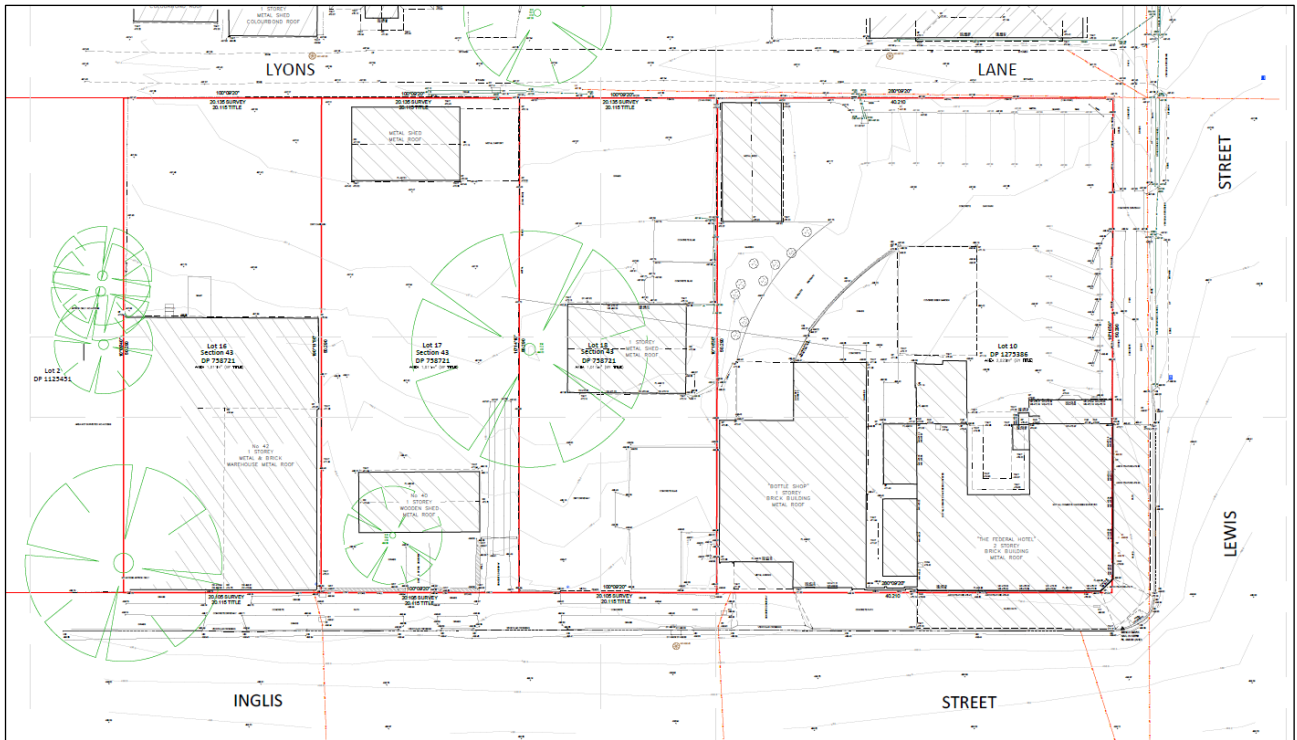


Figure 2: Survey Plan of the subject site – 34-42 Inglis Street, Mudgee. (Source: VMark Survey Pty Ltd)

As indicated previously a DA condition required the consolidation of the Lots this condition has been satisfied and the properties have been consolidated into Lot 100 in DP 1313280, refer to figure below.



Figure 3: Consolidated Lot 100 in DP 1313280. (Source: SixMaps)

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.



Photograph 1: Historical photograph of Hall's Federal Hotel dated 1880s.



Photograph 2: The Federal Hotel as viewed from the corner of Inglis and Lewis 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.

1.2 APPROVED - DA0140/2024

DA0140/2024 – Alteration and additions to Federal Hotel and Hotel/Motel accommodation at 34-42 Inglis Street Mudgee was approved by Council on 9 April 2024. Condition 2 of the DA consent provides clarity on the development consent stating:

2. For clarity, this development consent provides for approval for demolition works, alterations and additions the existing Federal Hotel, new drive through bottle shop, 38 room hotel accommodation building, business identification signage and ancillary works including landscaping and fencing of the site.

The DA approved plans and perspectives relevant to the proposed modifications are illustrated in the figures below.

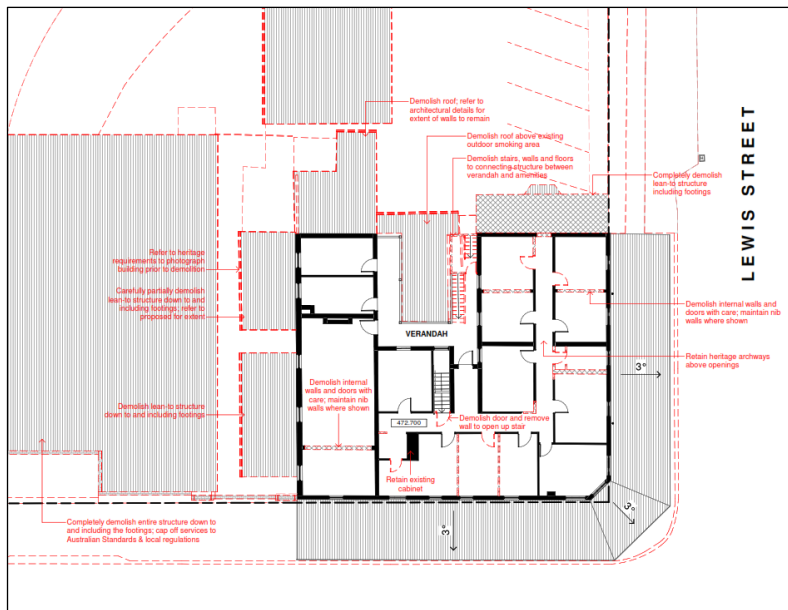


Figure 4: Approved Federal Hotel First Floor Demolition Plan, see Dwg No. DA 091

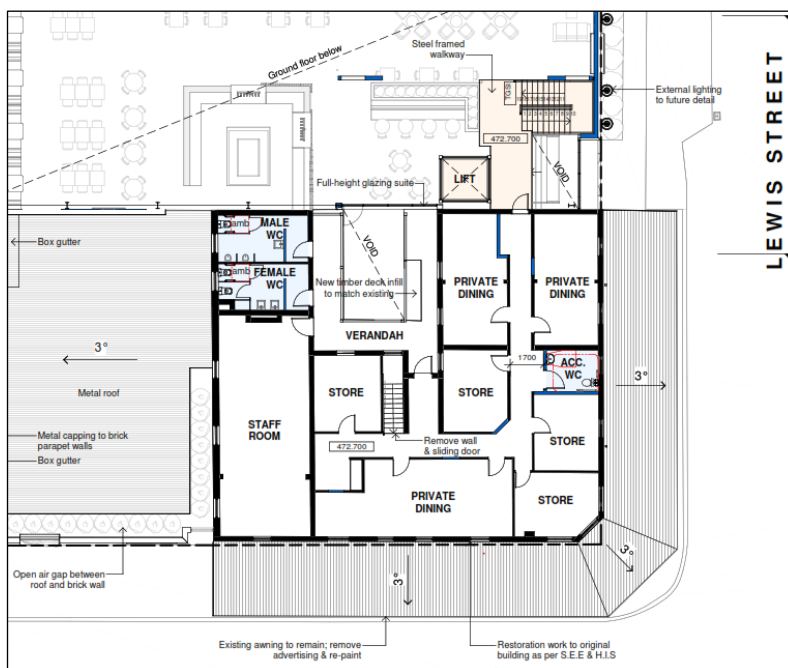


Figure 5: Approved Federal Hotel First Floor Alterations Plan, see Dwg No. DA 102



Figure 6: Approved Federal Hotel Alterations Internal Perspective relevant to proposed modifications, see Dwg No. DA 521

2 Proposed Modifications

The proposal is a Section 4.55(1A) modification application to D/2004/1330, that provides for the following:

Delete/surrender demolition, alterations and change of use to first floor of the Federal Hotel

In summary the modification works include:

- Deletion/surrender of various internal demolition works to the first floor;
- Deletion/surrender alteration works to the first floor;
- Deletion of the lift access to the first floor on the basis of the Accessibility Report provided by Jensen Hughes; and
- Retain existing first floor accommodation and room layout to the Federal Hotel.

The proposed modifications are illustrated in the figures below. In addition, the Heritage Impact Statement provided by Heritage 21 Section 8. Heritage Impact Assessment details support for the proposed modifications stating:

“The subject site located at 34-36 Inglis Street, Mudgee, is a local heritage item listed as “Hotel” under Schedule 5 of the Mid-Western Regional Local Environmental Plan 2012. It is also located within the boundaries of the Mudgee Conservation Area.

The Section 4.55 application to modify the existing approved Development Application DA0140/2024 would involve removing the approved Level 1 layout from the scope. The proposal would retain the layout in its existing form which is presently arranged to facilitate accommodation for the Hotel. Whilst the existing floor plan to Level 1 has been altered since its original construction, it generally presents its original format (a central corridor with is flanked by individual accommodation rooms). The retention of the existing layout would not engender a negative impact on the heritage significance of the item. In fact, it would enhance the integrity of this significant area.

The removal of the lift would improve visibility of the rear (north) elevation of the original built form of the hotel. This is generally considered to be a positive result for the heritage item.”

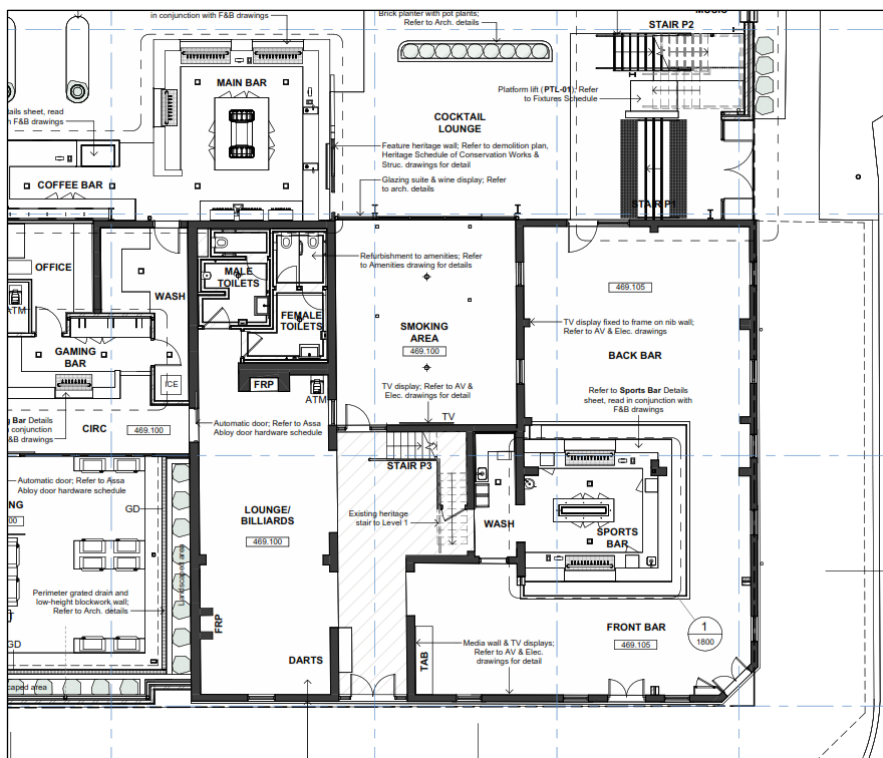


Figure 7: Amended Ground Floor Plan, Bergstrom Architects

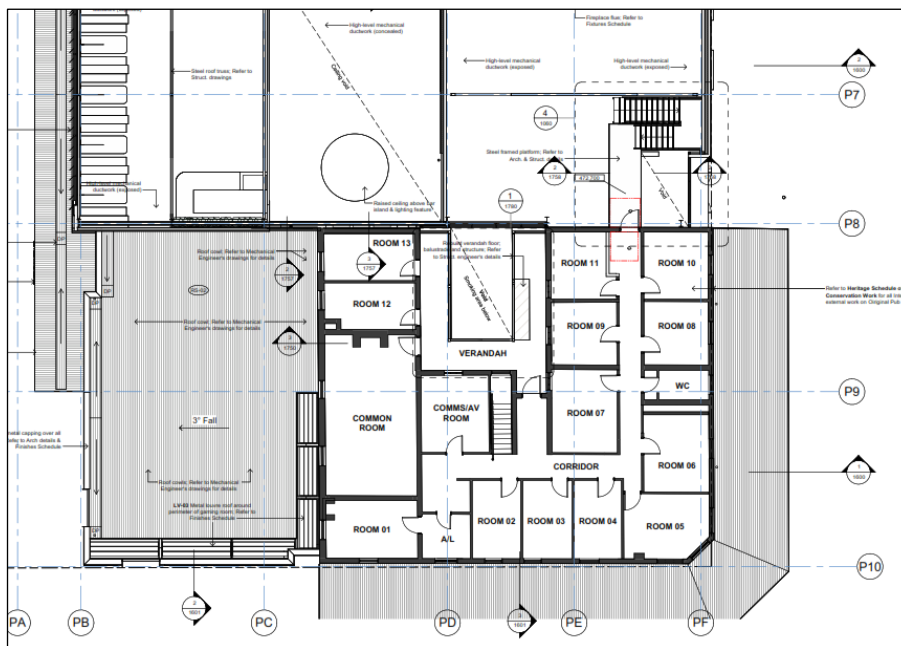




Figure 9: Amended Internal Perspective Federal Hotel with Lift Removed, Bergstrom Architects

Fire sprinkler system to Federal Hotel

A modification is proposed to add a fire sprinkler system to the Federal Hotel. The fire sprinkler system is recommended in the Fire Engineers report. The fire sprinkler system will be serviced by a pump room which is located in the rear portion of the approved Hotel drive through bottle shop (refer to plan except below).

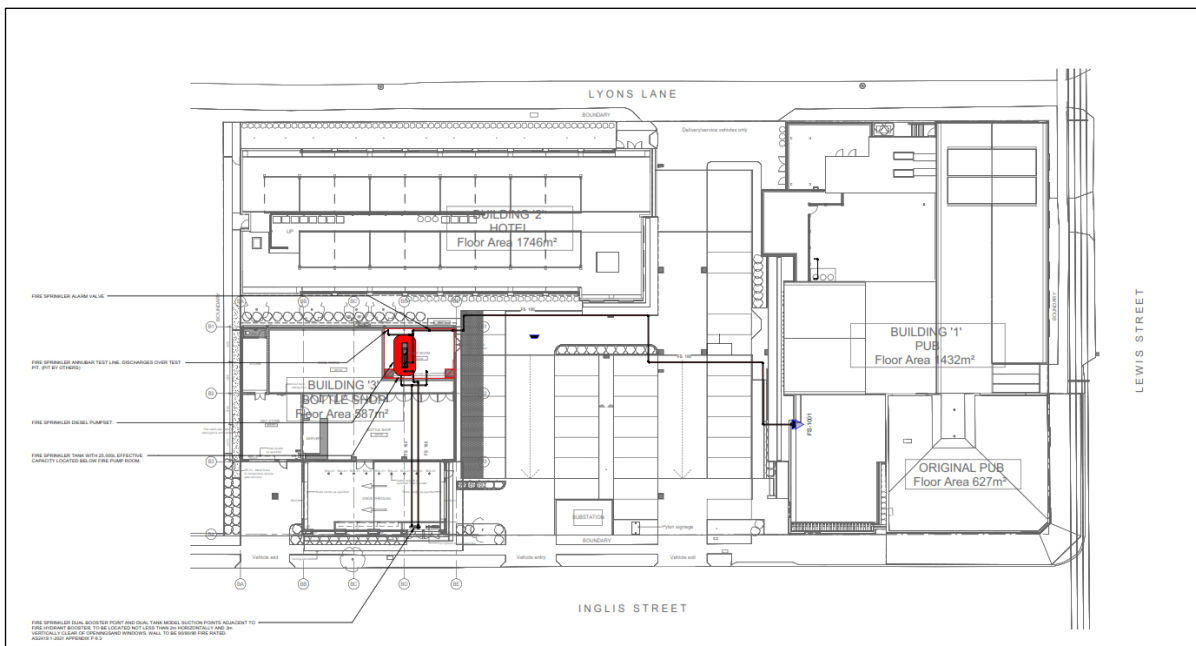


Figure 10: New Fire Sprinkler System – Site Plan, Bergstrom Architects

Modification to delete condition 26

Modification to delete condition 26 of DA0140/2024 as the condition is no longer necessary/appropriate having regard to the following reports submitted with the application.

- **Site Plan Fire Services drawing** No. FS-0002, Revision 3 prepared by MGP Building and Infrastructure Services Pty Ltd.
- **BCA Fire Safety Upgrade Report (Sections C, D and E)** for the Federal Hotel Mudgee, Revision 1.1, Steve Watson & Partners
- **Fire Engineering Report** for the Federal Hotel, Revision FER_1.0, prepared by Jensen Hughes Pty Limited;
- **Fire Engineering Upgrade Strategy Report** for the Federal Hotel Mudgee, Revision Pub_FEUSR_1.1, prepared by Jensen Hughes Pty Limited;
- **Accessibility – Performance Based Design Brief (PBDB)**, Dated 2 December 2024, prepared by Vallabh Bailey Consulting;

For completeness condition 26 is extracted from DA0140/2024 below.

26. Pursuant to section 64 of the Environmental Planning and Assessment Regulation 2021, the existing buildings are to be brought into conformity with the following Performance Requirements of the BCA, Volume 1.
- a) C1P2 – Spread of Fire b) D1P4 – Exits
 - b) D1P6 – Paths of Travel to Exits
 - c) E1P1 – Fire Hose Reels
 - d) E1P2 – Fire Extinguishers
 - e) E1P3 – Fire Hydrants
 - f) E4P1 – Visibility in an emergency
 - g) E4P2 – Identification of exits
 - h) E4P3 – Emergency warning and intercom systems.

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

Minor Modifications

Several very minor modifications are proposed across the development to reflect the changes to the BCA report and design refinements as part of preparing the Construction Certificate drawings. For completeness these minor modifications are summarised below and clouded on the corresponding architectural drawings.

Federal Hotel

Lower Ground Floor

- Staff room and accessible WC has been removed.

Ground Floor

- Deletion of passenger lift.
- Addition of platform lift for accessibility.
- Deletion of secondary door access from lounge to smoking area.
- Deletion of door access between smoking and cocktail lounge.
- Deletion of 1xWC in gaming area.
- Addition of coffee bar.
- Addition of wine room.
- Minor layout changes to amenities area.
- Minor layout changes to kitchen.
- Beer garden & kids play levels raised by 150mm. Alteration of stair and walkway to accommodate.
- Minor layout changes to waste room and addition of cleaners cupboard.
- Deletion of compartment separation between pub & BOH.

Level 1:

- Maintaining existing layout and use of accommodation rooms.
- Storeroom converted to comms room.
- Removal of passenger lift and adjustment to steel walkway to accommodate.

Hotel Building:

- Minor changes to layout within BOH & services areas.
- Acoustic metal louvres have changed location to address DA conditions.

Bottle Shop:

- Relocation of external MSB cupboard and squaring off of external wall in lieu of the nook.
- Deletion of waste room and staff kitchen/cupboard.
- Deletion of step ramps and kerb across entry to make everything on one level.
- Addition of stock storage area behind glazing (in drive thru area).
- Removal of secondary fire egress door from bottle shop floor.
- Removal of FHR as not required.
- Addition of Pump Room and underground sprinkler tank.
- Minor layout changes to BOH store to address compartment sizing.
- Change to roof design to reflect GF layout changes.

External works:

- Interlocking pavers have been changed to concrete with coloured pigment.
- Addition of OSD tank between Hotel and Pub buildings.
- Addition of gas storage area with bollards.
- Relocation of hydrant valves.

3 Regulatory Matters

3.1 Environmental Planning and Assessment Act 1979

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

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

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

3.2 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 at Clause 50 concerning DA submissions.

3.3 National Construction Code

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

The proposed works will be built to comply with the appropriate requirements and performance requirements of the NCC. These matters are addressed in the following reports submitted with the modification application:

- **Site Plan Fire Services drawing** No. FS-0002, Revision 3 prepared by MGP Building and Infrastructure Services Pty Ltd.
- **BCA Fire Safety Upgrade Report (Sections C, D and E)** for the Federal Hotel Mudgee, Revision 1.1, Steve Watson & Partners.
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- **Accessibility – Performance Based Design Brief (PBDB)**, Dated 2 December 2024, prepared by Vallabh Bailey Consulting.

4 Statutory Assessment

An assessment of the modification proposal against the relevant considerations of the Environmental Planning and Assessment Act (the Act) is provided below.

4.1 Section 4.55 of the Act

Section 4.55 (1A) of the Act provides that:

“(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.”

In relation to Section 4.55(1A)(a), the modifications sought are internal and provide for a reduction of demolition works to the original fabric of the Federal Hotel and provides for the retention of the original first floor hotel accommodation. The reduced demolition works and maintaining first floor hotel accommodation are consistent with the heritage significance and listing of the Federal Hotel building. While the minor modifications do not impact the overall approval of the development.

The works have no real environmental impacts as the modifications retain the existing building layout and uses within the Federal Hotel.

The development has minimal environmental impact.

In relation to Section 4.55(1A)(b), the proposed modification retain the essential elements of the approved development that are:

- The site and approved use that remain the same as approved and existing;
- All necessary ancillary facilities are provided; and
- The modifications are internal providing for less works (demolition and alterations) to the existing heritage listed Federal Hotel building. There are no unreasonable or new physical impacts with the building as modified.

The test for 'substantially the same' has taken on the meaning via various NSW Land and Environment Court judgements to mean 'essentially, materially or having the same essence'.

This test is not a test of impact or compliance with planning controls, rather it is a test as to whether the development proposed to be modified is essentially the same as the approved building.

The power to modify under Section 4.55 is a constructive provision and intended to facilitate development. This point has been continuously upheld by the Court, such as in *North Sydney Council v Michael Standley and Associates Pty Ltd* (1998) 97 LGERA 433.

The application is substantially the same for the purposes of Section 4.55 of the Act.

In relation to Section 4.55(1A)(c) to (d), these are process requirements that can be satisfied during the application's assessment. However, given the limited scope of the proposed modifications public notification is not triggered under the regulations or Councils DCP as the modifications retain existing uses on the first floor of the Federal Hotel and the condition to be deleted does not impact surrounding properties, land uses nor the broader public.

In relation to Section 4.55(3), the proposal as modified does not prejudice the reasons given by the consent authority for the grant of the consent that is sought to be modified.

4.2 Section 4.15(1)(a) of the Act – The Planning Controls

The proposal is assessed below against the relevant planning controls in order of their statutory significance.

4.2.1 STATE AND METROPOLITAN PLANNING POLICY

The proposal is Local Development, consistent with the relevant objectives of its zoning and raises no planning issues of State or Metropolitan significance.

4.2.2 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 approved in DA0140/2024. The proposal will have a positive effect in terms of local landscape amenity.

4.2.3 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, and this matter was dealt with as part of the existing DA0140/2024 approval.

The proposal has been reviewed under the relevant contamination guidelines for the SEPP and is acceptable.

4.2.4 MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012

A summary of the proposal's compliance with the relevant Mid-Western Regional Local Environmental Plan 2012 (the LEP) controls is provided below.

Control	Standard	Proposed	Compliance
cl 1.2 Aims of Plan	<p>(2) The particular aims of this Plan are as follows—</p> <p>(a) to promote growth and provide for a range of living opportunities throughout Mid-Western Regional,</p> <p>(b) – (g).</p>	The proposed minor modification addresses the provisions of clause 1.2 Aims of Plan.	Yes
cl 2.1 Land use zones	SP3 Tourist and MU1 Mixed Use	The site is zoned a mixture of SP3 Tourist and MU1 Mixed Use. The modifications are consistent with the site zonings.	Yes
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 to reduce the extent of demolition works to the Federal Hotel. The proposal addresses the requirements of clause 2.7 of the LEP.	Yes
cl 4.3 Height of buildings	<p>(1) The objectives of this clause are as follows—</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.</p> <p>The proposed modifications do not change the existing and approved building heights as part of DA0140/2024.</p>	N/A
cl 4.4 Floor Space Ratio	The site is not subject to a Floor Space Ratio development standard	Not Applicable	N/A
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>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 modification.</p> <p>Further discussion regarding clause 5.10 is provided below this table.</p>	Yes

4.2.4.1 Heritage Conservation

The Federal Hotel building is a local Heritage Item (Item Number 186 in Schedule 5 of the MWLEP 2012) and situated within a general Conservation Area. A Heritage Impact Assessment letter has been prepared by Heritage 21 and accompanies the Modification Application submission. Section 8. Heritage Impact Assessment details support for the proposed modifications stating:

“The subject site located at 34-36 Inglis Street, Mudgee, is a local heritage item listed as “Hotel” under Schedule 5 of the Mid-Western Regional Local Environmental Plan 2012. It is also located within the boundaries of the Mudgee Conservation Area.

The Section 4.55 application to modify the existing approved Development Application DA0140/2024 would involve removing the approved Level 1 layout from the scope. The proposal would retain the layout in its existing form which is presently arranged to facilitate accommodation for the Hotel. Whilst the existing floor plan to Level 1 has been altered since its original construction, it generally presents its original format (a central corridor with is flanked by individual accommodation rooms). The retention of the existing layout would not engender a negative impact on the heritage significance of the item. In fact, it would enhance the integrity of this significant area.

The removal of the lift would improve visibility of the rear (north) elevation of the original built form of the hotel. This is generally considered to be a positive result for the heritage item.”

Having regard to the HIA submitted with the application the proposed development addresses the provisions of clause 5.10 Heritage Conservation of the MWLEP 2012.

4.2.5 MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013

The proposed modifications are minor in nature and do not impact the approved developments performance against the applicable Parts of the MWDCP 2013. Accordingly, the proposed modifications are considered to address the requirement of the MWDCP 2013.

4.3 Section 4.15 (1)(b) – Environmental, Social and Economic Impacts

Section 4.15 (1)(b) requires the consent authority to consider:

“(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.”

The proposed modifications will retain existing first floor hotel accommodation to the Federal Hotel. Accordingly, the modification do not alter the existing operation of the Federal Hotel and therefore, do not give rise to additional environmental, social or economic impacts.

It is noted that the approved DA allows considerable investment and renewal across the development site. This considerable financial investment in Mudgee will stimulate the broader economy and generate employment opportunities both during construction and completion in the ongoing operation of the Federal Hotel, bottle shop and hotel/motel accommodation.

4.4 Section 4.15(1)(c) – The Suitability of the Site

Section 4.15(1)(c) requires the consent authority to consider:

“(c) the suitability of the site for the development”

The modifications are consistent with the existing Federal Hotel uses and the site is suitable.

4.5 Section 4.15(1)(d) – Submissions

Section 4.15(1)(d) requires the consent authority to consider:

“(d) any submissions made in accordance with this Act or the regulations”

As previously indicated public notification of the modification application is not warranted noting the minor and internal nature of the proposal. In any event should Council choose to notify the modification application any relevant submissions will need to be considered by Council in the assessment and determination of the development application.

4.6 Section 4.15(1)(e) – Public Interest

Section 4.15(1)(e) requires the consent authority to consider:

“(e) the public interest.”

The public interest is best served by the orderly and economic use of land for permissible purposes in a form which is cognisant of and does not impact unreasonably on development on surrounding land.

The proposal is in the public interest.

4.7 Section 4.15(3A) – DCPs and Flexibility

Section 4.15(3A) requires the consent authority to consider:

*“(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.*

Section 4.15(3A) requires flexibility and more site-specific approaches to DCP controls. The proposal is consistent with this approach, noting that the proposal provides for no LEP nor DCP non-compliances and the works have contextual merit.

The flexible application of the DCP is warranted in this instance.

5 CONCLUSION

The proposal is made as Section 4.55 (1A) Modification Application to modify DA0140/2024. It has no environmental impacts, is substantially the same as the approved use of the land and substantially the same development for the purposes of Section 4.55 of the Act.

Having regard to the above and considering the relevant heads of consideration listed under Section 4.15 of the Environmental Planning and Assessment Act, 1979, the proposal is reasonable, appropriate, and worthy of support by Mid-Western Regional Council.

ATTACHMENT A – DA NOTICE TO BE MODIFIED DA0140/2024



Kayla Robson:ah DA0140/2024

9 April 2024

The Trustee for Investment Management Group
Hotels Unit Trust
21 Terminal Avenue
Plaza Offices – West
CANBERRA AIRPORT ACT 2609

Dear Sir/Madam

DEVELOPMENT APPLICATION DA0140/2024 - ALTERATIONS AND ADDITIONS TO FEDERAL HOTEL AND HOTEL/MOTEL ACCOMMODATION @ 34-42 INGLIS STREET MUDGEE NSW 2850 - LOT 10 DP 1275386 LOT 18 SEC 43 DP 758721 LOT 17 SEC 43 DP 758721 LOT 16 SEC 43 DP 758721

I am pleased to advise that your application has been approved by Council.

Attached is Council's formal Development Consent No. DA0140/2024.

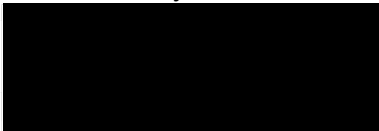
It is important that you read the consent and understand the requirements of any conditions imposed. Certain requirements may need to be satisfied prior to proceeding with the development.

The consent is a legal document and should be kept for your future reference as the development proceeds. It should be noted that commencement of the development implies your acceptance of the conditions of consent.

Please Note: No work can commence until a Construction Certificate has been issued, a Principal Certifying Authority (PCA) appointed and Council notified of commencement of work at least 2 days in advance.

Should you have any query regarding the consent or associated conditions, do not hesitate to contact myself or the appropriate Council officer.

Yours faithfully



**LINDSAY DUNSTAN
MANAGER STATUTORY PLANNING
DEVELOPMENT**

Notice of Determination of a Development Application

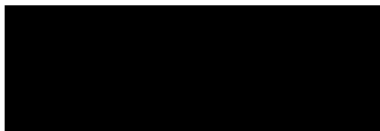
Issued under the *Environmental Planning and Assessment Act 1979* Section 4.16(1)(a)

Our Ref:	Kayla Robson:ah DA0140/2024	DA No:	DA0140/2024
Applicant:	The Trustee For Investment Management Group Hotels Unit Trust 21 Terminal Avenue Plaza Offices – West CANBERRA AIRPORT ACT 2609	Land to be Developed:	Lots 16, 17, 18 Sec 43 DP 758721 and Lot 10 DP 1275386 Federal Hotel 34-42 Inglis Street MUDGEE NSW 2850
Proposed Development:	Alterations and Additions to Federal Hotel and Hotel/Motel Accommodation	Building Code of Australia Classification:	-
Date of Determination:	The application was determined by Councillors of Mid-Western Regional Council at its ordinary meeting on 20 March 2024 and was GRANTED CONSENT subject to conditions set out below		
Consent to operate from:	28 March 2024	Consent to lapse on:	28 March 2029

CONDITIONS

APPROVED PLANS

- The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations:



Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Cover sheet & site location	DA000	A	13/9/2023	Bergstrom Architects Pty Ltd
Site analysis	DA001	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing photographs	DA002	A	13/9/2023	Bergstrom Architects Pty Ltd
Lot consolidation plan	DA003	A	25/9/2023	Bergstrom Architects Pty Ltd
Existing ground floor plan	DA010	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing level 1 plan	DA011	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing roof plan	DA012	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing elevations - sheet 01	DA050	A	13/9/2023	Bergstrom Architects Pty Ltd
Existing elevations - sheet 02	DA051	A	13/9/2023	Bergstrom Architects Pty Ltd
Demolition plan - ground	DA090	A	13/9/2023	Bergstrom Architects Pty Ltd
Demolition plan - level 1	DA091	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed lower ground floor plan	DA100	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed ground floor plan	DA101	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed level 1 plan	DA102	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed roof plan	DA103	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed elevations - pub	DA500	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed elevations - hotel	DA501	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed elevations & external finishes - bottle shop	DA502	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed signage details	DA503	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed sections	SHEET 01 DA510	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed sections	SHEET 02 DA511	A	13/9/2023	Bergstrom Architects Pty Ltd
Proposed sections	SHEET 03 DA512	A	13/9/2023	Bergstrom Architects Pty Ltd
3d views sheet 01	DA520	A	13/9/2023	Bergstrom Architects Pty Ltd
3d views sheet 02	DA521	A	13/9/2023	Bergstrom Architects Pty Ltd
Landscape plans	DWG 2401 - SHEETS 1 – 5	A	28/9/2023	Paddock Studio Pty Ltd
Civil concept drawings	NDY-CIV-001	2.0	22/02/2024	NDY (ANNOTATIONS OF PLANS DA100 AND DA101)
Hydraulic drawings	NDY-HSK-001	4.0	22/02/2024	NDY (ANNOTATIONS OF PLANS DA100, DA101, DA102 AND DA103)

Mechanical concept drawings	NDY-CSK-001	1.0	20/10/2023	NDY
Statement of environmental effects	-	REV 4	12/10/2023	Canberra Airport Group
Statement of heritage impact	-	-	October 2023	Sue Rosen Associates
Traffic and parking impact assessment	-	2.0	5/10/2023	SCT Consulting
Noise impact assessment	rp230705c0029	3.1	5/9/2023	NDY
Tree assessment report		1.0	5/10/2023	McArdle and Sons Arboricultural Services Pty Ltd

2. For clarity, this development consent provides approval for demolition works, alterations and additions to the existing Federal Hotel, new drive through bottle shop, 38 room hotel accommodation building, business identification signage and ancillary works including landscaping and fencing of the site.

GENERAL

3. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate for building works have been obtained, along with the appointment of a Principal Certifier.
4. All building work must be carried out in accordance with the Building Code of Australia.
Note: Prescribed condition pursuant to section 4.17(11) of the Environmental Planning and Assessment Act 1979.
5. All demolition works are to be carried out in accordance with AS 2601-2001 "Demolition of structures", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, shall be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.
6. All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
7. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
 - a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This section does not apply if—

 - a) the person having the benefit of the development consent owns the adjoining land, or
 - b) the owner of the adjoining land gives written consent to the condition not applying.
8. This section applies to a development consent for development involving building work, subdivision work or demolition work.

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

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

The sign must be—

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

This section does not apply in relation to—

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

9. Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan 2013 and the standards referenced in Appendix B and D.
10. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.
11. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
12. The only waste derived fill material that may be received at the development site must be:
 - a) Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.
13. Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

14. Prior to the issue of any Construction Certificate, evidence that the lots making up the subject site have been consolidated into a single allotment and registered with NSW Land Registry Services is to be submitted to Council and the Certifier (if applicable). The lots to be consolidated into a single parcel include:
 - a) Lot 16 Section 43 DP 758721
 - b) Lot 17 Section 43 DP 758721
 - c) Lot 18 Section 43 DP 758721
 - d) Lot 10 DP 1275386
15. Application shall be made to Council under Part B, Section 68 of the Local Government Act 1993 to carry out Water Supply, Stormwater and Sewerage Works. The application shall contain details demonstrating compliance with the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia. The Section 68 application shall be considered and approved by Council prior to the release of any Construction Certificate for the development.

16. Prior to issue of any Construction Certificate, a Liquid Trade Waste approval is to be obtained from Mid-Western Regional Council.
17. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council prior to issue of any Construction Certificate.
Note: Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance noting that further information regard floor areas must be supplied to Council's Water and Sewer Department for confirmation of the applicable Contribution amount payable. Please contact Council's Water and Sewer Department for further information.
18. Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.
Note: The amount payable is currently based on 0.25% of the cost of work. This is a State Government Levy and is subject to change.
Note: Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the long service levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.
19. In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to issue of any Construction Certificate.
The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.
Note: the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.
Note: Mid-Western Regional Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.
20. Prior to issue of a Construction Certificate for the new two (2) storey accommodation building, suitable privacy screens are to be detailed on the plans for all Level 1 windows on the northern and western elevations. The screens may consist of louvers or similar devices with a maximum visual permeability of 20 per cent and install to a minimum height of 1.6m from finished floor level of the upper storey to prevent direct overlooking from rooms to adjacent private open space areas. Alternatively, obscured glazing may also be incorporated to a minimum height of 1.6m for each window. Full details are to be submitted for approval to the Certifier (i.e. Council or a private Certifier) prior to the issue of any Construction Certificate.
21. The acoustic treatment required by the Acoustic Report prepared by NDY Group Details shall be included on all plans submitted with the Construction Certificate application. The plans including acoustic treatments must be certified by the acoustic consultant and written evidence submitted to the Principal Certifier prior to the issue of any Construction Certificate for the hotel accommodation and bottle-shop. Where mechanical plant or condensers are to be included on the western elevations of the buildings, this plant must be suitably enclosed with acoustic treatment or relocated away from the western elevation of the development, prior to issue of any Construction Certificate.
22. Prior to issue of any Construction Certificate for the hotel accommodation or bottle shop buildings, the western boundary fence proposed as a timber fence between the subject land and 44 Inglis Street is to be increased from 1.8m to 2m in height to match the height of the existing boundary fence.

23. A Schedule of Conservation Works, prepared by a suitably qualified conservation architect, including but not limited to the matters listed in the Statement of Heritage Impact, be submitted to and approved by Council's Heritage Adviser before the issue of a Construction Certificate.
24. Prior to issue of a Construction Certificate, details demonstrating compliance with the Disability (Access to Premises – Buildings) Standards 2010 shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier).
25. A schedule of existing and proposed fire safety measures is to be submitted to the Certifier (i.e. Council or a private Certifier) with the application for the Construction Certificate.
26. Pursuant to section 64 of the Environmental Planning and Assessment Regulation 2021, the existing buildings are to be brought into conformity with the following Performance Requirements of the BCA, Volume 1.
 - a) C1P2 – Spread of Fire b) D1P4 – Exits
 - b) D1P6 – Paths of Travel to Exits
 - c) E1P1 – Fire Hose Reels
 - d) E1P2 – Fire Extinguishers
 - e) E1P3 - Fire Hydrants
 - f) E4P1 – Visibility in an emergency
 - g) E4P2 – Identification of exits
 - h) E4P3 – Emergency warning and intercom systems.

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

27. All finished surface levels shall be shown on the plans submitted for any Construction Certificate.
28. Prior to the issue of a construction certificate, detailed plans of all food/beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.

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

- a) Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment;
 - b) Food Act 2003 and Food Regulation 2015;
 - c) Australian Standard 4647:2004 (Design, Construction and Fit-out of Food Premises;
 - d) AS 1668.2-2012 – The use of ventilation and air conditioning in buildings;
 - e) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage)
 - f) Mid-Western Regional Council's commercial trade wastewater requirements for food premises, and/or
 - g) The Building Code of Australia.
29. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a S138 Roads Act Approval and prior to the issue of any Construction Certificate for the Development. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

A S138 Roads Act Approval is required for but not limited to the following civil works:

- a) Commercial vehicular crossings / driveways in Inglis Street in accordance with Council's Access to Properties Policy.

- b) Removal of any redundant vehicle crossings, laybacks and subsequent rectification works.
- c) Relocation of any affected services.
- d) Reinstatement and turfing of all disturbed footway areas.
- e) Construction of Lyons Lane to the following standard from Lewis Street to Church Street (a distance of approximately 205m):
 - A 5.5m wide bitumen sealed formation.
 - A flexible gravel pavement designed by an appropriately qualified Geotechnical Engineer.
 - One-way cross fall to a concrete dish drain.
 - Sub-soil and piped drainage as required.
 - Modification and reinstatement of any existing private property accesses within Lyons Lane.
 - Relocation / adjustment of any affected public utilities / services within Lyons Lane.
 - Reinstatement of all disturbed areas within Lyons Lane.
- f) Upgrade to barrier kerb and footpath along the frontage of the development, both Lewis and Inglis Street subject to heritage assessment.

Note - no works can commence prior to the issue of the S138 Roads Act Approval.

30. Prior to the issue of any Construction Certificate for the development, application shall be made to Council under Section 68 of the Local Government Act 1993 to carry out Stormwater Drainage Works. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a Section 68 approval. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

The work required for but not limited to the following civil works:

- a) Full details of the proposed relocation of the sewer main within the subject site.
- b) Details of any required connection points to serve the proposed development.
- c) Details of any capping to existing mains / connection points.
- d) Details of an appropriately sized connection and water meter serving the subject site.
- e) Details of an appropriately sized fire service main for the subject site.
- f) Confirmation sufficient pressure exists within the existing water mains to adequately serve the proposed development.

The Section 68 application shall be considered and approved by Council prior to the release of the first Construction Certificate for the development.

31. A Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of the Construction Certificate. The drainage report and design must comply with the following requirements:
- a) Drainage design for the proposed below ground detention system must be accompanied by fully detailed runoff calculations and a structural design prepared and certified by a suitably qualified professional Engineer.
 - b) Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.
 - c) Drainage report and design must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5/5/20/50/100-year event.
 - d) Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge

over and adjoining property must not occur without the consent of the owner of any affected property.

32. An Erosion and Sediment Control Plan is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. The Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
- a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly; and
 - d) Maintenance of erosion and sediment control structures.
33. Details of the internal circulating driveway, car parking spaces and waiting bays are to be submitted to and approved by the Certifier (i.e. Council or a private Certifier), prior to the issue of any Construction Certificate. These details shall comply with the requirements of AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-street Car Parking and the relevant conditions of this development consent.
- The plans shall include the provision of the following:
- A total of 38 off-street car parking spaces, including 3 accessible car parking spaces.
 - Details of the required signage, physical barriers and pavement markings to delineate the customer car parking area from the service vehicle entry off Lyons Lane.
 - This consent does not constitute approval for the use of Lyons Lane by any vehicle other than those delivery vehicles required to serve the proposed development. Conflict between customer and service delivery vehicles is also to be appropriately managed through the provision of the above-mentioned physical means as well as a Plan of Management for the site.
34. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of any Construction Certificate. The accesses are to be designed and constructed in accordance with Council's Access to Properties Policy.
35. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and Council's "Access to Properties" Policy. Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors / owners expense.
36. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars), is to be provided to Council, prior to issue of any Construction Certificate for all work on public land or infrastructure. The insurance cover shall include the following:
- a) Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
 - b) Public Liability Insurance is to include Mid-Western Regional Council as an interested party.
 - c) The copy of the Contractor's public liability insurance cover is to include the Certificate of Currency.

37. The registered proprietor of the land shall prepare a Plan of Management for the car parking area, drive thru bottle shop facilities and service delivery vehicles within the development.

The Plan of Management shall set out all required operational parameters for these facilities including the following:

- Details of the on-site management of all deliveries and waste collection services associated with the development.
- Deliveries and waste collection must ideally occur outside normal operating hours and must not occur during the typical peak periods of midday to 1pm and 5pm to 7pm daily. Deliveries and waste collection services occurring during business hours shall be managed by appropriately trained staff to ensure no conflict with other vehicles occurs.
- Details of the management of the service delivery areas and entry off Lyons Lane to ensure inappropriate use by private vehicles does not occur.
- Queued vehicles must under no circumstances be allowed to affect the driveway entry to the site or impact upon the circulating carriageway of the car parking areas. Detailed management methods for the operation of the drive thru including queue length management are to be provided.

The plan shall be submitted to and approved by Council prior to the issue of any Construction Certificate.

38. The registered proprietor of the land shall prepare a Plan of Management for the OSD facilities within the development. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance. The plan shall be submitted to and approved by Council prior to the issue of any Construction Certificate.

39. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan:

- a) A plan view of the entire site and frontage roadways indicating:
- b) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
- c) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- d) The locations of proposed work zones in the frontage roadways.
- e) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
- f) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
- g) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- h) An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
- i) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- j) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- k) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer.
- l) During excavation, demolition and construction phases, noise generated from the site must be controlled.

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

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

- 40. Details of any proposed mechanical exhaust systems, detailing compliance with the relevant requirements of Clause F6D6 or F6D12 of the Building Code of Australia 2022 and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points) are to be provided to the Certifier (ie Council or a private Certifier) prior to the issue of a Construction Certificate.
- 41. Prior to the issue of a Construction Certificate, a survey plan prepared by a registered surveyor is to be submitted to the Certifier, verifying the proposed building footprint does not extend over the property boundary into the neighbouring property.
- 42. Application shall be made to Council under Section 68 of the Local Government Act 1993 to Install a domestic oil or solid fuel heating appliance (other than a portable appliance). The application shall contain details demonstrating compliance with the Building Code of Australia and the manufacturers details/specifications. The Section 68 application shall be considered and approved by Council prior to the installation of the appliance or release of any Construction Certificate for the development.
- 43. Prior to issue of any Construction Certificate, the requirements of Essential Energy, including the following, shall be achieved:
 - a) The Applicant must meet the minimum safety clearance requirements for the development in accordance with AS/NZS 7000.
 - b) The Applicant must meet the requirements of AS2067 for the substation in relation to fire safety. Clearances will be dependent on the building classification. Minimum separation / clearances and segregation for fire risk from the substation to any building, fence, planting, landscaping, retaining walls or other development must be maintained at all times. Refer to AS2067, Essential Energy's policy CEOM7098 Distribution Underground Design Construction Manual and the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. The Applicant may want to seek assistance with this from a fire engineer to determine they meet the required clearances.
 - c) The easement area for the substation must remain clear of all obstructions. Surface treatment should be grass or wood chip material only and must be lower than the concrete plinth of the substation.
 - d) The easement area must be accessible at all times by Essential Energy (24 hours a day / 7 days a week).
 - e) Any proposed driveway access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
 - f) The Applicant will also need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the development in accordance with industry standards.

PRIOR TO THE COMMENCEMENT OF BUILDING WORKS

44. In accordance with the provisions of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:
- a) A Construction Certificate has been issued by the Certifier (i.e. Council or an accredited certifier); and
 - b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with the Environmental Planning and Assessment Act 1979; and
 - c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and
 - d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.
45. Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person. Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, and must include the following matters:
- a) The proposed demolition methods
 - b) The materials for and location of protective fencing and any hoardings to the perimeter of the site
 - c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones
 - d) Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles
 - e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) including in accordance with AS 4970-2009 Protection of trees on development sites
 - f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways
 - g) Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent
 - h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines
 - i) Details of any bulk earthworks to be carried out
 - j) Location of any reusable demolition waste materials to be stored on-site (pending future use)
 - k) Location and type of temporary toilets onsite
 - l) A garbage container with a tight-fitting lid.
46. Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.
47. Prior to the commencement of construction work impacting upon tree canopies located along the common boundary of the subject site and 44 Inglis Street, the adjoining land owner must be formally notified and consulted prior to any tree trimming commencing. Any trees that have not been considered under the Arborist Report dated 5 October 2023 and that require

trimming are to be reinspected in consultation with the adjoining land owner to ensure there are no adverse impacts to adjoining land as a result of the approved development.

48. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
- stating that unauthorised entry to the work site is prohibited, and
 - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - the name, address and telephone number of the principal certifying authority for the work,
 - The sign shall be removed when the erection or demolition of the building has been completed.
49. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials. NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE.
50. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
- Demolition work is not be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
 - All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
 - Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
51. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
52. If the work involved in the erection/demolition of the building;
- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - involves the enclosure of a public place, then
- a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
53. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property.

54. The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.
55. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
56. Runoff and sediment erosion controls shall be installed prior to commencement of works with the development site to the satisfaction of the Certifier (i.e. Council or the Principle Certifier) and incorporate:-
 - a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
 - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

DURING WORKS

57. Demolition or Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
58. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.
59. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
60. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
61. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
62. Prior to the pouring of any in-situ concrete, the building/s shall be set-out by a registered land surveyor in the position as approved by Council. A copy of the identification survey shall be provided to the Principal Certifier at time of any pier/footing/slab inspection.
63. The civil works associated with the S68 and S138 approvals are to be inspected by Council to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
 - a) Installation of sediment and erosion control measures;
 - b) Water and sewer mains installation prior to backfilling;
 - c) Inspection and proof rolling of subgrade and each subsequent pavement layer;
 - d) Prior to pouring of any kerb or concrete dish drain;
 - e) All sub-soil and piped drainage prior to backfill;

- f) Formwork and steel in place, prior to pouring of any concrete and
- g) Practical Completion.

- 64. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Office of Environment and Heritage (OEH), SafeWork NSW, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority. Note - such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.
- 65. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
- 66. The development site is to be managed for the entirety of work in the following manner:
 - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- 67. The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
- 68. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's / Demolisher's expense.
- 69. Transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of Australian Dangerous Goods Code and Australian Standard 4452 Storage and Handling of Toxic Substances. This must include relevant incident management strategies for transportation on public roads.
- 70. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the water, sewer and stormwater works.
- 71. The developer is to extend and meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the National Specification – Water Supply Code of Australia. Note: Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. Please contact Council's Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of sewer (Private Works Order).
- 72. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the National Specification – Sewerage Code of Australia. Note: Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. Please contact Council's

Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of sewer (Private Works Order).

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

73. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
74. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
75. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (Local Government Act 1993) approval/s.
76. Prior to use of the development and/or issue of an Occupation Certificate, all works included in the Trade Waste Approval are to be completed.
77. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.
78. Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.
79. Prior to issue of the Occupation Certificate, a Certificate of Compliance is to be provided to the Principal Certifier for the illuminated signage to certify that the signage is installed in accordance with AS4282-2019.
80. Before the issue of an Occupation Certificate, the food premises shall be inspected by an Authorised Officer of Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises.
81. Before the issue of an Occupation Certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.
82. All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to use of the development and/or issue of an Occupation Certificate.

83. The Schedule of Conservation Works are to be executed to the satisfaction of Council's Heritage Adviser before the issue of an Occupation Certificate.
84. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all car parking and associated driveway works are to be completed in accordance with the relevant Section 138 Roads Act approval/s.
85. Prior to the issue of an Occupation Certificate, 3m wide easements benefiting Council, including associated Section 88B instruments, are to be created over any existing or newly constructed sewer mains located within the subject property.
86. The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
87. Following completion of the development, work-as-executed plans (WAE) are to be provided to Council in the following formats:
a) PDF; and
b) Dwg format or "AutoCAD Compatible"
c) MapInfo tab files with individual layers, supplied in individual tables
All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
To accompany the WAE Drawings, Council also requires the completion of Asset Data Excel Spreadsheets (to be provided by Council) prior to the issue of the Occupation Certificate.
88. Prior to issue of the Occupation Certificate, all acoustic measures required by the Acoustic Report and the conditions of this consent shall be completed in full.

OPERATIONAL / ONGOING

89. The development shall only operate in accordance with the following hours:
Bottle Shop:
• 10am to 10pm, seven days.

Hotel Accommodation:
• A check-in desk operated in accordance with the Federal Hotel liquor licence with any after hour check-in prearranged with Federal Hotel staff only.

Federal Hotel:
• In accordance with the existing Federal Hotel liquor licence, only.
90. The development must comply with the requirements of the Liquor Act 2007 and all requirements imposed by Liquor and Gaming NSW at all times.
91. All windows and retractable portion of the roof within the beer garden addition to the hotel must not be open during the night time periods of operation (after 10pm).
92. No deliveries or waste collections are permitted to occur during the evening / night-time period between 10pm and 7am, daily.
93. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.
94. All loading and unloading in connection with the premises shall be carried out wholly within the site.

95. All car parking spaces, loading and unloading areas, vehicle manoeuvring, and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
96. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.
97. For every 12-month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
98. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
99. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.
100. No display or sale of goods is to take place from public areas fronting the premises.
101. All general waste generated by the proposed development shall be disposed of to a suitably licenced waste facility able to accommodate such wastes.
102. Garbage areas and mechanical plant are to be adequately screened from public view with an opaque fence and/or adequate landscaping. All waste must be secured in enclosed containers at all times.
103. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
104. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
105. The development is to be maintained in a clean and tidy manner, at all times.
106. All approved signage is to be maintained in good condition at all times.
107. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
108. Measures, such as raised kerb edges or bollards, are to be installed and maintained around all approved landscape areas in order to prevent vehicles driving over them. Landscaping is to be maintained for the life of the development.

COUNCIL ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of any Construction Certificate. A person is to apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the Water Management Act 2000. Please be advised that as a precondition to the granting of a Compliance Certificate, the following is to occur:

- a) A monetary contribution, as to be formally confirmed by Councils Water and Sewer Department following supply of further information must be paid to Council in full (including indexation, where applicable). A current estimation based on the DA plans is provided as follows:
- water contributions – 14.88 ET = \$144,607.14
 - sewer contributions – 16.90 ET = \$74,947.90
- b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

Note - Section 64 Developer Contributions are subject to Consumer Price Index increase on 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent. Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.
5. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made and determined within 6 months after the date on which you receive this notice.
6. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court pursuant to section 8.10(1)(b).
7. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

ESSENTIAL ENERGY ADVISORY NOTES

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances/easements in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

4. Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development generally complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. The matters raised within submissions have been addressed in the following manner:
 - Conditions have been imposed to manage fencing, acoustic treatment for mechanical plant and condensers, along with tree trimming of trees along the western boundary.

OTHER APPROVALS

N/A

Signed on behalf of Mid-Western Regional Council by:



LINDSAY DUNSTAN
MANAGER STATUTORY PLANNING
DEVELOPMENT
9 APRIL 2024