

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**DEMOLITION OF A BUILDING AND  
ALTERATIONS AND ADDITIONS TO THE  
WOOLPACK HOTEL**

**67 Market Street and 15 Byron Place, Mudgee**



Navigate Planning

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# 1 INTRODUCTION

This Statement of Environmental Effects (SEE) supports a development application for demolition of a building and alterations and additions to the Woolpack Hotel at 67 Market Street and 15 Byron Place, Mudgee (Lots 111 and 112 DP 1136686).

The subject land is zoned E2 Commercial Centre and contains two lots. 67 Market Street contains the Woolpack Hotel, a listed heritage item under the Mid-Western Local Environmental Plan 2012. 15 Byron Place contains a two-storey commercial building, currently used primarily as office and retail space.

The building on 15 Byron Place is proposed to be demolished and an extension to the Woolpack Hotel is proposed over this land. The two lots are proposed to be consolidated.

The purpose of the development is a pub, which is permitted with consent in the B3 zone.

The development is not “State significant development”, “regionally significant development”, or “designated development”. The development is not “integrated development” or “nominated integrated development”.

The development is sited, designed and will be managed to avoid adverse environmental impacts. There are no contamination issues with the site. Traffic generation will not significantly change compared to the current and former uses of the site.

The proposal will have social and economic benefits to the community. The development is permissible with consent and is consistent with all relevant legislation and policy. There is no impediment to the granting of development consent subject to conditions.

## 2 PROPOSED DEVELOPMENT

The development consists of the following:

1. Demolition of a two-storey commercial building on Lot 111 in DP 1136686 at 15 Byron Place, Mudgee.
2. Internal alterations to the ground and first floor of the Woolpack Hotel at Lot 112 in DP 1136686 at 67 Market Street, Mudgee. The ground floor alterations include the relocation of the TAB area, dining area and gaming area. The number of poker machines in the gaming area is proposed to increase from 22 to 30. The upper floor alterations include the provision of ensuites in each room. The number of existing rooms will reduce by two.
3. Construction of a ground floor extension of the Woolpack Hotel from the existing rear façade though to Byron Place. The ground floor extension will predominantly cater for a new larger gaming area.
4. Construction of a first floor extension of the Woolpack Hotel to provide two additional rooms with ensuites. With the loss of two rooms in the existing building, the total number of rooms will not change.
5. Consolidation of Lots 111 and 112 into one lot.
6. Rearrangement of the car parking area to improve internal circulation, provide a designated accessible space and a delivery vehicle turning area.
7. The provision of new signage visible from Byron Place.

No changes are proposed to the façade of the building facing Market Street.

No change is proposed to the existing hours of operation of the hotel.

Stormwater from new roofed areas will be connected to the existing stormwater system on site.

## 3 SITE ANALYSIS

### 3.1.1 Existing development

The subject land contains two lots, each developed for commercial purposes, with two two-storey buildings. The building on Lot 111 in DP 1136686, 15 Byron Place, Mudgee, contains office premises. The building on Lot 112 in DP 1136686, 67 Market Street, Mudgee, contains the Woolpack Hotel, a pub, restaurant and accommodation rooms.

The existing gross floor area of buildings across the site is 1667m<sup>2</sup>. The proposed development will result in a reduction of gross floor area by 124m<sup>2</sup> to 1543m<sup>2</sup>.

The land is fully developed with no remnant vegetation or landscaped area. Land external to the existing buildings is paved and contains a driveway, 9 car parking spaces, storage areas and access to a loading dock. Access to the on-site car parking area is from the Byron Place car park.

### 3.1.2 History, Heritage and Archaeology

67 Market Street has been used since at least 1855 as a hotel. The building is listed as a heritage item in the Mid-Western Local Environmental Plan 2012. A Heritage Impact Statement (HIS) has been prepared for the development application. The HIS provides the following statement of significance for the Woolpack Hotel.

*“Constructed in 1855 as the Maitland Hotel, this is one of the oldest commercial buildings remaining in the central business area of Mudgee. It became the Club House Hotel in 1874 with its general appearance as of today. It changed to the Woolpack Hotel in the 1990s.*

*A mid Victorian hotel in appearance, it is constructed of rendered and painted brickwork, with a cast iron and filigree verandah reinstated c. 2000. The original parapeted front wall has corbelled string lines, corbelled chimneys, and there are some double hung windows on both levels with margin panes. Other windows have been altered to French doors on the upper level verandah.*

*The building is one of a group of a significant early Victorian era buildings forming an important commercial streetscape in Market Street.”*

A review of Council’s development files has revealed a large number of development consents and building approvals since 1953. The key approvals are listed below:

- BA22/1953 – Alterations and additions to the ground and first floor
- BA011/1958 – Demolition of garage (5 car spaces)
- BA11/1965 – Awning over Market Street footpath
- DA133/1987 – Alterations and additions to the ground and first floor. A condition of consent required the provision of 11 parking spaces.
- DA165/97 – Café/restaurant. The assessment report stated that no parking is required due to existing credits.
- DA36/98 – Alterations and additions. The assessment report stated that no parking is required as the floor area did not increase and the number of bedrooms was reduced.
- M490/1999 – Verandah reconstruction
- DA0268/2003 – Ground floor alterations
- DA0199/2004 – Subdivision to create two lots. A condition of consent required parking to comply with previous approvals.
- DA0515/2004 – Additions to units and installation of a fire escape. No additional parking required.
- DA0184/2018 – Footpath dining. No additional parking required.
- DA0149/2020 – Alterations and additions. No additional parking required.

15 Byron Place contains a two storey commercial building. This building is not listed as a heritage item. In relation to this building, the HIS states as follows:

*“Many, if not most, of the buildings in Byron Place have a pseudo historic character, which is not convincing. The façade of 15 Byron Place is an example of this with its rendered façade, geometric styling, and a two storied verandah. However, the modest and minimal round metal verandah posts, the iron railings and bland side walls carrying services, do not create an image of a past grand street façade, nor is it a building of general architectural merit.”*

A review of Council’s development files has revealed a number of development consents since 1987. The key approvals are listed below:

- DA154/87 – Bottle shop at ground floor and offices at first floor. A condition of consent required payment of a contribution for parking of \$22,000 (for 11 spaces).
- DA50/88 – Change of use to offices at ground floor and a function room at first floor. No additional parking or contributions were required.
- DA120/96 -Change of use to amusement centre. No additional parking required.
- DA165/97 – Change of use to café/restaurant. No additional parking required.
- M91/1999 – Change of use to weight loss and fitness centre. No additional parking required.



- DA0439/2002 – Change of use to restaurant and construction of verandah. No additional parking required.
- M09/02 – Outdoor dining on Byron Place. No additional parking required.
- DA0357/2009 – Shop fitout (for Pizza Hut). No additional parking required.
- DA0271/2021 – Change of use to shop (upper floor). No additional parking required.

Based on the above, a total credit of 22 car parking spaces applies across both sites.

#### 3.1.3 *Services (Water, Sewer, Stormwater, Power)*

The site is connected to all necessary services, including water, sewer, stormwater, electricity and telecommunications.

#### 3.1.4 *Surrounding Development*

The subject land is located in the Mudgee town centre. The site is bordered to the north by Market Street, with a church located across the street. To the south is the Byron Place public car park. To the east and west are commercial buildings containing a mix of retail and commercial uses.

## 4 COMPLIANCE WITH RELEVANT LEGISLATION

### 4.1 Environmental Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), a person must not take an action that has, will have or is likely to have a significant impact on any of the matters of national environmental significance without the approval of the Federal Environment Minister. This includes any impacts on threatened species or endangered ecological communities (EEC) listed under the EPBC Act.

The subject land is fully developed and cleared of vegetation. The proposal will have no significant impact on any matter of national environmental significance.

### 4.2 Disability Discrimination Act 1992

The *Disability Discrimination Act 1992* (DDA Act) prohibits discrimination against people with a disability in a range of areas, including in relation to access to premises.

The proposed development has been designed to ensure access for all throughout the public areas of the site. One disabled parking space is proposed to be provided. A lift is proposed to be installed to access the accommodation rooms at first floor. Due to existing internal level changes at the upper level, not all rooms will be accessible. Three rooms will be able to be accessed from the lift without level change, with one of these rooms designed to be fully accessible (with an accessible bathroom facility). The development will comply with the DDA Act.

### 4.3 Environmental Planning and Assessment Act 1979

#### 4.3.1 *Section 4.5 – Designation of consent authority*

Pursuant to clause 4.5 (d), Mid-Western Regional Council is the consent authority.

#### 4.3.2 *Section 4.10 – Designated development*

Clause 4.10 defines designated development as development that is declared by an environmental planning instrument or the regulations as designated development. The development is not declared by any environmental planning instrument as designated development.

#### 4.3.3 *Section 4.12 – Application*

This provision allows for certain LG Act approvals to be addressed within a development consent. No approvals under the LG Act are required for the development.

#### 4.3.4 *Section 4.13 – Consultation and concurrence*

Section 4.13 provides for an environmental planning instrument to identify where consultation or concurrence is required before determining a development application. There are no consultation or concurrence requirements for the development under any relevant environmental planning instrument.

#### 4.3.5 *Section 4.15 – Evaluation*

The following matters are relevant to the proposal under section 4.15 of the EPA Act. Detailed assessment against each of these matters is provided in Section 5 of this SEE.

#### **State Environmental Planning Policies**

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*

#### **Local Environmental Plans**

- *Mid-Western Regional Local Environmental Plan 2012*

#### **Draft Environmental Planning Instruments**

Nil.

#### **Development Control Plans**

Mid-Western Regional Development Control Plan 2013

#### **Planning Agreements**

Nil

#### **Environmental Planning and Assessment Regulation**

Nil

#### **Impacts on the built environment**

The development will have a positive impact on the built environment. The demolition of the non-significant two-storey building at 15 Byron Place will open up views from Byron Place to important heritage items such as the Woolpack Hotel and the church beyond. The new extension to Byron Place will be single-storey and modern in design to distinguish it from the heritage fabric of the existing hotel. The upper floor extension is designed to ensure visual appreciation of part of the current rear wall of the hotel, again to distinguish the old from the new. No change is proposed to the significant Market Street façade.

#### **Impacts on the natural environment**

The proposal will have no significant impact on the natural environment as the subject land is already fully developed with no remnant vegetation.

#### **Social and economic impacts**

The proposed development will not have significant social or economic impacts as the proposal relates primarily to the expansion of an existing use. The demolition of the building at 15 Byron Place will displace some existing businesses, however there are always opportunities for business relocation within the local area.

The increase in the number of gaming machines, which could lead to an increase in gambling activities, will not have an overall negative social impact as the total number of gaming machines across the Mid-Western Region is not changing. While the gaming area is located with direct access to Byron Place, this is not an uncommon design feature (similar to the gaming area at Kellys Irish Pub), and it is noted that the proposed signage near the new entrance does not highlight the gaming activities within.

In relation to designing for crime prevention, the proposed redevelopment will have an overall positive impact through the redesign of the car parking area, improving visibility from Byron Place to the main rear pub entrance and removing a current potential entrapment spot.

#### **Suitability of the site**

The subject land is currently used for commercial purposes, including a hotel. The proposed development retains and expands this use of the site. Located in the heart of the Mudjee town centre, with access to a large public parking area, the site is suitable for the proposed development.

#### **The Public Interest**

The proposed development will provide improved facilities within the Woolpack Hotel, significantly improve the accommodation options available, protect and restore some important heritage fabric and will improve visibility of the Woolpack Hotel from Byron Place. On balance, it is considered that the proposed development is in the public interest.

#### **4.3.6 Section 4.46 – Integrated Development**

Section 4.46 of the EPA Act identifies development that requires other approvals and is therefore integrated development. The development is not integrated development.

### **4.4 Biodiversity Conservation Act 2016**

The *Biodiversity Conservation Act 2016* (BC Act) outlines the processes for biodiversity assessments, approvals and offsets where required. The BC Act also defines biodiversity values, and these are shown as the purple areas on the Biodiversity Values Map. No part of the subject land is mapped as having biodiversity values. The site contains no native vegetation and the proposed development will have no direct or indirect impacts on any threatened ecological communities. The proposal will have no significant impact on biodiversity.

### **4.5 National Parks and Wildlife Act 1974**

Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) states that it is an offence to harm or desecrate an Aboriginal object unless authorised by an Aboriginal heritage impact permit.

A basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land.

The site has been extensively developed and disturbed over a long period of time. New works associated with this development application will involve areas previously disturbed. It is considered that there is minimal potential for disturbance of Aboriginal archaeology and that no further detailed Aboriginal cultural heritage assessment is warranted. However, the development will be undertaken in accordance with the legislative requirements to protect any Aboriginal item uncovered during construction.



## 5 COMPLIANCE WITH PLANNING CONTROLS

### 5.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* aims to promote the remediation of contaminated land to reduce risk to human health and the environment. SEPP 55 requires consideration of the potential contamination of land and the need for remediation of that land before development consent is granted. To assist in the assessment of potential contamination, SEPP 55 the following land as being subject to consideration:

- (a) *land that is within an investigation area,*
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
  - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
  - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

There are no relevant consultation or concurrence requirements for the development under the SEPP.

The development site is not in an investigation area. 67 Market Street has been used since at least 1855 as a hotel. 15 Byron Place was originally part of the same site as the Woolpack Hotel and was developed in 1987 for commercial purposes. There is no evidence of any previous use that is likely to have caused contamination of the site.

It is therefore considered that no further contamination assessment is warranted as part of this development application.

There is potential for asbestos to be found in the building to be demolished. Any demolition will be undertaken in compliance with safe work practices.

Given the above the site is considered suitable for the development.

### 5.2 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of this *State Environmental Planning Policy (Industry and Employment) 2021* applies to advertising and signage. Section 3.4 states that the chapter applies to signage that can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and is visible from any public place or public reserve.

The proposed signage will be visible from Byron Place which is Council owned land, used as a public car park. The terms public place and public reserve are defined in the Local Government Act 1993 and do not specifically include public car parks. Nevertheless, the space is used by the public and it is considered appropriate to address the relevant provisions of the SEPP.

Section 3.6 of the SEPP states that ‘a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—

- (a) *that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*
- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.”*

The relevant objectives are as follows:

- (a) *to ensure that signage (including advertising)—*
  - (i) *is compatible with the desired amenity and visual character of an area, and*

- (ii) *provides effective communication in suitable locations, and*
- (iii) *is of high quality design and finish.*

**Comment** - It is considered that the proposed signage is consistent with the above objectives as the signs are well proportioned and located on the building or as part of architectural features on the building facade, effectively communicate the purpose of the building and will be of high quality as demonstrated in the architectural plans.

The following table addresses the assessment criteria in Schedule 5 of the SEPP.

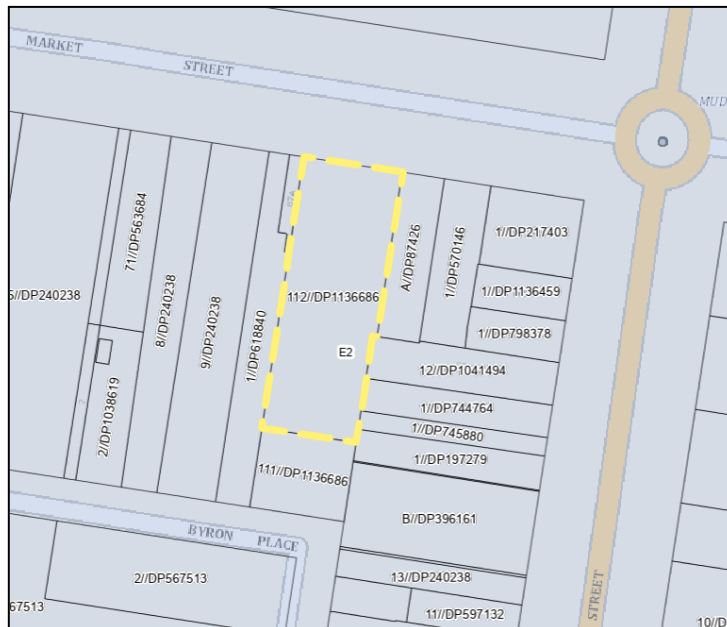
Assessment Criteria	Comment
<b>1 Character of the area</b> <ul style="list-style-type: none"> <li>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> <li>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</li> </ul>	<p>All proposed new signage is visible only from Byron Place which is not a heritage streetscape. The proposed signage will not detrimentally affect heritage streetscapes.</p> <p>The proposed signage is designed to, where appropriate, reflect the heritage significance of the Woolpack Hotel and the modern nature of the proposed extension.</p> <p>All of the proposed signage is designed to reflect the scale of the buildings or structures on which they are located and will not be dominant in the streetscape.</p>
<b>2 Special areas</b> <ul style="list-style-type: none"> <li>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</li> </ul>	<p>All proposed new signage is visible only from Byron Place which is not a heritage streetscape. The proposed signage will not detrimentally affect heritage streetscapes.</p>
<b>3 Views and vistas</b> <ul style="list-style-type: none"> <li>Does the proposal obscure or compromise important views?</li> <li>Does the proposal dominate the skyline and reduce the quality of vistas?</li> <li>Does the proposal respect the viewing rights of other advertisers?</li> </ul>	<p>The proposed signage is attached to the building and will have no impact on any views or vistas.</p>
<b>4 Streetscape, setting or landscape</b> <ul style="list-style-type: none"> <li>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</li> <li>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</li> <li>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> <li>Does the proposal screen unsightliness?</li> <li>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> <li>Does the proposal require ongoing vegetation management?</li> </ul>	<p>The proposed signage is relatively small, attached to the building and will not be obtrusive in the streetscape.</p> <p>The proposed signage is appropriate to the use of the premises and does not cause signage clutter.</p> <p>One of the signs protrudes above the building as part of an architectural element and is considered appropriate.</p>

<p><b>5 Site and building</b></p> <ul style="list-style-type: none"> <li>• Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</li> <li>• Does the proposal respect important features of the site or building, or both?</li> <li>• Does the proposal show innovation and imagination in its relationship to the site or building, or both?</li> </ul>	<p>The scale and location of the proposed signage is compatible with the scale and form of the building.</p>
<p><b>6 Associated devices and logos with advertisements and advertising structures</b></p> <ul style="list-style-type: none"> <li>• Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</li> </ul>	<p>Not applicable.</p>
<p><b>7 Illumination</b></p> <ul style="list-style-type: none"> <li>• Would illumination result in unacceptable glare?</li> <li>• Would illumination affect safety for pedestrians, vehicles or aircraft?</li> <li>• Would illumination detract from the amenity of any residence or other form of accommodation?</li> <li>• Can the intensity of the illumination be adjusted, if necessary?</li> <li>• Is the illumination subject to a curfew?</li> </ul>	<p>The proposed signage is not proposed to be internally illuminated. Select signage will be lit with discreet downlighting.</p>
<p><b>8 Safety</b></p> <ul style="list-style-type: none"> <li>• Would the proposal reduce the safety for any public road?</li> <li>• Would the proposal reduce the safety for pedestrians or bicyclists?</li> <li>• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul>	<p>The proposed signs are attached to the building and will have no impact on the safety of users of the car park.</p>

## 5.3 Mid-Western Regional Local Environmental Plan 2012

### 5.3.1 Zoning and zone objectives

The development is proposed on land zoned E2 Commercial Centre, as shown on the map below.



The objectives of the E2 zone are:

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To promote the central business district of Mudgee as the major focus for retail and commercial activity in Mid-Western Regional.*
- *To ensure development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core area.*

The proposed development relates to the existing commercial use of the land and is considered to be consistent with the zone objectives. The alterations maintain pedestrian connectivity and active street frontages to both Market Street and Byron Place. Based on the findings of the Heritage Impact Statement, the proposed alterations are compatible with the heritage significance of the Woolpack Hotel.

### 5.3.2 Land Use Permissibility

The proposed development is defined as a pub. The definition of pub is as follows:

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

Pubs, as a form of commercial premises, is permitted with consent in the E2 zone.

### 5.3.3 Lot Size

There is no minimum lot size in MWRLEP 2012 for the subject land.

### 5.3.4 Building height

The maximum building height in MWRLEP 2012 for the subject land is 8.5m. The existing building containing the Woolpack Hotel has a maximum height at the Market Street frontage of 9.605m. At the rear of the existing two-storey part of the hotel, the maximum height is currently 8.92m. The proposed two-storey addition will sit slightly lower than the existing roofline at 8.3m. The proposal therefore complies.

### 5.3.5 Heritage

The site contains a heritage item and is in a heritage conservation area. The site is also in close proximity to a number of other heritage items. A Heritage Impact Statement (HIS) has been prepared for the development application. The HIS provides the following statements regarding the impact of the proposed development on the heritage significance of the item and the conservation area:

*The material effect caused by the demolition of 15 Byron Place on the Heritage Significance of the Mudgee Conservation Area will be low to nil, due to its location in a car park area, largely created since 1990. Conservation Area streetscapes are unaffected.*

*A positive heritage impact will be created overall by the changes to the Woolpack Hotel through removal of intrusive items, better accessibility and conservation works.*

The proposed development is considered appropriate having regard to the heritage provisions of the MWRLEP 2012.

In relation to Aboriginal Heritage, a basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land. Given the extensive history of site disturbance, it is considered unlikely that the proposed redevelopment will uncover any Aboriginal archaeology. Therefore, no further Aboriginal cultural heritage assessment is warranted for the proposed development. It is considered that the proposed development will have no detrimental impact on Aboriginal cultural heritage.

### 5.3.6 Flood planning

Clause 5.21 (2) of the MWRLEP 2012 states that “development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and

- (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses."*

The Mudgee Flood Study completed in February 2021 does not identify the land as being within the flood planning area. The 1% AEP flood map in the study appears to show the flood extent in the vicinity of the site as being contained within the Market Street road reserve.

### 5.3.7 Earthworks

Clause 6.3 of MWLEP 2012 requires separate development consent for earthworks unless the earthworks are ancillary to other development for which development consent has been given.

The development will require minor earthworks for new building foundations and car park works. The scale and impact of the earthworks have been considered as part of this development application and therefore separate development consent will not be required.

The following considerations in clause 6.3 (3) are relevant:

*Before granting development consent for earthworks, the consent authority must consider the following matters:*

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) *the quality of the fill or the soil to be excavated, or both,*
- (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) *the source of any fill material and the destination of any excavated material,*
- (f) *the likelihood of disturbing relics,*
- (g) *the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,*
- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The extent of earthworks is minor and relates to building foundations for the hotel extension and car parking area works. The earthworks will not disrupt any existing drainage lines or soil stability. The earthworks are necessary to facilitate the proposed redevelopment. The earthworks will have no detrimental impacts on adjoining properties or the environment.

There is some potential for disturbing sub-surface relics however the likelihood is considered low. The proposed development will be undertaken in accordance with the legislative requirements to protect any Aboriginal item uncovered during construction.

Based on the above, it is considered that the development satisfactorily addresses the considerations in clause 6.3 of MWLEP 2012.

### 5.3.8 Groundwater vulnerability

The whole of the land is mapped as groundwater vulnerable on the Groundwater Vulnerability Map in MWLEP 2012.

Clause 6.4 requires the consent authority to consider:

- (a) *the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),*
- (b) *any adverse impacts the development may have on groundwater dependent ecosystems,*





### 5.3.11 Essential Services

Clause 6.9 of MWRLEP 2012 states that “*development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—*

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable road access.”*

The site is connected to reticulated water, sewer, power, stormwater and telecommunications services. No change is proposed to the location of the existing site access.

## 5.4 Mid-Western Regional Development Control Plan 2013

### 5.4.1 Section 4.4 Signs

The development application includes a number of wall signs and logos on the Byron Place façade of the proposed extension. The signs are shown in the following images and include three sign boxes that will advertise the Woolpack Hotel and various products available at the premises. The other wall sign is lettering on an architectural feature of the façade identifying the name of the premises, being “Woolpack Hotel”. A small business logo sign is proposed to be located on a return wall in front of the entrance door.

Further into the site above the entrance to the beer garden is another sign identifying the name of the business and another business logo.

Other internal signage will not be visible from the eye level of pedestrians at the Byron Place frontage.





While these signs are located within the Heritage Conservation Area, they face Byron Place which has no heritage value. The proposed signage is not located on any significant heritage fabric.

All of the proposed signs are wall signs as defined in the DCP, with one being a vertical projecting wall sign. The following table addresses the relevant signage controls in the DCP.

Control	Comment
<b>Heritage Conservation Areas</b>	
(a) The streetscapes in the business areas of Mudgee, Gulgong, Rylstone and Hargraves are within a heritage conservation and particular attention is paid to the preservation and enhancement of the character and appearance of these areas.	All proposed new signage is visible only from Byron Place which is not a heritage streetscape. The proposed signage will not detrimentally affect heritage streetscapes.
(b) Corporate identification should be carefully selected and amended where necessary to retain the character of individual buildings and the surrounding locality.	The proposed signage is designed to, where appropriate, reflect the heritage significance of the Woolpack Hotel and the modern nature of the proposed extension.
(c) Generally signs on individual buildings or within areas of special significance should be discreet and should complement the building or area. An important element of Council's planning policies involves the careful control of all advertisements, and external building colours in the main business areas.	All of the proposed signage is designed to reflect the scale of the buildings or structures on which they are located and will not be dominant in the streetscape.

<b>Business Areas</b>	
a) Generally a maximum signage area per commercial building (regardless on number of tenancies) of 25% of the frontage is permitted per building.	With a wall area of 20m <sup>2</sup> and proposed signage (including for promotional material) of a total of 4.3m <sup>2</sup> , the proposed signage represents 21.5% of the frontage and therefore complies.
(b) Under-awning/verandah signs must have a minimum height of 2.6 metres distance from the pavement to the bottom of the sign and protrude no further than a maximum length of 3.5 metres as measured from the front wall of the commercial building and will not protrude beyond the line of the awning/verandah.	Not applicable.
(c) Additional pylon signs, projecting wall signs, above awning signs, illuminated wall signs located above the verandah or awning and roof signs are not permitted in both Mudgee and Gulgong business areas.	Not applicable. The projecting wall sign is not located above a verandah or awning and is part of an architectural element of the façade.
(d) Wall signs should be either painted directly onto the building or constructed of painted wood, or coated at point of manufacture or powder coated flat metal sheets. Wall signs utilising plastic or modern metal materials are not favoured. Specific consideration should be given to buildings that are Heritage Items or within a Heritage Conservation Area. In those instances it is recommended that you discuss your proposal with the Town Planning Section or Heritage Advisor prior to finalising the design.	Given the modern design of the extension to Byron Place, it is proposed to use materials such as aluminium and plastic or acrylic panels for the promotional advertising. While these are not favoured, as Byron Place is not a heritage streetscape, and the signage is not proposed to be attached to any heritage fabric, it is considered appropriate in this instance.

#### 5.4.2 Section 4.5 Commercial Development

##### **Building Setbacks**

(a) No minimum front setbacks apply.

(b) Side and rear must comply with Building Code of Australia (BCA)

**Comment** – The proposal complies.

##### **Design**

(a) The LEP includes provisions relating to active street frontages. All premises on the ground level of a building facing the street are used for the purposes of business premises or retail premises.

**Comment** – The proposed use of the ground floor is a business premises.

(b) All premises on the ground level of a building facing the street shall be comprised of windows and doors to encourage the interaction between pedestrians and the retail space.



**Comment** – The proposed façade to Byron Place includes a door to activate the frontage. It is noted that the width of the extension is relatively narrow and the proposed use of the space does not warrant additional activation measures.

*(c) Building facades shall be articulated by use of colour, arrangement of elements or by varying materials.*

**Comment** – The façade to Byron Place contains a mix of materials, including brick, stone and timber. The façade is well articulated.

*(d) Consider elements within established heritage buildings and how its application may be applied to new development.*

**Comment** – The development has been designed to both respect the heritage significance of the Woolpack Hotel and allow the modern extension to be distinguished from the original fabric.

*(e) Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials.*

**Comment** – The proposed extension fronts Byron Place, which does not contain a consistent pattern of built form, scale or details. The Byron Street streetscape is not of any heritage significance. The proposal allows greater views of the Woolpack Hotel than the existing building to be demolished from Byron Place and is therefore considered appropriate.

*(f) Design of new development should seek to be sympathetic to heritage items not reproduce them.*

**Comment** – As noted above, the proposed extension respects important heritage fabric and allows greater views of the item from Byron Place. The new design is modern to distinguish it from heritage fabric but is considered sympathetic through its lower scale and use of materials.

*(g) Plans must include details of all external infrastructure (air conditioning ducts, plant rooms) and how it will be screen from view form a public road.*

**Comment** – No new external plant is proposed.

*(h) Development on a corner must include architectural features to address both frontages.*

**Comment** – Not applicable to the subject land.

*(i) Where the development will adjoin the residential, village and mixed use zones, sufficient setbacks in the form of landscape buffers and access ways should be incorporated.*

**Comment** – Not applicable to the subject land.

### **Scale form and height**

*(a) The LEP controls the height of buildings to a maximum of 8.5m.*

*(b) Consistent with the existing heritage character of the town centres of Gulgong, Mudgee and Rylstone.*

*(c) Gulgong has a building height limit to a maximum of 5m*

**Comment** – The proposed extension sits lower than the existing roofline and has a maximum height of 8.3m. The scale, form and height of the proposal is consistent with the existing heritage character of the place.

### **Mortimer & Church Street Mudgee**

**Comment** – Not applicable to the subject land.

### **Articulation and Facade Composition**

(a) To break visual bulk and create interest, use secondary vertical elements such as fenestration or detail such as changes in materials and colour.

**Comment** – The façade to Byron Place uses changes in materials and vertical feature elements to provide a well articulated façade.

(b) Excessive length of blank walls are not supported in the front facade.

(c) Where blank walls are unavoidable (alongside or rear boundaries), break the visual impact through the provisions of landscaping, or by creating visual interest through patterning of the facade, signage or public art.

**Comment** – With the narrow width of the proposed extension, the length of wall is minimised, and is broken up by the use of boxes for promotional material and change in materials.

### **Post supported verandahs and balconies**

**Comment** – None proposed.

### **Residential-Commercial Interface**

**Comment** – Not applicable to the subject land.

### **Utilities and services**

(a) Documentation to demonstrate that the development is able to be serviced with water, sewer and drainage and adequate provision has been made for handling and disposal of solid waste.

**Comment** – The site is already serviced with water, sewer, power, stormwater and telecommunications. Waste collection will be improved through the provision of a vehicle turning bay in the reconfigured car park.

(b) Trade Waste Application is required where liquid waste (other than water from wash basins, toilet or bathrooms) will be discharged into Council's sewerage system.

**Comment** – Noted. Any additional trade waste requirements can be conditioned.

(c) Building and structures are to be located clear of infrastructure

**Comment** – The proposal complies.

(d) For new sewer mains structures are to be located 1m plus the equivalent inverted depth, whichever is greater) of the centreline of the main.

**Comment** – Not applicable to the proposed development.

### **Traffic and Access**

(a) All vehicles must be able to enter and exit the site in a forward direction.

**Comment** – All vehicles, including service vehicles will be able to enter and leave the site in a forward direction.

(b) All vehicle movement paths are to be sealed

**Comment** – The car parking area will be sealed.

(c) Driveways must comply with Australian Standard AS 2890.1 Parking Facilities

**Comment** – The proposal will comply..

(d) For new commercial development all loading facilities are to be located within the site with no loading to occur from the public road system.



(e) All loading facilities shall be designed to complying with Australian Standards.

**Comment** – Not applicable to the proposed development. However, loading facilities are and will remain on the site.

(f) Where the truck delivery paths extend through car parking areas due consideration should be given to the separation of truck, pedestrian and car traffic. Where separation cannot be achieved then the application is to address traffic flow and safety issues.

**Comment** – The proposed reconfiguration of the car parking areas improves sight distances for pedestrians and vehicles minimising safety risks. The parking and driveway area is relatively small and the frequency of deliveries is relatively low and commonly not during busy periods.

### **Pedestrian Access**

(a) Maintain existing covered pedestrian access within the town centres

**Comment** – The proposal maintains existing covered access is Market Street. However, the demolition of the building on 15 Byron Place will remove an existing balcony that covers a part of Byron Place. This is considered acceptable in the instance as it is the only covering in this part of Byron Place and is not of any heritage value.

(b) Convenient and safe access through parking areas

(c) Convenient and safe disabled access through parking areas and where relevant focus on improving links with the existing retail areas.

**Comment** – As noted above, the proposal improves sightlines in the car parking area of the site from Byron Place to the main rear hotel entrance, improving safety for pedestrians. An accessible car parking space is proposed to be provided and there will be level access into the hotel and through to Market Street.

### **Landscaping**

(a) Landscaped areas within the car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries.

(b) Landscaping to comprise low maintenance, drought and frost tolerant species.

**Comment** – Given the relatively small area of the car park and the priority to improve parking and delivery arrangements on the site, canopy tree planting is not considered appropriate in this instance.

#### **5.4.3 Section 5.1 Car Parking**

### **DCP Parking Requirements**

For a pub in the Mudgee CBD, the DCP does not have a specific parking rate. The DCP requires a parking study. As the pub exists, and this development application is for alterations and additions, a parking study from a specialist consultant is not considered necessary.

For pubs outside the CBD, the requirement is 1 space per 5m<sup>2</sup> of public/licensed area, plus a rate for accommodation rooms plus a rate for staff. This rate is not applicable to the proposed development.

For changes of use or redevelopment, the parking requirement is calculated based on the difference in parking requirements between the old and the new developments.

## Parking Assessment

In 2021, as part of the assessment of DA0271/2021 for a change of use of the upper floor of the building at 15 Byron Place, the parking credit calculation undertaken by Council was based on the previous use of the premises that had the highest parking rate, being a restaurant. There have been a number of restaurants occupying the building over the years and it is unclear from the Council's development files whether they all related to the upper floor or whether the ground floor was also once used as a restaurant. It can only be said with certainty that the use of the ground floor that had the highest parking rate was a shop (bottle shop).

The DCP contains a parking rate for restaurants of 1 space per 7m<sup>2</sup> gfa or 1 space per 3 seats whichever is the greater. It is not known how many seats were in the restaurants, so the 1 per 7m<sup>2</sup> rate is applicable for 214m<sup>2</sup> of floor space (31 spaces).

The DCP contains a parking rate for shops of 1 space per 30m<sup>2</sup>. This rate applies to the ground floor, at 214m<sup>2</sup> (8 spaces).

For the pub, as noted above, the 1 space per 5m<sup>2</sup> of public/licensed area (for non-CBD pubs) is not applicable, and it is also not considered an appropriate or reasonable rate to apply to determine the parking requirement.

The parking rate for pubs in the DCP is based on historical data from the 1970's and does not reflect current trends of ridesharing and alternative means of transport that pub patrons now use. Since the introduction of random breath testing in NSW in 1981, the repeated "don't drink and drive" messaging and the increasing of fines and demerit points, the demand for car parking in association with a pub has significantly reduced.

Lake Macquarie City Council recently undertook a parking study for pubs, based on a survey of patrons over a week of trade. Based on this study, the Council revised its DCP to apply a 1 space per 25m<sup>2</sup> gfa for all food and drink premises. It is considered reasonable to use this rate to determine the parking requirement for the increased floorspace of the Woolpack Hotel. The current gfa of the pub (ground) floor is 723m<sup>2</sup>. At 1 space per 25m<sup>2</sup>, the current requirement is 29 spaces.

As there is no change to the number of rooms at the first floor, it is considered reasonable to exclude the first floor from the calculations.

So, the total parking requirement for the existing development is  $31 + 8 + 29 = 68$  spaces.

The proposed development results in a gross floor area of the hotel at 953m<sup>2</sup>. The total parking requirement for the proposed development is therefore 39 spaces (at 1 space per 25m<sup>2</sup>).

As the parking requirement for the proposed development is less than for the existing development, no additional parking is required.

As noted in Section 3.1.2 above, based on previous approvals for the land, there is a total credit of 22 car parking spaces across the site. Eleven spaces on site for the existing Woolpack Hotel, plus a contribution that has been paid for eleven spaces for the building at 15 Byron Place.

There are only 9 parking spaces currently provided on site. The proposed development seeks to increase the number of spaces on site to 10. While this is less than the original requirement for 11 spaces, it is considered reasonable given the significant reduction in demand for parking resulting from the demolition of the building at 15 Byron Place.

It is also noted that the Mudgee Parking Study identifies an oversupply of parking in the CBD for current and future needs. The site adjoins Byron Place which provides a significant supply of available parking close to the premises, particularly in peak periods of operation of the pub, which are normally outside of peak retail periods. It is also noted that Mudgee is a walkable

town and there are taxi services available for those who can't walk or don't organise a designated driver.

The proposed development is considered reasonable and acceptable in relation to the provision of car parking, particularly given the improvement over the existing haphazard parking layout.

#### *5.4.4 Section 5.2 Flooding*

The Mudgee Flood Study completed in February 2021 does not identify the land as being within the flood planning area. The 1% AEP flood map in the study appears to show the flood extent in the vicinity of the site as being contained within the Market Street road reserve.

The proposed development is considered satisfactory having regard to Section 5.2 of the DCP.

#### *5.4.5 Section 5.3 Stormwater Management*

The proposed extension will be connected to the existing stormwater system on the site. Given the site is already fully developed with roofs and hard surfaces, the proposal will not change the amount of stormwater runoff generated from the site. A stormwater management plan has been prepared to show how all roofed and sealed areas are to be drained.

The proposed development is considered satisfactory having regard to Section 5.3 of the DCP.

#### *5.4.6 Section 5.4 Environmental Controls*

##### **Protection of Aboriginal Archaeological Items**

A basic search of the Aboriginal Heritage Information Management System found no records of any Aboriginal artefacts within 200m of the subject land. Given the extensive history of site disturbance, it is considered unlikely that the proposed redevelopment will uncover any Aboriginal archaeology. Therefore, no further Aboriginal cultural heritage assessment is warranted for the proposed development. It is considered that the proposed development will have no detrimental impact on Aboriginal cultural heritage.

##### **Bushfire Management**

The subject land is not mapped as bushfire prone land. There are no significant stands of vegetation in the vicinity of the site that create a bush fire risk.

##### **Riparian and Drainage Line Environments**

There are no riparian or drainage lines in the vicinity of the site.

##### **Pollution and Waste Management**

The development will generate waste as a result of the following:

- Demolition activities
- Construction of the development
- Operation of the facility.

Demolition and construction waste will be minimised through re-use opportunities or disposed of by way of Council's waste management facilities. Erosion and sediment control measures will be implemented during construction to avoid potential pollution of stormwater systems.

The development will be connected to reticulated sewer to ensure waste from the operation of the development is appropriately treated off site.

Operational waste will be managed by the pub operator in the same manner as it currently operates.

#### **Threatened Species and Vegetation Management**

The proposed development will have no impact on threatened species or vegetation.

#### **Building in Saline Environments**

The subject land is not considered to have high levels of salinity. As the extent of earthworks is minimal, the proposed development is unlikely to be affected by saline soils.

## **6 OTHER MATTERS**

### **6.1 Crime Prevention Through Environmental Design**

As the proposed development is an expansion of a licensed premises (pub) with additional gaming machines proposed, it is relevant to consider how the proposal addresses the principles of crime prevention through environmental design. They principles are:

- territorial re-enforcement,
- surveillance,
- access control and
- space/activity management.

#### **Territorial reinforcement**

*Community ownership of public space sends positive signals to the community. Places that feel owned and cared for are likely to be used, enjoyed and revisited. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers and criminals rarely commit crime in areas where the risk of detection and challenge are high. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it.*

*Territorial Re-enforcement uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.*

**Comment** – The proposed development will enhance territorial reinforcement in the following ways:

- The demolition of the large building at 15 Byron Place and the construction of the smaller and narrower extension of the hotel provides greater views of significant local heritage items, allowing greater appreciation of the town's important heritage.
- The modern design of the extension where it faces Byron Place will provide a sense of economic development of the town and will improve the visual quality of Byron Place.
- The use of a mix of materials along facades visible and accessible to the public will discourage graffiti.
- The improved layout of the car parking area removes some current unsightly and potentially dangerous parts of the current site.

#### **Surveillance**

*People feel safe in public areas when they can see and interact with others, particularly people connected with that space, such as shopkeepers or adjoining residents. Criminals are often deterred from committing crime in places that are well supervised.*

*Natural surveillance is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting – it is a by-product of well-planned, well-designed and well-used space.*

*Technical/mechanical surveillance is achieved through mechanical/electronic measures such as CCTV, help points and mirrored building panels. It is commonly used as a 'patch' to supervise isolated, high risk locations.*

*Formal (or Organised) surveillance is achieved through the tactical positioning of guardians. An example would be the use of on-site supervisors, e.g. security guards at higher risk locations.*

**Comment** – The widening of the existing driveway from Byron Place to the rear entrance of the Woolpack Hotel will significantly improve surveillance in the area. The area will be visible from greater angles and there will no longer be any open parts of the site not visible from Byron Place, significantly reducing the opportunity for crime to take place. The improved car park layout will ensure it is better utilised and therefore there will be more activity and surveillance of the area. Security cameras are used within the pub to deter criminal activity and anti-social behaviour and assist in solving crimes should they occur.

### **Access Control**

*Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development. Way-finding, desire-lines and formal/informal routes are important crime prevention considerations. Effective access control can be achieved by using physical and symbolic barriers that channel and group pedestrians into areas, therefore increasing the time and effort required for criminals to commit crime.*

*Natural access control includes the tactical use of landforms and waterways features, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens.*

*Technical/Mechanical access control includes the employment of security hardware. Crime, Design and Urban Planning: From theory to Practice Formal (or Organised) access control includes on-site guardians such as employed security officers.*

*Formal (or Organised) access control includes on-site guardians such as employed security officers.*

**Comment** – Access to the interior of the hotel is clear through the use of obvious entrance points. While the pub is privately owned, it is publicly accessible during business hours. The pub management employs security guards when appropriate to assist in managing access to the premises from both the Market Street and Byron Place entrances. The car parking area is effectively a shared public/private space and its redesign improves wayfinding within the site.

### **Space Activity Management**

*Space/Activity Management strategies are an important way to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.*

**Comment** – The whole of the site is and will be actively managed and maintained by the pub operator and staff to minimise anti-social behaviour. Graffiti will be quickly cleaned from walls should it occur. The obvious use of security cameras and security guards acts as a deterrent for crime and anti-social behaviour. The pub is and will continue to be a well-used space in the Mudgee Town Centre and this use will minimise the risks to community safety. The use of that part of the extension abutting and with direct access to Byron Place for gaming is not promoted in the advertising signage proposed on this façade.

In summary, it is considered that the proposed development will result in an improvement to the site that reduces the likelihood of crime or anti-social behaviour taking place.

## 6.2 Building Code of Australia

A Building Code of Australia compliance report has been prepared for the proposed redevelopment of the site with a specific focus on the fire safety requirements. The report concludes that the development is capable of complying with all relevant deemed to satisfy (DTS) requirements or performance solutions and that details of compliance can be demonstrated in the plans submitted with the Construction Certificate application.

The following matters are identified as non-compliances that require specific action:

1. Existing opening close to property boundaries require protection.
2. Distance from upper floor units to exits exceed requirements, to be addressed as DTS Solution or in conjunction with Fire Engineering Report at CC Stage.
3. Width of doorways in exits or paths of travel to exits, to be addressed as DTS Solution or in conjunction with Fire Engineering Report at CC Stage.
4. Existing swinging doors at exits do not open in the path of travel. Compliance to be demonstrated at CC stage. Door handles also require modification to comply.
5. Manufacturers specification in relation to wall, floor and ceiling coverings to be provided to the PCA to demonstrate compliance.
6. An access consultant to be engaged at CC stage to demonstrate compliance with the disability access requirements.
7. Details of all fire safety equipment and signage to be provided to the PCA to demonstrate compliance with the requirements, including electrical engineering design certification.

## 7 CONCLUSION

This Statement of Environmental Effects (SEE) supports a development application for demolition of a building and alterations and additions to the Woolpack Hotel at 67 Market Street and 15 Byron Place, Mudgee (Lots 111 and 112 DP 1136686).

The subject land is zoned E2 Commercial Centre and contains two lots. 67 Market Street contains the Woolpack Hotel, a listed heritage item under the Mid-Western Local Environmental Plan 2012. 15 Byron Place contains a two-storey commercial building, currently used primarily as office and retail space.

The building on 15 Byron Place is proposed to be demolished and an extension to the Woolpack Hotel is proposed over this land. The two lots are proposed to be consolidated.

The purpose of the development is a pub, which is permitted with consent in the B3 zone.

The development is not “State significant development”, “regionally significant development”, or “designated development”. The development is not “integrated development” or “nominated integrated development”.

The development is sited, designed and will be managed to avoid adverse environmental impacts. There are no contamination issues with the site. Traffic generation will not significantly change compared to the current and former uses of the site.

The proposal will have social and economic benefits to the community. The development is permissible with consent and is consistent with all relevant legislation and policy. There is no impediment to the granting of development consent subject to conditions.



