

Christopher // Lloyd
Consultant Planners

STATEMENT OF ENVIRONMENTAL EFFECTS

Lot 5 /-/ DP 753178
1378 The Bucketts Way ALLWORTH NSW 2425

Development Application for:

Change of Use of the Existing Cafe and Distillery to an Artisan Food and Drink Premises, Change of Hours, and Additions to Building

19 December 2024

Prepared by:

Christopher Lloyd Consultant Planners
ABN 78 653 445 384
P.O Box 3040
Umina Beach NSW 2257

T: +61 423 983 023
E: christopher@christopherlloyd.com.au
W: www.christopherlloyd.com.au

Basis of Report

This report has been prepared by Christopher Lloyd Consultant Planners (CLCP) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with the Client. Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of the Client. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from CLCP.

CLCP disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work

CONTENTS

1.	INTRODUCTION.....	3
2.	SITE ANALYSIS, CONTEXT and PROPOSED WORKS	3
a.	Site Location and Context.....	3
b.	Surrounding Context.....	5
c.	Planning History	5
d.	Description of the Proposed Works.....	5
3.	RELEVANT LEGISLATION, STRATEGIES AND PLANNING CONTROLS	7
a.	Legislative Controls.....	7
b.	Environmental Planning and Assessment Act NSW 1979	7
c.	Section 4.14 Consultation and development consent—certain bush fire prone land	7
d.	SEPP (Resilience and Hazards) 2021	7
e.	Draft MidCoast Local Environmental Plan.....	8
f.	Great Lakes Local Environmental Plan 2014 (GLLEP)	8
g.	Great Lakes Development Control Plan 2014 (GLDCP 2022)	12
4.	SECTION 4.15 ASSESSMENT.....	13
(1)	Matters for consideration—general	13
5.	CONCLUSION	15

1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) is submitted to MidCoast Council (**Council**) in support of a Development Application (**DA**) seeking consent for the change of use of the existing Cafe and Distillery to an Artisan Food and Drink Premises and additions to building on land at 1378 the Bucketts Way Allworth (**the site**).

This document describes the site, its environs, and the proposed development, and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act 1979**), with consideration of the proposal against the provisions of relevant planning instruments, including Great Lakes Local Environmental Plan 2014 (**GLLEP**), Great Lakes Development Control Plan 2014 (**GLDCP**), and relevant state planning controls.

The proposed works are permissible with the consent of Council, and meet the intent and objectives of the relevant planning controls and standards. It is considered unlikely that the proposed development would adversely impact on surrounding properties or the environment and warrants the support of Council.

2. SITE ANALYSIS, CONTEXT and PROPOSED WORKS

a. Site Location and Context

The site is legally identified as Lot 5 /-/ DP 753178, commonly known as 1378 the Bucketts Way Allworth. The site is a large irregular shaped rural allotment, on the eastern side of The Bucketts Way. The site is predominately covered by vegetation, has an area of 47.3 hectares and is zoned RU2 Rural Landscape under the provisions of Great Lakes LEP 2014. The property fronts The Bucketts Way along its western boundary. The allotment is identified as being designated bushfire prone land, however, is not flood prone and does not contain potential acid sulphate soil.

Nearby allotments are generally large rural allotments containing significant areas of vegetation.

Refer to **Figure 1** for aerial image of site, and **Figure 2** for Survey.

Substantial roadworks have been completed as part of the establishment of the cafe and distillery, providing TfNSW compliant access to the site.

Figure 1: Aerial View of Site and Surrounds - Site in Yellow Dash

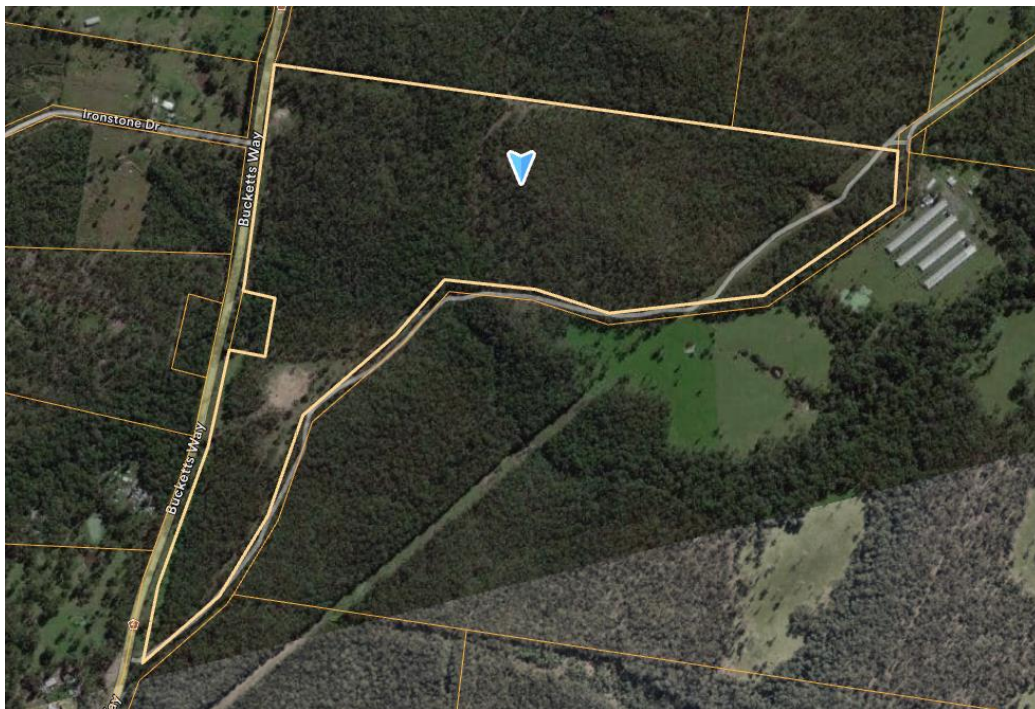
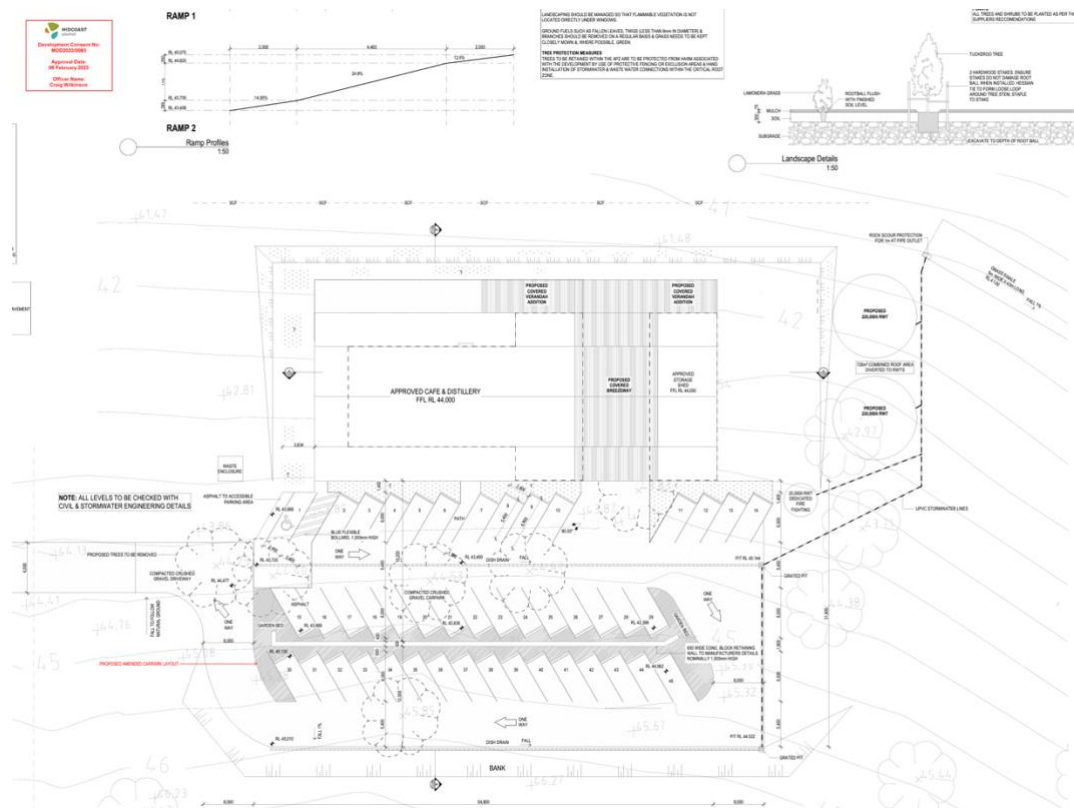


Figure 2: Approved MOD2022/0083 Plans



b. Surrounding Context

The site is within the local government area of MidCoast Council and is located generally opposite the intersection of The Bucketts Way and Ironstone Drive, with the entry and facilities subject to this application located approximately 500m south of the intersection. The site is bound to the North, east, and south by RU2 Rural Landscape zoned land, generally void of substantial development.

c. Planning History

Council's records indicate the following development on the site:

- DA34/2018 was granted development consent on 21 March 2018 and Included:
 - A café and distillery;
 - Car Parking;
 - Ancillary Storage Shed;
 - Associated Earthworks; and
 - Dwelling
- MOD2022/0083 was granted development consent on 06 February 2023 and included:
 - Amended carpark layout;
 - A roof covering to the existing Breezeway;
 - 2 x 220,000lt rainwater tanks;
 - Modifications to windows and doors of approved storage shed;
 - Increased roof area of existing verandahs;
 - Removal of part of Condition 17 from the consent (tree replanting); and
 - Amending Condition 1 of the consent (approved plans)

The approved and subsequently modified development has been largely completed and is currently in operation.

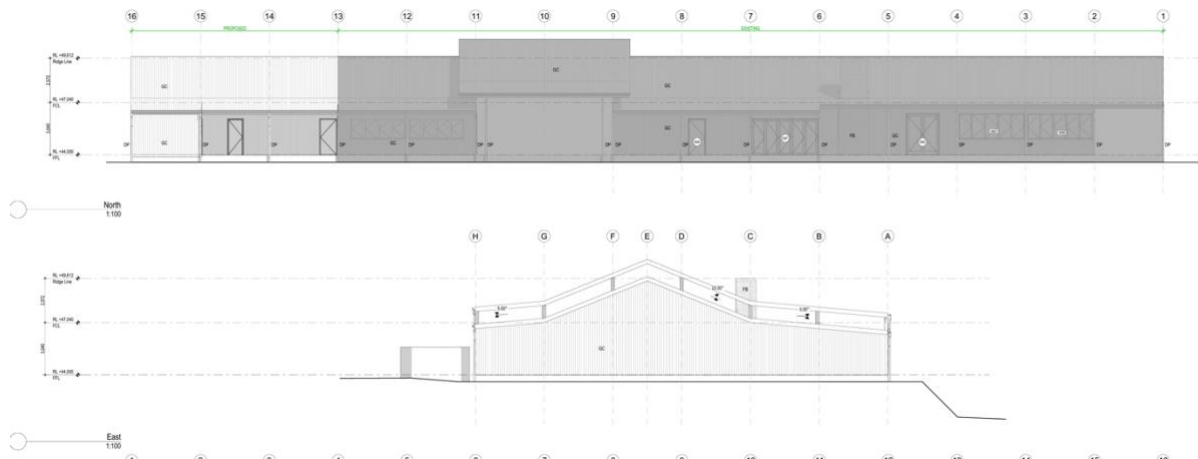
d. Description of the Proposed Works

Consent is sought for the following (refer **Figures 3 - 4**):

- Change of use from the approved Cafe and Distillery use to that of an Artisan Food and Drinks Premises;
- Additions of a 235m² storage shed attached to the eastern end of the existing Cafe and Distillery structures;
- Minor additional verandah area to link proposed additions to existing structures;
- Additions of four staff toilets and shower;
- Permission to play music in outdoor areas of the venue:
 - Existing consent Condition 43 prohibits amplified or live music on the basis that adjoining residences may be impacted – the closest of which is 350m away.

We believe this was erroneously applied at the time of consent noting that Condition 44 specifies Intrusive noise levels that must not be exceeded at residences; and

- ### Figure 3: Proposed Site Plan



3. RELEVANT LEGISLATION, STRATEGIES AND PLANNING CONTROLS

a. Legislative Controls

The following Environmental Planning Instruments and Development Control Plans are relevant to the proposed development:

- *Environmental Planning and Assessment Act 1979*;
- *State Environmental Planning Policy (Resilience and Hazards) 2021*;
- *Great Lakes Local Environmental Plan 2014 (GLLEP)*; and
- Great Lakes Development Control Plan 2014 (GLDCP).

The draft MidCoast Local Environmental Plan which has recently closed exhibition post gateway determination has also been considered.

b. Environmental Planning and Assessment Act NSW 1979

The proposal is subject to the provisions of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. Section 4.15 of the EP&A Act provides criteria which a consent authority is to take into consideration, where relevant, when considering a Development Application (**DA**). An assessment of the subject DA, in accordance with the relevant matters prescribed under Section 4.15 is provided within this SEE.

c. Section 4.14 Consultation and development consent—certain bush fire prone land

The subject site is mapped as being bushfire prone land. The additions proposed are to be utilised wholly for storage and staff bathrooms, and are attached to the existing approved structure. All Bushfire protection measures inclusive of approved APZ are able to be maintained with the proposed works.

A Bushfire Certificate prepared by Newcastle Bushfire Consulting, dated 07/11/2024 has been included in the application which concludes “*The final recommendation is that the proposed development offers compliance with Planning for Bush Fire Protection (2019). There is potential for bushfire attack at this site and a list of recommendations has been included in the above assessment to reduce that risk*”. Same APZ distances are recommended as approved previously.

d. SEPP (Resilience and Hazards) 2021

The proposal is subject to the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)*, specifically Chapter 4 – Remediation of Land.

Clause 4.6(1) identifies that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Assessment:

Given the historic and current use of the site and wider area as heavily vegetated rural lands, no contamination of land is expected or likely to be found on site. Should it have been reasonably expected that contamination would have been present, it is anticipated that this would have been identified by Council or the EP&A during previous assessment of the development.

e. Draft MidCoast Local Environmental Plan

The draft MidCoast Local Environmental Plan has recently closed exhibition post gateway determination and as such has been considered in the preparation of this application. The site is mapped to hold an altered zone, from Ru2 to Ru4, however no change to the permissibility of the proposed use is found within the draft documents, with the land use term Artisan food and drink industries finding its way to the permitted with consent table, as opposed to being captured under the mother term Industries as is the case with the current LEP.

f. Great Lakes Local Environmental Plan 2014 (GLLEP)

The *Great Lakes Local Environmental Plan 2014 (GLLEP)* is the principal environmental planning instrument governing development on the subject site. An assessment against the relevant controls of the GLLEP 2014 has been undertaken in the subsections below. The proposal complies with all relevant provisions.

Zoning, Permissibility and Objectives

The site is located within the RU2 Rural Landscape zone, refer **Figure 5**. The land use table and relevant objectives of the zone are:

Zone RU2 Rural Landscape

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land.*
- *To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.*

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agriculture; Airports; Airstrips; Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments;

*Environmental facilities; Environmental protection works; Exhibition homes; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Hazardous storage establishments; Helipads; Heliports; Home-based child care; Home businesses; Hotel or motel accommodation; Industrial training facilities; **Industries**; Information and education facilities; Jetties; Kiosks; Landscaping material supplies; Marinas; Mooring pens; Moorings; Neighbourhood shops; Offensive storage establishments; Open cut mining; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Sewerage systems; Signage; Timber yards; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities*

4 Prohibited

Any development not specified in item 2 or 3

The proposed change of use is seeking to alter the use of the approved cafe and distillery to better align to the actual use of the site, noting that the term sought - that of an *Artisan Food and Drinks Premises*, was not available at the time of the original consent, however it is now permissible development through the term *Industries*, per below:

industry means any of the following—

- (a) general industry,
- (b) heavy industry,
- (c) light industry,
- but does not include—
- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

Note—

Light industries are a type of **industry**—see the definition of that term in this Dictionary.

artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

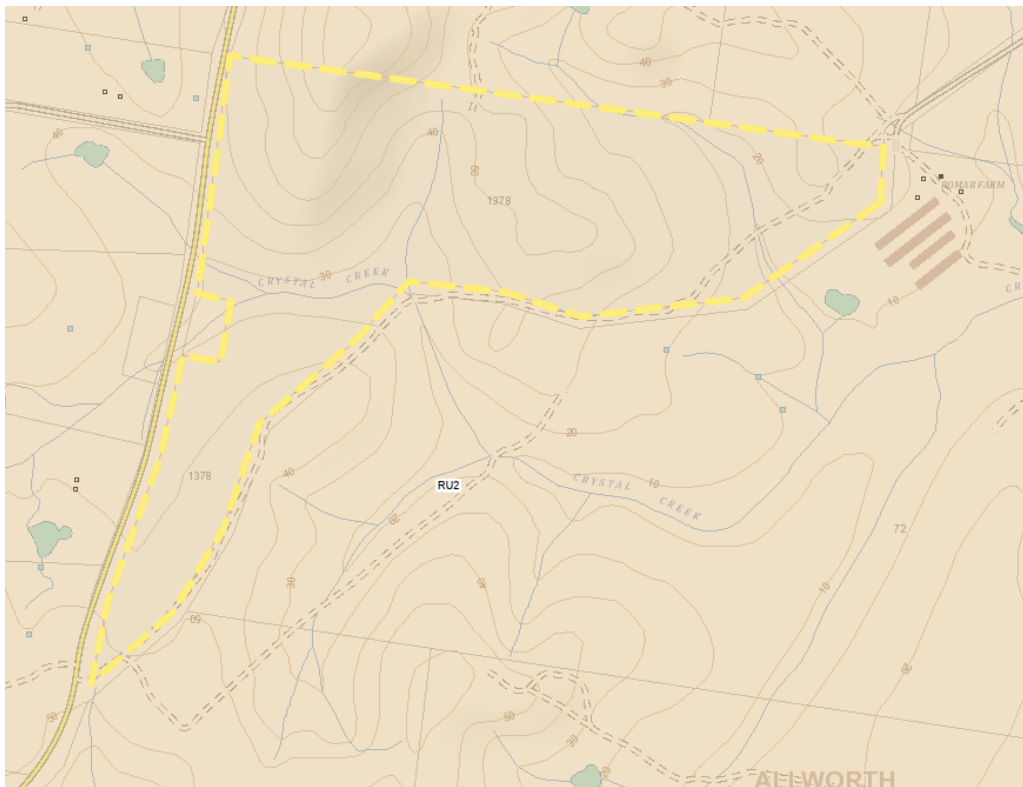
- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (c) facilities for holding tastings, tours or workshops.

Note—

See clause 5.4 for controls in certain zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

Figure 5: Zone Map Extract



Assessment: The DA complies with the RU2 Rural Landscape zone in that:

- The land use proposed is permitted with consent;
- The development does not alter the approved use of the site, and retains the landscape character of the site; and
- The development provides for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land.

The land use term *Artisan Food and Drinks Premises* better suits the actual use of the site, and would have been sought originally if it were an available definition at the time of the first consent. The portion of the site subject to this application manufactures boutique, artisan drink products, labelled as Farmers Wife Distillery. The premises also includes a retail area for the sale of the products, areas for the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, and provides facilities for holding tastings, tours or workshops.

No detrimental impacts would occur as a result of the change of use proposed.

Clause 4.3 Height of buildings

Clause 4.3 of the GLLEP 2014 states that *the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

Assessment: The subject site is mapped as having an 8.5m maximum height. The proposed development would not result in any additional height over that approved and constructed, being 6.58m, meeting the numerical requirements of this clause.

Clause 4.4 Floor space ratio

Clause 4.4 of the GLLEP 2014 states that *the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

Assessment: The subject site is mapped as having a 0.4:1 maximum allowable floor space ratio. The subject site measures 47.3Ha in area, with the proposed plans showing an increase of 254.34m², resulting in a floor space ratio of 0.04:1, meeting the numerical requirements of this clause.

Clause 5.4 Controls relating to miscellaneous permissible uses

The provisions of Clause 5.4(10) detail the additional requirements for the total maximum floor area able to be used for retail sales, specifically:

Artisan food and drink industry exclusion *If development for the purposes of an artisan food and drink industry is permitted under this Plan in Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or a rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—*

(a) 10% of the gross floor area of the industry, or

(b) 50 square metres,

whichever is the lesser.

Assessment: The subject development would maintain the existing area for retail sales as approved, being shelving located along the southeastern internal wall of the cafe area, totalling approximately 8-16m² in area, meeting the numerical requirements of the control. Specific conditions can be placed on consent to ensure no future changes result in the area expanding beyond the permissible limits.

Clause 7.1 Acid sulfate soils

Class 5 Acid Sulfate Soils are mapped for the site. Works more than 500 metres from 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 require an acid sulfate soils management plan.

Assessment: The excavation for the proposed additions would not exceed a nominal 400mm. As such, no acid sulfate soils management plan is required.

Clause 7.2 Earthworks

Development consent must not be granted unless the consent authority is satisfied that all essential services are available to the development.

Assessment: No manifest change to the approved ground floor levels is proposed or required to facilitate the works proposed. The pad for the additions exists currently, and will require only minor alteration to facilitate the works.

Clause 7.5 Stormwater management

Development consent must not be granted to development on any land unless the consent authority is satisfied that the development includes (amongst other matters), if practicable, on-site

stormwater retention for use as an alternative supply to mains water, groundwater or river water, and avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland, groundwater, wetlands and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

Assessment: No change to the approved stormwater management of the development is proposed or required under this modification. Additional water tanks were approved under MOD2022/0085 that will enable the increased captured rainwater to be retained for future use and will reduce the impact of stormwater runoff from that approved.

Clause 7.7 Riparian land and watercourses

The objective of this clause is to protect and maintain the water quality within watercourses, the stability of the bed and banks of watercourses, aquatic and riparian habitats, and ecological processes within watercourses and riparian areas. The numerical figure to be cognisant of is detailed as 40m.

Assessment: The proposed additions are located 73m from the top bank of the closest watercourse. No further consideration of this clause is required.

Clause 7.21 Essential services

Development consent must not be granted unless the consent authority is satisfied that all essential services are available to the development.

Assessment: All essential services including the supply of water services, electricity, the disposal of waste, stormwater drainage, and vehicular access is present on site, and is to remain generally unaltered as a result of the proposed works.

g. Great Lakes Development Control Plan 2014 (GLDCP 2022)

The Great Lakes Development Control Plan 2014 (**GLDCP**) applies to all land within the former Great Lakes area of the MidCoast LGA, and as such, applies to the subject land. The proposal is assessed for compliance against the GLDCP 2014 in Table 1.

Table 1: Great Lakes Development Control Plan 2014 Compliance Table

Great Lakes Development Control Plan (DCP) 2014	
Section 4 – Environmental	
4.1 Ecological Impacts	Complies - Yes
Comment: The relatively minor enlargement of the approved development is to occur wholly on previously disturbed areas of the site. Approved ecological impacts remain same.	
4.4 Effluent Disposal	Complies - Yes
Comment: No change to the approved effluent disposal system of the development is proposed or required under this modification.	
The additional two toilets are capable of being incorporated to the existing OSSM, and any modifications can be conditioned to be undertaken in accordance with the relevant approvals of Council.	

Section 7 - Industrial Development	
7.1 Retailing in Industrial Areas	Complies - Yes
Comment: The maximum area for retail component of the development is compliant with the provisions of Clause 5.4 of the LEP.	
7.2 Building Setbacks	Complies - Yes
Comment: No change to the approved front setback is proposed under this application.	
7.3 Appearance and General Amenity	Complies - Yes
Comment: The change of use and additions proposed would result in there being no manifest change in appearance of the development when viewed from the public domain.	
Section 10 Carparking & Access	
	Complies - Yes
Comment: The application proposes no change to the number of approved car parking spaces, presently 45. The additional building area proposed is wholly for the storage and ageing of manufactured goods, and will not result in an increase to the patrons or staff of the approved cafe and distillery.	
Section 11 – WSUD	
	Complies - Yes
Comment: No manifest change to the approved stormwater management of the development is proposed or required under the change of use and additions proposed. Existing water tanks are sufficient to retain captured rainfall in excess of the requirements of the controls. Existing Stormwater systems are considered suitable for the ongoing use of the site.	

4. SECTION 4.15 ASSESSMENT

The proposed development has been evaluated with regard to the matters for consideration of section 4.15 of the EP&A Act that have not been addressed elsewhere within this statement.

(1) Matters for consideration—general

In determining a development application, a consent authority must take into consideration such of the following matters as are relevant to the development application:

(a) The Provisions of

(i) any Environmental Planning Instrument

State and Local Environmental Planning Instruments have been assessed within this report. The proposed development is not inconsistent with any EPI.

(ii) any Draft Environmental Planning Instrument

The Draft MidCoast LEP has been considered in the preparation of this application. The proposed use and works are compliant with the objectives and stated controls of the draft instrument.

(iii) any Development Control Plan

Consideration has been given to the provisions of the relevant Development Control Plan. The proposed development is generally consistent with the objectives of GLDCP 2014.

(iiia) any Planning Agreement

No Planning Agreement is applicable to this application.

(iv) The Provisions of the Regulations

Consideration has been given to the relevant provisions prescribed by the regulations where relevant.

(b) Likely Impacts of the Development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposal is well designed having regard to the relevant provisions of the GLLEP and GLDCP, and Council's Codes and Policies.

The development is compatible with existing development in the area, and is unlikely to create an unreasonable demand for public services or substantially reduce existing levels of service, or to adversely affect the aesthetic and scenic value of the land and its setting, or to interfere unreasonably with the amenity of adjoining properties.

(c) Suitability of the Site for the Development

The subject site is considered suitable for the proposed development, with the proposed works enabling a more accurate land use description to be attained, and further the existing use of the distillery by increasing the storage capacity to cater for increased growth.

(d) Any Submission Made in Accordance with this Act or the Regulations

Any submission received will be addressed appropriately should the consent authority request it.

(e) The Public Interest

It is considered that the proposed development would have no detrimental effect to the public interest, and would remain fully compliant and compatible with the local character.

5. CONCLUSION

This Statement of Environmental Effects has considered all natural and built constraints and hazards and found the site to be suitable for the proposed change of use of the existing Cafe and Distillery to an Artisan Food and Drink Premises with additions to building on land at 1378 the Bucketts Way Allworth. Additionally, it has been found that the proposal can be achieved without having significant detrimental impacts on the natural environment, built environmental, visual or scenic qualities of the local streetscape, or amenity of neighbours.

The proposal is compliant with the requirements of GLLEP and GLDCP, where relevant, the development maintains and complies with the stated objectives of the controls and does not detrimentally impact any adjoining development, or the public domain in any manner.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is considered warranted



CHRISTOPHER ROSS

B.Des(Arch), MPlan, MPIA

Director CLCP

Call at any time on 0423 983 023

