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Annexure 3 – DCP Compliance Checklist – Extension of Hours of Operation at the George Tavern – 5 Molly Morgan Drive, East Maitland

The below table identifies those parts of the *Maitland Development Control Plan 2011 (the DCP)*, dated 11 September 2018 that are relevant to the Development Application (*the Application*) that seeks consent to extend the trading hours of the George Tavern (*the Tavern*), located at 5 Molly Morgan Drive, East Maitland (*the Subject Site*), from 1:30am to 4:00am, Mondays to Saturdays. The tables below identify and assess the Application against the relevant provisions for each part of the DCP. This table is to be read in conjunction with the Statement of Environmental Effects (*the Statement*) for supporting information.

Relevant Parts of the DCP		
Part	Section	Relevant
Part A – Administration	A.1 - Introduction	✓
	A.2 – Preparing an Application	✓
	A.3 – Lodging an Application	✓
	A.4 – Notification	✓
	A.5 – Post Determination Matters	Not relevant.
Part B – Environmental Guidelines	B.1 – Introduction	Not relevant.
	B.2 – Domestic Stormwater	Not relevant.
	B.3 – Hunter River Floodplain	Not relevant.
	B.4 – On-site Sewage Management Systems	Not relevant.
	B.5 – Tree Management	Not relevant.
	B.6 Waste Not – Site Waste Minimisation and Management	✓
	B.7 – Riparian Land and Waterways	Not relevant.

Relevant Parts of the DCP		
Part	Section	Relevant
	C.1 – Accessible Living	Not relevant.
	C.2 – Child Care Centres	Not relevant.
	C.3 – Exhibition Homes	Not relevant.
	C.4 – Heritage Conservation	Not relevant.
	C.5 – Industrial Land	Not relevant.
	C.6 – Outdoor Advertising	Not relevant.
Part C – Design Guidelines	C.7 – Outdoor Dining	✓
	C.8 – Residential Design	Not relevant.
	C.9 – Sex Services Premises and Restricted Premises	Not relevant.
	C.10 – Subdivision	Not relevant.
	C.11 – Vehicular Access and Car Parking	✓
	C.12 – Crime Prevention Through Environmental Design	✓
Part D – Locality Plans	No relevant sections.	Not relevant.
Part E – Special Precincts	No relevant sections.	Not relevant.
Part F – Urban Release Areas	No relevant sections.	Not relevant.

Part A – Administration

A.1 – Introduction

Provision	Complies	Comment
<p>1.2 Aims</p> <p>The aims of this DCP are:</p> <p>a) To provide a detailed planning document that outlines requirements for development which meets community expectations and addresses the key environmental planning issues of the Local Government Area;</p> <p>b) To identify certain development as advertised development and to detail public notification requirements in accordance with Section 74C of the EPA Act;</p>	<p>✓</p>	<p>The Application is assessed against the relevant provisions of the DCP below for its compatibility with community expectations and alleviation of key environmental planning issues.</p> <p>The proposed extension in hours of operation for the Tavern is expected to result in no adverse social impacts on the community nor adverse impacts to the environment. This is evident from the findings in the Acoustic Report, attached to the Statement at Annexure 5. Extending the hours of operation is therefore acceptable, subject to the continued implementation of the Tavern's rigorous Plan of Management (Annexure 4) during the proposed extend trading period.</p> <p>Notification of the Application is expected to be carried out under Maitland City Council's standard notification and advertising process.</p>

A.2 – Preparing an Application

2.1 Before you begin

Pre-application discussion with relevant Council staff prior to preparation of detailed plans is highly recommended to ensure that the development proposal is permissible under the LEP, to ensure that all relevant matters are addressed in the application, and that adequate supporting documentation is submitted.

For larger or more complex proposals, it is recommended that applicants meet with Council's Development Control Unit. The Unit is a team of senior Council staff responsible for the assessment of development, subdivision and construction certificate proposals. It provides advice aimed at avoiding delays during application processing and maintaining effective communication. Attendance at the Panel does not infer an approval from Council.



The Application only concerns an extension to the hours of operation for the Tavern, from 1:30am to 4:00am, Mondays to Saturdays. There are no construction works proposed in the Application.

The proposal in the Application is not considered complex. The Tavern trades till 1:30am, Mondays to Saturdays, under its previous approval DA/2020/520:1.

2.2 Preparing an Application

A Development Application must be accompanied by a Statement of Environmental Effects and other relevant documentation as prescribed under the EPA



The Application is accompanied by a Statement of Environmental Effects. A DA document schedule is attached to the Statement at **Annexure 1** which lists the

Regulation 2000 (Schedule 1). Council's Application Form Guides can assist in this regard by identifying the types of information required.

The supporting documentation required with an application will vary with the nature of the proposal, its size and complexity, the other agencies from which comment or approval is required and the particular environmental characteristics of the land to be developed. Additional detail regarding issues to be addressed, and the resulting documentation requirements, can be found throughout this DCP.

supporting documentation submitted with the Application including:

- Hotel layout drawings;
- DA Document Checklist;
- DCP Compliance Checklist (this document);
- The Tavern's current Liquor Licence;
- Plan of Management with appendices; and,
- Acoustic Report.

A.3 – Lodging an Application

3.1 Application Form and Documentation

All Development Applications must be lodged with the Development Application Form, the Statement of Environmental Effects and appropriate accompanying documentation. Applicants should refer to Council's Application Guide for details.



The Application is accompanied by a DA document schedule, attached to the Statement at **Annexure 1**. All relevant application forms, including owner's consent, have been provided through the NSW Planning Portal submission.

3.2 Fees and Charges

All Development Applications attract fees and charges for the administration and assessment of the proposal, including public notification and advertising if required. Council's Corporate Management Plan contains all the relevant information and is updated annually. Applicants should ensure they have consulted the current document.



Contact details for payment of lodgement fees for the Application have been provided with the NSW Planning Portal Submission of the Application.

A.4 – Notification

4.1 Preamble

Formal notification of development applications is a requirement of the legislation. There are different requirements for different development types. This section identifies which development types require notification and the form that notification shall take. It also defines if and how modifications to development approvals are notified.



The Application is considered **Advertised Development**. The application is not **integrated development**.

Public consultation is expected to be carried out by Maitland City Council on the submitted development application and accompanying documentation during the standard neighbour notification and advertising process. Any submissions received as a result are for the Council's consideration in its assessment of the application against applicable plans and policies.

Part B – Environmental Guidelines

B.6 – Waste Not – Site Waste Minimisation and Management

Provision	Complies	Comment
5. Operational Phase		
5.2 Commercial Development and Change of Use		
a) Specific Controls		
I. The waste area should provide separate containers for the separation of general waste from recyclables.	✓	Waste management at the Tavern will continue under current provisions. The low patronage expected during the extended hours of operation will be readily accommodated under existing waste provisions. A SWMMP is therefore considered unnecessary, given that there are also no construction works proposed in the Application that would increase waste on the Subject Site.
II. If Council is not the provided waste contractor, then a valid contract with a licensed waste facility is to be kept by the premises or the body corporate managing the site for the collection of waste and recyclables.		
b) Submission Requirements		
I. A completed SWMMP shall accompany the development application, indicating measures for the construction phase (if required) and its ongoing use.		
II. The SWMMP or plans submitted with the application shall show the location of on-site individual or communal waste/ recycling storage area/s or room/s of an appropriate size to accommodate waste and recycling bins, either provided by Council or by a private waste facility. These areas are to be large enough to accommodate the waste generated by the development and be accessible by the waste contractor.		

Part C – Design Guidelines

C.7 – Outdoor Dining

Provision	Complies	Comment
3. DEVELOPMENT MATTERS		
3.2 Site Considerations		
<u>Where outdoor dining is undertaken on private land:</u>		
p) Dining areas located above ground level shall not cause nuisance to neighbours. Where private dining areas front a footpath or road they shall be demarcated in an appropriate fashion.	✓	The Application proposes the extension of hours of operation for the whole of the Tavern including its private outdoor dining areas. As such, the Application is accompanied by an Acoustic Report, attached at Annexure 5 of the Statement. The assessment contained within the Acoustic Report concludes that there will be no added nuisance to neighbours as a result of the extended hours of operation. For further details, please refer to Section 3 of the Statement.

3.5 Amenity

Amenity

g) *There is to be no interference with the residential amenity of the area by reason of the emission of any noise or smell.*



As stated in the Statement, the nearest residential receiver is located approximately 120 metres south east of the Subject Site. The Acoustic Report takes into account this residential receiver and the extended hours of operation sought for the Tavern in the assessment. The Acoustic Report concludes that the proposed extended trade for the Tavern will comply with relevant noise criteria. For further details, please refer to Section 3 of the Statement.

C.11 – Vehicular Access and Car Parking

2. GENERAL REQUIREMENTS

2.1 General Principles

In determining the parking and traffic requirements for a development proposal, the following principles shall be followed:

- *the minimum standards as set out in this plan;*
- *the likely demand for of-street parking generated by the development;*
- *the availability of public transport in the vicinity to service the proposed development;*
- *the probable mode of transport to be used by employees and/or customers;*
- *the likely peak times of usage of the proposed development;*
- *the existing traffic volumes on the surrounding street network including, where relevant, the potential future traffic volumes; and*



There are no construction works proposed in the Application that would increase the floor area of the Tavern. There is no trigger that would imply additional traffic and parking as a result of the proposed extended operating hours at the Tavern.

C.12 – Crime Prevention Through Environmental Design

1. Preamble

1.1 Development Requirements

Development Controls

The following developments shall include a detailed Crime Prevention through Environmental Design assessment that is prepared by an accredited person.

- *Mixed use residential/commercial development*
- *Medium and high density residential development*
- *Other high use areas or developments where crime may be an issue.*



The Application has been assessed against the NSW Police's *Crime Prevention Through Environmental Design* strategy in the Statement. The assessment concludes that the Application will continue to retain provisions that minimise the risk of crimes to occur at the Tavern through appropriate territorial re-enforcement, surveillance, access control and space/activity management. For further details, please refer to Section 4 of the Statement.

END OF DOCUMENT