

February 2022

## Statement of Environmental Effects (Updated 3 February 2022)

Proposed Additional Dining Areas  
TWO TAILS WINES

963 Orara Way, Nana Glen  
LOTS 9 & 10 DP 134701

## Contents

<b>1.</b>	<b>Introduction.....</b>	<b>2</b>
<b>2.</b>	<b>HISTORY.....</b>	<b>3</b>
<b>3.</b>	<b>EXISTING DEVELOPMENT .....</b>	<b>6</b>
<b>4.</b>	<b>PROPOSED DEVELOPMENT .....</b>	<b>8</b>
<b>5.</b>	<b>STATUTORY CONSIDERATIONS.....</b>	<b>12</b>
5.1	Environmental Planning Instruments.....	12
5.1.1	Coffs Harbour Local Environmental Plan 2013 (LEP) .....	12
5.1.2	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.....	13
5.1.3	State Environmental Planning Policy (Infrastructure) 2007 .....	13
5.2	Draft Environmental Planning Instruments .....	14
5.3	Development Control Plans .....	14
5.3.1	Part D4 – Rural & large lot residential development .....	14
5.3.2	Part E1 – Biodiversity .....	15
5.3.3	Part E4 - Flooding .....	15
5.3.4	Part F1 – Access and Parking .....	16
5.3.5	Part F3 – Landscaping .....	16
5.3.6	Part F6 – Waste Management.....	16
5.4	Likely Environmental Impacts.....	16
5.5	The Suitability of the Site for the Development .....	17

## Appendices

**APPENDIX A Amended Development Plans**

**APPENDIX B Liquor and Licence Plan**

**APPENDIX C On Site Sewage Management System Solution**

**APPENDIX D Amended Water Supply Assessment**

**APPENDIX E Acoustic Assessment**

**APPENDIX F Traffic Impact Assessment**

# 1. INTRODUCTION

The subject Development Application (DA 0160/19 DA) was first lodged with Council on 21 August 2018 to extend the range of areas within the property for dining choices and experiences. As a result of discussions with Council staff the original proposal has been amended on several occasions. The application was amended on 30 October 2019 and it is this revision of the Development Application that was filed with the Class 1 application on 29 January 2020. This DA was subsequently amended on 12 April 2021, August 2021 and December 2021 in an effort to better to address concerns raised by Council as part of the s 34 conciliation process.

The SEE has been further amended following the completion of the Joint Experts Reports and Supplementary Joint Reports to reflect the further amended proposed Development Application. A further amended application has been filed with the Court to address matters raised by Council with the aim of clearly describing the amended application.

The purpose of this further amended Statement of Environmental Effects report is to consolidate all relevant information in support of the application into one report and to provide the relevant consent authority with further information relating to noise impacts, on-site wastewater disposal assessment, potable water supply and traffic impacts. A Plan of Management has been prepared and will inform the ongoing operations of the existing winery and restaurant.

## 2. HISTORY

The property has an area of 2.06ha and has been used as a vineyard and cellar door premises for many years. Additions to the cellar door premises were approved in 2002 (DA/CC1195/02). New owners purchased the property and have improved the viability of the business with alterations and additions approved by Council to add dining facilities.

On 8 August 2016 DA 0808/16 was approved for alterations and additions to the existing 4-bedroom dwelling house on the site, change of use of existing garage building to 2-bedroom farm stay accommodation, alterations and additions to cellar door premises, new 4 vehicle garage building and swimming pool. The Statement of Environmental Effects (SEE) submitted with this application described the proposed development as follows:

1. *Internal alterations and covered deck additions to existing main four (4) bedroom house + verandas, conc. block + steel roof*
2. *Proposed new In-ground Pool, paving and fencing/gates.*
3. *Change of use from existing double garage + verandas to Farm Stay accommodation, conc.block + steel roof*
4. *Internal alterations(renovations) and covered deck additions to existing cellar door + existing storage under conc. block + steel roof*
5. *On-site parking + connecting access ramps*
6. *Vineyards and Landscaping.*
7. *New building - four (4) car garage, office, laundry and bathroom for the farm workers*
8. *Site works - Driveway + vehicular access/manoeuvrability and on-site parking.*

The proposed hours of operation in the application were between 10:30 am and 4:30 pm daily with three employees. Parking was proposed as two spaces for the two-bedroom farm stay, three spaces for the cellardoor premises at one space per 25 m<sup>2</sup> and one additional space for disabled parking. Six (6) parking spaces were approved by Council with the four (4) car garage being additional parking to that required by Council.

The principal aims of the development were described in the SEE as follows:

1. *Provide and maintain an existing high quality and safe development that meets the aims of the Tourist Facility.*
2. *Provide additional outdoor all weather sitting for the Cellar door.*
3. *Provide adequate garage and storage for farm equipment and business operations for the Farm Stay and Cellar Door.*
4. *Create alterations and additions for a safe, 'easy-living', low maintenance environment for the dwelling house.*
5. *Provide a building that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.*
6. *Safe pathways, access and mobility to all buildings on-site.*
7. *Ensure that surrounding properties will not be adversely impacted by the proposed development*

Approval was granted by Council subject to conditions and imposed operating times for the cellar door premises from 8:30am to 10pm Monday to Saturday and 9am to 10pm on Sundays.

A subsequent modification was approved by Council to require upgrading of the sanitary plumbing and drainage works on the site prior to the issue of any Occupation Certificate as opposed to prior to the issue of any Construction Certificate.

On 6 February 2017 DA 0444/17 was approved for a change of use of part of the cellar door premises to a restaurant including alterations. The hours of operation of the restaurant were limited to 8:30am to 10pm Monday to Saturday and 9am to 10pm on Sundays.

The SEE submitted as part of the application described the proposed development as follows:

*Internal alterations to existing Cellar Door - Store and Preparation Rooms convert to a commercial kitchen within the Cellar Door building.*

The principal aims of the development were described in the SEE as follows:

1. *Provide and maintain an existing high quality and safe development that meets the aims of the Tourist Facility.*
2. *Provide a 20 seat Restaurant within the existing Cellar door building.*
3. *Safe pathways, access and mobility to all buildings on-site.*
4. *Ensure that surrounding properties will not be adversely impacted by the proposed development.*

Three employees were proposed with parking as follows:

- *Restaurant (20 seat) 44m<sup>2</sup> – Change of Use- one space per 25m GFA – totals 1.5 spaces*
- *Farm Stay Accommodation - one per guest bedroom – totals 2 spaces*
- *Cellar Door Premises (40m<sup>2</sup> GLFA) - one space per 25m GFA – totals 1.5spaces*
- *Additional Accessible space provided for Access to Premises – building standards.*

No additional parking was required by Council to those approved in DA0808/16 and a total of 6 parking spaces were proposed and approved excluding the 4 spaces in the garage building.

Concern was raised for the location of the disabled parking space that required an extensive ramp to be provided for access to the restaurant. Subsequently an Interim Occupation Certificate (IOC) was issued on 3 July 2017 subject to the disabled parking being provided in accordance with the plans approved pursuant to Construction Certificate (0652/16 CC) (CC). A copy of this IOC has already been provided to Council by way of email. These plans show the disabled parking referred to by Council in the IOC as being located adjacent to the restaurant building with access from the adjoining road reserve.

As noted in the IOC, a final Occupation Certificate would be issued by Council subject to the construction, and completion of the disabled space in the proposed location. Because this did not occur within the 90-day period from the date that the IOC was issued, a final Occupation Certificate was never granted. For the purposes of clarity, a disabled parking space has since been constructed in this location. It is agreed that the location of the disabled carparking space is now to be located within the proposed parking area and no access will be obtained from the adjoining road reserve.

The owners have focused their attention on establishing the restaurant use and improving the economic viability of the overall business. To this end the extensions to the restaurant building have been completed however certain works approved pursuant to DA0808/16DA including those in relation to the farm stay accommodation, swimming pool, covered deck to existing house and garage building have not been commenced at this stage. The applicant intends to commence these approved works when finances permit. In addition, the construction of the car park (including 6 car

parking spaces) approved pursuant to both DA0808/16 and DA0444/17 has not been commenced as further improvements to the restaurant operation were under consideration that could alter the extent of carparking required.

All existing, approved and proposed development and building works at the site are shown on the further amended site plan, that is included as part of the amended plans to be considered for the purposes of this Development Application. These plans are annexed to this SEE and are labelled Appendix A.

Geoff Smyth and Associates was engaged to investigate the potential for providing greater variety for the restaurant use to improve the economic viability of the business now that a temporary use option was no longer available. It was decided to withdraw the temporary use application and submit the current application to expand the dining choices for the restaurant component of the use on the property and not apply for wedding receptions, music concerts, or other events that might be considered as 'temporary uses'.

### 3. EXISTING DEVELOPMENT

The existing vineyard is the agricultural use of viticulture that is intensive plant agriculture permitted without Council consent in Zone RU2 Rural Landscape under the Coffs Harbour Local Environmental Plan 2013 (LEP) that applies to the property. It is understood that grapes are cultivated using irrigation from a bore water pump located in the north-west corner of the property.

The property, prior to the current ownership, contained an existing 4-bedroom dwelling and a detached building for cellar door wine sales together with a garage building for the storage of equipment associated with the cultivation of grapes and the production of wine and vehicles.

Informal parking has been used in the unconstructed road reserve adjacent to the cellar door building and a garage was available on site for the occupants of the dwelling house. Water supply was provided from the bore and rainwater tanks. An on-site wastewater disposal system was available.

Internal alterations and the addition of a deck for sitting were added to the cellar door building in accordance with DA 808/16 by the current owners. Other additions in accordance with DA808/16 have not been completed, as noted previously.

Internal alterations to provide a 20-seat restaurant were added in accordance with DA 0444/17. Other additions in accordance with DA0444/17 have not been completed.

The water supply includes a purification system to ensure a potable water supply for the restaurant from a bore water supply and rainwater tank storage. The majority of the water supply comes from rainwater storage tanks that the owners have advised comprise 2 x 3000 litre tanks and a 22500-litre tank located at the cellar door/restaurant, 2x 2500 litre and a 10000-litre tank at the house and 2 x 2500 litre tanks at the garage building. The on-site wastewater disposal system was upgraded to meet the needs of the approved dwelling, farmstay, cellar door and 20 seat restaurant. A garbage storage area and a disabled parking space were provided adjoining the cellar door building with access from the unconstructed road reserve. Council collection of waste is via Orara Way.

The owners have advised that garbage storage comprises 2 x 240 litre green waste bins, 3 x 660 litre recycling waste bins and 2 x 240 litre general waste bins that are stored at the house and relocated to Orara Way for collection by Council waste collection service. In addition, a 3000-litre general waste bin is located in the building setback to the unconstructed road reserve adjoining the restaurant/cellar door for collection by private contractor. The existing waste collection from the unconstructed road reserve has not been formally approved by Council.

Works completed to date include the conversion of the cellar door building into restaurant and cellar door premises together with the addition and open and partly covered deck area for diners, provision of a disabled parking space adjoining the restaurant and accessed from the unconstructed road reserve, upgrading of the water supply to ensure a potable water supply and upgrading of the on-site wastewater disposal system. These works were completed to Council satisfaction prior to the Interim Occupation Certificate being issued.

The adjoining unconstructed road reserve provides access to a property to the west, the Rural Fire Service depot in the road reserve adjoining the restaurant.

An existing concrete slab was constructed as exempt development and contains a removable marquee that is used for storage of furniture. An addition was also added to the approved roof over the deck as exempt development to provide sun-shade protection for staff in the kitchen area of the restaurant.

Screens have been erected on the northern side boundary of the property to reduce any impact from spray drift from the operation of the vineyard area. These screens also provide privacy for the

adjoining property occupants. All of this development is shown on the updated amended plans found at Appendix A together with alterations and additions.

A summary of the existing development is provided as follows:

Existing	Approved	Completed
Dwelling house	BA133/81	Yes
Cellar door premises	DA/CC 1195/02	Yes
Dwelling House additions	DA808/16	No
Cellar door additions and deck	DA 808/16	Yes
Swimming pool	DA 808/16	No
Garage/office	DA 808/16	No
Farm stay accommodation	DA 808/16	No
Car parking (6 spaces)	DA 808/16	No
Dining and restaurant	DA 0444/17	Yes
Car parking (6 spaces)	DA 0444/17	No
Marquee and concrete slab	Building Certificate required	Yes
Roof additions to deck	Building Certificate required	Yes
Container addition to restaurant	Building Certificate required	Yes
Vineyard spray drift screens	Consent not required	Yes

Works associated with Development Consent Nos DA0444/17 and DA0808/16 have been commenced and both consents remain operational.



## 4. PROPOSED DEVELOPMENT

The proposed development comprises the provision of additional dining choices offering a variety of dining experiences and locations from an open deck area, a paved outdoor for outdoor dining and a vineyard area for degustation style long table dining in the vineyard setting for individuals or groups of diners. It also proposes alterations and additions to the cellar door building to manage potential noise impacts associated with this proposal. Specifically, this includes minor works adding to the roof to provide for the enclosure of the deck area of this building with custom designed glass doors to manage acoustic impacts of this proposal. Additional toilet facilities are also proposed together with noise attenuation fencing and revised parking layout.

The Development Application comprises the following:

- i. Alterations and additions to Cellar Door Building, including roof additions and installation of glass doors to enclose deck area.
- ii. Existing approved Cellar Door Premises and Restaurant (indoor area) – 20 patrons over 44 m<sup>2</sup> internal dining area with outdoor deck available for patrons;
- iii. Restaurant addition (increased capacity of outdoor deck area) – 40 patrons (additional) over 90 m<sup>2</sup> of existing deck;
- iv. Paved Outdoor Area (being 'Concrete Slab/Marquee') – maximum 26 patrons over 135m<sup>2</sup> of paving;
- v. Vineyard corridor – maximum 26 patrons over 90m<sup>2</sup> vineyard corridor on no more than 3 occasions per calendar year.
- vi. Relocation of approved 90000 litre underground water tank to the northern boundary clear of existing wastewater disposal area.
- vii. Identification of additional wastewater disposal areas to accommodate increased dining capacity.
- viii. Provision of onsite parking for 40 vehicles including an overflow parking for 10 vehicles and 3 spaces for people with a disability.

The Concrete Slab/Marquee and Vineyard corridor are not to be used concurrently.

Further amended plans of the proposal are included in Appendix A. These clearly identify all existing, approved and constructed, or completed works detailed above together with amendments resulting from further noise assessment.

The Liquor Licence Board has already granted a liquor licence for approximately 1480 m<sup>2</sup> in front of the existing restaurant deck and in the vines in addition to the existing restaurant and deck area. The email dated 1 November 2016 enclosing the valid Licence and its associated plan showing the area it covers can be found at Appendix B.

The proposed hours of operation for the application are as follows:

- i. Restaurant (indoor area + outdoor deck area) - 10am to 10pm Mon to Sun for a maximum of 2 sittings for lunch and dinner;
- ii. Concrete Slab/Marquee area 10am to 6pm Sat and Sun for a maximum of 2 sittings;
- iii. Vineyard corridor 11am to 4.30pm on any day and limited to three occasions per year for a maximum of 1 sitting.

- iv. Cellar Door – tastings between 10am and 5pm for a maximum of 20 people per day seated at tables between dining times.

A maximum of eight persons are proposed to be employed and on-site parking for a total of 40 vehicles (including the 6 spaces previously approved) is now proposed including three spaces for persons with a disability and are to be accessible through the internal driveway from Orara Way.

The parking is based on 1 space per 6.6m<sup>2</sup> for the deck, and 1 space per 2.5 patrons for the Concrete Slab/Marquee less the area for the vineyard corridors as it will not be used at the same time as the Concrete Slab/Marquee area and includes the six spaces required for the approved farm stay accommodation and existing cellar door premises and restaurant. The approved unconstructed garage will provide parking for the dwelling house.

The Concrete Slab/Marquee and vineyard areas are not proposed to be used concurrently and as such the maximum potential is for 104 persons including patrons (20 diners existing restaurant, 40 diners deck, 26 diners either on the Concrete Slab/Marquee area, or using the vineyard corridor), 8 staff, 4 farm stay guests and 6 residents may use or be present on the site at any one time. The limitation on people within the site is the result of the ability to dispose of wastewater on the site as detailed in the revised On-Site Sewage Management report dated 10 December 2021 and included in Appendix C.

Live music of an acoustic style located within the existing cellar door building, but not on the deck area of this building is proposed with some low amplified music available at dining settings on the lawn to add atmosphere without distracting from the experience of dining or the conversation between diners. The potential impacts from noise from diners, music and use of the proposed car parking area have been reassessed and its findings are included in the amended Acoustic Assessment report dated 3 December 2021 and included in Appendix E.

The application no longer relies upon the Craig Hill Acoustic Report provided to Council. This has been superseded by later reports prepared by EMM dated April 2021 as amended by the Joint Acoustic Experts Report and Supplementary Report. The Acoustic Reports have been updated (or amended) so as to take account of a further noise assessment to be carried out at the Site with respect to the LA 10 Noise standard.

Vehicular access is proposed via a separated entry and exit to Orara Way within the 70 km/h speed zone area that applies to the classified (regional) road fronting the property. The access location has been agreed to by Council staff based on the assessment by de Groot and Benson and is included in the further amended TIA, prepared in March 2021 and amended 3 December 2021 and included in Appendix F. The amendment to provide a separate entry and exit in addition to the provision of a Traffic Impact Assessment has been prepared by de Groot and Benson.

The 40 parking spaces are proposed for the restaurant and cellar door. Parking for the deck is provided at the 1 space per 6.6 metre square standard for new premises, being that of the proposed enclosed deck area. An overflow parking area for 10 vehicles is proposed to provide for the Concrete Slab/Marquee or Vineyard area at a rate of 1 space per 2.5 persons as indicated in the Traffic Impact Assessment Report.

A summary of the proposed development is provided as follows:

Proposed use	Area	Parking	Hours of operation	Patrons/ occupants
<b>Additional dining (deck)</b>	90 m <sup>2</sup>	13.6	10am to 10pm 7 days	<b>40</b>
<b>Dining on the Concrete Slab/Marquee area</b>	135 m <sup>2</sup>	5.4	10am to 6pm Sat/Sun	<b>26</b>
<b>Dining in vineyard Dining</b>	90 m <sup>2</sup>	3.6 (not with paved outdoor area)	11am to 4:30pm 3/year	<b>26 (not with Concrete Slab/Marquee area)</b>
<b>Existing dining</b>	44 m <sup>2</sup>	1.5+1 disabled	10am to 10pm 7 days	<b>20</b>
<b>Approved farm stay</b>	2 beds	2	7 days	<b>4</b>
<b>Existing cellar door</b>		1.5	Daily	
<b>Existing dwelling</b>				<b>6</b>
<b>Staff</b>				<b>8</b>
<b>Wine Tasting</b>			10am to 5pm daily between meals	<b>20</b>
		<b>TOTAL 30 plus 10 overflow</b>		<b>TOTAL 104 max at any one time</b>

An existing general waste garbage storage area has been provided and comprises a 3000-litre bin located on a hard stand wash down area connected to the on-site wastewater disposal system area and is emptied on a needs basis by a private contractor. The service will be amended to provide for 2 smaller 1100 litre bins with a 2200 litre total capacity for the proposed additional dining areas in addition to the existing storage bins provided at the house as part of the Council garbage collection service as relocated to allow access internally from Orara Way and not from the unconstructed Road Reserve. The bin storage has been amended to fit within the site to Council's standard and will be emptied on a needs basis by private contractor. The hours of operation of the restaurant ensure the garbage collection and any deliveries to the restaurant can occur before the restaurant opens to avoid any potential conflict with onsite parking.

The sufficiency and capacity of the existing on-site wastewater disposal system has been assessed and reviewed in consultation with Council with respect to the approved, completed and proposed works for the site. The effluent management report prepared by Truewater Australia and dated October 2016 and provided to Council as part of DA 0444/17 has been updated to account for all works completed, or yet to be completed on the site, in addition to the expanded and intensified use of the site for dining purposes as proposed under the subject application.

The capacity of the cellar door/restaurant use is limited by the capacity of the waste water disposal. Any system is required to meet the peak demand periods and will require a capacity capable of servicing 0 breakfast sittings, 2 lunch and 2 dinner sittings plus the cellar door patrons and staff as well as the dwelling and farm stay.

The existing on-site waste disposal area is to be retained for the 20 seat dining capacity and 2 additional disposal areas provided to accommodate the additional demand from increased dining. The proposed system and demand assessment is included in Appendix C.

Drinking water will be provided by collection of rainwater in storage tanks and treated through an existing ultraviolet water treatment system. The proposed system and demand assessment is included in Appendix D. Some roof areas for directing rainwater to storage tanks have been approved but are yet to be constructed. In the event of the water supply becoming depleted until all roof area and storage tanks are provided the restaurant hours will be reduced or the restaurant closed until the water supply capacity is available.

## 5. STATUTORY CONSIDERATIONS

The matters for Council to consider are listed under Section 4.15 of the Environmental Planning & Assessment Act. The relevant matters are addressed as follows:

### 5.1 Environmental Planning Instruments

#### 5.1.1 Coffs Harbour Local Environmental Plan 2013 (LEP)

The subject land is wholly within Zone RU2 Rural Landscape. The objectives of Zone RU2 are as follows: -

##### **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 minimise the fragmentation and alienation of resource lands.

The proposal is consistent with these zone objectives by encouraging sustainable primary industry production as an integral part of the restaurant use and providing additional dining choices for an existing restaurant compatible with the vineyard operation.

The proposed use is an extension of dining choices for a restaurant that is a use permitted with Council's consent in the RU2 zone.

Relevant clauses under the LEP are addressed as follows:

##### **Clause 4.3 Height of Building**

The height limit is 8.5m. The only proposed building additions of further toilet facilities comply.

##### **Clause 5.11 Bushfire hazard reduction**

The site is identified as bushfire prone on the Coffs Harbour City Council Bushfire Prone Land Map. There is no increase in habitable areas or accommodation for which a bushfire risk is a concern.

##### **Clause 7.2 Earthworks**

Some earthworks are proposed to provide additional toilet facilities, wastewater disposal areas and to construct a car parking area with vehicle access. Sediment and erosion controls will be implemented prior to any site disturbance occurring.

##### **Clause 7.3 Flood planning**

The estimated 100-year ARI flood level in the vicinity of the above property is 78.1m AHD.

Council's planning controls require new buildings to have a minimum floor level 500mm above the 100-year ARI flood level or 78.6m AHD for the property.

The site is partially identified (north-west corner) as flood prone. The proposed additional toilet facilities will be located above the nominated 78.1 m flood height and can be constructed with a minimum floor level at 78.6m.

### Clause 7.11 Essential Services

Wastewater disposal is currently undertaken on the site. An assessment has been undertaken for the suitable disposal of wastewater based on the potential increase in patrons and the findings and recommendations are included in Appendix C.

It is proposed to retain the existing on-site wastewater disposal area with capacity for 20 seat dining with an approved 90,000 L inground rainwater tank being relocated to the northern boundary as shown on plans in Appendix A. The relocated underground water tank will be provided with a trafficable top and submersible pump to minimise any noise emissions. It is considered that the location of the existing on-site wastewater disposal area is accurate and clear of the approved swimming pool however, the location can be verified by survey as a condition of consent prior to construction of any facilities that could potentially conflict with the wastewater disposal area. All vehicles including tractors will access the vineyard area along the northern side of the property to avoid any conflict with wastewater disposal areas. The access route will be verified prior to construction of the approved garage building or other structure likely to be in conflict with access to the vineyard and the location of any structure modified to maintain access. Additional wastewater disposal areas will be provided within the vineyard area to accommodate increased dining capacity above the existing 20 seat capacity as shown in the plans in Appendix A. A Plan of Management can be provided as part of consent conditions for the operation of the wastewater disposal system.

Potable water is provided from rainwater tanks as shown in the plans in Appendix A and an assessment of the of the required capacity is included in Appendix D. If water supply were to become depleted in an extreme drought the operation of the restaurant will be reduced or closed until such time as adequate water is available.

Electricity and telephone services are available to the site

#### 5.1.2 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

### Subdivision 31 Privacy Screens

The screens that have been erected on the northern side boundary of the property to reduce any impact from spray drift from the operation of the vineyard area, are also used to provide privacy for the occupants of the adjoining property. This screen satisfies the development standards provided by 2.62.

#### 5.1.3 State Environmental Planning Policy (Infrastructure) 2007

### Clause 101

Orara Way is a Classified (Regional) Road (MR151). The application proposes an expansion of existing uses of the site and also proposes to extend this use to additional parts of the site. As the subject property has a frontage onto Orara Way Clause 101 of the SEPP1 is, therefore applicable Coffs Harbour City Council is the road authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to section 7 of the *Roads Act 1993* ("Roads Act"). Accordingly, the Council as the roads authority is to be satisfied that the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development. In a letter dated 16 April 2020 and provided to the applicant on 5 June 2020, we understand Transport for NSW has requested a Traffic Impact Assessment ("TIA") be provided to it for its consideration.



As a result, a traffic engineering consultant has been engaged to prepare a TIA. This includes an assessment of the anticipated traffic volumes, distribution of traffic (i.e. the direction of vehicles arriving to and leaving from the Site, sight distance from the entry / exit driveways, and any required road works to accommodate the additional traffic. In its letter TfNSW also requested details justifying the provision of the then proposed 32 parking spaces for the then 240 patrons to be included in the TIA. The applicant notes, that the maximum number of patrons now proposed to be accommodated at any one time on the site pursuant to this application is 104. This is below the number of patrons cited by TfNSW in its letter. Therefore, the TIA will only provide details justifying the 30 parking spaces plus 10 overflow parking spaces for 104 patrons.

In doing so, it has been demonstrated that all anticipated traffic generation of the proposal is able to be accommodated on site.

The TIA report has been updated to account for the reduction in numbers to provide an accurate set of documents to support the further amended application and included in Appendix F.

## 5.2 Draft Environmental Planning Instruments

There are no known draft instruments that are relevant to this proposal.

## 5.3 Development Control Plans

The Coffs Harbour Development Control Plan 2015 (DCP) is the relevant document and the relevant Parts are discussed as follows: -

### 5.3.1 Part D4 – Rural & large lot residential development

#### D4.1 Setback requirements

- A front setback of more than the 20m guideline is provided with a parking area within the setback. A variation to this standard is, however, required to minimise potential noise intrusion to neighbouring properties.
- Side and rear setbacks comply the 10m guideline to the proposed amended location for additional toilet facilities. There are no other building structures proposed. An existing garbage storage area within the 10m side setback will be modified to provide storage for the required commercial bin service within the property boundaries and rely on collection from the internal carpark area. A proposed parking area encroaches on the 10m side setback and a variation is requested to maximise the separation of the parking area from neighbours and minimise noise intrusion.

#### D4.2 Design requirements– general

The addition of further toilet facilities is in keeping with the existing buildings, will not be visible from Orara Way and is in keeping with a rural character. There are no other building works proposed. New parking areas are proposed within the side and front setbacks however the parking areas will be provided with perimeter landscaping to remain consistent with the rural character and visual appearance of the vines.

#### D4.4 Infrastructure requirements

The infrastructure has been discussed under Clause 7.11 of the LEP above. A waste management plan is required to be prepared and submitted and can be required as a condition of consent. The private collection of waste and delivery of supplies to the restaurant will be undertaken from within the proposed parking area and outside hours of operation of the restaurant to avoid any conflicts.

#### D4.5 Access and parking requirements

Deliveries comprise 4 deliveries per week and are undertaken by small rigid trucks and adequate manoeuvring area is available for loading and unloading for such vehicles within the site from the proposed car park area with deliveries occurring outside the hours of operation of the restaurant to avoid any potential conflicts. No additional delivery vehicles will be required for the additional dining areas as the existing trucks have adequate capacity. On-site parking and access is to be provided and discussed under Part F1 Access and Parking.

#### D4.6 Landscaping requirements

Landscaping is to be provided around the proposed on-site parking area and acoustic screens that includes plant selection that is sensitive to local climate, topography and natural features. Details will be provided as part of the Construction Certificate application.

#### D4.8 Accessibility requirements

Access to the buildings for persons with a disability has been provided with access compliant toilet facilities being provided. The levels of the entry to the restaurant are to be confirmed as part of the Construction Certificate application.

#### D4.9 Safer by design requirements

The site has existing CCTV surveillance. The proposed car park is located on the Orara Way frontage for open surveillance. Appropriate lighting and signage has been provided to direct the public to the entry door. The site is in a prominent location and visible from traffic using Orara Way. Appropriate signage will be provided to prevent access to the unconstructed road reserve by patrons, deliveries, waste collection and staff parking to avoid vehicles using the unconstructed intersection to Orara Way.

#### D4.14 Erosion and sediment control requirements

Sediment and erosion controls will be implemented prior to construction commencing and details will be provided as part of the Construction Certificate.

#### D4.15 Environmental requirements

There is no high conservation value vegetation or features located on the property.

#### D4.16 Flood requirements

The potential impacts of flooding are discussed under Clause 7.3 of the LEP above.

#### D4.21 Rural Land Use conflict

The potential for rural land use conflict centres on potential noise nuisance. An extensive noise impact assessment has been undertaken by EMM and the report and findings are included in the report in Appendix E, which concludes that noise impacts will not be likely to exceed acceptable levels.

### 5.3.2 Part E1 – Biodiversity

There is no significant vegetation on the site likely to be affected. A large camphor laurel tree will be required to be removed from the overflow parking area. Additional planting of appropriate plant species is proposed on the perimeter of the carpark.

### 5.3.3 Part E4 - Flooding

Impacts have been discussed under Clause 7.3 the LEP.



#### 5.3.4 Part F1 – Access and Parking

In accordance with this Part the use of the property and parking requirements comprise a change of use of existing parts of the property for additional dining choices where parking is provided at one space per 2.5 patrons for the Concrete Slab/Marquee and Vineyard area.

The estimated use areas are as follows:

- Existing approved Cellar Door Premises and Restaurant (indoor area) – 20 patrons over 44m<sup>2</sup> internal dining area with outdoor deck available for patrons;
- Restaurant addition (increased capacity of outdoor deck area) – 40 patrons over 90m<sup>2</sup> of existing deck;
- Concrete Slab/Marquee Area – 26 patrons over 135m<sup>2</sup> of outdoor area;
- Vineyard corridor – 26 patrons over 90m<sup>2</sup> vineyard corridor (not used at same time as Concrete Slab/Marquee Area)

A maximum of eight persons are proposed to be employed and on-site parking for a total of 40 vehicles is proposed comprising 30 spaces including three spaces for persons with a disability and an additional 10 overflow spaces. The parking includes six spaces required for the farm stay accommodation and existing cellar door premises and restaurant. No additional parking is required for employees.

Access is proposed from Orara Way with separated entry and exit in accordance with the DCP requirements. Deliveries and garbage collection will occur from the carpark area prior to the restaurant opening to avoid conflict with onsite parking.

#### 5.3.5 Part F3 – Landscaping

Landscaping is to be provided within the front setback to soften the appearance of the proposed car park area. A large camphor laurel tree will be removed from the overflow parking area.

#### 5.3.6 Part F6 – Waste Management

Existing garbage storage facilities have been provided as discussed under Chapter 3 of this report. The service will continue for the proposed additional dining areas and will be relocated to within the property with access to Orara Way for collection by private contractor prior to the restaurant opening. A waste management plan is required to be submitted to confirm the proposed storage area is sufficient to meet requirements. The waste management plan can be required as a condition of approval.

### 5.4 Likely Environmental Impacts

The proposal is unlikely to create any adverse environmental impacts that cannot be appropriately managed within the site. The property is ideally located in a rural area adjoining Orara Way to provide additional services to tourists and the local population on this inland tourist route between Coffs Harbour and Grafton.

The potential impacts are limited to noise, traffic and the disposal of wastewater. Specialist investigations have been undertaken into these aspects and other aspects that have identified an appropriate level of management.

The proposal will make a positive contribution to providing an attraction for visitors to the area and will make a positive contribution to ensuring the ongoing viability of this restaurant in a rural location.

## 5.5 The Suitability of the Site for the Development

The site has an area of some 2 ha and has been developed as a vineyard, cellar door premises and restaurant that has operated for several years. It is proposed to regularise the deck dining area for 40 seats and provide additional dining choices for patrons in an outdoor location where potential impacts have been investigated by specialist consultants. The site is zoned to permit the proposed use. The proposal meets the aims and objectives of the zone.

Having regard to zoning of the site, land area, locality, site position and proposed measures to minimise impacts the site is considered suited to the proposed additional dining choices to an approved development subject to the further amendments detailed in this SEE and other supporting reports and appropriate conditions of consent.

# APPENDIX A

## Amended Development Plans (10.12.21)

## APPENDIX B

### Liquor and Licence Plan

## APPENDIX C

### On Site Sewage Management System Solution (10.12.21)

## APPENDIX D

### Amended Water Supply Assessment (7.12.21)

# APPENDIX E

## Acoustic Assessment (3.12.21)

# APPENDIX F

## Traffic Impact Assessment (3.12.21)