



STATEMENT OF ENVIRONMENTAL EFFECTS

FOR THE GEORGE TAVERN SEEKING EXTENDED HOURS OF OPERATION

AT 5 MOLLY MORGAN DRIVE, EAST MAITLAND

AUGUST 2021 / 191389.10S

DESIGN
COLLABORATIVE





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Statement of Environmental Effects

Prepared for submission to Maitland City Council

For an extension to hours of operation between
1:30am and 4:00am, Monday to Saturday

At

The George Tavern
5 Molly Morgan Drive, East Maitland

Prepared By
Design Collaborative Pty Ltd.

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Version History				
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191389.10S	26 July 2021	First Revision	KJ	DR
191389.10S	2 August 2021	Second Revision	KJ	DR
191389.10S	3 August 2021	Client Review	KJ	Client
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Annexures			
Annexure No.	Title	Prepared / Issued by	Date
1.	DA Checklist	Design Collaborative	20 August 2021
	DA-01-1	Site Plan	Darren Mah Design
	DA-01-2	Basement Plan	Darren Mah Design
	DA-01-3	Ground Floor Plan	Darren Mah Design
3.	DCP Checklist	Design Collaborative	20 August 2021
4.	Liquor Licence (LIQH400115229)	Liquor & Gaming NSW	2 December 2020
5.	Plan of Management	Design Collaborative	20 August 2021
6.	Acoustic Report	Muller Acoustic Consulting	9 August 2021



1. Introduction and Executive Summary

This Statement of Environmental Effects (*the Statement*) accompanies a 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*), between 1:30am and 4:00am, Monday to Saturday.

DA/2020/520 approved alterations and additions to the existing Tavern on 7 September 2020. Condition 9 of this approval imposed a limit on hours of operation for the Tavern of between 9am and 1:30 am the following day, Monday to Saturday, and 10am to 10pm, Sundays. Bottle shop trading hours were also imposed on the development consent from 9:00am to 11:00pm, Monday to Saturdays, and 10am to 10pm, Sundays.

Modification application DA/2020/520:1 was approved by Council on 2 June 2021 to correct an error with respect to the trading hours imposed on the Tavern under Condition 9.. The hours of operation were updated to reflect those approved under its liquor licence for Sunday to permit trade between 10:00am and 12 midnight. Bottleshop trading hours were also updated to 9:00am to 12 midnight, Mondays to Saturdays, and 10:00am to 11:00pm, Sundays.

This Application seeks to extend the operating hours of the Tavern for an additional two and a half hours Monday to Saturday that will permit trade between 9:00am and 4:00am, Monday to Saturday. The extended trade of the Tavern will allow greater flexibility to patrons seeking facilities for recreation and socialisation late at night. The only late-night trading venues presently in the surrounding area are a 24/7 fast food outlet and a service station which operates from 5am. The proposed late-night trading for the Tavern will have significant benefit to the community, being a premises that offers shelter, food and drink and, in the event of an emergency, safety and security. Patronage is expected to reflect those low levels seen during the current extended trading period of 12am to 1:30am, comprising of locals and shift workers from the neighbouring Stockland Green Hills shopping centre and nearby Maitland Private Hospital. Shift workers from the new Maitland Hospital, due for completion in early 2022, will also benefit from these late night facilities.

There are no changes proposed to the Tavern's trading hours on Sundays nor the weekly trading hours of the bottleshop.

This Statement describes the site and surrounding area, the nature of the proposed development and sets out the statutory and policy context. It undertakes an assessment of the Application under the heads of consideration as required by Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979*.

1.1 Summary of the Subject Site and Surrounding Area

The Subject Site comprises the Tavern, a single storey building with basement storage. The balance of the Subject Site is off-street parking for patrons.. The Tavern is currently under renovation, completing works approved under DA/2020/520. Once completed, the ground floor of the Tavern will provide a sports bar, internal and external bistro dining areas, gaming room and an internal and external sports viewing and TAB area. The Subject Site will also provide 120 off-street parking spaces. Approved drawings for the layout of the Hotel are provide at **Figure 2** and **Figure 3**, below.

The Subject Site is surrounded by a number of commercial developments, most notably the Stockland Green Hills Shopping Centre. The shopping centre surrounds the Subject Site to the south-west and contains a number of retail and commercial premises. Other commercial premises that surround the Subject Site include a 24/7 gym and various professional services. There is no



nearby residential dwelling that might be impacted directly by the late-night operation of the Tavern. A detailed overview of the site and surrounding area is presented in **Section 2** of this Statement and an aerial photograph is provided at **Figure 1**.

1.2 Summary of Proposed Application

The Application proposes an extension to the hours of operation for the Tavern. The total hours of operation if the Application is granted will permit the Tavern to operate between 9:00am and 4:00am the following day, Monday to Saturday. The Application itself relates only to those hours between 1.30am and 4am. There are no changes proposed to the approved hours of operation for the Tavern on Sundays nor the w bottle shop.

The Tavern will continue to operate under its existing rigorous Plan of Management that includes provisions on the responsible service of alcohol and patron management. This Plan of Management has been updated to reflect the proposed hours of operation sought as well as more recent legislative changes to the *Liquor Act, 2007* (**Annexure 5**). The provisions in the Plan of Management 'have proven to be successful in mitigating adverse amenity impact on the surrounding area, evident from the lack of adverse reports in the Tavern's incident register and nil complaints made to Council concerning its late night operation.

Section 3 of this Statement provides further details regarding the works proposed as part of the Application.

1.3 Summary of Planning Assessment

Parts 4 and 5 of this Statement undertake an assessment of the Application as required using the heads of consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

That assessment identified the following key matters.

- **Acoustics** – An Acoustic Report accompanies the Application at **Annexure 6** which has assessed the potential acoustic impacts that the proposed extended trading period may have on the amenity of the surrounding area. The Acoustic Report concludes that the extended hours for the Tavern will result in no adverse acoustic impacts on the amenity of the surrounding area. For further details, please refer to *Section 3* of this Statement.
- **Traffic and Parking** – There are no physical changes nor an increase in floor area proposed to the Tavern in the Application that would trigger a requirement for additional parking. Following renovations, the Hotel will provide 120 off-street parking spaces. The Hotel will not trade during the late hours with anywhere near its peak parking demand, satisfied by the approved 120 off-street parking spaces. Consequently, the existing number of off-street parking spaces will readily provide for all patrons to park on-site during the extended hours of 1.30am-4am. period.
- **Waste** - There are no physical changes proposed to the Tavern in the Application that would warrant an increase in waste generation on the Subject Site.
- **Social Impact** – The Tavern has successfully operated for a number of years under a rigorous Plan of Management. As such, the Plan of Management has been updated and adopted and attached to the Application at **Annexure 5**. Updates have been made to the provisions in the Plan of Management concerning hours of operation and recent legislative changes to the *Liquor Act, 2007*. Continued implementation of this Plan of Management will ensure the

Tavern continues its good management practices and mitigates the potential for adverse social impacts on the amenity of the surrounding area. Under s. 209 of the *Gaming Machines Act, 2001*, a consent authority is prohibited from restricting or otherwise regulating the keeping or operation of gaming machines. Consequently, the provision of gaming machines during the proposed extended trade has not been assessed in the Statement. For further details, please refer to *Section 3* of this Statement.

1.4 Key Benefits

The Application proposes to extend the operating hours of a reputable establishment within the Green Hills commercial core, offering facilities for recreation and socialisation to the local community and visitors to the area. The extended hours of operation will allow the Tavern to continue offering these facilities to those seeking late at night such as locals from the East Maitland area and shift workers from the adjacent Stockland Green Hills Shopping Centre and nearby Maitland Private Hospital. The Tavern will also cater to shift workers from the nearby Maitland Hospital once completed in early 2022.

The Tavern has operated beyond 12 midnight for almost 50 years with no adverse incidents recorded in its register nor complaints made to Council regarding late night trade. This indicates good management practices and adherence to the Tavern's rigorous Plan of Management. The Applicant is committed to continuing the good management practices of the Tavern during the proposed extended hours of operation.

An updated Plan of Management accompanies the Application which duplicates the Tavern's existing provisions on the responsible service of alcohol, crowd control and security. To mitigate the risk of adverse impact on the amenity of the surrounding area, the Application proposed continued adherence to these provisions..

The local setting of the Tavern will prevent the requirement for excessive travel for those seeking facilities of recreation and socialisation late at night. The Subject Site's existing 108 space car park will continue to service the Tavern during the proposed late night trading period. Given the low patronage numbers during the present late night trading period, it is expected that these will be reflected during the proposed extended trading period. Provisions for car parking on site will easily accommodate expected patronage levels during the late night trade and traffic generation is not expected to increase to adverse levels for the surrounding area.

The extended hours of operation will allow for greater employment opportunities in the commercial core through the provision of staff and security. The staff and security employed during late night trade will be essential in ensuring any impact on the amenity of the surrounding area from the late night trade of the Tavern is mitigated.

The proposed extension in hours of operation will contribute to the economic recovery of a hospitality venue that has been severely impacted by restrictions as a result of the COVID-19 pandemic. The proposed extended hours of operation will ensure the continued operation of a local and reputable venue that offers employment opportunities to locals and facilities of recreation and socialisation.

The proposed late-night trading for the Tavern will have significant benefit to the community, being a premises that offers shelter, food and drink and, in the event of an emergency, safety and security for the general public.



This Statement concludes that there are no sound town planning reasons why development consent should not be granted to the Application as proposed.



2. Site and Surrounding Area

2.1 The Site

The Subject Site is located at 5 Molly Morgan Drive, East Maitland, legally described as Lot 310 on DP 1031540. The Subject Site is approximately 5893sqm with a frontage of approximately 78 metres to Molly Morgan Drive. An aerial photograph of the Subject Site is shown below in **Figure 1**.



Figure 1 – Aerial photograph of Subject Site (outline red) (Source: Nearmap)

The Subject Site is presently improved with a 108 space car park that surrounds the Tavern with landscaping. Access to the Subject Site is provided via two ingress and egress driveways from Molly Morgan Drive.

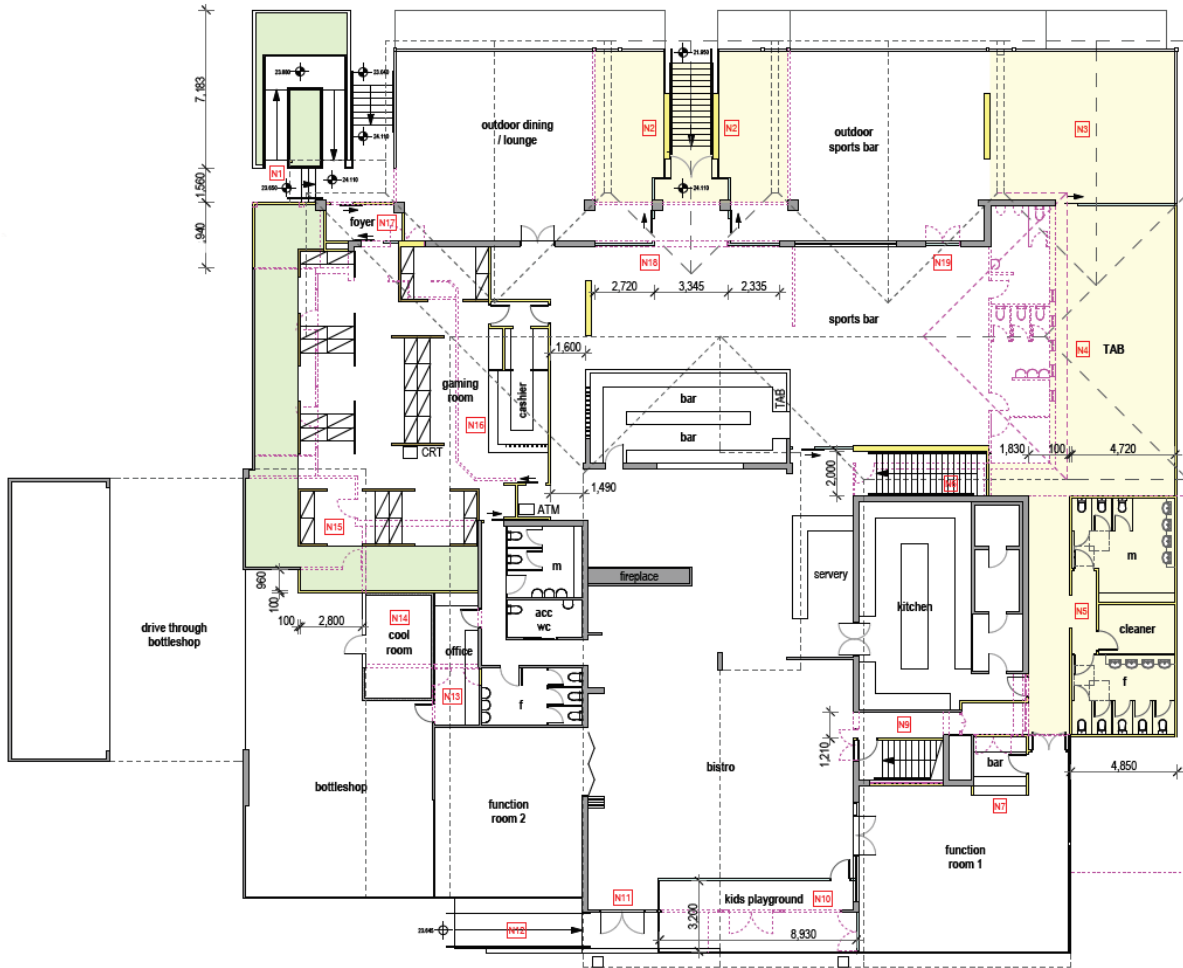


Figure 3 – Ground floor plan of the Tavern for works approved under DA/2020/520 (Source: Darren Mah Design; dated 8 Jul 2020)

The Tavern is currently being renovated to construct works approved under DA/2020/520. Upon completion, the basement of the Tavern will contain storage areas and a staff room. A coffee cart also occupies the basement level of the Tavern on a terrace area to the north of the basement footprint. Once works are completed, the ground floor of the Tavern will contain a bar area, sports bar, bistro, kitchen, outdoor dining/lounge, outdoor sports bar, TAB area, gaming room, two function rooms, kids playground, amenities, back of house facilities and a drive through bottle shop. The subject site will provide a total of 120 off-street parking spaces.

2.1.1 Relevant Site Planning History

D62/72 – Development consent D62/72 was granted by Maitland City Council on 8 November 1972 for the construction of a Hotel on Lot 3 of DP242212 on Molly Morgan Drive, East Maitland. A further approval for the construction of the Hotel with carpark was granted in **DA42/74** on 5 September, 1974. There was no condition of consent issued under this consent with respect to restricting trading hours at the Tavern.

D5/79 – Development consent D5/79 was granted by Maitland City Council on 5 March 1979 for the construction of an adjoining residence to the existing Tavern. There were no conditions of consent issued under this consent with respect to restrictions on trading hours. **BA106/1979** was

approved on 16 March 1979 for the works proposed in D5/79 with no restriction imposed on the Tavern's trading hours.

DA22/89 – Development consent DA22/89 was granted by Maitland City Council on 10 April 1989 for the construction of a beer garden and surrounding landscape works adjoining the existing Tavern. There were no conditions of consent issued under this consent with respect to restrictions on trading hours. **BA545/89** was approved on 31 July 1989 for the works proposed in DA22/89 with no restriction imposed on the Tavern's trading hours.

DA122/90 – Development consent DA122/90 was granted by Maitland City Council on 24 August 1990 for alterations and additions including an extension to the existing lounge area. As a condition of consent at the time, the requirements of the Liquor Administration Board in regard to licensing of Entertainment Areas was to be addressed in the submission of a Building Application for the proposed works. This Building Application, **BA791/90** was approved on 21 December 1990 for the works proposed in DA122/90 with no restriction imposed on the Tavern's trading hours.

DA19292 – Development consent DA19292 was granted by Maitland City Council on 19 December 1991 for an extension to the existing residential dwelling adjoining the Tavern. There were no conditions of consent issued under this consent with respect to restrictions on trading hours. **BA1031/91** was approved on 20 December 1991 for the works proposed in DA19292 with no restriction imposed on the Tavern's trading hours.

DA94252 – Development consent DA94252 was granted by Maitland City Council on 4 October 1994 for alterations and additions to the Tavern. There were no conditions of consent issued under this consent with respect to restrictions on trading hours. **BA950100** was approved on 29 August 1995 for the works proposed in DA94252 with no with no restriction imposed on the Tavern's trading hours.

DA05-3142 – Development consent DA05-3142 was granted by Maitland City Council on 13 March 2007 for an extension to the Tavern's deck area. There was no condition of consent issued under this consent with respect to restrictions on trading hours.

DA09-1151 – Development consent DA09-1151 was granted by Maitland City Council on 11 August 2009 for alterations to the Tavern. There was no condition of consent issued under this consent with respect to restrictions on trading hours.

DA/2020/520 – Development consent DA/2020/520 was granted by Maitland City Council on 7 September 2020 for alterations and additions to the Tavern including an expanded outdoor sports bar area, relocation of gaming room and TAB facilities and new back of house facilities. Access to the Tavern was improved through new entryways and staircases while staff access to the basement storage areas was improve through an internal staircase.

Condition 9 of the development consent imposed a limitation to operating hours on the development consent from 9:00am to 1:30am, Mondays to Saturdays, and 10:00am to 10:00pm, Sundays and public holidays. The bottleshop was limited to 9:00am to 11:00pm, Monday to Saturday, and 10:00am to 10:00pm, Sundays and public holidays. This is the first record of Council conditioning the hours of operation of the Tavern in its development history.

DA/2020/520:1 – Modification application DA/2020/520:1 was approved by Maitland City Council on 2 June 2021 to modify development consent DA/2020/520 concerning the operating hours of the Tavern and bottleshop. Condition 9, as detailed above, was modified as such:



- Tavern operating hours from 10:00am to 12 midnight on Sundays to reflect the recent approval of extended trade issue by Liquor and Gaming NSW;
- Bottleshop operating hours amended to 9:00am to 12 midnight Mondays to Saturdays, and 10:00am to 11:00pm, Sundays, to reflect legislative changes for take-away sales under the *Liquor Act, 2007* from the *Liquor Amendment (Night Time Economy) Regulation, 2019*.
- Removal of restriction on public holiday operating hours.

2.2 The Surrounding Area



Figure 2: Surrounding area of Greenhills with the Subject Site (outlined red), neighbouring Stockland Green Hills Shopping Centre (outline yellow) and nearby Two Mile Creek (dashed blue) (Source: Nearmap).

To the north of the Subject Site, across Molly Morgan Drive, are a number of commercial tenancies including a medical centre and dental surgery. To the east of the Subject Site, are more commercial premises and professional services including a 24/7 gym, psychologists and social housing service. The Stockland Green Hills Shopping Centre surrounds the Subject Site to the south and west. The Stockland Green Hills Shopping Centre is a stand-alone shopping centre containing a range of retail and commercial premises including supermarkets, discount department stores, retail shops, personal services businesses, cafes and restaurants and an external bottle shop, service station and drive-in fast food outlet.

2.2.1 Public Transport and Parking

The Tavern is located in close proximity of the Stockland Green Hills bus stops. **Table 1** below details the first and last services.



Table 1: Bus services near the Subject Site

Stockland Green Hills, Mitchell Drive, East Maitland			
Service and Destination	Day	First Service	Last Service
145 to Newcastle Airport	Weekdays	06:00am	05:00pm
	Saturdays	09:00am	05:00pm
	Sundays	08:00am	04:00pm
164 to Cessnock	Weekdays	09:30am	05:15pm
	Saturdays	09:05am	05:05pm
	Sundays	--	--
166 to Kurri Kurri	Weekdays	08:20am	04:15pm
	Saturdays	10:20am	02:20pm
	Sundays	--	--
179 to North Rothbury	Weekdays	10:10am	04:10pm
	Saturdays	10:40am	01:15pm
	Sundays	--	--
180 to Singleton Heights	Weekdays	09:10am	05:10pm
	Saturdays	10:10am	02:10pm
	Sundays	--	--
181 to Woodberry	Weekdays	06:26am	10:52pm*
	Saturdays	08:15am	10:37pm**
	Sundays	08:25am	04:20pm
181 to Rutherford Shops / Rutherford Oval	Weekdays	06:07am	10:21pm
	Saturdays	07:27am	09:23pm
	Sundays	09:33am	05:30pm
182 to Thornton	Weekdays	06:43am	09:58pm
	Saturdays	08:07am	07:10pm
	Sundays	09:57am	06:09pm
182 to Rutherford Shops / Rutherford Oval	Weekdays	06:30am	09:58pm
	Saturdays	09:00am	09:59pm
	Sundays	08:45am	04:58pm
183 to Tenambit	Weekdays	05:45am	09:05pm
	Saturdays	08:29am	09:30pm
	Sundays	09:18am	05:30pm
183 to Rutherford Shops / Rutherford Oval	Weekdays	06:14am	09:36pm
	Saturdays	08:04am	08:11pm
	Sundays	09:49am	06:01pm

Table 1: Bus services near the Subject Site

Stockland Green Hills, Mitchell Drive, East Maitland			
Service and Destination	Day	First Service	Last Service
184 to Morpeth	Weekdays	07:27am***	05:16pm
	Saturdays	08:59am	05:24pm
	Sundays	10:05am	04:01pm
187 to Green Hills, Stockland (round service around suburban East Maitland)	Weekdays	06:30am	06:00pm
	Saturdays	08:00am	04:20pm
	Sundays	--	--
189 to Thornton Station	Weekdays	05:55am	08:58pm
	Saturdays	08:06am	06:07pm
	Sundays	09:06am	06:07pm

* Service terminates at Melford TAFE. Last service to Woodbury scheduled at 10:19pm.
 ** Service terminates at Melford TAFE. Last service to Woodbury scheduled at 07:13pm.
 *** Service terminates at Maitland Station. First service to Morpeth scheduled at 08:00am.

2.3 LEP Mapping

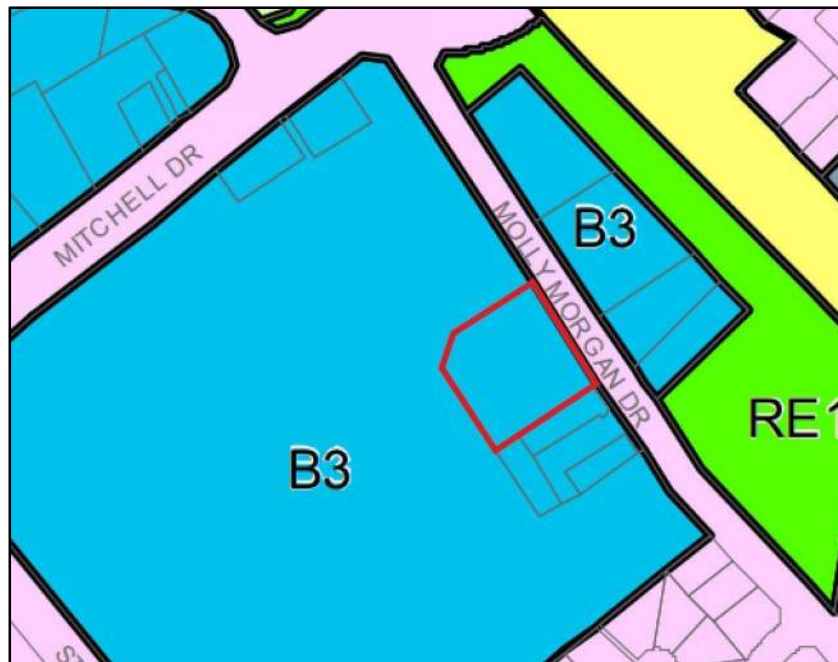


Figure 3 - Land Zoning Map showing the Subject Site (outlined red) within the Greenhills B3 - Commercial Core (Source: Maitland City Council).

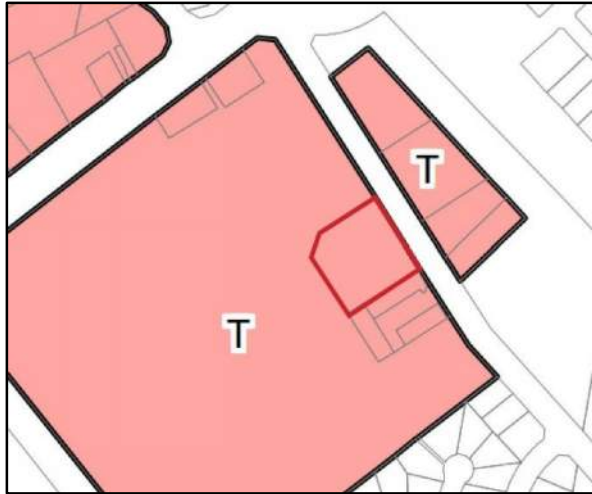


Figure 5 – Floor Space Ratio Map showing the Subject Site (outlined red) with a max FSR of 2.0:1 (Source: Maitland City Council).

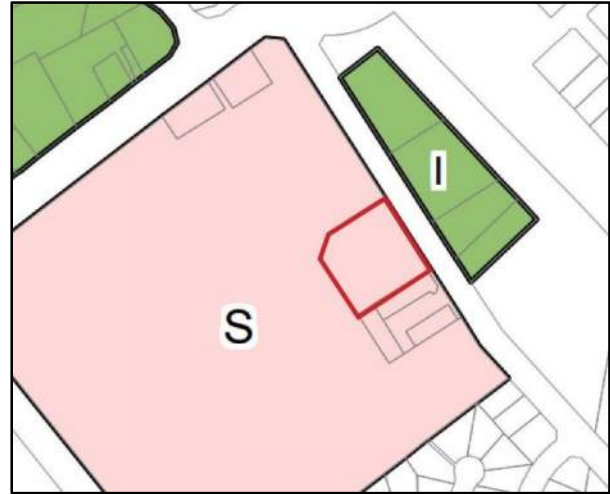


Figure 4 – Height of Buildings Map showing the Subject Site (outlined red) with a max building height of 24 metres (Source: Maitland City Council).

Table 2: LEP Mapping Summary	
Planning Layer	DP1031540
Zoning	B3 – Commercial Core
Floor Space Ratio	2.0:1 (N/A – no work proposed)
Height of Building	24m (N/A – no work proposed)
Heritage Item	No (N/A – no work proposed)
Heritage Conservation Area	No (N/A – no work proposed)
Acid Sulfate Soils	Class 5 (N/A – no work proposed)
Flood Planning	No
Land Reservation Acquisition	No
Lot Size	No (N/A – no subdivision proposed)
Watercourse Map	No
Mineral Resources	No

Table 2: LEP Mapping Summary

Planning Layer	DP1031540
Urban Release Area	No
Land Reclassification	No

2.4 DCP Mapping

There is no mapping under the DCP relevant to the subject site or Application.

2.5 Regional Context

The location of the Subject Site within its regional context is shown in the below image.

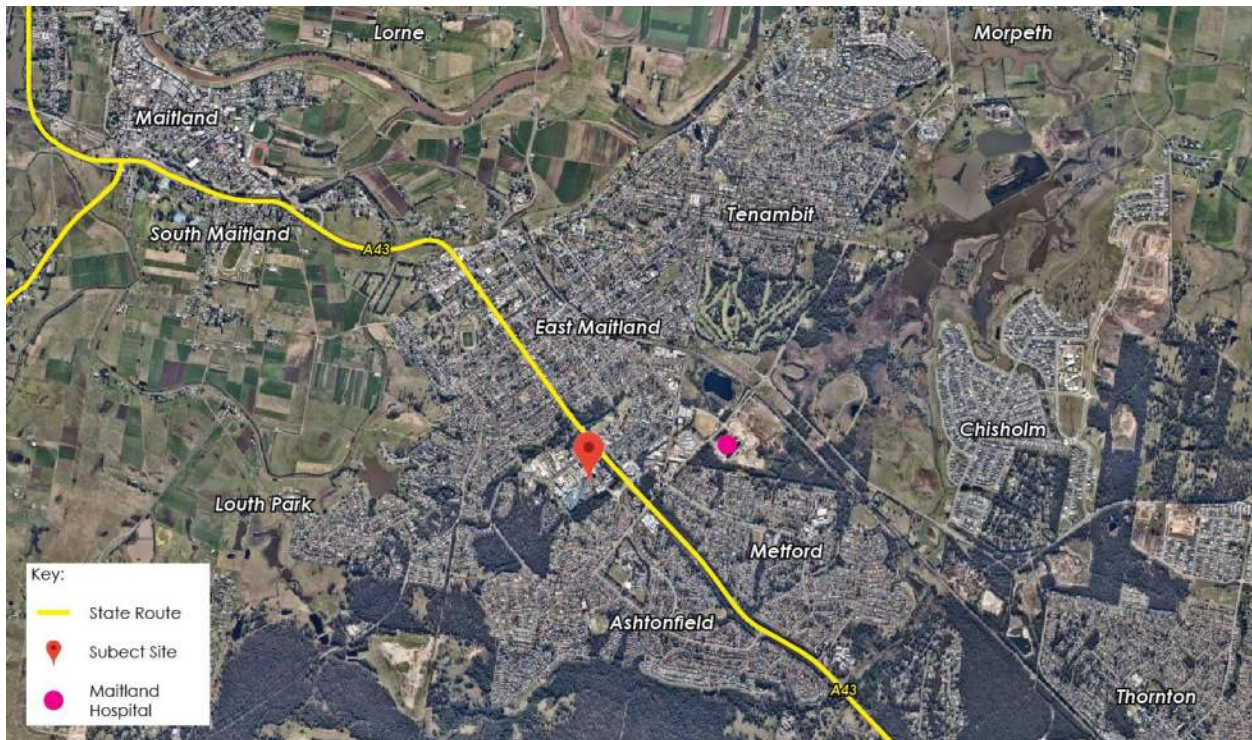


Figure 6 - Regional Context (Source: NearMap).

The Subject Site is located approximately 4.5km south-east of the Maitland CBD and 25km north-west of the Newcastle CBD. The Subject Site is located approximately 1km west of the new Maitland Hospital, currently under construction and due for completion in early 2022.

2.2.2 Late Night Trading Licensed Premises in the Region

The location of other late night trading licensed premises in the region that are close to the Subject Site are show in the below map. Details on these other licensed premises are provided in **Table 3**.

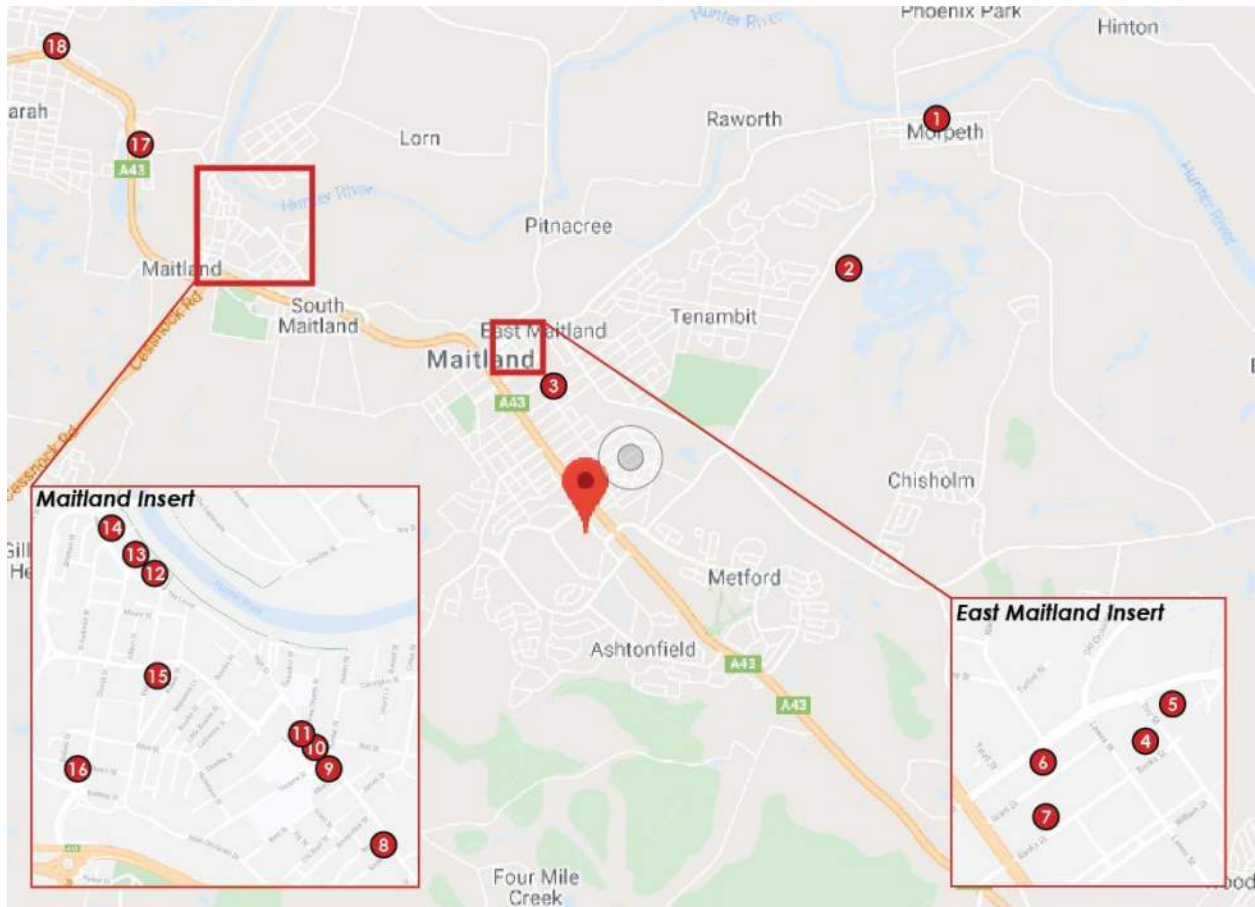


Figure 7 – Other late night trading premises in the region close to the Premises (red marker) (Source: Snazzymaps).

Table 3: Existing and proposed hours of operation			
Ref.	Premises	Suburb	Trading Hours
1.	River Inn Hotel	Morpeth	Mon – Thu: 10am to 10pm Fri – Sat: 10am to 12 midnight Sun: 10am to 9pm
2.	The Regal Inn	Tenambit	Mon – Sat: 10am to 12am Sun: 10am to 10pm
3.	Windsor Castle Hotel	East Maitland	Mon – Fri: 10am to 1am Sat: 9am to 1am Sun: 10am – 10pm
4.	Old Victoria	East Maitland	Mon – Tue: Closed Wed – Thu: 4:30pm to 11:30pm Fri – Sun: 12pm to 2:30pm; 4:30 pm to 11:30pm

5.	<i>Hunter River Hotel</i>	East Maitland	Sun – Mon: 11am to 10pm Tue: 11am to 11pm Wed – Thu: 10am to 12am Fri – Sat: 10am to 1:30am Sun: 11am to 10pm
6.	<i>Bank Hotel</i>	East Maitland	Mon – Wed: 10am to 12am Thu – Sat: 10am to 2am Sun: 10am to 10pm
7.	<i>East Maitland Bowling Club</i>	East Maitland	Sun – Thu: 10am to 10pm Fri – Sat: 10am to 12am
8.	<i>The Queens Arms Hotel</i>	Maitland	Mon – Sun: 7am 'till late'
9.	<i>Maitland Metro</i>	Maitland	Mon – Thu: 9am to 10pm Fri – Sat: 9am to 12am Sun: 10am to 8pm
10.	<i>The Rigby</i>	Maitland	Mon – Tue: 8am to 11:30am Wed: 8am to 10pm Thu: 8am to 12am Fri – Sat: 8am to 11:45pm Sun: 8am to 3pm
11.	<i>The Pourhouse</i>	Maitland	Wed - Thu: 3pm to 10pm Fri – Sat: 12pm to 12am Sun: 12pm to 10pm
12.	<i>The Whistler</i>	Maitland	Mon: 7:30am to 3pm Tue – Wed: 7:30am to 10pm Thu: 7:30am to 10:30pm Fri: 7:30am to 12am Sat: 8am to 12am Sun: 8am to 11pm
13.	<i>The Imperial Hotel</i>	Maitland	Mon – Thu: 10am to 11:30pm Fri: 10am to 1:30am Sat: 11am to 1:30am Sun: 11am to 11pm
14.	<i>Belmore Hotel</i>	Maitland	Mon – Sat: Till 3am Sun: Till 10pm
15.	<i>Coach and Horses</i>	Maitland	Mon – Sat: 10am to 2am Sun: 10am to 10pm
16.	<i>Grand Junction Hotel</i>	Maitland	Mon – Tue: 11am to 10pm Wed, Fri, Sat: 11am to 12am Thu: 11am to 9pm Sun: 12pm to 10pm
17.	<i>The Family Hotel</i>	Maitland	Mon – Thu: 7:30am to 9pm Fri – Sat: 7:30am to 12 midnight Sun: 8am to 9pm
18.	<i>The Rutherford Hotel</i>	Rutherford	Mon – Sat: 10am to 4am Sun: 10am to 10pm



3. The Application

The Application proposes an extension to the hours of operation between 1.30am and 4am Monday to Saturday. **Table 4** below details the full hours of operation that would be permitted if the Application were granted:

Table 4: Existing and proposed hours of operation		
Day	Existing	Proposed
Monday	9:00am – 1:30am	9:00am – 4:00am
Tuesday	9:00am – 1:30am	9:00am – 4:00am
Wednesday	9:00am – 1:30am	9:00am – 4:00am
Thursday	9:00am – 1:30am	9:00am – 4:00am
Friday	9:00am – 1:30am	9:00am – 4:00am
Saturday	9:00am – 1:30am	9:00am – 4:00am
Sunday	10:00am – 12:00am	10:00am – 12:00am (no change)

The hours of operation sought will be from 9:00am to 4:00am, Mondays to Saturdays. There are no changes proposed to the approved hours of operation for the Tavern on Sundays nor hours of the bottle shop.

3.1 Specialist Reports

3.1.1 Plan of Management

An updated Plan of Management is attached to the Application at **Annexure 5**. The Plan of Management includes provisions on the Responsible Service of Alcohol, crowd control and patron management that have been effective in mitigating adverse impact on the amenity of the surrounding area. This is evident from the absence of adverse incidents recorded in the Tavern's incident register and complaints made to Council regarding late night trade.

Provisions in the Plan of Management have been updated to reflect the proposed extended operating hours of the Tavern as well as legislative changes to the *Liquor Act, 2007* including those made under the *Liquor Amendment (Night Time Economy) Regulation, 2019*. Subject to the Tavern's continued implementation of the attached Plan of Management, the risk of adverse impact to the amenity of the surrounding area is expected to be successfully mitigated.

3.1.2 Acoustic Report

An Acoustic Report accompanies the Application at **Annexure 6**. The Acoustic Report assesses the level of impact 4am trade at the Tavern will have on the amenity of the surrounding area and presents the following findings:

The Acoustic Report finds that noise levels that are expected during the proposed extended trading period will comply with relevant acoustic provisions:

The assessment quantified noise levels from patron noise from the external balconies, sports bar, gaming lounge, car park and occasional live music in the sports bar of the tavern to nearby residential receivers during the hours of 1.30am to 4am.

The results of the assessment demonstrate that taking into account noise modelling assumptions in Section 4.2 noise levels comply with relevant NPI and ILGA criteria for the proposed additional trading hours.

From the above, the Acoustic Report concludes with the following:

Based on the Noise Impact Assessment results of this report, there are no noise related issues which would prevent Council approving the project.

The Application is therefore acceptable from an acoustic standpoint.

4. Statutory Planning Assessment

This section undertakes an assessment of the Application using the heads of consideration as required under s. 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

4.1 Environmental Planning Instruments

4.1.1 Maitland Local Environmental Plan, 2011 (version adopted 23 June 2021)

The Subject Site is located within the Maitland Council local government area. The Application is therefore subject to the provisions of the *Maitland Local Environment Plan, 2011 (LEP)*. The Application is assessed against the relevant clauses of the LEP below.

Land Use Table

- Zone B3 Commercial Core

As shown in Section 2 of this Statement, the Subject Site is zoned B3 Commercial Core. The classification of the land use under the LEP is **pub** which is a subset of **food and drink premises**. Under the *Land Use Table* in the LEP, **food and drink premises** are permitted with consent as a subset of **retail premises** which is a type of **commercial premises**, viz:

2 Permitted without consent

Nil

3 Permitted with consent

Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture Recreation facilities (major); Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies

Figure 9 - Zone B3 – Commercial Core - Permitted and Prohibited Uses (Source: *Maitland Local Environmental Plan, 2011*).

As the Application concerns the extension of hours of operation for the Tavern, there is no change to the existing use of the Subject Site which has previous approval as a pub. The Application is assessed against the following objectives of B3 Commercial Core from the LEP:

Objectives of Zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.



- *To recognise Council's preferred hierarchy of activity centres and precincts, by ensuring that existing and future development—*

(a) at Greenhills continues to promote the regional significance of this retail precinct, and

The Application meets the above land use objectives as it recognises the pre-eminent role that the Tavern plays as part of the commercial precinct at Green Hills. The extended trading will provide an appropriate intensity of such a use that will continue to be compatible with the workforce, visitors and wider community, adding to the regional significance of the retail precinct.

The extension of hours of operation will permit the Tavern to trade until 4am, Mondays and Saturdays with the risk of adverse impact on the amenity of the surrounding area expected to be minimal. This is supported with the attached Acoustic Report (**Annexure 6**) and subject to continued implementation of the provisions in the Plan of Management (**Annexure 5**). The safe, licenced premises will continue to service the surrounding area until later in the evening, adding to the commercial character of the area. The Application is considered appropriate for the B3 – Commercial Core in this regard.

Part 1 – Preliminary

- Clause 1.2 Aims of Plan

(2) The particular aims of this Plan are as follows—

(h) to concentrate intensive urban land uses and trip-generating activities in locations most accessible to transport and centres, strengthening activity centre and precinct hierarchies and employment opportunities,

(j) to encourage orderly, feasible and equitable development whilst safeguarding the community's interests, environmentally sensitive areas and residential amenity.

The Application is consistent with the relevant objectives of this zone as it continues to provide a reputable hospitality venue that serve the needs of the local community and visitors to the area within a commercial core centre.

The proposed extended trading period will allow an additional two and a half (2.5) hours of trade from Mondays to Saturdays for the Tavern. This is beneficial to the typical patronage experienced at the Tavern, mostly locals who work as shift workers from the neighbouring Stockland Green Hills Shopping Centre, the Maitland Private Hospital and, when completed in early 2022, the nearby Maitland Hospital. Patrons expecting to take advantage of the social setting and recreational facilities on offer during the proposed extended trading period are expected to be low, given the levels currently experienced during the approved trading period from 12am to 1:30am. The Tavern does not intend to greatly intensify its operations that would see an adverse increase in patron numbers during the proposed extended trading period.

The potential for adverse public harm to arise because of the Application is mitigated due to the nature of trade during the subject hours and the proximity of the Tavern from sensitive land uses. As stated earlier, the Tavern experiences its lowest patronage levels during the existing late night trading period from 12am to 1:30am, Mondays to Saturdays, which is easily manageable by staff and security. There have been no adverse impacts recorded in the Tavern's incident register nor complaints made to Council during the current late night trading period.



The Tavern's Plan of Management (**Annexure 5**) has been updated and adopted to ensure the continued mitigation of adverse impacts on the amenity of the surrounding area. The provisions in the Plan of Management include those regarding the Responsible Service of Alcohol, crowd control and patron management.

The nearest sensitive residential land uses are located approximately 120 metres southeast of the Subject Site. Any impact to these land uses from the proposed extension to hours of operation is expected to be minimal.

Extending the hours of operation for the Tavern will provide greater employment opportunities for the East Maitland area. The Tavern has added social and economic value to the Maitland LGA since it began operating decades ago. The proposed extension to hours of operation will further contribute to this social and economic value, providing further employment for staff and security while maintaining the safe premises that provides to locals and tourists.

Part 4 - Principal Development Standards

- Clause 4.3 Height of Buildings

The Subject Site has been allocated a maximum building height of 24 metres under cl. 4.3 of the LEP. There are no construction works proposed in the Application and the Tavern will retain its existing height of 9.1 metres. The Application therefore complies with this principal development standard.

- Clause 4.4 Floor Space Ratio

The Subject Site has been allocated a maximum floor space ratio of 2.0:1 under cl. 4.3 of the LEP. There are no construction works proposed in the Application and the Tavern will retain its existing Floor Space Ratio of 0.3:1. The Application therefore complies with this principal development standard.

4.2 Draft Environmental Planning Instruments

There is no draft Environmental Planning Instrument relevant to the Subject Site or to the proposed development.

4.3 Development Control Plans

4.3.1 *Maitland Development Control Plan, 2011* (version dated 11 September 2018)

A full assessment of the Application against the relevant controls and provisions of the *Maitland Development Control Plan, 2011 (the DCP)* is located at **Annexure 3**. A summary of the Application's compliance with the DCP is provided in the following table, with general comments provided under relevant sub-headings.



Table 5: DCP Compliance Table			
Chapter	Sub-Chapter	Particulars	Compliance
Part A – Administration	A.1 - Introduction	1.2 Aims	✓
	A.2 - Preparing an Application	2.1 Before you begin	✓
		2.2 Preparing an Application	
	A.3 – Lodging an Application	3.1 Application form and Documentation	✓
3.2 Fees and Charges			
Part B – Environmental Guidelines	B.6 – Waste Not – Site Waste Minimisation and Management	5. Operational Phase	✓
		5.2 Commercial Development and Change of Use	
Part C – Design Guidelines	C.7 – Outdoor Dining	3. DEVELOPMENT MATTERS	✓
		3.2 Site Considerations	
	3.5 Amenity		
Part C – Design Guidelines	C.11 – Vehicular Access and Car Parking	2. GENERAL REQUIREMENTS	✓
		2.1 General Principles	
	C.12 Crime Prevention Through Environmental Design	1. Preamble 1.1 Development Requirements	✓

Part A – Administration

A.1 – Introduction

1.2 Aims

The Application is assessed against the relevant provisions of the DCP in the attached DCP Compliance Checklist (**Annexure 3**) for its compatibility with community expectations and alleviation of key environmental planning issues. For further details, please refer to the DCP Compliance Checklist.



Notification of the Application is expected to be carried out under Maitland City Council's standard notification and advertising process.

A.2 – Preparing an Application

2.1 Before you begin

The proposal in the Application is not considered complex. The Tavern has a good history of successful late night trading which will be reflected during the proposed extended trading period. In this regard, pre-application discussion is considered unnecessary, given the context of the Tavern and good management practices exhibited during existing late night trading hours. For further details, please refer to the DCP Compliance Checklist attached to the Application at **Annexure 3**.

2.2 Preparing an Application

A schedule of documents is attached to this Statement at **Annexure 1**.

A.3 – Lodging an Application

A schedule of documents is attached to this Statement at **Annexure 1**. All relevant application forms, including owner's consent, have been provided through the NSW Planning Portal submission. 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

The Application is considered **Advertised 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.

5. Operational Phase

5.2 Commercial Development and Change of Use

Waste management at the Tavern will continue under current provisions as the waste generation from the low patronage expected during the extended hours of operation will be easily accommodated under existing provisions. Submission of a SWMMP with the Application is considered unnecessary.

Part C – Design Guidelines

C.7 – Outdoor Dining

3. DEVELOPMENT MATTERS

3.2 Site Considerations



The Application proposes the extension of hours of operation for the whole of the Tavern including its private outdoor dining areas. An Acoustic Report is attached to the Application (**Annexure 6**) which confirms the operation of the private outdoor dining areas compliance with relevant noise criteria. For further details, please refer to Section 3 of this Statement.

3.5 Amenity

As stated earlier, 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. For further details, please refer to Section 3 of this Statement.

C.11 Vehicular Access and Parking

2. GENERAL REQUIREMENTS

2.1 General Principles

There are no construction works proposed in the Application that would increase the floor area of the Tavern. The approved 120 off-street parking spaces are able to accommodate the patronage levels at the Tavern especially during peak times.

Consequently, the lower off-peak patronage attending after midnight will be readily catered for with the existing off-street parking.

C.12 Crime Prevention Through Environmental Design

1. Preamble

1.1 Development Requirements

The Application has been assessed against the NSW Police's *Crime Prevention Through Environmental Design* strategy for the proposed extension of operating hours for the Tavern on the basis of completed works approved in DA/2020/520 (**Annexure 2**).

NSW Police's Crime Prevention Through Environmental Design Strategy

Territorial Re-enforcement

The Application will promote territorial re-enforcement by allowing the late night use of a premises within the Green Hills commercial core. Allowing the extended trade of the Tavern that is properly managed under a Plan of Management (**Annexure 5**) will create an active environment during the late night hours, discouraging offenders from planning and committing crimes. Effective guardians, in this regard, would be the staff and security employed during the extended trading period, ensuring the safety of the general public by prohibiting inappropriate activities such as excessive alcohol consumption, violence and quarrelsome behaviour. By continuing good management practices, the Tavern will continue to be a safe premises where the community can feel safe and connected, enhancing territorial re-enforcement.

Surveillance

The proposed extended trading period will continue to implement natural, technical and formal surveillance techniques during the proposed extended late night trading period.



The open plan layout of the Tavern ensures unobstructed natural surveillance is maintained during daytime operations which will continue during the proposed extended trading period. The overlooking of the outdoor areas of the Tavern towards Molly Morgan Drive also provides natural surveillance on the surrounding area, deterring offenders from committing crimes when the Tavern would be otherwise shut.

The operation of CCTV will continue during the proposed extended trading period. Provisions on CCTV are also included in the Plan of Management to ensure adherence. Security staff will also be deployed during the extended trading period, ensuring formal surveillance is maintained and the risk of crimes being committed is minimised. Details on security are also provided in the Plan of Management.

Access Control

During the proposed late night trading period, patrons will continue to be directed to publically accessible areas through appropriate signage. Those areas that are off limits are easily identifiable and anyone found breaching these areas who is not authorised to do so will be asked to leave by staff and security.

As stated earlier, security guards will continue to be deployed during the proposed extended trading period to ensure patrons are not accessing restricted areas. This also applies to minors who may be in the restricted areas of the gaming room, TAB and Keno area.

Space/Activity Management

The Application presents the opportunity to activate a supervised space within a commercial core that will improve on the safety of the surrounding area. As demonstrated above, the activation of the Subject Site late into the evening will deter offenders from planning crimes as the risk of intervention through territorial re-enforcement, surveillance and access control strategies.

On a broader scale, the extended trading period will improve on the economic activity of a late night trading venue, preventing the risk of closure and subsequent urban decay. The continued use of the Subject Site during the proposed late night trading period will be rigorously managed under the Plan of Management (**Annexure 5**), ensuring continued operation of a hospitality venue that has been heavily impacted by restrictions brought on by the COVID-19 pandemic.

4.4 Planning Agreements and/or Draft Planning Agreements

There is no Planning Agreement that has been entered into under Section 7.4 of the *Environmental Planning and Assessment Act 1979*, nor is there any Draft Planning Agreement that the applicant is offering to enter into under Section 7.4 of the Act.

4.5 The Regulations

There is understood to be no matter prescribed by the Regulations relevant to the Subject Site or to the proposed development for the purpose of s 4.15(1)(a)(iv) of the EP&A Act



4.6 Likely Impacts

4.6.1 Noise

The proposed extended trading period is expected to not result in adverse acoustic impact to the amenity of the surrounding area. The potential noise impacts from the Tavern in its completed form have been assessed against relevant noise criteria in an Acoustic Report, attached to the Statement at **Annexure 6**. The Acoustic Report concludes:

The results of the assessment demonstrate that taking into account noise modelling assumptions in Section 4.2 noise levels comply with relevant NPI and ILGA criteria for the proposed additional trading hours.

Based on the Noise Impact Assessment results of this report, there are no noise related issues which would prevent Council approving the project.

The Application is therefore acceptable as it will most likely not result in adverse acoustic impacts on the amenity of the surrounding area.

4.6.2 Traffic and Parking

There are no physical changes proposed to the Tavern in the Application that would warrant an increase in traffic generation and parking requirements. The existing 120 off-street parking spaces will be more than adequate to deal with off-peak parking demand.

4.6.3 Waste

There are no physical changes proposed to the Tavern in the Application that would warrant an increase in waste generation on the Subject Site.

The existing waste provisions are considered appropriate for the proposed late night trading period.

4.6.4 Social Impact

The Application includes an updated version of the Tavern's existing Plan of Management, attached to the Statement at **Annexure 5**. The provisions in the Plan of Management have proven to be effective in mitigating the risk of adverse social impact on the amenity of the surrounding area during the Tavern's current late night trading period, evident from the lack of adverse incidents recorded in the incident register and nil complaints made to Council.

The Plan of Management, in its updated and proposed form, will continued to be adhered to during the proposed late night trading period. These include provisions on the Responsible Service of Alcohol, crowd control and patron management. Continued adherence to this Plan of Management during the proposed late night trading period will ensure the risk of adverse social impact from the Tavern on the surrounding area is mitigated.

Regarding social impact from gambling, s. 209 of the *Gaming Machines Act, 2001* prohibits a consent authority from regulating or restricting the operation of approved gaming machines at the Tavern, viz:



209 Relationship with Environmental Planning and Assessment Act, 1979

- (1) An environmental planning instrument (whether made before or after the commencement of this section) under the Environmental Planning and Assessment Act, 1979 cannot prohibit or require development consent for, or otherwise regulate or restrict, the installation, keeping or operation of approved gaming machines in hotels or on the premises of clubs or any other premises.
- (2) If an environmental planning instrument contains any provision in contravention of subsection (1), the provision is taken to have no effect.
- (3) A consent authority (within the meaning of the Environmental Planning and Assessment Act, 1979) cannot—
 - (a) as a condition of any development consent under that Act, prohibit or otherwise regulate or restrict the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club or any other premises, or
 - (b) refuse to grant any such development consent to a hotel or club for any reason that relates to the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club.
- (4) The installation, keeping or operation of an approved gaming machine in a hotel or on the premises of a club is not an activity for the purposes of Part 5 of the Environmental Planning and Assessment Act, 1979.
- (5) Any approval or authorisation under this Act to keep an approved gaming machine in a hotel or on the premises of a club is not an approval for the purposes of Part 5 of the Environmental Planning and Assessment Act, 1979.

As such, the Application is not considered for social impact potential from the availability of gaming and gambling to patrons during the proposed extended trading period.

4.7 Suitability of the Site

The Subject Site has been approved to operate pub since 1972. As an existing approved pub, the Subject Site is suitable for the proposed extension of operating hours. Based on the assessment against relevant provisions of the LEP and DCP, there is no limitation needed to be imposed on the subject land use, having regard to its context, that would result in the site being unsuitable.

4.8 Public Submissions Made

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.

4.9 The Public Interest

The Application is in the public interest as it will foster additional economic activity within the B3 – Commercial Core zone in a safe and well managed premises. The additional economic activity will strengthen the commercial core of the B3 zone and regional significance of the retail precinct,



ensuring continued operation and employment opportunities from a hospitality venue that has been heavily impacted by restrictions brought on by the COVID-19 pandemic.

The Application will offer facilities of socialisation and recreation in a safe premises late at night that are enjoyed by many locals including shift workers from the neighbouring Stockland Green Hills Shopping Centre and nearby Maitland Private Hospital. Facilities will also benefit shift workers from the nearby New Maitland Hospital, due for completion in early 2022.

The continued application of good management practices through adherence of the rigorous Plan of Management will mitigate the risk of adverse social impacts on the surrounding area while also providing a premises that offers facilities for late night socialisation and recreation.

The Application is therefore considered to be in the public interest.

5. Conclusion

This Statement accompanies an application for extend the trading hours between 1:30am and 4:00am for the George Tavern, located at 5 Molly Morgan Drive, East Maitland.

As demonstrated above in this Statement, the Application is consistent with the objectives and development standards of Council's relevant Statutory and Policy planning controls and National Construction Code guidelines.

Moreover, the environmental assessment in this Statement demonstrates that there will be no unacceptable adverse impact on the amenity of the surrounding area with respect to noise, traffic and parking, waste and social impact as a consequence of the proposed application.

In addition, the Application will result in an increase in late night activity within the Green Hills commercial core, adding economic and social benefits for the local community.

Under these circumstances, the Application is considered to be acceptable with regard to all relevant town planning and environmental issues.

It is therefore concluded that there are no valid town planning reasons why development consent should not be granted to the Application as proposed.

