

Statement of Environmental Effects

Change of tenancy-
new food and drinks premises at 80 Melbourne Street EAST
MAITLAND NSW 2323

Author:	Momcilo Romic
Date Issued:	8 August 2021
Revision:	Version 1

COPYRIGHT

Romic Planning reserves all copyright of intellectual property in any or all of the documents issued by Romic Planning. No consent, permission, licence or authority is granted by Romic Planning to any person(s) or organisation(s) to apply any of Romic Planning documents for any purpose(s) without the prior written and formal consent of Romic Planning.

REPORT and accompanying detail(s) DISCLAIMER

The content and findings in this report and accompanying detail(s) has been prepared for the client(s) acknowledged and cannot be relied upon or used by any third party.

Any formal representation, statement, opinion or advice, expressed or implied in the content and findings in this report and accompanying detail(s) is made in good faith only but on the basis that Romic Planning is not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss at all which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in any respect of any formal representation, statement, opinion or advice referred to above.

Momcilo Romic
Town Planning Consultant

Postal Address: PO Box W85, Fairfield West NSW 2165

Mob: 0404 841 933

Email: momcilo@romicplanning.com

Web: www.romicplanning.com

Table of Contents

1. Introduction	4
2. Site Details	5
2.1. Location.....	5
2.2. Zoning.....	7
3. Development proposal	8
4. Matters of Consideration	9
4.1. Section 4.15(1)(A)(I) – any environmental planning instruments.....	9
4.2. Section 4.15(1)(A)(ii) – any draft environmental planning instrument(s).....	15
4.3. Section 4.15(1)(A)(iii) – any development control plan(s).....	15
4.4. Section 4.15(1)(A)(iia)– any planning agreement or draft planning agreement.....	20
4.5. Section 4.15(1)(B) - the likely impacts of the development.....	20
4.6. Section 4.15(1)(C) - the suitability of the site	20
4.7. Section 4.15(1)(D) - any submission made	21
4.8. Section 4.15(1)(e) - the public interest	21
5. Conclusion and Recommendation	21

1. Introduction

The Development Application proposes a change of tenancy-new food and drinks premises at 80 Melbourne Street, East Maitland.

The proposal is not viewed to have any adverse impacts on the surrounding area and is considered compatible with the surrounding locality.

The proposal is consistent with all relevant environmental planning instruments and is considered satisfactory.

The main body of this report reviews key planning considerations for Council as a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979.

2. Site Details

2.1. Location

The subject site is an existing 2 storey contrasting brick commercial building located at the south-eastern end of Melbourne Street and is known as 80 Melbourne Street, East Maitland. The site contains existing off streetcar parking to the rear of the premises with access via The Bank Hotel via Grant Street.

The site is legally identified as Lot 1 DP 1233967 and is located within the East Maitland neighbourhood business centre and is surrounded by commercial/business uses and both public and private recreational activities and includes the East Maitland Bowling Club and King Edward Park.

A location plan of the site is provided below.





Location Plan and Aerial Image





Site Photographs

2.2. Zoning

The site is zoned B4 Mixed Use under Maitland Local Environmental Plan 2011. A zoning plan of the site is provided below.



Zoning Map

3. Development proposal

The proposal comprises the following:

- Change of tenancy- (ground floor only) as a food and drink premises (*Locale Seafood & Bar*) with fit out.

Land use

- Food and drink premises (ground floor).
- The first floor is to be used for storage purposes only.
- Capacity- Total of 66 seats.
- Operating hours: 8am- 10pm, 7 days a week.
- Signage: Yes, business identification signage is to be placed as illustrated on the drawings.
- Staff: Maximum 4 staff.
- The sale of alcohol for consumption on the premises is proposed by the licensee.
- The licence will be an on-premises licence meaning that the liquor can only be sold or supplied for consumption on the licenced premises.

The licensee and management will ensure that the premises are operated in accordance with the conditions of the on-premises licence for a restaurant and other requirements of the Liquor Act and Liquor Regulation.

A liquor licence application will be made separately by the operator.

4. Matters of Consideration

4.1. Section 4.15(1)(A)(I) – any environmental planning instruments

State Environmental Planning Policy No. 55 – Remediation of Land

Considering the existing and historical use of the site for commercial activities, it is not considered that the land is contaminated, and no further contamination assessment is required.

State Environmental Planning Policy No 64—Advertising and Signage

The application proposes the following signage works:

- X 3 new signage: - x 1 facade signage above main entry, x 1 blade signage hanging from awning, and x 1 front awning signage as per graphics.

Note, details are attached with the development application documentation.

SEPP 64 aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.

Clause 8 of SEPP 64 states the following:

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 Policy as set out in clause 3 (1) (a), and*
- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

Assessment Criteria

The following table outlines the manner in which the proposed signage addresses the assessment criteria of SEPP 64.

Consideration	Comment
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The proposed signage is compatible with the commercial centre.</p> <p>The proposal is consistent with the current trend of simple outdoor commercial advertising in the local area in terms of type and scale.</p>
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is considered appropriate for the locality and its context.
2 Special areas	
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?	See comments above.
3 Views and vistas	
Does the proposal obscure or compromise important views?	No.
Does the proposal dominate the skyline and reduce the quality of vistas?	No.
Does the proposal respect the viewing rights of other advertisers?	N/A.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The size and type of signage is considered to be appropriate to the tenancy business signage upgrade scale.

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes, see above.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A.
Does the proposal screen unsightliness?	N/A.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.
Does the proposal require ongoing vegetation management?	No.
5 Site and building	
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?	The proposed signage is considered to be appropriate in relation to size, materials and finishes and the number of signs.
Does the proposal respect important features of the site or building, or both?	Yes, see comments above.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	N/A.
6 Associated devices and logos with advertisements and advertising structures	
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?	N/A.
7 Illumination	
Would illumination result in unacceptable glare?	No.
Would illumination affect safety for pedestrians, vehicles or aircraft?	No.

Would illumination detract from the amenity of any residence or other form of accommodation?	No.
Can the intensity of the illumination be adjusted, if necessary?	Yes.
Is the illumination subject to a curfew?	N/A.
8 Safety	
Would the proposal reduce the safety for any public road?	No.
Would the proposal reduce the safety for pedestrians or bicyclists?	No.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.

The proposed signage is consistent with the aims and objectives of Clause 3 SEPP 64 and meets the criteria of Schedule 1 where the proposal will not reduce sightlines in the locality, nor will they impede any views

Maitland Local Environmental Plan 2011

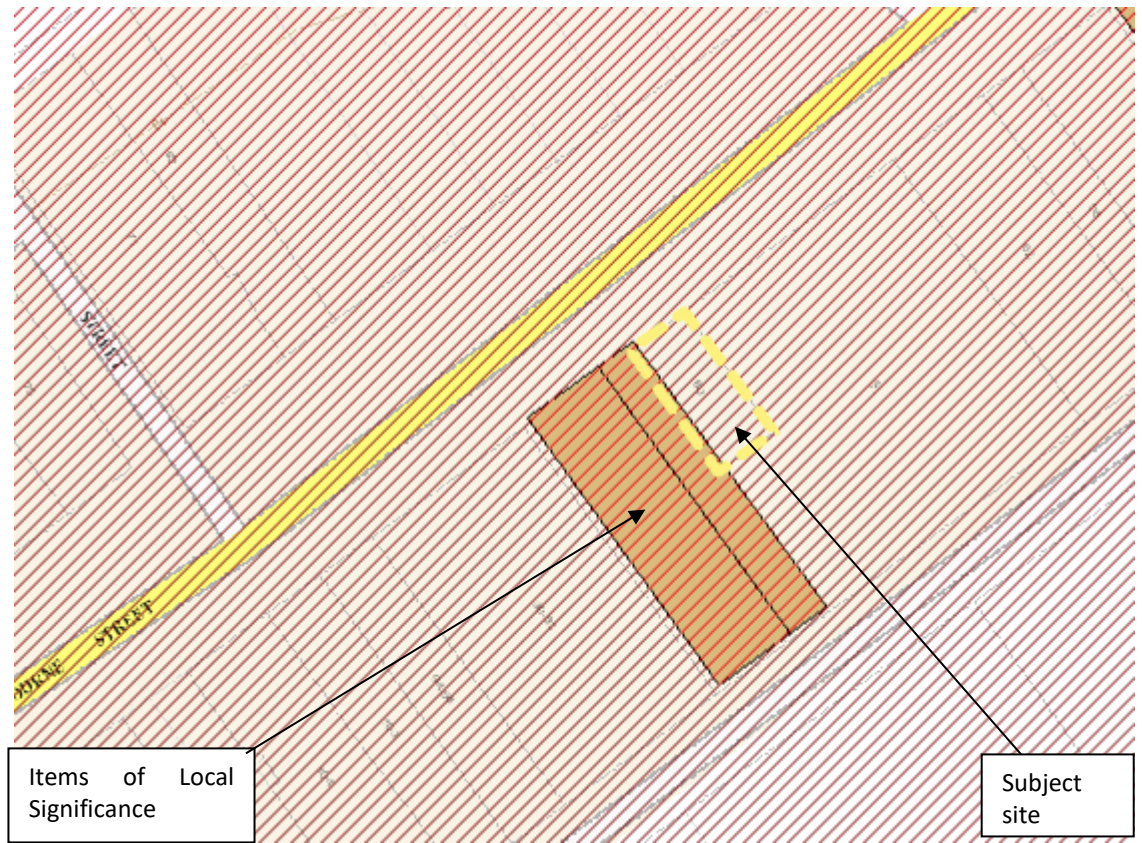
Permissibility

The subject site is zoned B4 Mixed Use under Maitland Local Environmental Plan 2011.

The continued use of the site as a restaurant, a type of food and drink premises, is permissible in this zone with consent.

A summary of our assessment of the proposed development against the relevant clauses within the LEP is in the following table.

LEP Clause	Requirement	Analysis
4.3 – Height of Buildings	N/A	No change to existing building height.
4.4 – Floor Space Ratio	N/A	No changes to existing footprint of building.
5.10- Heritage Conservation	<p>Effect of proposed development on heritage significance.</p> <p>The site is located within a Heritage Conservation Area.</p> <p>The site does adjoin items of Local Significance being commercial shops at 82 and 84 Melbourne Street and this is shown below.</p>	<p>Given that the development proposal is for a permissible use, and the works are centered to the internal confines of the footprint, the impact of the proposed development on the heritage values would be within acceptable limits.</p> <p>The main interface with Melbourne Street remains unaffected.</p> <p>The dominant façades of the heritage shops maintain a positive and unaffected presentation to Melbourne Street.</p> <p>The proposal is viewed neutral and non-intrusive.</p>



LEP Heritage Mapping (Items shown in brown)

LEP Clause	Requirement	Analysis
7.1– Acid sulphate soils	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land	N/A- as no excessive excavation is proposed to trigger these requirements.
7.3- Flood planning	Minimise the flood risk to life and property associated with the use of land.	The proposal does not change the existing floor levels or external walls/roof structures of the commercial building. A flood evacuation plan is to be prepared as a condition of consent to

		address evacuation during a flood event. See assessment below in DCP section. Consistent with the objectives.
--	--	---

4.2. Section 4.15(1)(A)(ii) – any draft environmental planning instrument(s)

There are no known draft environmental planning instruments which affect the site.

4.3. Section 4.15(1)(A)(iii) – any development control plan(s)

The relevant matters to be considered under the Development Control Plan are reviewed below.

DCP Controls	Assessment
Part A Administration	Advisory and noted.
Part B Environmental Guidelines	
B.1 Introduction	Advisory and noted.
B.2 Domestic Stormwater Management	N/A as there are no changes proposed to the existing stormwater system.
B.3 Hunter River Floodplain Management	<p>The site is subject to flood related controls. The DCP at Page 30 reads:</p> <p><i>iv) Any development consent in relation to applications for new buildings, alterations to existing buildings or <u>change of use will be endorsed with advice on matters affecting the land including flood damage.</u></i></p> <p>The proposal does not change the existing floor levels or external walls/roof structures of the commercial building that stands on site.</p>

	<p>The existing building is constructed from flood proof materials.</p> <p>Given the works are minor and relate to a change of tenancy, it is our opinion the proposal will not increase the flood hazard or flood damage to other properties, or adversely affect them in any way during times of floods.</p> <p>It is recommended a flood evacuation plan is to be prepared as a condition of consent to address evacuation during a flood event.</p>
B.4 On-Site Sewage Management Systems	N/A
B.5 Tree Management	N/A
B.6 Waste Not – Site Waste Minimisation & Management	<p>Refer to Waste Management Plan.</p> <p>All waste to be collected by commercial waste contractor. Deemed to comply as conditions of consent.</p>
B.7 Riparian Land and Waterways	N/A
Part C Design Guidelines	
C.1 Accessible Living	<p>Refer to upgrades as shown on the drawings to address Access to Premises- Buildings Standards.</p> <p>Existing and improved direct level access will remain off Melbourne Street.</p> <p>Deemed to comply as conditions of consent.</p>
C.3 Exhibition Homes & Villages	N/A

C.4 Heritage Conservation	<p>The site is within the conservation area only, it is not a heritage item.</p> <p>As stated earlier in the LEP review section of this Report, since the development proposal is for a permissible use, and there is no change to the existing built form, proportions or scale of the existing commercial building.</p> <p>The impact of the proposed development on the heritage values would be within acceptable limits to the neighbouring heritage shops at 82 and 84 Melbourne Street and the change of tenancy respects this existing consistency to the public space and is not antipathetic.</p>
C.5 Industrial Land	N/A
C.6 Outdoor Advertising	Yes, see assessment above.
C.7 Outdoor Dining	N/A
C.8 Residential Design	N/A
C.9 Sex Services Premises & Restricted Premises	N/A
C.10 Subdivision	N/A, as there is no subdivision is proposed.
C.11 Vehicular Access & Parking	<p>Under the DCP, restaurants, take-away food and drink premises require 1 space per 6.5sq.m service area <u>or</u> 1 space per 3 seats whichever is greater.</p> <p>The restaurant is to contain a service area of 105s.qm which demands 16 car spaces <u>or</u> based on a 66-seat capacity, this equates to a demand of 22 car</p>

	<p>spaces which is the greater figure.</p> <p>Onsite, there are 2 car spaces available and a shortfall of 21 car spaces is evident by the strict interpretation of the DCP.</p> <p>We would request a concession to this requirement of 21 car spaces for the following reasons:</p> <p>The previous businesses over the site historically lacked physical access to parking.</p> <p>The provision of 21 car spaces cannot be accommodated onsite given the confines of the site and there is no opportunity to increase parking onsite.</p> <p>All car parking is to be satisfied by on street car parking which is available within the town centre.</p> <p>It is expected that a large volume of patrons are existing customers already visiting the town centre.</p> <p>There is to be reliance on public transportation for access into the town centres.</p> <p>There is also an expectation that ride share services would also be used by patrons as this the trend with other premises in the LGA.</p> <p>Patrons are also likely to walk or cycle to the town centre given the nearby residential catchment.</p>
--	--

C.12 Crime Prevention Through Environmental Design	<p>The existing commercial building provides an active street frontage format.</p> <p>There is no change to the existing glazing elements and the front building line to Melbourne Street remains unaffected and the use provides for an active street frontage.</p>
Part D Locality Plans	N/A
Part E Special Precincts	N/A
E.3 Heritage Conservation Areas East Maitland HCA	<p>The development is in a business zone.</p> <p>The use of an approved commercial space as a change of tenancy will complement other such uses in the town centre.</p> <p>The overall presentation and contribution to the streetscape character and pedestrian environment will be maintained.</p> <p>As stated above, there is no impact anticipated by this development proposal and a detailed heritage management document is not required.</p> <p>Given the nature of proposed works compliance with non-statutory controls that are applicable is achieved on merit.</p>
Part F Urban Release Areas	N/A

Given the nature of proposed works compliance with non-statutory controls that are applicable is achieved on merit.

4.4. Section 4.15(1)(A)(iia)- any planning agreement or draft planning agreement

There are no related matters for consideration in terms of a planning agreement or draft planning agreement which affect the development proposal.

4.5. Section 4.15(1)(B) - the likely impacts of the development

There are no undesirable socio-economic impacts that will result from the development proposal.

We view the proposal is compatible with other commercial activities and a higher level of passive surveillance is to be afforded.

The proposal is viewed to be consistent with the current and desired future character for the town centre.

It is not anticipated that the site will generate any noise above and beyond that already in the area from traffic movements in the town centre.

All loading and unloading are to occur from the rear of the premises where rear access is available.

Suitable conditions of consent may be imposed by Council to deal with any noise complaints.

4.6. Section 4.15(1)(C) - the suitability of the site

The proposal will not increase the demand for public services or facilities as the subject land is an existing commercial premise.

As stated above, there is no impact anticipated by this development proposal and a detailed heritage management document is not required.

It is noted there is a non-compliance with the car parking code. In response to this, we believe a high portion of people are expected to walk to the site and are also more likely to catch public transport or are existing customers visiting the town centre. And any car parking demand may be met by existing on streetcar parking.

There are no adverse effects on adjoining properties given the scale and proposed number of patrons is within acceptable limits and this proposal is not expected to cause detrimental impacts on nearby land users.

4.7. Section 4.15(1)(D) - any submission made

Submissions are viewed unlikely however, we would like to be given the opportunity to respond to any submissions.

4.8. Section 4.15(1)(e) - the public interest

The proposal is not contrary to the public interest.

There are no adverse effects on adjoining properties given the site has been zoned to allow for a range of commercial/business uses, and this has been demonstrated in this report.

5. Conclusion and Recommendation

The main body of this report reviewed key planning considerations for a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposed use of the existing completed shop has planning merit where the proposal remains:

- a permissible use under the LEP.
- consistent with the relevant zone objectives.
- compatible with neighbouring properties and land uses and will not generate any unacceptable impacts on surrounding land holdings, where it would be unreasonable to impose additional car parking requirements.
- consistent with the existing and future desired character of the area.
- consistent with the existing streetscape and public domain interface.
- consistent with the heritage conservation area where there is no impact anticipated by this development proposal on the heritage conservation area and in the vicinity of a heritage site and a detailed heritage management document is not required.
- consistent with the flood risk objectives.

Regarding the sale of alcohol for consumption on the premises, the licensee and management will ensure that the premises are operated in accordance with the conditions of the on-premises licence for a restaurant and other requirements of the Liquor Act and Liquor Regulation.

Having regard to all the above matters, it is considered that the meets the relevant strategy, objectives and provisions of the LEP and the DCP.

On this basis, it is recommended the Development Application be approved subject to conditions.

Momo Romic

Town Planning Consultant

BTP (UNSW), MEM (UNSW)

NSW Builder Licence No. 252856C