

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**PROPOSED ALTERATIONS AND ADDITIONS TO TEA  
GARDENS HOTEL INCLUDING EXTENSION OF  
OUTDOOR DINING AND INTERNAL ALTERATIONS  
TO THE HOTEL**

**172 MYALL STREET, TEA GARDENS, NSW, 2324  
(LOT 123, DP1044280)**



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## EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Tea Gardens Hotel (the client) to prepare a Statement of Environmental Effects (SEE) for alterations and additions to the existing hotel including extension of outdoor dining and internal alterations to the hotel (the proposal) at 172 Myall Street, Tea Gardens NSW 2324 (the site).

The site is located in Tea Gardens within the MidCoast Local Government Area and currently operates as a licenced hotel premises. The site contains two detached buildings with the building adjoining Myall Street utilised for hotel accommodation with the building adjoining Marine Drive utilised as the licenced premises. The proposed development relates only to the licenced premises adjoining Marine Drive and Maxwell Street. The proposed development is permissible with consent in the E1 - Local Centre zoned under the land use table in the Great Lakes Local Environmental Plan (LEP). The proposed development seeks consent for:

- Extension and formalisation of outdoor seating area,
- Internal alterations to Hotel,
- Elevation changes and site works.

The proposal has been assessed against the relevant statutory planning framework to identify and address the key planning requirements and site constraints. Any potential environmental issues or impacts are suitably managed or mitigated to enable the proposal to be approved by MidCoast Council.

The key reasons why the proposed development is acceptable are as follows;

- The development is permissible under the provisions of the Great Lakes LEP,
- The development is consistent with the relevant planning controls of the Great Lakes DCP,
- The development will provide additional accommodation and café facilities along the Pacific Highway.

## TERMS & ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
ASS	Acid Sulphate Soils
BAL	Bushfire Attack Level
BPL	Bushfire Prone Land
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
FFL	Finished Floor Level
DA	Development Application
DCP	Development Control Plan
LEP	Local Environmental Plan
LGA	Local Government Area
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

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## PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Attachment	Document	Prepared by	Reference
1	EP&A Regulation Compliance Table	Perception Planning	Ref: J004222 Dated:
2	DCP Compliance Table	Perception Planning	Ref: J004222 Dated: 27/06/24
3	Title and DP	Dye and Durham	Ref: 123/1044280 Dated: 14/12/23
4	AHIMs Search Result	AHIMS Web Services	Ref: J004222 Dated: 14/12/23
5	BYDA Search Result	Before You Dig Australia	Ref: 35602453 Dated 14/12/23
6	Architectural Plans	Sorensen Design	Ref: 2203354 Rev: H Dated:15/05/23
7	Building Code of Australia Report	Perception Planning	Ref: J004222 Dated: 28/11/2023
8	Stormwater Management Plan	DRB Engineering	Ref: 233320, Rev: A and dated 15/05/24
9	Arborist Report	Jason Pidutti Consulting Arborist	Dated 03/04/24
10	Statement of Heritage Impact	Contemporary Heritage	Issue: 2 and dated 27/06/2024
11	Traffic Impact Assessment	Traffic and Transport Planning Solutions (TTPS)	Ref: N349/2024/TIA Dated: 20/06/24
12	Site Waste Management Plan	Perception Planning	Ref: J004222

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## 1.0 INTRODUCTION

Perception Planning Pty Ltd has been engaged by Tea Gardens Hotel (the client) to prepare a Statement of Environmental Effects (SEE) for alterations and additions to the existing hotel (the proposal) at 172 Myall Street, Tea Gardens NSW 2324 (the site).

This SEE has been prepared in coordination with the client and other sub-consultants to demonstrate the relevant matters associated with the proposed development. The SEE examines the existing site location and conditions, how the proposed use relates to the location and the environment, and the planning merits of the proposal with respect to the relevant legislation, policies, and related requirements.

The site is located in Tea Gardens within the MidCoast Local Government Area (LGA). The site is zoned E1 – Local Centre under the MidCoast Local Environmental Plan 2014 (LEP), and the proposal is permissible with the consent of Council.

This SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. The SEE seeks to provide all the relevant information to give a suitable level of certainty to the consent authority that the proposal has a positive impact on the immediate area and the wider surrounds.

### 1.1 PURPOSE OF THE STATEMENT

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

This SEE has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure and Environment (now DPE) guide to the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) (s4.15).

The objectives of this SEE area as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPIs);
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.

## 2.0 SITE DETAILS

<b>Property Address</b>	172 Myall Street, Tea Gardens, NSW, 2324
<b>Lot and DP</b>	Lot 123 DP1044280
<b>Current Use</b>	Licensed Hotel and Accommodation
<b>Zoning</b>	E1 Local Centre
<b>Lot Size</b>	3818m <sup>2</sup>
<b>Site Constraints</b>	Minimum Lot Size – 700m <sup>2</sup> Floor Space Ratio – 0:1 Height of Buildings – 12m Active Street Frontage Map Tea Gardens Conservation Area Acid Sulfate Soils – Class 3 Flood Development Control Area
<b>Owner</b>	Owner's consent has been provided on the Application Form for the DA.

## 2.1 SITE DESCRIPTION

The site is located at 172 Myall Street, Tea Garden, NSW, 2324 (Lot 123 DP1044280) as shown in **FIGURE 1**, within the MidCoast Local Government Area (LGA). The site particulars are summarised in the table above, with site constraints obtained from the NSW Planning Portal.

The site is currently zoned E1 Local Centre under the LEP. The site currently operates as a licensed hotel known as the Tea Gardens Hotel. The site contains two buildings, one allocated for use as accommodation (adjoining Myall Street) and the other as the licensed hotel premises (adjoining Marine Drive). The site has frontage to Myall Street, Maxwell Street and Marine Drive with vehicular access provided from Maxwell Street. The site is bordered by E1 Local Centre zoned land to the east, south and west with a small portion of R2 Low Density Residential to the north-east of the site. Surrounding local development can be categorised as shop top housing including business premises and food/drink premises along Maxwell Street with existing business and shop fronts dominating along Myall Street.

The site is located with the local town centre of Tea Gardens and is therefore within the Tea Gardens Conservation Area. Additionally, the site is identified to be within the flood development control area however does not have an allocated PMF level as per MidCoast Council mapping.

The site has minimal non-native vegetation to the southern side of the site. The topography is level across the site.



**Figure 1** - Aerial imagery - (eSpatial Viewer, 2024)

## 2.2 CURRENT USE AND SITE HISTORY

A review of the MidCoast Council online DA Tracker did not identify any historical development applications relating to the site.

No known compliance matters exist over the site which would pose issues for the proposed development.

## 3.0 THE PROPOSED DEVELOPMENT

Development consent is sought for alterations and additions to the Tea Gardens Hotel including extension of outdoor dining and internal alterations to the hotel.

The characteristics of the proposed development include the following features:

### Extension and formalisation of outdoor seating area:

- Removal of temporary undercover dining area,
- Construction of timber deck and pergola to provide undercover outdoor seating,
- Outside bar and garden area,
- Outdoor lounge,
- Access to takeaway ordering and pick-up,
- Retaining wall and landscaping.

### Alteration to Hotel:

#### Ground Floor:

- Enclosing of beer garden with pergola and bifold windows to create indoor dining including stage and screen,
- New lounge to replace function room,
- Kitchen extension including new dry storeroom and takeaway ordering and pickup area,
- Relocation of hotel management office to rear of kitchen,
- Inclusion of lift,
- Coffee bar and revised seating design to include booth seating,
- Internal layout changes to increase open plan dining area,
- Additional bar space and reduction in pool room,
- Expansion of amenities and accessible amenities,
- Realignment of keg room and loading dock,

#### First Floor:

- Expansion of first floor to provide new private function room,
- New bar and cool room,
- Proposed smokers' terrace,
- New amenities including male, female and unisex/accessible amenities,
- Inclusion of lift,
- Booth seating.

Elevation Changes and site works:

- Rendering of façade,
- Replacement of existing signage, considered exempt under Subdivision 8 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*,
- Window and door upgrades,
- Proposed ramp and privacy screening
- Vegetation removal.

The alterations and additions will revitalise the existing hotel on site and provide additional formalised dining space to increase patron capacity. The hotel has a current licenced capacity for 500 patrons, the intention of the proposed development is to increase capacity to 1000 people across the venue. Seating capacity internally on the ground floor will not change, with the realignment of existing seating locations and typology however there will be an additional 30 seats provided upstairs and additional 114 seats in the outdoor dining.

Operationally, the hotel will remain the same, with hours of operation being:

- Sun-Wed: 10am-10pm
- Thurs-Sat: 10am-12am

The proposed architectural plans are provided as **Figure 2-3** and contained in **ATTACHMENT 6**.

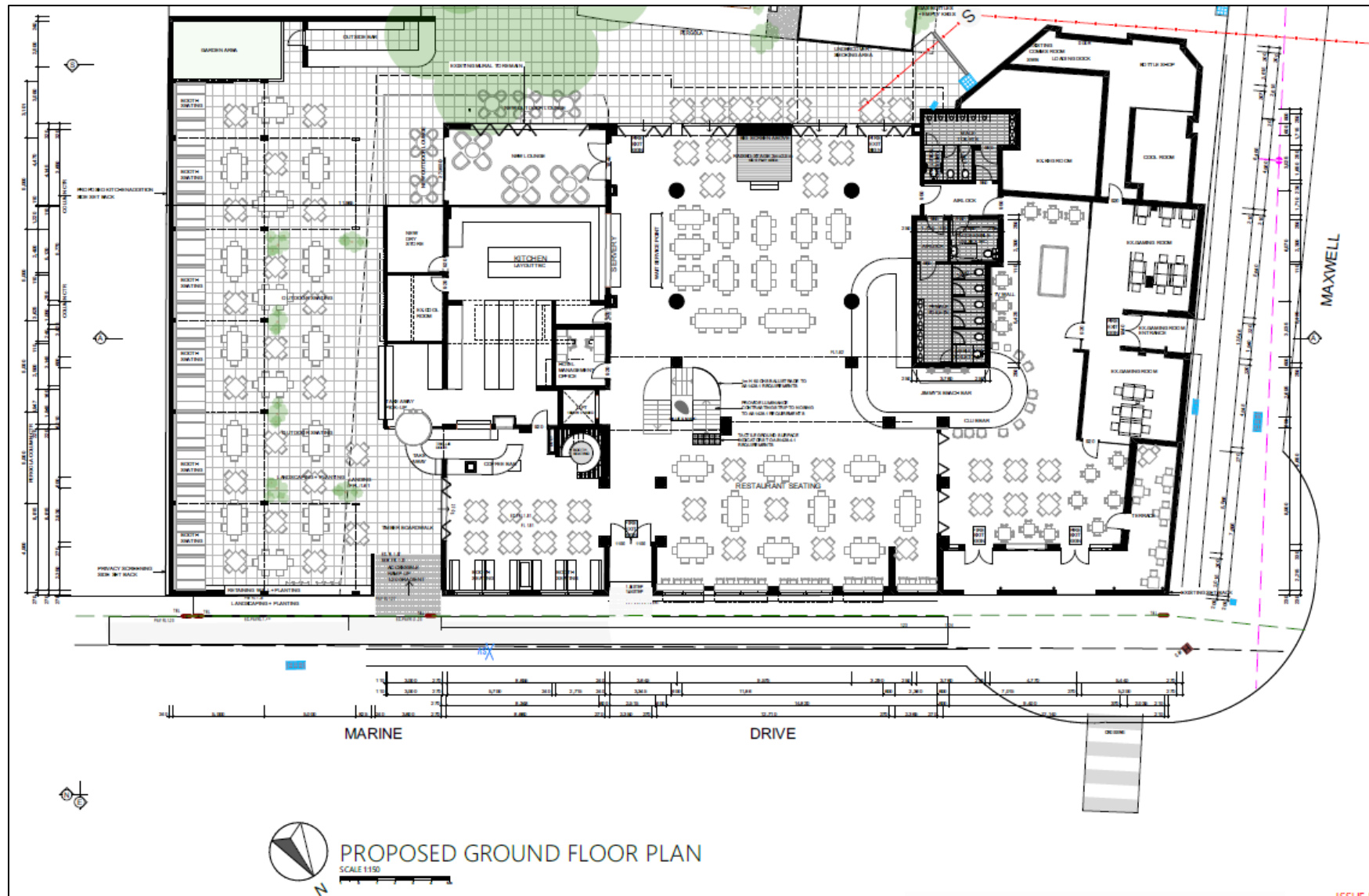
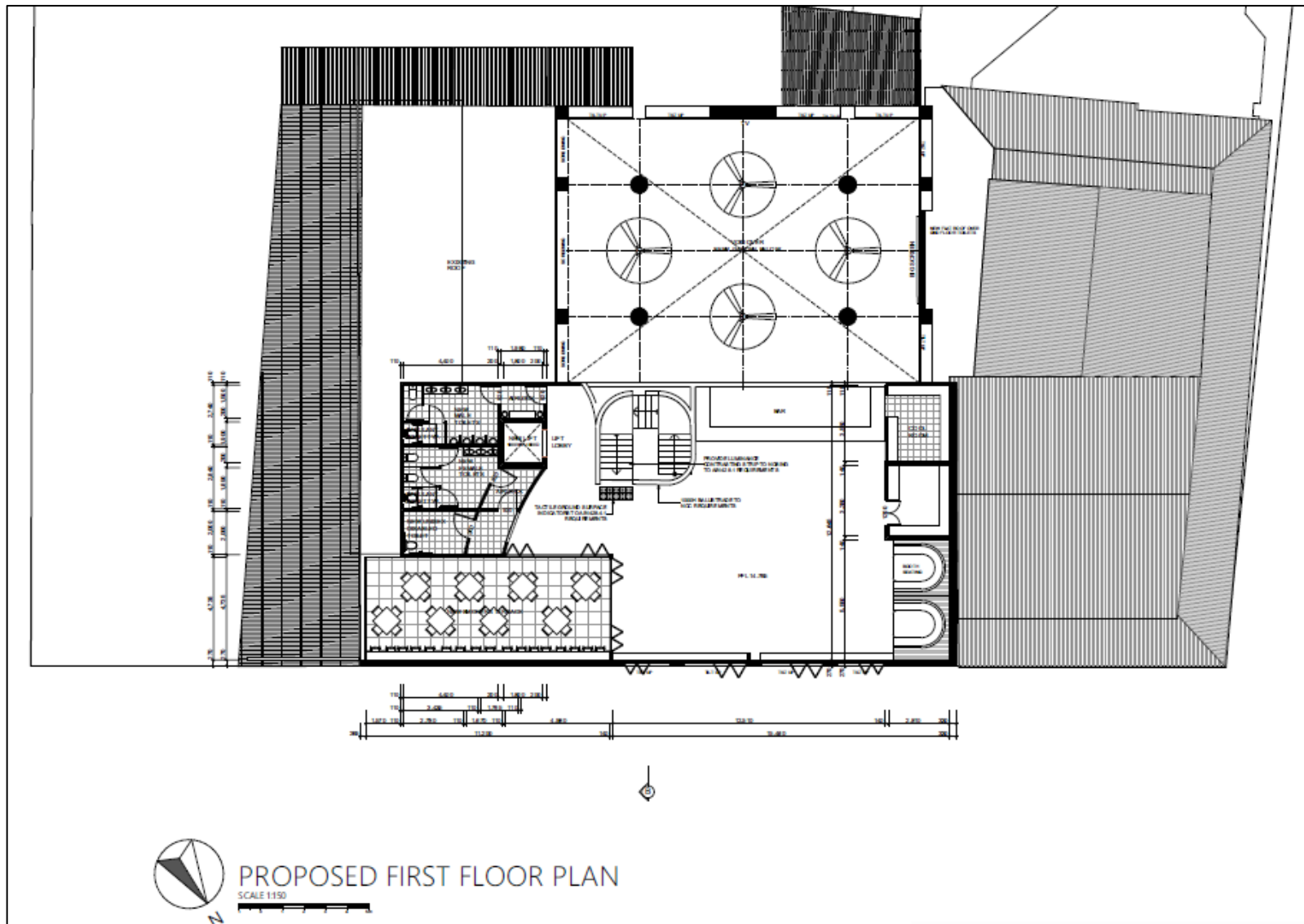


Figure 2 - Proposed Ground Floor Plan (Sorensen Design, 2024)



**Figure 3 - Proposed First Floor Plan (Sorensen Design, 2024)**

## 4.0 PLANNING FRAMEWORK

### 4.1 ACTS

All NSW Acts have been considered in the preparation of this SEE. The following Acts are considered relevant to the proposed development and discussed in further details below:

- *Environmental Planning and Assessment Act 1979*
- *Biodiversity Conservation Act 2016*
- *Water Management Act 2000*

#### 4.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The *Environmental Planning & Assessment Act 1979* (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this Statement below.

- **Section 4.46 – What is integrated development?**

Section 4.46 of the EP&A Act provides that integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more other approval. An assessment has been made against s.4.46 and in this instance the application is deemed to be integrated development (refer to **Table 1** below).

**Table 1** - Integrated Development

Integrated development	Section	Assessment
Fisheries Management Act 1994	s 144 s 201 s 205 s 219	N/A
Heritage Act 1977	s 58	No – the site is identified in the Tea Gardens Conservation Area however is not listed on the state heritage register, as such referral is not required.
Coal Mine Subsidence Compensation Act 2017	s 22	N/A – the site is not within a mine subsidence district.
Mining Act 1992	s 63, 64	N/A
National Parks & Wildlife Act 1974	s 90	N/A
Petroleum (Onshore) Act 1991	s 16	N/A

Protection of the Environment Operations Act 1997	ss 43(a), 47, 55 ss 43(b), 48, 55 ss 43(d), 55, 122	N/A
Roads Act 1993	s 138	N/A
Rural Fires Act 1997	s100B	N/A – the site is not identified as bushfire prone land.
Water Management Act 2000	ss 89, 90, 91	Yes – the proposed development is located within 40m of a mapped watercourse.

- **Section 7.11 – Development contributions?**

Council collects contributions from developers to provide local infrastructure and facilities under section 7.11 of the Environmental Planning and Assessment Act 1979. These funds are essential to ensure our infrastructure meets the needs of the growing population. Council can place conditions on certain types of development to require the levy of these contributions. Council's Development Contribution Plan outlines the process for collecting and expending local infrastructure contributions.

#### **4.1.2 BIODIVERSITY CONSERVATION ACT 2016**

The purpose of the Biodiversity Conservation Act 2016 (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The Biodiversity Values (BV) Map forms part of the Biodiversity Offsets Scheme Threshold which is one of the triggers for determining whether the Biodiversity Offset Scheme (BOS) applies to a clearing or development proposal.

The development site does not contain any areas of biodiverse value, nor is it in proximity to areas of biodiverse value. The proposed development includes the removal of non-native vegetation to the south-east of the site. An arborist report has been prepared as **ATTACHMENT 9** to demonstrate the vegetation for removal is identified within the exempt category. As such the development is not anticipated to have any adverse effect on the surrounding environment. No further assessment of the Act is required.

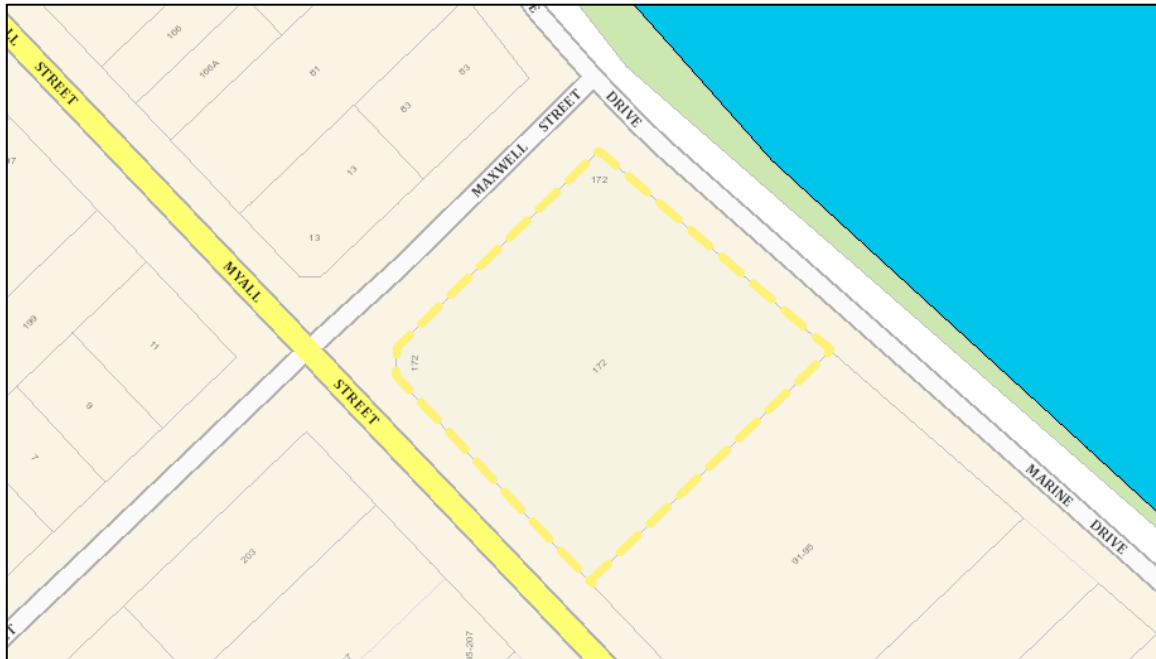
#### **4.1.3 RURAL FIRES ACT 1997**

The site is not identified as being bushfire prone land. No further assessment of the Rural Fires Act is required.

#### **4.1.4 WATER MANAGEMENT ACT 2000**

The subject site is located adjacent to Myall River (see **FIGURE 4** below). As such, the works will be located within 40m of a mapped watercourse however is not within a Drinking

Water Catchment. Referral and concurrence will be required from NRAR in accordance with Section 89, 90 and 91 of the Water Management Act 2000.



*Figure 4 - Mapped Watercourses (eSpatial Viewer, 2024)*

## 5.0 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

All SEPPs have been considered in the preparation of this SEE. An assessment of the applicable SEPPs is provided below, including:

- *SEPP (Resilience and Hazards) 2021*
- *SEPP (Biodiversity and Conservation) 2021*
- *SEPP (Transport and Infrastructure) 2021*

### 5.1 SEPP (RESILIENCE AND HAZARDS) 2021

#### Chapter 2 – Coastal Management

The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—

- managing development in the coastal zone and protecting the environmental assets of the coast, and*
- establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The site is identified as being a coastal environmental area and coastal use area (**Figure 5**).

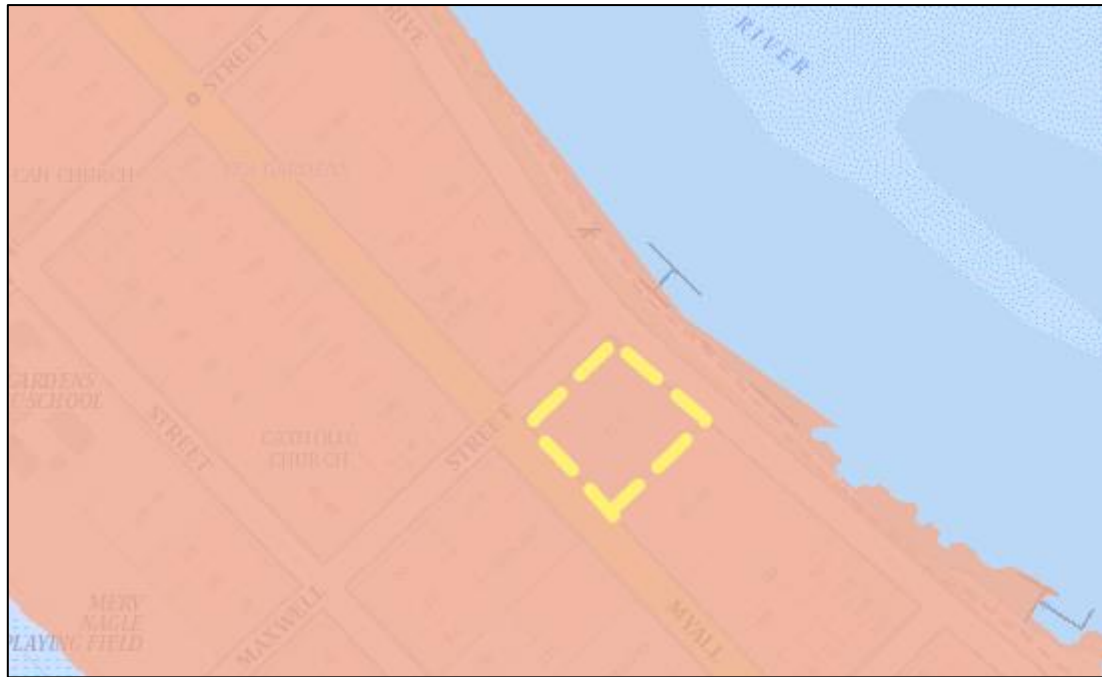


Figure 5 - Coastal Use and Environment Area (eSpatial Viewer, 2024)

Clause	Comment	Compliance
<b>2.10 Development on land within the coastal environment area</b>		
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—		
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment	It is not anticipated that the proposed development will significantly impact upon the integrity and resilience of the biophysical and ecological environments. The hydrological environment (surface water) will not be altered as stormwater resulting from increased impervious area will be managed on site as per stormwater management plans ( <b>ATTACHMENT 8</b> ). It is considered the proposed development will mitigate impact on the hydrological environment (surface water). The ground water hydrological environment will not be altered as a result of the proposed development.	Yes
(b) coastal environmental values and natural coastal processes,	The development does not present a significant intensification of the site and all impacts are localised to the allotment. The proposed alterations and additions will not alter the coastal environmental values or the natural processes.	Yes
(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of	The site is not located near any of the sensitive coastal lakes identified in Schedule 1. It is considered that the proposed development will therefore not impact upon the water quality of the marine estate.	Yes

the sensitive coastal lakes identified in Schedule 1,		
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	The proposed development includes removal of non-native vegetation. Further discussion on the impact to Koala Habitat is discussed in Section 5.2 of this Statement. The extent of vegetation impact is limited to the subject site and is not anticipated to impact on marine vegetation, undeveloped headlands or rock platforms as a result of the development.	Yes
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The subject site adjoins the foreshore area however the proposed development will not exceed the site boundaries. Therefore, no impact will occur to existing public open space nor will it alter access to and along any foreshore area, beach, headland or rock platform	NA
(f) Aboriginal cultural heritage, practices and places,	An AHIMs search has been completed and has identified one Aboriginal sites within a 50m radius of the site ( <b>ATTACHMENT 4</b> ). The Aboriginal site is located to the south of the site. The proposed development is minor in nature and will be limited to the subject site therefore is not anticipated to result in any physical impact on this identified Aboriginal site.	Yes
(g) the use of the surf zone.	The development will not impact upon the use of the surf zone.	NA
(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that		
(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or	There is no adverse impact identified through the assessment of subsection 1 of the SEPP.	Yes
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	As above there are no adverse impact identified, all impacts are considered to be appropriately managed.	N/A
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	As above, no adverse impacts will disrupt the coastal environment.	N/A
<b>2.11 Development on land within the coast use area</b>		
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—		
(a) has considered whether the proposed development is likely to cause an adverse impact on the following— (i) existing, safe access to and along the foreshore, beach, headland or rock platform for	The proposal will not affect existing and safe access to the foreshore and watercourse as the development will be contained within the subject site. The proposed design will not result in any unreasonable overshadowing, wind funnelling or significant loss of views and will not cause any detrimental impacts to the amenity or scenic	Yes

<p>members of the public, including persons with a disability,</p> <p>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p> <p>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>(iv) Aboriginal cultural heritage, practices and places,</p> <p>(v) cultural and built environment heritage, and</p>	<p>qualities of the coast. The existing building on site will be retained with minor external additions and internal alterations.</p>	
<p>(b) is satisfied that—</p> <p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p>		
<p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>	<p>Bulk and scale impacts and view sharing is assessed in more detail in this report, and is not considered to be an unreasonable design that significantly affects surrounding landowners/buildings and their potential for water views.</p> <p>The proposal is considered to not result in development with an adverse impact to the Coastal Environment Use Area and may be permitted with development consent.</p>	<p>Yes</p>

## Chapter 4 – Remediation of Land

The object of this Chapter is to provide for a State-wide planning approach to the remediation of contaminated land.

In accordance with Clause 4.6, a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

The subject site is currently utilised for the Tea Gardens Hotel and accommodation. There is no evidence that contaminating activities have historically occurred on site. As such, the land is unlikely to be subject to contamination and does not warrant further investigation. The subject site is suitable for the proposed development and the objectives of Chapter 4 have been satisfied.

## **5.2 SEPP (BIODIVERSITY AND CONSERVATION) 2021**

### **Chapter 4 – Koala Habitat Protection 2021**

This chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Section 4.4 and Schedule 2 of the SEPP identify the MidCoast Local Government Area as land to which the policy applies and subject to the North Coast Koala Management Area.

The key threats within the North Coast Koala Management Area have been identified as:

- Habitat clearing and fragmentation;
- Vehicle strike and dog attack;
- Bushfire;
- Invasive plant species;
- Disease;
- Reduction in feed trees; and
- Sea level rise.

The proposed development is not located within an area of identified koala habitat. Vegetation removal of non-native vegetation along the south-eastern boundary of the site is proposed however will not impact on koala feed trees. There is no impact identified on the koala habitat and the free-living population. Further assessment of this Chapter is not warranted.

## **5.3 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021**

The purpose of this Chapter is to facilitate the effective delivery of infrastructure across the state and identifying matters to be considered in the assessment of developments adjacent to particular types of development.

### Division 5, Subdivision 2 Development likely to affect an electricity transmission or distribution network

#### Section 2.48 – Determination of development applications – Other development

Penetration of the ground within 2m of underground electrical infrastructure triggers referral to electricity supply authority pursuant to Section 2.48(1)(a). Referral to the Electricity Supply Authority is not triggered for the proposed development as works below 2m are not proposed to occur.

### Division 12A, Subdivision 2 Development adjacent to pipeline corridors

#### Section 2.77 – Determination of development applications

The proposed development is not in the vicinity of a 'licenced' pipeline corridor as defined under Section 2.76 (2). Accordingly, the proposed development does not trigger referral to any pipeline operator pursuant to Section 2.76.

## Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations

Marine Drive and Maxwell Street are both identified as a local road under ownership of MidCoast Council. It is noted that the portion of Myall Street adjacent to the development is also a local road dedicated to Council however north of the site is identified as a regional road. Referral to Transport for NSW (TfNSW) for development on or adjacent to a classified road is not triggered under Sections 2.117, 2.118 and 2.119.

### Section 2.122 – Traffic Generating Development

In accordance with Section 2.122, development listed in Schedule 3 is identified as traffic-generating development. The proposed development for a food and drink premises is identified as traffic generating development if it provides car parking for 200 or more motor vehicles. The proposed development is required to provide an additional 10 parking spaces therefore does not warrant referral to TfNSW. A traffic impact assessment has been prepared for the proposed development (**ATTACHMENT 11**).

## **6.0 LOCAL ENVIRONMENTAL PLAN**

Pursuant to the Great Lake Local Environmental Plan 2014 (GLLEP) the subject site is land to which the local environmental plan applies. Accordingly, the GLLEP is the appropriate EPI to assess the development proposal.

- Permissibility

The site is zoned E1 Local Centre under the provisions of the GLLEP. Under the GLLEP 2014, the proposed development is categorised as alterations and additions to an existing hotel or motel accommodation which is permitted with consent in the zone. The use is defined as:

***hotel or motel accommodation*** means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

(a) *comprises rooms or self-contained suites, and*

(b) *may provide meals to guests or the general public and facilities for the parking of guests' vehicles,*

*but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.*

*Note— Hotel or motel accommodation is a type of tourist and visitor accommodation*

The existing premises provides tourist and visitor accommodation within the southwestern building on site. No alterations are proposed to the accommodation portion of the site however the development relates to the licenced premises and hotel in the northeastern portion of the site.

- Zone objectives

The Land Use Table of the LEP identifies the following objectives for the E1 Local Centre zone:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure traffic generation from development can be managed in a way that avoids conflict with the desired pedestrian environment.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage employment opportunities in accessible locations.*

### **Permitted without consent**

*Home occupations*

### **Permitted with consent**

*Amusement centres; Artisan food and drink industries; 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; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4*

The proposed development will provide an extension of the existing and successful Tea Gardens Hotel to provide additional dining and function space opportunities to the locality. The proposed development will create additional economic growth within the area and further opportunities employment to service the increased patron capacity. The proposed development will manage additional traffic generation however the site is located in an area that encourages walking and cycling. Accordingly, the proposal is consistent with the objectives for the zone.

- Clause 4.1 Minimum subdivision lot size

The objective of this clause is to ensure that lot sizes can accommodate development that is suitable for its purpose and that is consistent with relevant development controls. The site has a minimum lot size of 700m<sup>2</sup>. The site has an area of approximately 3646.27m<sup>2</sup> therefore meeting the minimum lot size. No further subdivision of the site is proposed.

- Clause 4.3 Height of Buildings

The objective of this clause is to ensure the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality. The site has a maximum building height of 12m. The existing premises on site has a height

of 8.88m. No increase to the existing building height is proposed as part of the development application.

- Clause 4.4 Floor Space Ratio

The objective of this clause is to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality. The site has a floor space ratio control of 0:1. The proposed development will result in an increased floor space ratio with an ultimate FSR of 0.51:1. This FSR will comply with the control.

- Clause 5.10 – Heritage conservation

The objective of this clause is to conserve the environmental heritage of Great Lakes. The site is identified within the Tea Gardens Conservation Area with Local Significance under the GLLEP. The site is also directly adjacent to Heritage Item 91-95 Marine Drive, Tea Gardens, known as “Universal Store”. The proposed development is supported by a Statement of Heritage Impact which identifies the new work will make a functional improvement over the existing building whilst improving the contribution the building and site make to the Tea Gardens Conservation Area (**ATTACHMENT 10**).

An AHIMs search has been completed and has identified one Aboriginal sites within a 50m radius of the site. The site is located to the south of the site. The proposed development is minor in nature and will be limited to the subject site therefore is not anticipated to result in any physical impact on this identified Aboriginal site. Should any Aboriginal objects be uncovered during future works, all works will cease in that location and contact shall be made with the appropriate person.

- Clause 5.21 – Flood Planning

The objectives of this clause are to minimise flood risk to life and property and to ensure compatibility of land uses with flood hazards. The site is identified within the flood development control area (**Figure 6**). The proposed development will utilise the existing hotel building and provide internal alterations. The exterior alterations will provide for additional outdoor dining spaces. It is considered that the premises will continue to manage risk to life and property resulting from flood as per the current processes.



receiving waters. The stormwater philosophy for the proposed development has been detailed within the stormwater management plans (**ATTACHMENT 8**) and include the following items:

- Onsite detention will be provided so that the site discharge is reduced from post-development peak flow rates to pre-developed peak flow rates where the pre-developed catchment reflects the current site development in accordance with Clause 1.2.2 of Mid Coast Councils' stormwater design guidelines.
- Water quality has been provided to satisfy councils reduction targets based on the increase in impervious area. These targets were obtained from Council based on "all other non-residential development - lots less than 2.500m<sup>2</sup> in size or where the percentage of existing impervious surface is greater than 10% of the area (regardless of lot size)" these targets can be seen in the music output table.
- Clause 7.7 Riparian Land and Watercourses

The objective of this clause is to protect and maintain water quality within watercourses and the stability of the bed and banks of watercourses. The proposed development is located within the riparian zone of Myall River to the northeast of the site. The proposed development will provide minor alterations and additions to the existing Tea Gardens Hotel. As the premises is existing, it is not considered that the development will result in adverse impacts to the watercourse. No further assessment of this section is required.

- Clause 7.10 Limited Development on Foreshore Area

The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area. Development consent must not be granted for development on land in the foreshore unless the development is an extension, alteration or rebuilding wholly or partly in the foreshore area. The proposed development is for the alteration and addition to the existing hotel premises therefore is permitted in under part 2(a) of this Clause.

- Clause 7.11 Development on the foreshore must ensure access

In deciding whether to grant consent for development on the foreshore, the consent authority must consider whether and to what extent the development would encourage continuous public access to and along the foreshore through or adjacent to the proposed development. The proposed development does not propose alteration to the existing access points into the hotel premises. It is noted that the outdoor dining extension will include a raised deck area with appropriate ramp access provided as per **ATTACHMENT 6**.

- Clause 7.13 Active Street Frontages

The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone E1 Local Centre. The site is identified as an active street frontage due to the E1 zoning (**Figure 7**). The site maintains a current active frontage and will provide a more functional and aesthetic frontage along Marine Drive with additional access points available as a result of the proposed additions.



## 8.1 BUILT ENVIRONMENT

The following matters are relevant to an assessment of any impacts on the built environment:

### 8.1.1 CONTEXT, SETTING AND VISUAL IMPACT

The proposed development will retain the existing visual amenity of the hotel with external alterations to revitalise the premises. The site is located within a heritage zone of local significance however as identified in the Statement of Heritage Impact (**ATTACHMENT 10**), the proposed development will make a functional improvement over the existing building whilst improving the contribution the building and site make to the Tea Gardens Conservation Area.

The proposed development will ensure the Tea Gardens Hotel can continue to meet the local and tourist demand for services and accommodation within the E1 zone. From the streetscape, the development will present a very similar outcome to the existing hotel however with minor alterations included to provide a more functional and revitalised dining spaces.

The colour and materials schedule has not been determined at this stage however is intended to be reflective of the heritage locality. The proposed development will provide continuation of a local business, whilst ensuring compatibility with the character of the site and immediate locality.

### 8.1.2 ACCESS, TRANSPORT & TRAFFIC

The proposed development will utilise the existing formed carparking on site with no further alteration to parking proposed. The development is intended to increase patrons however is not identified as traffic generating development. The site is well located and connected to provide pedestrian and cycling opportunity.

The site will continue to maintain driveway access from Maxwell Street. A traffic assessment has been prepared to support this development application (**ATTACHMENT 11**). The report concludes that the projected traffic generation resulting from the proposed development will have no significant adverse implications on the adjacent road network. Although the proposed parking provision does not meet the DCP parking requirements, the overall on-street parking in the surrounding streets can easily accommodate an additional parking demand of up to 10 parking spaces. To this extent, the proposed development is not anticipated to have a detrimental impact on the traffic and transport network.

### 8.1.3 PUBLIC DOMAIN

The development will retain the existing frontages and activation of the streetscape. The development involves minor external alterations and will provide a more functional hotel space therefore contributing positively to the public domain.

### 8.1.4 SERVICES

A Before You Dig (BYD) request was completed with the results provided at **ATTACHMENT 5**. Service connections to the site are not proposed to change as a result of this development however alteration to internal alignment will result. The hotel is currently serviced with electricity, reticulated water and sewer with an updated stormwater management system to

result from the increase of impervious area on site. No additional demands are expected to be placed on the services as a result of the proposed development.

### **8.1.5 SAFETY, SECURITY, AND CRIME PREVENTION**

No safety, security or crime prevention is required for this development. The proposed development offers additional services and dining locations for existing members and guests utilising a currently underdeveloped portion of the site.

- Increased activity within and around the site through the expansion of the existing Hotel;
- Clearly defined boundaries between the site to public walkway, for example through the use of footpaths, clear entrances to the proposed outdoor dining area and landscaping;
- Clear sightlines and visibility are provided within the development area;
- Low level planting to maximise surveillance opportunities across the site;
- Open air deck on the first floor at the front of the renovated Hotel, providing opportunities for passive observation of the site's frontage;
- Existing security system to include additional surveillance of the extended outdoor dining area;
- Directional signage and adequate lighting of building and surrounding areas; The site does not contain thoroughfares to adjoining properties; and
- Pedestrian and parking access points are clearly defined throughout and are easily identifiable.

Based on the above measures, it is envisaged that the development can be appropriately managed to minimise the potential risk of crime and to maximise public safety.

### **8.1.6 NOISE & VIBRATION**

Construction noise will be as per normal construction hours and will cease once construction is completed.

Acoustic impacts as a result of the proposed development will be managed by the staff. This will include the movement of patrons to inside the building around midnight from the proposed outdoor dining area. The additional floor area internally will assist in providing greater space for patrons which in turn reduces the need for heightened verbal acoustics.

## **8.2 NATURAL ENVIRONMENT**

### **8.2.1 ECOLOGY**

The development proposes minor vegetation removal of non-native trees along the southeastern boundary of the subject site. An arborist report has been prepared to review the proposed vegetation for removal (**ATTACHMENT 9**). The site is existing developed land and as such the proposed development is not expected to have any detrimental impacts on any ecology on the site.

### 8.2.2 ARCHAEOLOGICAL

A search of the Aboriginal Heritage Information Services (AHIMS) database (4 December 2023) identified an Aboriginal heritage site within a 50m buffer of the subject site (**ATTACHMENT 4**). The site is located to the south of the site. The proposed development is minor in nature and will be limited to the subject site therefore is not anticipated to result in any physical impact on this identified Aboriginal site.

Should any Aboriginal objects be uncovered during future works, all works will cease in that location and contact shall be made with the appropriate person.

### 8.2.3 STORMWATER

The stormwater philosophy for the proposed development has been detailed within the stormwater management plans (**ATTACHMENT 8**) and include the following items:

- Onsite detention will be provided so that the site discharge is reduced from post-development peak flow rates to pre-developed peak flow rates where the pre-developed catchment reflects the current site development in accordance with Clause 1.2.2 of Mid Coast Councils' stormwater design guidelines.
- Water quality has been provided to satisfy councils reduction targets based on the increase in impervious area. These targets were obtained from Council based on "all other non-residential development - lots less than 2.500m<sup>2</sup> in size or where the percentage of existing impervious surface is greater than 10% of the area (regardless of lot size)" these targets can be seen in the music output table.

## 8.3 SOCIAL & ECONOMIC IMPACTS ON THE LOCALITY

### 8.3.1 SOCIAL

Social impact is best defined by (Armour 1992) that describes changes that occur in:

- People's way of life (how they live, work, play and interact with one another on a day-to-day basis),
- Their culture (shared beliefs, customs and values), and
- Their community (its cohesion, stability, character, services and facilities).

The proposed development is for alterations and additions to the existing Tea Gardens Hotel. The result of this development is anticipated to have minimal social impacts. The site will be serviced by suitable facilities and services without resulting in additional burdening of the existing supply available within the area. The proposed development provides positive economic and social impacts by facilitating the ongoing activation within the local centre.

The proposed development will result in a revitalised hotel venue that can provide for private functions and accommodate a greater number of patrons within the locality without adversely impacting on the surrounding area and furthermore will not disadvantage or benefit any particular social group.

### 8.3.2 ECONOMIC

There are no anticipated adverse economic impacts as a result of the proposed development. The proposed development is not out of character with the existing locality context and will provide opportunity for additional employment and economic opportunity

through the expansion of the existing hotel. The proposed alterations and additions will not involve an increased risk to public safety and will not threaten the existing sense of community, identity or cohesiveness, rather will contribute to the increase of these aspects in the locality.

## **9.0 SUITABILITY OF THE SITE AND PUBLIC INTEREST**

The application design includes all elements required under the relevant planning instruments and policies, and there are no anticipated negative impacts on the locality as a result of the development. To this extent, the site is suitable for development.

## **10.0 CONSULTATION**

If this application is formally notified, any submissions received by Council will be considered. We welcome the opportunity to respond to any submissions to address any concerns expressed by the public.

## **11.0 CONCLUSION**

This SEE has shown that the development is within the public interest, from a social, economic, and environmental perspective. The proposed alterations and additions including expansion of outdoor dining area and internal alterations to the Tea Gardens Hotel is the most suitable option for the development of the site. Any relevant matters have been addressed through this SEE.

The key reasons why the proposed alterations and additions to the Tea Gardens Hotel is acceptable are as follows:

- The development is permissible under the provisions of the Great Lakes LEP,
- The development is consistent with the relevant planning controls of the Great Lakes DCP,
- The development will provide additional accommodation and café facilities along the Pacific Highway.

The proposed alterations and additions will have no negative effects on the environmental features of the locality. The development will allow for increased patronage on site in a revitalised and functional space that aligns with the E1 zoning of the site.

The proposed development will provide a well-coordinated and sustainable development while retaining and protecting the local centre character of the area as required by the Great Lakes LEP. We look forward to Councils determination of this matter. If we can provide any further information or clarity, please don't hesitate to contact us.



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