

12 March 2024

STATEMENT OF ENVIRONMENTAL EFFECTS

Lakes and Ocean Hotel

10 Little St Forster NSW



1. Introduction

The following report and information has been prepared to accompany a Development Application to City of Sydney Council made pursuant to the Environmental Planning and Assessment Act 1979.

The site is at 10 Little St, Forster. The hotel (pub) is a two storey building at the corner of Little St and Lake St.




The following document uses tables to consider the relevant parts of the City of Great Lakes Council planning instruments. The relevant parts of the planning instruments include:

- Great Lakes Local Environment Plan 2014.
- Great Lakes Development Control Plan 2014.

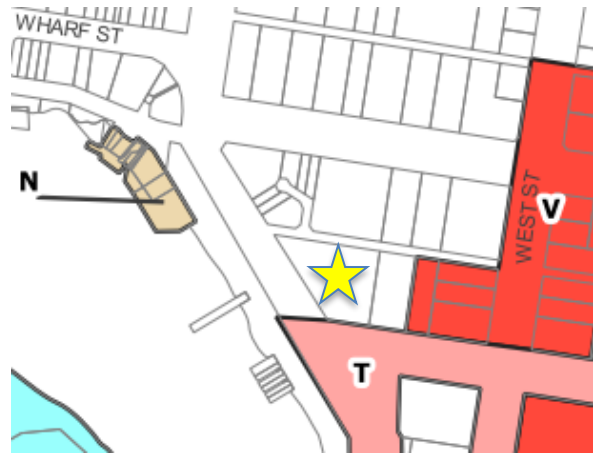
The scope of works is listed below:

- Demolish existing toilets in bistro area
- Construct new toilets in bistro area

Great Lakes Local Environmental Plan 2014

Relevant LEP requirements	Responses
<p>Land Zoning Map LZN_011D</p>	 <p>Site is within zone B2</p>
<p>Land Zoning NSW Planning Portal</p>	 <p>Site is within zone E2 Commercial Centre</p>
<p>Acid Sulfate Soils ASS_011</p>	 <p>Site is within Class 3 and Class 4. Excavation proposed is less than 1m</p>

Floor Space Ratio
FSR_011D



The site has no FSR controls

Height of Buildings
HOB_011D



The site has an 18m height limit

Flood Planning Area
FLD_011D



The site is within the flood planning area

Active Street Frontage
ASF_011D



The Little St and Lake St frontages are identified as active frontages

Zone E2 Commercial Centre

1 Objectives of zone

- 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 enable a range of residential accommodation and tourist and visitor accommodation to be located above commercial uses.

2 Permitted without consent

Home occupations

3 Permitted with consent

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Creative industries; Entertainment facilities; Function centres; High technology industries; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation;

The proposal complies with the objectives and is a permitted use.

<p>Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Home occupations (sex services); Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Liquid fuel depots; Open cut mining; Residential accommodation; Rural industries; Sex services premises; Transport depots; Truck depots; Waste or resource management facilities</p>	
<p>5.21 Flood planning</p> <p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood. <p>(2) 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—</p> <ul style="list-style-type: none"> (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. <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <ul style="list-style-type: none"> (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion. <p>(4) A word or expression used in this clause has the same meaning as it has in the Considering</p>	<p>The proposal complies with the objectives. The proposed toilets are at the same floor level as the existing toilets and will therefore have no negative affects.</p> <p>A flood Certificate has been obtained and the existing floor is 30mm below the Flood Planning Level. The toilets floor level has been raised to meet the RL3.2m AHD level.</p>

<p>Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.</p> <p>(5) In this clause—</p> <p>Considering Flooding in Land Use Planning Guideline means the <i>Considering Flooding in Land Use Planning Guideline</i> published on the Department's website on 14 July 2021.</p> <p>flood planning area has the same meaning as it has in the Flood Risk Management Manual.</p> <p>Flood Risk Management Manual means the <i>Flood Risk Management Manual</i>, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.</p>	
<p>7.1 Acid sulfate soils</p> <p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>Class Works of land</p> <p>1 Any works.</p> <p>2 Works below the natural ground surface. Works by which the watertable is likely to be lowered.</p> <p>3 Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</p> <p>4 Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</p> <p>5 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 watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p> <p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</p> <p>(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—</p> <p>(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</p> <p>(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</p>	<p>The proposal involves minor excavation of less than 1m and there will be no affect to the watertable.</p> <p>An Acid sulfate Soils report is not undertaken as the works are considered minor due to a small footprint of excavation and it being less than 1m depth.</p>

<p>(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—</p> <ul style="list-style-type: none"> (a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety, (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil), (c) minor work, being work that costs less than \$20,000 (other than drainage work). <p>(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—</p> <ul style="list-style-type: none"> (a) the works involve the disturbance of less than 1 tonne of soil, and (b) the works are not likely to lower the watertable. 	
<p>7.13 Active street frontages</p> <ul style="list-style-type: none"> (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone E1 Local Centre. (2) This clause applies to land identified as “Active Street Frontage” on the Active Street Frontages Map. (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use. (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following— <ul style="list-style-type: none"> (a) entrances and lobbies (including as part of mixed use development), (b) access for fire services, (c) vehicular access. (5) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises. 	<p>The 2 facades identified on the map above are Little St and Lake St. The proposed works are not to either of these facades but rather the rear of the building and therefore nil change to the existing facades is proposed.</p>

Sydney Development Control Plan 2012

Relevant DCP requirements	Responses
<p>3.1.1.1 Forster Town Centre Commercial and Dining Precinct Area3</p> <p>The vision for this area is for an active pedestrian oriented precinct where hospitality and entertainment activities are focused. The well landscaped character of Wharf Street is extended to Wallis and Lake Street. Improved pedestrian crossings with roadway narrowing and shared zones permit easy movement. Car parking is provided in the large capacity of the streets together with possible multilevel council car parks in the area.</p> <p>It is essential that retail serving local day-to-day needs make this a viable town centre that remains vital out of tourist season. Importantly, this area retains a number of banks, other functions are also supported such as green grocer, baker, supermarket, pharmacy.</p> <p>The potential noise generating entertainment activities suggest care will be taken in the location and detailed design of residential apartments in the area to minimise conflict, this may include design strategies to minimise noise transmission. Growth of office use in the area would be compatible with the evening noise.</p> <p>The built form in the area is characterised by the lower rise buildings in the area west of Beach Street and southward along the foreshore and taller buildings emerging from the area east of Beach Street and further from the shoreline.</p> <p>Memorial Drive, Little Street and the foreshore provide one of the most memorable and unique places on the coast. The planned extension of the boardwalk will boost the use of the area providing a long and interesting foreshore walk and cycle way.</p>	<p>The proposal complies with the planning rules and nil affect as the extension to the building is at the rear and not seen from the streetscape.</p>
<p>4.2 Flooding Objectives</p> <ul style="list-style-type: none"> • The risk of impacts from flooding on people and assets are avoided or otherwise minimised. • Development is located in response to the identified flood hazard and designed to accommodate flood conveyance and storage. • Environmental impacts of development on flood prone land are avoided or otherwise minimised. • Development on flood prone land does not adversely impact neighbouring properties or visual amenity. • The potential for financial loss or cost to the community as a result of development on flood prone land is limited. <p>Flood Studies</p> <p>Applications to subdivide or develop within the Great Lakes LEP 2014 Flood Planning Area may be required to submit a flood study to establish:</p> <ul style="list-style-type: none"> • site specific flood planning levels including allowances for sea level rise; • how any alterations in flood behaviour caused by the development may impact on surrounding properties; • appropriate habitable floor levels for development; and 	<p>The proposal complies with the objectives. The proposed toilets are at the same floor level as the existing toilets and will therefore have no negative effects.</p> <p>A flood Certificate has been obtained and the existing floor is 30mm below the Flood Planning Level. The toilets floor level has been raised to meet the RL3.2m AHD level.</p> <p>A Flood Study is not considered applicable as the proposed extension floor level matches the Flood Planning Level 3.2m AHD.</p>

<ul style="list-style-type: none"> the impact of the development on flood conveyance and storage. <p>Building Controls Any building partly or wholly constructed below the 2100 flood planning level, must be certified by a structural engineer to demonstrate that the building and associated structures have been designed to withstand flood forces exerted by the 2100 1% AEP flood.</p> <p>Alterations and Additions Additions and alterations having a gross floor area of 30sqm or less may be constructed at the existing floor level of the building.</p> <p>Additions and alterations having a gross floor area greater than 30sqm are to be designed and located so that any new habitable areas have floor levels located above the 2060 1% AEP flood planning level.</p> <p>Note: Any replacement or refurbishment of existing floor areas where structural changes are proposed will be considered as part of the 30sqm addition or alteration gross floor area calculation.</p> <p>In circumstances where construction of new habitable areas at the 2060 1% AEP flood planning level is likely to have an adverse impact on adjoining properties or the visual amenity of the location, a variation may be sought. If supported by Council, the habitable areas may be located 500mm below the 2060 1% AEP flood planning level.</p>	<p>The proposed extension floor level matches the Flood Planning Level 3.2m AHD.</p> <p>The proposed extension is greater than 30m².</p> <p>The 2060 1% AEP flood planning level is 2.4m AHD, therefore the proposal is compliant.</p>
<p>14.2.2 All Other Development Controls (1) A completed Site Waste Minimisation and Management Plan shall be prepared and submitted with the development application. The plan should address the following matters as relevant:</p> <ol style="list-style-type: none"> Indicative Bin Sizes Waste/Recycling Storage Rooms Garbage Truck Dimensions Garbage Chutes. <p>(2) Architectural plans submitted with the development application must show:</p> <ol style="list-style-type: none"> The location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Councils waste, recycling and gardens waste bins. The location of any garbage chute(s) and interim storage facilities for recyclable materials that promotes and ease of recycling for each unit and on each floor. The location of any service rooms (for accessing a garbage chute) on each floor of the building. The location of any waste compaction equipment. An identified collection point for the collection and emptying of Councils waste, recycling and garden waste bins. The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area). 	<p>The SWMMP is submitted as a separate document with the application.</p> <p>The plans show the existing waste/recycling storage area. Nil works are proposed. Nil changes to the existing system are necessary as a result of the proposal.</p>

<p>g) The onsite path of travel for collection vehicles (if collection is to occur onsite) taking into account accessibility, width, height and grade.</p> <p>(3) Systems should be designed to maximise source separation and recovery of recyclables for each unit and on each floor.</p> <p>(4) Waste management systems should be designed and operated to prevent the potential risk, injury or illness associated with the collection, storage and disposal of wastes.</p> <p>(5)A Declaration of Waste Confirmation shall be provided to Council at the completion of the works.</p>	
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Conclusion

The proposed alterations and additions to the pub are considered to have no adverse effects to the any nearby heritage items and no adverse effects to surrounding neighbours or the local vicinity and considered compliant to all relevant Council planning controls as discussed above, therefore should be recommended for approval.