

Statement of Environmental Effects

Proposed Mixed-Use Development and 1 into 4 Lot Subdivision

795 Medowie Road
MEDOWIE NSW 2318

Prepared by KDC Pty Ltd | July 2019





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Statement of Environmental Effects

Final

Report Job No. 19235 | Prepared by KDC Pty Ltd for Medowie Retail Unit Trust | July 2019

Prepared by Samuel Newman

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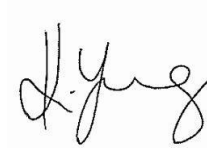
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Signature



Date 12 July 2019

Date 15 July 2019

This Report has been prepared in accordance with the brief provided by Medowie Retail Unit Trust and has relied upon the information collected at or under the times and conditions specified in the Report. All findings, conclusions or recommendations contained within the Report are based only on the aforementioned circumstances. Furthermore, the Report is for the use of the Client only and no responsibility will be taken for its use by other parties.



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Executive Summary

This Statement of Environmental Effects (SEE) is submitted to Port Stephens Council (Council) in support of a Development Application (DA) at 795 Medowie Road, Medowie NSW 2318 for the following:

- Torrens title subdivision - one (1) into four (4) lots;
- Construction of new ingress and egress driveways on Peppertree Road and Muir Street;
- Construction and use of a commercial premise (800m²) on proposed Lot 2;
- Construction and use of a centre-based childcare facility (GFA 804m²) on proposed Lot 3;
- Construction and use of a multi-tenancy building (GFA 1,186m²) comprising commercial uses and a medical centre on proposed Lot 4;
- Site landscaping;
- Parking and manoeuvring areas;
- Associated building and site signage; and
- Other minor works as illustrated on the proposed plans included at Appendix A.

It is noted that future development on proposed Lot 1 will be subject to a separate DA.

The proposed mix of development uses will provide valuable services and facilities within a highly accessible and convenient location of Medowie. As detailed in the Medowie Planning Strategy 2016, Medowie is forecast for significant population growth over the next 20 years. Development such as that proposed under this DA will greatly assist in providing the services and facilities required to support that growth.

The proposal is generally compliant with relevant legislative requirements and Environmental Planning Instruments. The proposed uses are permissible and consistent with the objectives for the B2 Local Centre Zone. The development is compliant with the relevant LEP clauses, presenting no variations to any development standard.

The proposal is generally compliant with the requirements of DCP 2014, with the exception to setback. This variation has been discussed in the body of this SEE and is considered reasonable in the circumstances given the nature of the development and surrounds, the strategic direction for the local centre and overall DCP objectives satisfaction.

The proposed development incorporates high-quality building presentation and signage with an integrated overall approach to site development. Amenity impacts on surrounding properties will be minimised through design and management practices.

The proposal is considered to be in the public interest as it will deliver a number of public, social and economic benefits with minimal adverse impacts.

This SEE has addressed the potential impacts arising from the proposal on surrounding properties including traffic, access and parking, noise, visual amenity and waste and water management. Where necessary, mitigation measures are proposed to minimise these potential impacts and reduce potential risk associated with the development. Furthermore, it is in the interest of the future operators to employ strict management procedures for each premises to ensure that the development is a safe, efficient, and pleasant environment in which to work and visit.

Given the merit of the design and the absence of any significant adverse environmental impacts or planning issues, the DA is considered to be in the public's interest and worthy of Council's support.

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1 Introduction

This Statement of Environmental Effects (SEE) is submitted to Port Stephens Council (Council) in support of a Development Application (DA) at 795 Medowie Road, Medowie NSW 2318 (the site).

Specifically, the proposed development includes:

- Torrens title subdivision - one (1) into four (4) lots;
- Construction of new ingress and egress driveways on Peppertree Road and Muir Street;
- Construction and use of a commercial premise (800m²);
- Construction and use of a multi-tenancy building (GFA 1,186m²) comprising commercial uses and a medical centre;
- Construction and use of a centre-based childcare facility (GFA 804m²);
- Site landscaping;
- Parking and manoeuvring areas;
- Associated building and site signage; and
- Other minor works as illustrated on the proposed plans included at Appendix A.

This SEE has been prepared by KDC Pty Ltd (KDC) on behalf of Medowie Retail Unit Trust. It describes the site, its environs, the proposed development and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). It should be read in conjunction with the supporting information and Plans prepared by CKDS Architecture appended to this report (Appendix A).

1.1 Consultation with Council

A formal pre-development application meeting was held on 14 May 2019 at Port Stephens Council. At this meeting, the proposed development was presented by the proponent. Attendees representing the proponent at the meeting included:

- Peter Chrystal – General Manager and Partner – KDC
- Peter Childs – Development Manager – Mavid Properties
- Gabrielle Kingston-Yates – Assistant Development Manager NSW/ACT – McDonald's Australia Limited
- Joel Chamberlain – CKDS Architecture

Port Stephens Council Representatives included:

- Cindy Littlewood
- Jessica Franklin
- Nigel Waters

Council acknowledged that part of the site is subject to a recent subdivision consent which has not yet been registered with NSW Land Registry Services. Council confirmed that Council's Property Services team are willing to accept this application prior to the subdivision being formally registered.

Generally, Council were supportive of the overall mixed-use development proposal, noting that detail need to be provided as to the operation of the carpark on site. Parking, access and traffic are detailed in Section 5.2 of this Report.

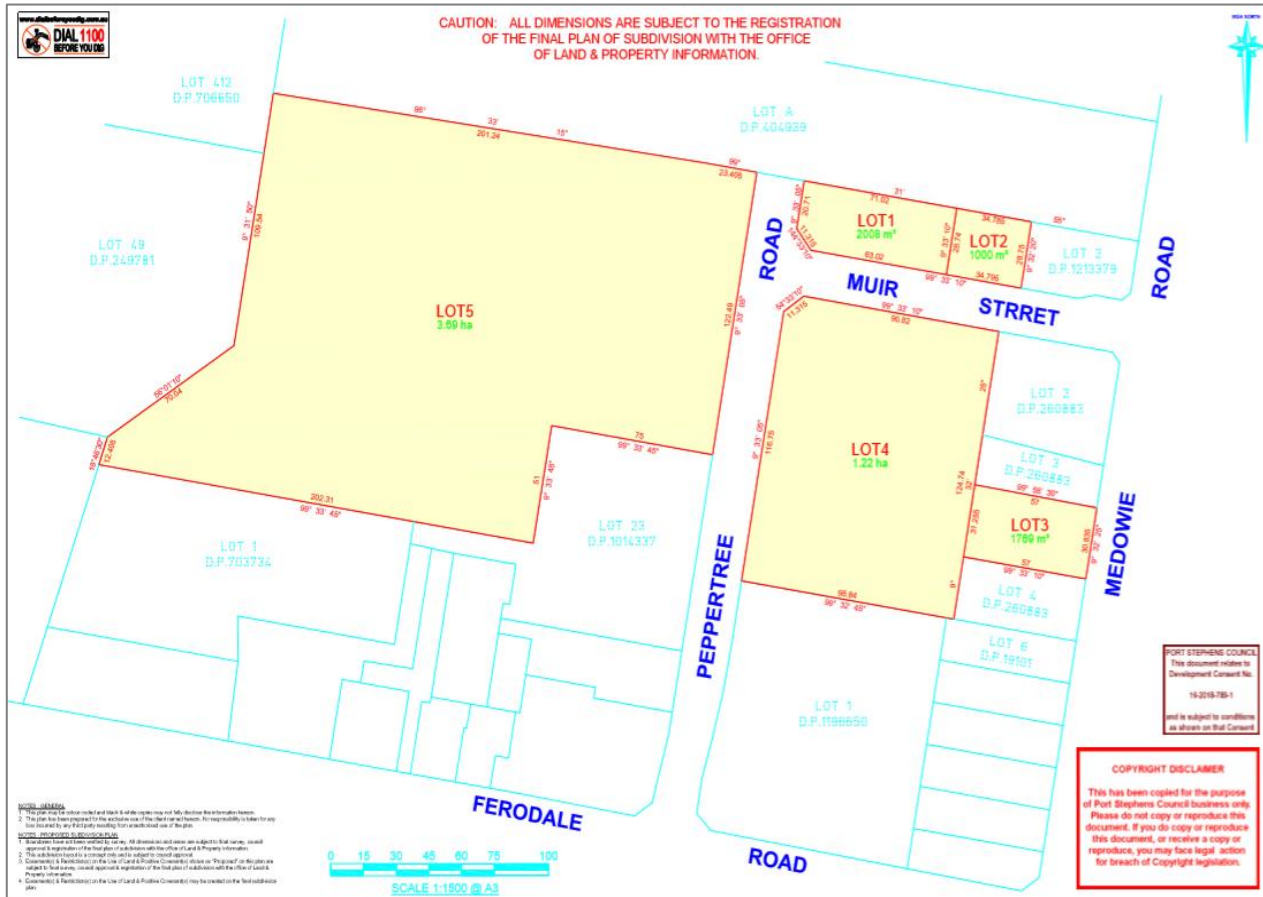
1.2 Recent Site DA History

DA16-2018-789-1

On 9 April 2019 a subdivision development application was approved by Council for a *Torrens title subdivision – One into five lots (four commercial and one residue)* for the parent Lot 1 in DP 1215257. The proposed works under this DA are within approved Lot 4.

An extract of the approved Subdivision Plan is provided in Figure 1.

Figure 1 – Approved Plan of Subdivision under DA16-2018-789-1



2 Site Analysis

2.1 Site Location and Context

The site is located on the south eastern corner of the intersection connecting Peppertree Road with Muir Street. The development falls entirely within the boundaries of the Port Stephens Local Government Area (LGA). The site comprises one (1) parcel of land, generally known as 795 Medowie Road (refer to Figure 2 and 3 for site location). As stated in the preceding section of this Report, the site boundary reflects the recently approved subdivided Lot 4 (hereafter referred to as 'the site') of the parent site described as Lot 1 in DP 1215257 (under DA 16-2018-789-1).

The site is surrounded by a mix of commercial and residential land uses as well as vacant, undeveloped land. Medowie town centre is located to the south west of the site and contains a mix of commercial and food and drink premises. Low density residential land is generally located to the north and south of the site with a higher density residential to the east across Medowie Road. Land to the immediate north west is currently vacant.

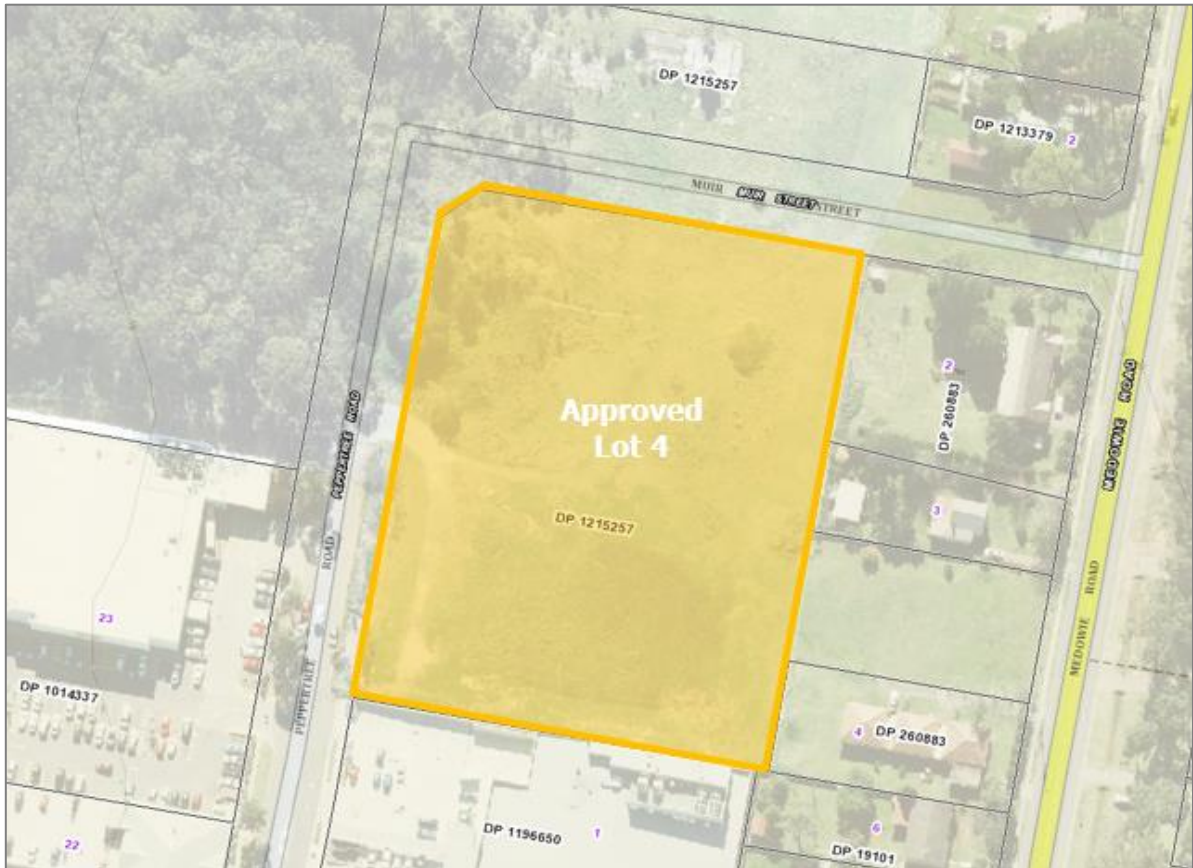
Figure 2 - Locality Plan (Source: Google Maps)



2.2 Site Description

The site is described as Lot 4 as approved under DA 16-2018-789-1. The site has approximately 115m of frontage to the west along Peppertree Road and 90m of frontage to the north along Muir Street. The site is rectangular in shape with a total site area of 12,297m² as shown in Figure 3 below.

Figure 3 – Cadastral Plan (Source: SixMaps)



Lot 4 is completely vacant of any buildings or structures with the exception of fencing. The topography of the site slopes gently to the west. Existing vegetation on the site consists of mainly turf and small shrubberies.

The following photograph depicts the site as viewed from Peppertree Road.

Photograph 1 – View of the site looking south from the corner of Peppertree Road and Muir Street.



2.3 Surrounding Development

The site forms part of the Medowie Local Centre, surrounded by a variety of commercial uses, residential properties and recreational land. Specifically, surrounding developments include:

- Medowie Local Centre to the south west, which comprises:
 - Woolworths Supermarket;
 - Coles Supermarket;
 - Several food and drink premises;
 - Retail/business uses including a pharmacy, real estate agency and a hairdresser;
- Bull and Bush Hotel and bottlemart approximately 280m to the south west;
- Hardware Store approximately 430m to the south west;
- Medowie Community Centre approximately 160m to the south;
- Public Recreation (Boyd Oval and Skate Park) approximately 340m to the east;
- Medowie Fire Station approximately 110m to the south east; and
- Residential properties to the east.

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3 Description of Proposed Development

This section of the SEE provides a detailed description of the proposed development.

3.1 Elements of the Proposed Development

The proposal includes the following within the site:

- Removal of existing vegetation and site preparation works;
- Construction of combined ingress and egress driveways on Peppertree Road and Muir Street;
- Torrens Title Subdivision – one into four lots, with appropriate easements and right of ways;
- Construction and use of a commercial premises (GFA 800m²);
- Construction and use of a multi-tenancy building (GFA 1,186m²) comprising commercial uses and a medical centre;
- Construction and use of a centre-based childcare facility (GFA 804m²);
- Site landscaping;
- Car parking;
- Signage;
- Other minor works as illustrated on the proposed plans included at Appendix A.

3.2 Site Preparation Works

It is proposed to remove all existing site elements including turfing and other small vegetation. There are currently no structures on site, therefore consent for demolition is not sought under this DA.

Site preparation waste has been identified as a waste stream and details are provided within the Waste Management Plan attached at Appendix L.

Protection of the public and the environment in terms of dust and noise control will be considered and actioned prior to site preparation commencing.

Cut and fill is required to cater for the development of the site, the majority of the site consists of minor cut and fill of less than 1m. More extensive cut is proposed in the south western corner of the site where the two storey commercial building is proposed.

Civil works for the entire site is proposed as part of this application. While no use is proposed on proposed lot 1, the works will be undertaken to prepare a pad site ready for future development.

3.3 Subdivision

A draft plan of subdivision is provided at Appendix E. It is proposed to create four (4) Torrens Title lots, generally regular in shape. The proposed subdivided lots are described as follows:

- Lot 1 (3,541m²) – Vacant land for future development;
- Lot 2 (2,401m²) – Commercial premises;
- Lot 3 (4,129m²) – Centre Based Child Care Facility; and
- Lot 4 (2,225m²) – Multi-tenancy commercial premises

Under the Port Stephens LEP 2013, no minimum lot size or minimum frontages are specified for subdivision. Reciprocal right of carriageways are provided as part of the subdivision to allow access to all the lots. Necessary services easements are also included.

3.4 Vehicular Access and Parking

It is proposed to construct two (2) separate vehicle crossovers onto Peppertree Road and Muir Street, being one combined ingress and egress on each crossover.

These driveways shall be constructed to industrial standard to satisfy Council. The proposed driveways will provide for the turning movements of cars and service vehicles (including delivery service vehicles), in accordance with the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 2: Off-street commercial vehicle facilities), AS 2890.1:2004 and AS 2890.2 –2002.

Within the site, 104 dedicated parking spaces are provided including 6 disabled spaces over the entirety of the site. Parking spaces will be typically 2.6 metres wide by 5.4 metres long. The disabled parking spaces will be 2.4 metres wide, with a 2.4-metre-wide adjacent area for wheelchairs.

The dual-way circulation aisles will be a minimum of 6.6 metres wide, and wider where aisles are used by service vehicles. These dimensions satisfy the requirements of the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 6: Off-street parking for people with disabilities), AS 2890.1:2004 and AS 2890.6:2009.3.11. The internal layout will provide for a delivery/service vehicle to enter the site, circulate and make deliveries before exiting in a forward direction onto either Muir Street or Peppertree Road.

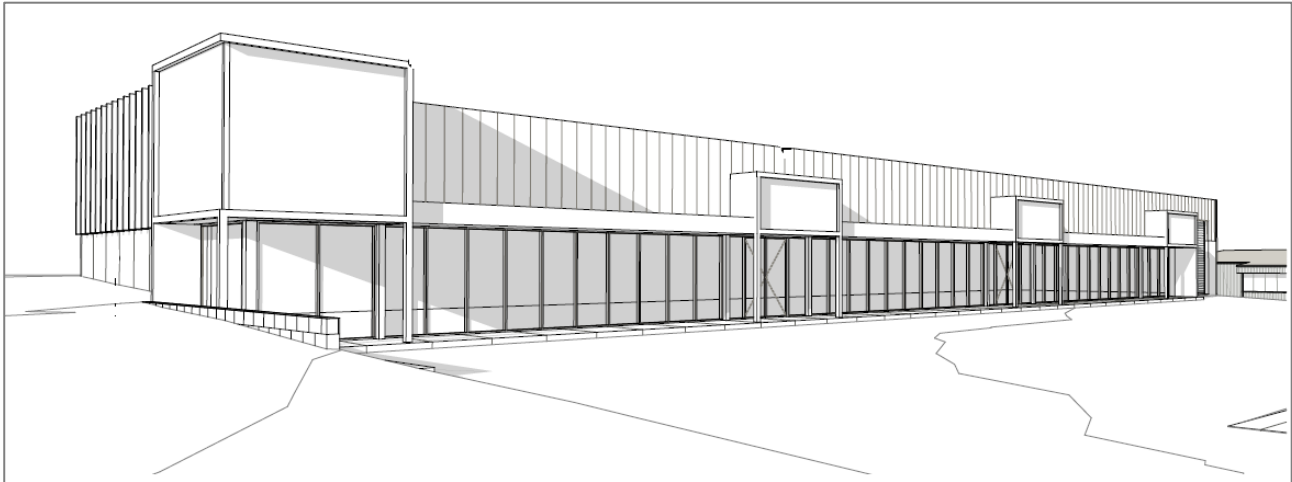
3.5 Commercial Premises

The tenant of the proposed commercial premises on proposed Lot 2 is yet to be identified however the building will extend to 800m² GFA, be of a modern design, and includes high quality finishes. There is opportunity to break this building into several smaller tenancies depending on market demand. The nominated materials for this premises are identified on the Plans included at Appendix A and include precast concrete wall panels, metal parapet capping, alucobond cladding and clear glass with powder coated frames.

The proposed construction of the commercial premises will include the following works:

- Construction and use of a single storey, freestanding commercial premises (total GFA 800m²);
- Carparking;
- Loading/deliveries bay at the southern end of the building;
- On site landscaping;
- Building and site signage; and
- Other minor works identified on the Plans attached at Appendix A

Figure 4 – Commercial Perspective from Muir Street (Source: CKDS Architecture)



Deliveries

A loading bay is proposed at the southern end of the building. Adequate provision of space has been provided to allow a Medium Ridged Vehicle (MRV) 8.8m to access the site, reverse into the loading bay and exit in a forward direction onto Muir Street.

Waste Management

Waste will be stored at the rear of the loading area where there will be a minimum of 2 bins provided (for the separation of general waste and recycling). Waste collection will be undertaken by a private contractor outside of night-time hours.

Signage

Full details on signage cannot be provided at this stage due to the unknown future tenant. Instead, signage zones are shown on the building comprised of the following:

- 4 x flush mounted panels on western elevation; and
- 1 x flush mounted panel on northern elevation.

An integrated and simple approach to external signage is proposed for the premises. Building signage is concise and simple reducing the potential for clutter or signage proliferation in the area. Refer to Elevation Plans at Appendix A.

Hours of Operation

The table below is an indication of the proposed hours for this commercial building noting that changes to operational hours may be required once a tenant is confirmed.

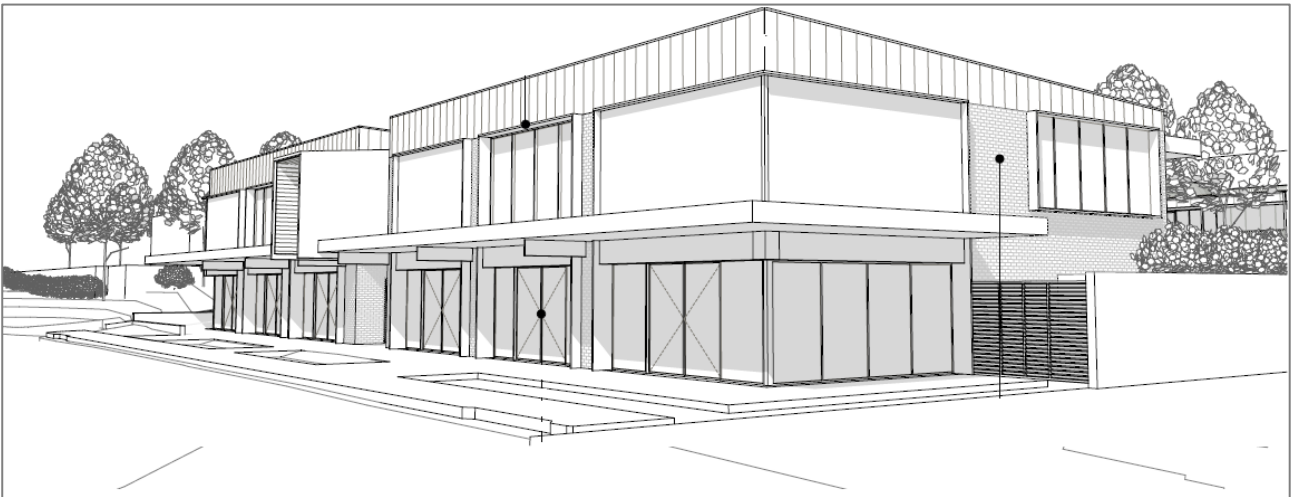
Table 1 – Proposed hours of operation for the commercial building

Commercial		Proposed Hours
Operation	Mon-Fri	8am – 6pm
	Sat	9am – 5pm
	Sun / Public Hols	9am – 5pm

3.6 Commercial Premises and Medical Centre

The commercial/medical centre building is located on proposed Lot 4. The majority of the commercial tenant(s) within this building are yet to be identified; however, the building will extend to 1,186m² GFA, be of a modern design, with finishes consistent with the future tenant's corporate theme (Refer to Figure 5). The design on the building will include a lower floor level with direct frontage to Peppertree Road and an upper floor level, with level access to the on-site car parking area. A staircase through the centre of the building will provide pedestrian connectivity between the two levels.

Figure 5 – Commercial Perspective from Peppertree Road (Source: CKDS Architecture)



The proposed construction and use of the multi-tenancy premises will include the following:

- Medical premises (GFA 206m²); retail premises (pharmacy) (GFA 295m²); and commercial premises (GFA 115m²) on the upper floor level;
- Six (6) x commercial premises (GFA 95m² each) on the lower floor level;
- A stairway through the centre of the building to provide pedestrian access to the site from Peppertree Road;
- Waste enclosure facilities; and,
- Awnings, signage, and other minor associated works.

Deliveries

Due to the nature of the use(s), deliveries to the uses on the upper levels will be made via a light commercial/utility vehicle eg Hi-Ace or similar and able to temporarily park in a standard parking space whilst the delivery is being made. Deliveries are expected to be low, at potentially 1-3 per week. Deliveries for the lower level commercial premises could be made on Peppertree Road, adjacent to premise(s).

Waste Management

Waste will be stored in one of the two designated waste enclosure area toward the south of the site where there will be the necessary number of bins provided for the separation of general waste and recycling. Waste collection will be undertaken by a private contractor during daytime hours.

Further details on waste management are provided in the Waste Management Plan at Appendix L.

Signage

Proposed signage on the building will follow the signage strategy outlined within Appendix A. Signage specification are to be confirmed during the fit out of the tenancies subject to the relevant business requirements. For the purpose of this DA, signage zones are proposed as follows:

Peppertree Road Elevation (Refer Figure 5):

- Primary, above-awning high-level signage;
- Secondary awning signage;
- Street level hanging awning signage; and,
- Street level shopfront signage.

Carpark Elevation (Refer Figure 6):

- Primary high-level signage;

An integrated and simple approach to external signage is proposed on the building, giving each of the future occupants the ability for business identification. Refer to the Elevation Plans at Appendix A for further details.

Hours of Operation

The table below is an indication of the proposed hours of operation for this building noting that changes to operational hours may be required once future tenants are confirmed.

Table 2 – Proposed Hours of Operation

Pharmacy		Proposed
Operation	Mon-Fri	8am – 7pm
	Sat	8am – 5pm
	Sun / Public Hols	8am – 5pm
Medical		
Operation	Mon-Fri	8am – 7pm
	Sat	8am – 7pm
	Sun / Public Hols	8am – 5pm
Commercial		Proposed
Operation	Mon-Fri	8am – 6pm
	Sat	9am – 5pm
	Sun / Public Hols	9am – 5pm

3.7 Childcare Facility

The proposed centre-based childcare centre is located on proposed Lot 3, occupying 804m² GFA and approximately 885m² gross outdoor play area.

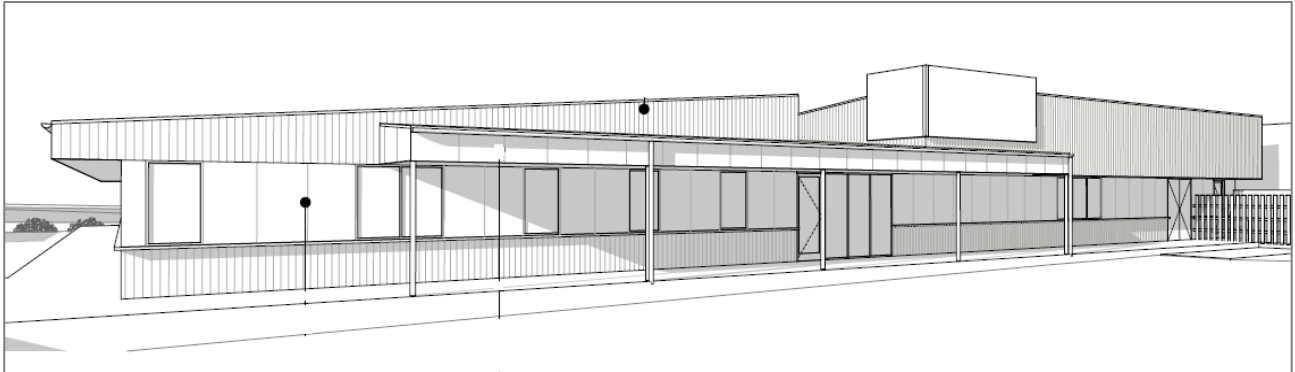
The building in which the childcare centre is designed to operate is contemporary in form, materials and colour palette. Being purpose-built and designed for the express purpose of a childcare centre, the building incorporates adequate facilities and amenities to suit the needs of occupants and ensure compatibility with

the operational requirements under the Children (Education and Care Services) Supplementary Provisions Regulation 2012.

The childcare centre has the following attributes and inclusions:

- 126 place capacity for children aged between 6 weeks and 6 years old;
- Operating hours 7:00am to 7:00pm Monday to Friday.

Figure 6 – Childcare Facility Perspective



Operational Hours and Staff

As the centre has been designed to cater for 0-6 year olds, with separate rooms allocated to cater for the different age groups are provided. This is illustrated on the proposed plans at Appendix A. The number of staff shall be dictated by the required ratios under the *Education and Care Services National Regulation*:

- Birth to 24 months = 1 educator to 4 children;
- 24 months to 36 months = 1 educator to 5 children; and
- 36 months and over = 1 educator to 11 children.

In addition to the staff in each room, there will be a centre manager. Contractors shall routinely be required to enter the premises for cleaning purposes, typically after hours.

The centre will operate for 51 weeks per year, excluding public holidays. The proposed hours of operation are as follows:

Table 3 – Proposed hours of operation of childcare centre

Childcare		DA Proposed
Operation	Mon-Fri	7am – 7pm
	Sat	Closed
	Sun / Public Hols	Closed

Indoor / Outdoor Play Areas and Equipment

Sufficient spaces and high quality, age-appropriate and safe equipment have been considered in the design of the indoor and outdoor play areas for children. Outdoor covered areas are included so children can enjoy outdoor play out of direct sunlight. Landscaping and native vegetation will be included in the outdoor areas to ensure children can experience the natural environment.

Safety and Security

A safe and efficient car parking and drop-off arrangement has been considered in the design of the childcare centre, with sufficient car parking spaces allocated in direct proximity to the entry of the building, with minimal distance to walk from vehicle to building entry. A secure entry system is incorporated to ensure child safety. Visitors shall gain entry only by invitation by staff.

Deliveries

Due to the nature of the proposed childcare centre, deliveries are expected to be low scale with no dedicated loading bay provided. Less than one delivery shall typically occur daily. Deliveries shall be made outside of peak times such as early morning via Hi-Ace or similar sized vehicle and therefore able to temporarily park in a standard parking space whilst the delivery is being made.

Waste Management

Individual mobile waste bins shall be stored in the designated waste area for the centre, to be serviced minimum weekly. Details of the waste anticipated to be generated from the childcare centre are provided in the Waste Management Plan provided at Appendix L.

3.8 Vehicular Access and Parking

Vehicular access to the development is proposed via an entry/exit on Muir Street and a secondary entry/exit on Peppertree Road. These vehicle access points are shared by all proposed premises on the site.

The proposed vehicle access points have been designed to cater for cars and service vehicles, in accordance with the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 2: Off-street commercial vehicle facilities), AS 2890.1:2004 and AS 2890.2 – 2002. It will cater for service vehicles to enter and exit the site in a forward direction. Swept paths are illustrated on the Architectural Plans at Appendix A.

Within the site, parking spaces will be typically 2.6 metres wide by 5.4 metres long. The disabled parking spaces will be 2.4 metres wide, with a 2.4-metre-wide adjacent area for wheelchairs. These dimensions satisfy the requirements of the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 6: Off-street parking for people with disabilities), AS 2890.1:2004 and AS 2890.6:2009.

A total of 104 parking spaces (6 accessible) are provided within the site to service the development. Compliance with DCP car parking controls is discussed further below in Section 5.2 of this SEE.

3.9 Landscaping

The proposed landscaping scheme includes significantly dense boundary plantings as well as internal planting areas within the central car park, resulting in a total landscape area of approximately 1,262m². Proposed landscaping including shade amenity trees, feature trees, tall screen shrubs, mass planted groundcovers, low boarder planting, cascading planting, shade tolerant planting and climbers are included to soften the built form when viewed from the street and neighbouring properties, while ensuring the functionality of the site is preserved.

The public domain improvement works will include the following:

- Insitu concrete footpaths to Council standards;
- Car park tree planting and tree pits to Council standards;
- Buffer planting to visually soften the building facades to the street;
- Mass planting to car park garden areas to soften expanse of hard stand areas; and
- Tree planting along central batter to provide shade and cooling benefits to cars & hard surfaces.

Species selection and location of all verge plantings will be in respect to existing/proposed services and infrastructure, on street car parking and car door openings.

In relation to the childcare, the landscape intent for the outdoor and common space areas will include the following:

- Shade/amenity tree planting in deep soil zones (where practical);
- Allowance of 7m² per child for outdoor play space;
- Provide minimum 30% shade in the form of shade sails or tree canopies;
- Passive recreation areas such as break-out spaces for flexible use;
- Play elements such as bamboo posts, soft fall mounds, timber logs and sandstone blocks; and
- Acoustic barrier fence for noise reduction between play space areas and surrounding infrastructure.

Further details of the proposed plant schedule are provided within the Landscape Plans prepared by Xeriscapes and attached at Appendix H.

3.10 Stormwater Management

The proposed development site has been designed to collect water runoff, filter and discharged to the existing stormwater network on Peppertree Road.

Full details of proposed stormwater management arrangements are included within the Civil Drawings prepared by ADW Johnson Consulting Engineers and attached at Appendix F.

3.11 Construction Management

A Construction Management Plan will be prepared and submitted to the Certifier for approval prior to the issue of Construction Certificate(s).

4 Planning Framework

The following legislation, Environmental Planning Instruments (EPIs), Development Control Plans (DCPs) and Strategies are relevant to the proposed development:

- Environmental Planning and Assessment Act 1979;
- Rural Fires Act 1997;
- State Environmental Planning Policy 55 – Remediation of Land;
- State Environmental Planning Policy 64 – Advertising and Signage;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- State Environmental Planning Policy (Infrastructure) 2007;
- Children (Education and Care Services) Supplementary Provisions Regulation 2012;
- Child Care Planning Guidelines;
- Port Stephens Local Environmental Plan 2013;
- Port Stephens Development Control Plan 2014; and
- Medowie Planning Strategy 2016.

4.1 Environmental Planning and Assessment Act 1979

The proposal, as with all development applications, is subject to the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Section 4.15(1) of the EP&A Act, 1979 provides criteria which a consent authority is to take into consideration, where relevant, when considering a DA. An assessment of the subject DA, in accordance with the relevant matters prescribed under Section 4.15(1), is provided within this SEE.

It is noted, pursuant to Section 4.46 of the EP&A Act 1979, the proposed development triggers integrated development under the Rural Fires Act. Further details are provided below.

4.2 Rural Fires Act 1997

Section 100B of the Rural Fires Act 1979 requires that a bushfire safety authority must be obtained for development that is:

(a) a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or

(b) development of bush fire prone land for a special fire protection purpose.

A Bush Fire Safety Authority authorises such development to the extent that it complies with standards regarding setbacks, provision of water supply and other matters considered by the Commissioner to be necessary to protect persons, property or the environment from danger that may arise from a bushfire.

Special fire protection purpose means the purpose of the following:

(a) a school,

(b) a child care centre,

(c) a hospital (including a hospital for the mentally ill or mentally disordered),

(d) a hotel, motel or other tourist accommodation,

(e) a building wholly or principally used as a home or other establishment for mentally incapacitated persons,

(f) seniors housing within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004,

(g) a group home within the meaning of State Environmental Planning Policy No 9—Group Homes,

(h) a retirement village,

(i) any other purpose prescribed by the regulations.

As noted within Figure 7, the majority of the site resides within the Vegetation Buffer, with a very small portion located within the Vegetation Category 2. Sections of the south eastern corner of the site (the general location of the childcare) are not mapped as bushfire prone.

Figure 7 – Bushfire Prone Land – Sheet 1 (Source: Port Stephens Council 2004)



Therefore, the proposal including subdivision and a childcare facility requires a bushfire safety authority. The development application shall be referred to the NSW RFS for approval, as integrated development.

A Bushfire Assessment Report has been prepared in respect of the proposed development, by an Accredited Bushfire Practitioner (refer to Appendix K). The report assesses the proposed development against the NSW Rural Fire Service (RFS) publication 'Planning for Bushfire Protection 2006' and finds that the proposed development is compliant in all aspects and therefore satisfactory from a bushfire safety perspective.

The details of the assessment are discussed further in Section 5.12 of this SEE.

4.3 State Environmental Planning Policies (SEPPs)

4.3.1 State Environmental Planning Policy 55 – Remediation of Land

Clause 7(1) of the SEPP states:

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) it has considered whether the land is contaminated, and*

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The subject site has no history of any development or improvements on the site. The site has historically been used for agricultural purposes.

The proposed development is towards a less sensitive land use and so the risk to future site users will be low. Based on the findings of this investigation, the land is considered suitable for the proposed development and to facilitate the various commercial premises, medical centre and the child-care facility.

4.3.2 State Environmental Planning Policy 64 – Advertisement and Signage

Clause 8 of SEPP 64 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

It is considered that the proposal signage satisfies the relevant criteria outlined within SEPP 64. Consistency of the development with Clause 3(1)(a) is discussed further in Section 5.4 of this report. A detailed assessment of the proposal against the Schedule 1 Assessment Criteria is provided in Appendix N.

4.3.3 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education and Childcare SEPP 2017) has provisions that will make it easier for child-care providers, schools, TAFEs and universities to build new facilities and improve existing ones by streamlining approval processes to save time and money while delivering greater consistency across NSW. The SEPP balances the need to deliver additional educational infrastructure with a focus on good design.

The proposed childcare facility is defined under this SEPP as “centre-based child-care”.

Part 3 of the SEPP provides specific development controls for early childhood education and care facilities. The following clauses are of relevance to the proposed child care centre on the site and are addressed accordingly:

22 Centre-based child care facility – concurrence of Regulatory Authority required for certain development

(1) This clause applies to development for the purpose of a centre-based child care facility if:

(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or

(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.

- (2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.*
- (3) The consent authority must, within 7 days of receiving a development application for development to which this clause applies:*
 - (a) forward a copy of the development application to the Regulatory Authority, and*
 - (b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.*
- (4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).*
- (5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subclause (3).*

In relation to the proposed child-care centre, the design satisfies the requirements of the Education and Care Services National Regulations and therefore would not require concurrence under this clause.

23 Centre-based childcare facility—matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.

The matters for consideration are addressed in detail within section 4.3.6 of this report.

25 Centre-based child care facility—non-discretionary development standards

(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.

(2) The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:

*(a) **location**—the development may be located at any distance from an existing or proposed early education and care facility,*

*(b) **indoor or outdoor space***

(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or

(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

*(c) **site area and site dimensions** — the development may be located on a site of any size and have any length of street frontage or any allotment depth,*

*(d) **colour of building materials or shade** structures — the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.*

(3) To remove doubt, this clause does not prevent a consent authority from:

- (a) refusing a development application in relation to a matter not specified in subclause (2), or*
- (b) granting development consent even though any standard specified in subclause (2) is not complied with.*

The location, indoor and outdoor space provisions and satisfies the criteria within the Child Care Planning Guideline. The site is not located within a heritage conservation area. These non-discretionary standards are therefore satisfied.

26 Centre-based child care facility—development control plans

(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:

- (a) operational or management plans or arrangements (including hours of operation),*
- (b) demonstrated need or demand for child care services,*
- (c) proximity of facility to other early education and care facilities,*
- (d) any matter relating to development for the purpose of a centre-based child care facility contained in:*
 - (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or*
 - (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).*

(2) This clause applies regardless of when the development control plan was made.

The provisions of the Port Stephens DCP, which are applicable to the proposal, are addressed in the compliance table at Appendix B. There are no conflicts between the DCP and the SEPP.

The proposed child-care centre is therefore consistent with the overall aim and the relevant clauses of this SEPP.

4.3.4 State Environmental Planning Policy (Infrastructure) 2007

Clause 104 – Traffic generating development provides provisions for development(s) of a certain size or capacity specified within Column 1 of the Table to Schedule 3 under SEPP (Infrastructure). This proposal does not meet any of the minimum following characteristics identified in Table 1 below. Therefore, referral to the RMS is not required in this instance.

Notwithstanding, a Traffic Report has been prepared by SECA Solution which addresses potential traffic related impacts from the proposal (refer to Appendix D). The report demonstrates that the proposed development will not adversely affect the surrounding road network or cause any unreasonable or unsafe traffic and parking implications.

4.3.5 Children (Education and Care Services) Supplementary Provisions Regulation 2012

A service approval under this Regulation shall be required for the operation of the proposed childcare facility. The proposed childcare facility has been assessed against the design requirements of this Regulation to ensure consistency between the development and the requirements for a service approval under this legislation.

Part 3: *Facilities and Equipment* stipulates various requirements for centre-based childcare facilities. Where relevant, such requirements are demonstrated on the proposed Plans at Appendix A.

The proposal satisfies all of the Part 3 requirements in the design. Additional requirements under other Parts of the Regulation, including record keeping, staffing and operational matters are required to be met by the service provider once operational.

4.3.6 Child Care Planning Guidelines

The planning objectives of this Guideline are to:

- *promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations*
- *ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses*
- *minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment*
- *deliver greater certainty to applicants, operators and the community by embedding the physical requirements for service approval into the planning requirements for child care facilities.*

The proposed childcare facility has been suitably designed to achieve high levels of amenity for the occupants of the building, and to provide a safe and functional childcare centre layout. The design is consistent with the objectives of the design criteria contained within Part 2 of the Planning Guideline and Part 3 Matters for Consideration as outlined below:

Part 3 – Matters for Consideration

Site selection and location

The site is appropriately positioned and zoned within the Medowie Town Centre for a childcare facility in due part to the centrality of the location and its proximity to residential developments. The potential impacts from traffic, noise, bushfire, flooding, and electromagnetic fields on health, safety and wellbeing of children, staff and visitors at the centre are considered low with further details provided within Section 5 of this SEE.

Local character, streetscape and the public domain interface

The proposed childcare facility has been designed consistent with the predominant built form of the larger Medowie commercial area and therefore will remain consistent with development in the locality. The development includes minimum 1.8m fencing around the external play area which will help provide a clear transition between public and private realms.

Building orientation, envelope and design

The proposed building has been located on an independent lot and separate from the other proposed operations on the site to enhance safety and amenity for the operation. The design and proposed landscaping provide a visually appealing design on the front elevation and to the common car parking area.

Landscaping

An appropriate landscape design for the site has been devised by a qualified and experienced Landscape Architect, softening the visual impact of the built form and genuinely contributing to an enhanced natural environment within the site (see Appendix H).

Visual and acoustic privacy

A suitably qualified acoustic consultant, Muller Acoustic Consultants, has assessed the cumulative noise impact of the proposed development and adjacent land-uses on the childcare centre and found the operation was compliant with the AAAC childcare centre guideline criteria for both external and internal areas of the childcare centre. See Section 5.5.1 and Appendix I for further discussion on noise impacts.

Noise and air pollution

As stated above, both inside and outside noise levels on the facility are managed through both the siting and location of the development as well as acoustic fencing along the southern and eastern boundaries of the centre. In terms of air pollution, the building is not located near a classified road and is appropriately setback from the local roads surrounding the site, resulting in an appropriate separation distance between the facility and a pollution source.

It is noted that the childcare facility is located adjacent to DA16-2019-284-1 which proposes a service station. Acoustic fencing is proposed along the property boundary between the child care centre and proposed service station to protect the child care centre from any potential noise generated from the service station. The service station will be fitted with appropriate vapour recovery in accordance with legislative requirements to ensure air pollution is mitigated.

Hours of operation

The proposed hours of operation for the childcare centre of between 7am-7pm are consistent with the guide and will not adversely impact the amenity of surrounding properties.

Traffic, parking and pedestrian circulation

The proposed parking area achieves a safe pedestrian environment with a number of parks readily available in proximity to the building without the need for pedestrians entering or leaving the building to cross vehicle pathways.

Part 4 – Applying the National Regulations to development proposals

4.1 Indoor space requirements

Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.

It is recommended that a child care facility provide:

- *a minimum of 0.3m³ per child of external storage space*
- *a minimum of 0.2m³ per child of internal storage space.*

The indoor space requirements of the national regulations are met within the proposal as displayed on the Architectural Plans provided at Appendix A. Storage requirements are not shown on the plans but will be met within each room.

4.2 Laundry and hygiene facilities

There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.

A specific laundry room is provided within the building satisfying Regulation 106.

4.3 Toilet and hygiene facilities

A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Age appropriate toilets are provided for each room in accordance with Regulation 109 and as shown on the plans in Appendix A.

4.4 Ventilation and natural light

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

Good ventilation will be achieved through a mixture of natural cross ventilation and air conditioning. The proposal will comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code.

4.5 Administration Space

A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.

Office(s) and reception facilities are included within the proposed childcare centre meeting the requirements of Regulation 111, see Appendix A.

4.6 Nappy change facilities

Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.

Nappy change facilities are provided for in the babies and toddler rooms. Children must be toilet trained before they can progress to the pre-school rooms.

4.7 Premises designed to facilitate supervision

A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.

Surveillance from all rooms has been optimised through the use of glass windows and doors and suitable layout in accordance with Regulation 115.

4.8 Emergency and evacuation procedures

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including:

- *instructions for what must be done in the event of an emergency*
- *an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit*
- *a risk assessment to identify potential emergencies that are relevant to the service.*

An Evacuation Plan consistent with the requirements of Regulation 97 and 168 is to be prepared prior to the commencement of operation of the childcare centre by the operator.

4.9 Outdoor space requirements

An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.

885m² of unencumbered outdoor space is provided. Given that the facility accommodates 126 children, 882m² of unencumbered outdoor space is required under regulation 108. Therefore, the amount of outdoor space is sufficient for the number of children at the centre.

4.10 Natural environment

The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.

The extensive outdoor play area will implement native vegetation to encourage and facilitate exploration and experience of natural environments.

4.11 Shade

The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

Covered areas adjacent to the building are included to provide protection from the sun in addition to shade sails. In total approximately 30% of the outdoor area is shaded. Large tree plantings will provide further natural shading.

4.12 Fencing

Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

Design considerations for side and rear boundary fences could include:

- *being made from solid prefinished metal, timber or masonry*
- *having a minimum height of 1.8 metres*
- *having no rails or elements for climbing higher than 150mm from the ground.*

Appropriately high fencing (minimum 1.8m) is proposed to enclose the outdoor space. All access gates will be fitted with childproof locks.

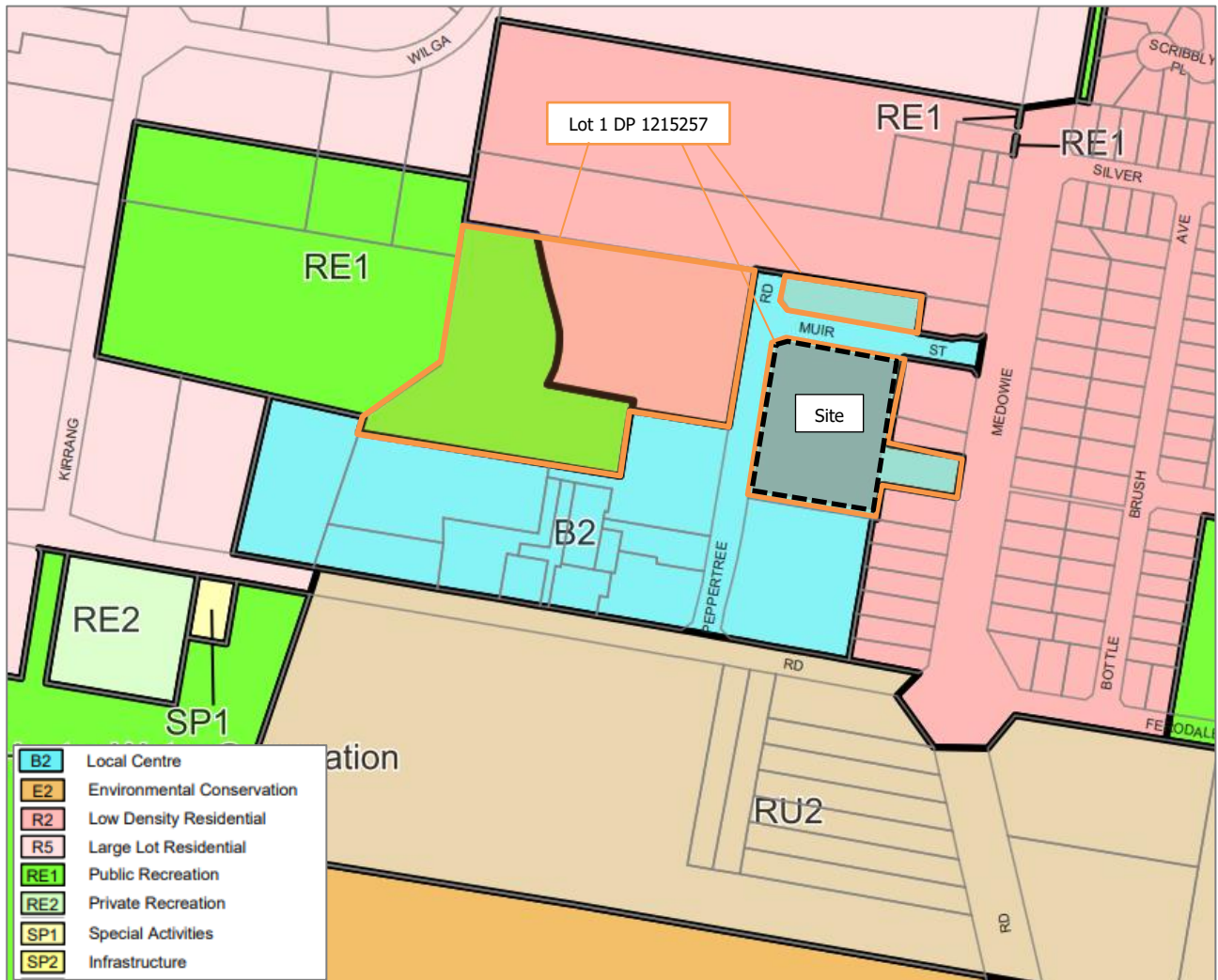
4.4 Port Stephens Local Environmental Plan 2013

The site is within the land application area of the Port Stephens Local Environmental Plan 2013 (LEP 2013).

4.4.1 Land Zoning

Development on the site (Lot 4 under DA16-2018-789-1) is comprised wholly within the B2 – Local Centre, as illustrated in Figure 8.

Figure 8 – Port Stephens LEP Zoning Map Extract (LZN_004B)



The land use table for the B2 Zone is provided below.

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

*Amusement centres; Attached dwellings; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; **Centre-based child care facilities; Commercial premises;** Community facilities; Educational establishments; Electricity generating works; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Highway service centres; Home-based child care; Home businesses; Hostels; Industrial retail outlets; Information and education facilities; Jetties; Light industries; Marinas; **Medical centres;** Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Research stations; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Water reticulation systems*

4 Prohibited

Pond-based aquaculture Any development not specified in item 2 or 3

Land Use Definitions

Under the Port Stephens LEP, the proposed land uses are defined as follows:

commercial premises means and of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

centre-based child care facility means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

It is noted that all elements of the proposed development are permitted with consent in the B2 Local Centre zone.

4.4.2 Relevant Clauses

The relevant clauses of the LEP are explored below.

Clause 4.1 Minimum subdivision lot size

This clause ensures that lot sizes accommodate development that is suitable for its purpose. The site has no specified minimum lot size as shown on the Lot Size Map. The proposed lot sizes are considered suitable for the intended use of the land.

Clause 4.3 Height of Buildings

The site contains a maximum height provision of 8m (Refer to Figure 9 below). The proposed buildings do not extend beyond 8m at the highest point above natural ground level. As such, the proposal is compliant with this development standard.

Figure 9 – Port Stephens LEP Height Map Extract (HOB_004B)



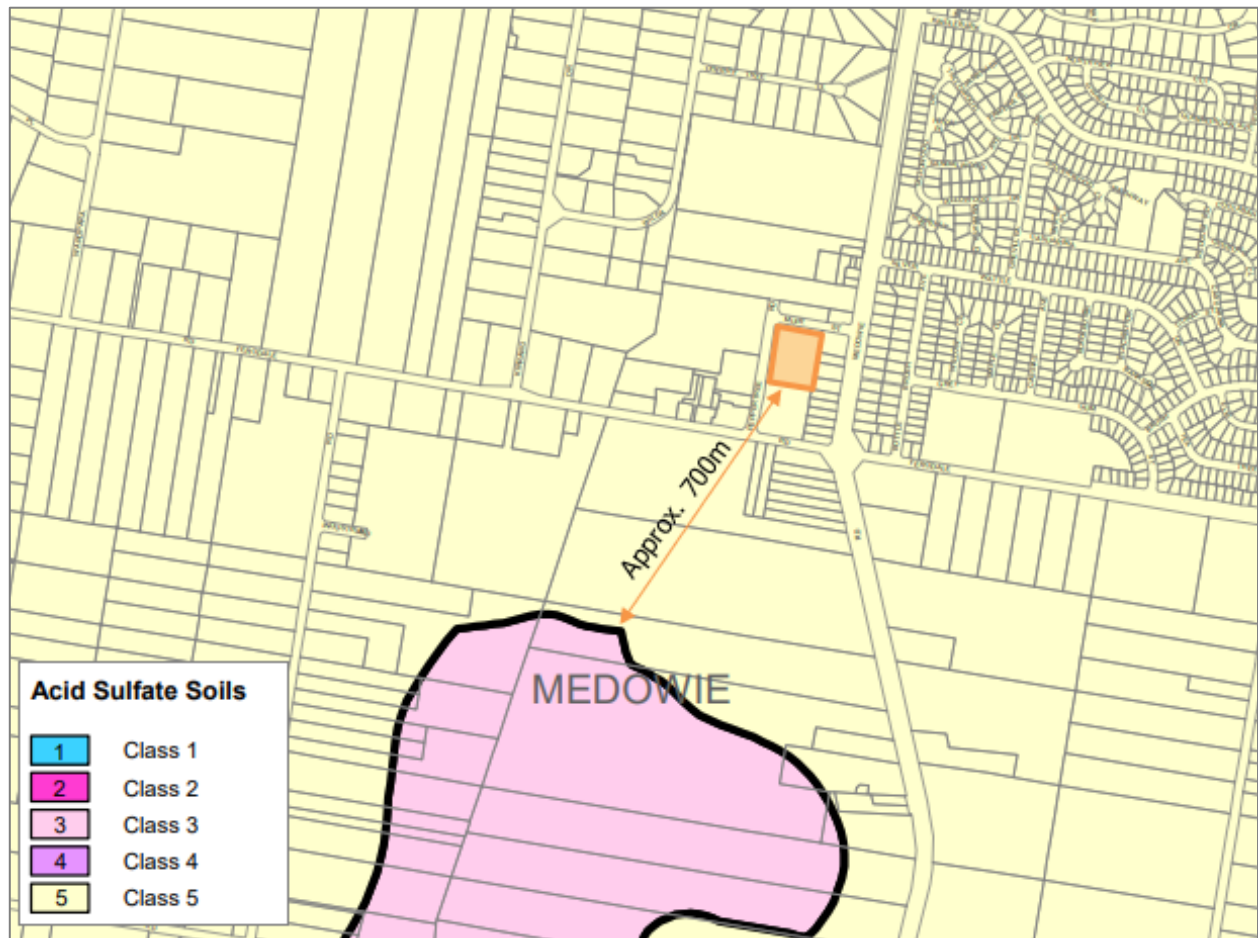
Clause 4.4 Floor Space Ratio (FSR)

This provision has not been adopted by the Port Stephens LEP 2013.

Clause 7.1 Acid Sulfate Soils

The objective of this clause is to ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage. The site has been identified as Class 5 Acid Sulfate Soils (refer to Figure 10) and as such works within 500m of adjacent Class 1, 2, 3 or 4 land likely to be below 5m Australian Height Datum (AHD) is considered a potential environmental risk. The site is not located within 500m of adjacent Class 1, 2, 3 or 4 land nor are works likely to be below 5m AHD, therefore an Acid Sulfate Soils Management Plan is not required for DA.

Figure 10 – Acid Sulfate Soils Map Extract (ASS_004)



Clause 7.2 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposed works include earthworks for stormwater management arrangements and building and car park levelling. Proposed earthworks are not considered to result in impacts to drainage patterns or soil stability in the locality, impact future use or redevelopment of the land, impact the quality of the fill or soil to be excavated, impact development and likely amenity of adjoining properties, disturb relics or negatively impact any waterway, drinking catchment area or environmentally sensitive area. Appropriate erosion and sediment control measures will be put in place, as per the Erosion and Sediment Control Plan within Appendix F.

Clause 7.3 Flood Planning

The subject development site has not been mapped as being flood prone under the Port Stephens LEP 2013.

Clause 7.5 Development in areas subject to aircraft noise

The subject development site has not been mapped as being within on land that is near the RAAF Base Williamtown Airport or is in an ANEF contour of 20 or greater.

Clause 7.6 Essential Services

All essential services are available to the site and the development will be connected in accordance with Australian Standards and Council Standards.

Clause 7.8 Drinking Water Catchments

The site is located within Hunter Water's Grahamstown Dam Drinking Water Special Area. The proposal does not include any 'hazardous or offensive development', as defined under *State Environmental Planning Policy No 33 – Hazardous and Offensive Development*, that would have the potential to result in surface water, soil, or groundwater contamination.

Proposed stormwater management arrangements include runoff filtration prior to being directed to an appropriate discharge location (refer to the Civil Plans at Appendix F for details).

Based on the above, it is considered the proposed development will not result in detrimental impacts towards the quality of drinking water within the catchment.

Clause 7.9 Wetlands

The site has not been mapped as being within Wetlands.

4.5 Port Stephens Development Control Plan 2014

The Port Stephens Development Control Plan (DCP) 2014 applies to all land within the Local Government Area (LGA) of Port Stephens, including the subject site.

The Port Stephens DCP 2014 Chapters relevant to the proposed development are:

- Section B - General Controls; and
- Section C – Development Types.

The proposal generally complies with the DCP 2014 with the exception of a non-substantial variation to setbacks. This variation is considered acceptable in the circumstances taking into account the nature of adjoining development and location of the site. A full assessment against the relevant components of the DCP is included in table format at Appendix N.

4.6 Medowie Planning Strategy 2016

The Medowie Planning Strategy (the Strategy) has specifically been prepared to provide local direction for land use planning and sustainable growth within Medowie over the 20-year period from 2016 - 2036. The Strategy forecasts a maximum growth scenario of 17,500 people by the year 2036 (from 10,300 people in 2016). The area is expected to accommodate 2,400 new dwellings in residential release areas and additional 180 in rural residential release areas. Approximately 9.0 hectares of general commercial zoning is identified. The site is identified under the Town Centre Masterplan as containing a commercial building and is located within the Medowie commercial precinct.

The proposal meets each of the 5 key principles that guide the Strategy in the following ways:

1. **Development is supported by infrastructure;**

The site, located within the town centre, is located on land already serviced by essential infrastructure to support the proposal.

2. **The town centre is the focus for commercial and community activity;**

The Town Centre Masterplan identifies the site for commercial uses, with underdeveloped land to the east for new 'Mixed Use' development, and to the north for small lot residential. The proposals adjacency to these new

developments and the existing town centre facilities will help consolidate the area as the 'heart' for the social and economic life of the community.

3. Rural residential character is balanced with urban development;

The proposed development resides within wholly within the town centre area. Therefore, it is strategically positioned in a way that results in minimal impact on the surrounding area so that it can co-exist with the rural residential character of parts of Medowie.

4. Development will have a neutral or beneficial effect on water quality and no increase in flooding impacts; and

The proposal, located within the Grahamstown Dam Drinking Water Catchment, will be connected to the reticulated sewer and water system as detailed in the enclosed Civil Engineering Drawings. Safeguards are included in the stormwater design to promote a neutral or beneficial effect on water quality. The site is not located within a flood planning area and is therefore appropriate for urban development in this regard.

5. Habitat and corridors are improved or maintained.

The site is free of koala habitat and the proposal will have no impact on koala population in Port Stephens.

In summary, the proposal is consistent with the specific use of the land as envisaged under the Strategy as well as meeting all the principles that underpin the intent of the Strategy. The proposal is therefore consistent with the recent strategic land use planning for Medowie.

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5 Assessment of Planning Issues

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this SEE. The assessment considers only those matters under Section 4.15(1) of the EP&A Act 1979 that are relevant to the proposal.

5.1 Compliance with Planning Instruments and Controls

Unless otherwise stated, the proposed development either complies with or is consistent with all relevant planning instruments and controls set out in Section 4 of this SEE, in that:

- The development is consistent with PBP 2006 and will be referred to the RFS under the Rural Fires Act 1997;
- The proposal achieves compliance with SEPP 55 – Remediation of Land;
- The childcare facility meets the relevant clause of SEPP (Educational Establishments and Childcare) 2017 as well as meeting the National Standards under the associated Childcare Planning Guideline;
- The proposed signage scheme is consistent with the criteria contained in SEPP 64 – Advertising and Signage;
- The proposed land uses are permissible within the B2 – Local Centre Zone under the Port Stephens LEP 2013; and
- The proposal is generally consistent with the relevant controls within Port Stephens DCP 2014, noting one variation relating to setbacks as detailed in Section 4.5. A detailed assessment of the proposed development against the relevant provisions of the DCP 2014 is provided in the table at Appendix N.

5.2 Traffic, Access and Parking

A Traffic Impact Assessment (TIA) has been undertaken by SECA Solution and is attached at Appendix D. The report examines the traffic implications of the proposed mixed-use development including the predicted traffic generation and its impact on existing road and intersection capacities. The report also reviews parking requirements, access provisions and public transport, including assessment against Council, Australian Standards and the NSW Roads and Maritime Services (RMS) requirements as required.

Traffic

Sidra modelling has been completed for the intersections of Medowie Road / Ferodale Road and Medowie Road / Muir Street to determine their capacity to support the additional traffic demands associated with the proposed development.

The TIA found that the potential for additional traffic movements generated by the development will have an acceptable impact on the surrounding road network. The SIDRA results show that the key intersection of Medowie Road and Ferodale Road will continue to operate at an acceptable Level of Service for the 2029 design horizon allowing for background growth and development traffic flows. Refer to Appendix D for full details.

Access and Internal Circulation

Vehicular access is provided from Peppertree Road and Muir Streets. The proposed driveways will provide for the turning movements of cars and service vehicles, in accordance with Council controls and the Australian Standard for Parking Facilities (*Part 1: Off-street car parking* and *Part 2: Off-street commercial vehicle facilities*), AS 2890.1:2004 and AS 2890.2 –2002.

The servicing facilities provided within the site are satisfactory and allow convenient servicing of the site with forward entry and exit from the site. This has been demonstrated with the provision of swept turning paths on the Architectural Plans.

Parking

For the proposed development, the parking calculations are summarised in Table 4.

Table 4 - Car Parking Calculations

Proposed Use	Parking Requirements	Accessible Parking	GFA	Calculation
Commercial	1 car space per 40m ² floor area	1 car space per 30 parking spaces	1,485m ²	1485/40m ² = 37.1 spaces
Pharmacy (shop)	1 car space per 20m ² floor area	1 car space per 30 parking spaces	295m ²	295/20 = 14.75 spaces
Childcare centre	1 car space for every 4 childcare places	1 car space	126 Children	126/4 = 31.5 spaces
Medical centre	1 car space per 25m ² floor area	1 car space per 10 parking spaces	206m ²	206/25m ² = 8.2 spaces
				91.6 (92) spaces

The proposed development includes 104 car parking spaces (including 6 disabled spaces). Therefore, the proposal exceeds the DCP requirements for parking.

The TIA notes that the various uses proposed for the site shall see typical peak parking demands across a range of times with some not occurring simultaneously. The childcare centre shall be before 9am but in the afternoon between 4-6pm, the medical centre will see demand throughout the day in a manner similar to the commercial uses, 9am-5 or 6pm. As such, there is the opportunity for some shared use of parking across the development to cater for the peak demands of each use and cater for any potential overflow parking as required.

5.3 Visual Impact

The proposed works will make a positive visual contribution to the area given:

- The proposed built form is of an appropriate height, scale and bulk suitable for the area and zoning;
- The proposed development includes extensive boundary plantings, enhancing its appearance from surrounding properties and public areas;
- Development at the site including contemporary building design will contribute to the aesthetical development of the area in line with strategic planning for Medowie Town Centre;
- An integrated approach to external signage is proposed in association with the development in order to achieve an orderly and co-ordinated site presentation; and
- New proposed landscaping elements will add to the visual interest of the site and enhance the local urban ecology.

It is noted that under Section C2 Commercial (C2.B Site Frontage and Setbacks) of the DCP, there is a generic requirement that commercial development is to be built to the front property line for the ground and first floor. This has not been met within the various buildings on site, however the proposed building setbacks are considered more appropriate and provide appropriate separation to the road frontages. The proposed sitting

of the built form behind landscaping allows a 'greening' of the development and reduces visual impact on the public domain.

5.4 Signage

An integrated and low-key approach has been adopted for signage within the site. The location and dimension of signage is illustrated on the Signage Plans provided at Appendix A.

It is considered that the proposed signage is compatible with the desired character of the area and will be of an appropriate height, scale and proportion given the sites location within the Medowie Local Centre.

While detailed specifications are not available at this stage for individual tenant signage, signage zones are shown on the buildings indicating location, size and dimensions. Signs will be of a high quality and finish and will be illuminated at an acceptable level that will not result in unreasonable glare that would affect the safety of vehicles or pedestrians. Illuminated signage will not detract from the amenity of existing or future neighbouring development which is likely to be commercial in nature.

Overall, the proposed signage is appropriate for the use and setting of the site and will contribute to the visual interest of the area. The proposed signage meets the objectives and provisions of SEPP 64 as demonstrated in Appendix N. Signage is consistent with the relevant matters for consideration as outlined in Section C8 of Council's DCP and compliant with maximum height and size requirements (refer to DPC compliance table at Appendix N).

5.5 Amenity

5.5.1 Noise

Operational Noise

A Noise Assessment (NA) undertaken by Muller Acoustic Consultants measured and modelled the potential noise generation for the operation including sleep disturbance noise emissions (refer to Appendix I).

The proposal includes the following noise attenuation measures as recommended in the NA:

- Construction of a 2.0m high impervious barrier along the southern and eastern boundary of the childcare centre to comply with AAAC Child Care Centre Acoustic Assessment Guideline criteria;
- Construction of a 2.0m high impervious barrier along the southern boundary to provide buffer from the proposed adjoining service station development;

These acoustic barriers are shown in Figure 2 of the NA.

The results of the NA demonstrate that emissions from the project would satisfy the relevant Project Noise Trigger Levels (PNTL) at all assessed receivers for all assessment periods once the above noise controls are implemented. Furthermore, sleep disturbance is not anticipated, as emissions from impact noise are predicted to remain below the EPA screening criterion for sleep disturbance and awakenings.

Based on the modelling undertaken and the findings of the NA, it is recommended Council approve the project in terms of noise impact taking into consideration the proposal includes all the noise control and management strategies provided within the NA.

Demolition and Construction Noise

Noise and vibration during the demolition and construction phase of the development, including earthworks, shall be restricted to reasonable levels in accordance with legislative standards. Construction and earthworks will comply with the EPA NSW Noise Manual for the control of construction site noise, such that:

- for a cumulative period of exposure to construction activity noise of up to 4 weeks, the LA10 (15 minute) noise level emitted by the works to specific residences should not exceed the LA90 background level by more than 20 dB;
- for a cumulative construction noise exposure of between 4 and 26 weeks, the emitted LA10 noise level should not exceed the LA90 level by more than 10 dB; and
- for a cumulative construction noise exposure of greater than 26 weeks, the emitted LA10 noise level should not exceed the LA90 level by more than 5 db.

Working hours on site during construction are to be restricted to:

- 7:00 am to 6:00 pm between Monday and Friday (or as specified by Council consent conditions).
- 8:00 am to 1:00 pm on Saturday (or as specified by Council consent conditions).

Work shall not be undertaken on Sundays or public holidays. The use of any plant and machinery shall not cause vibrations to be felt or capable of being measured at any neighbouring premises.

Modelled noise emissions from project construction and demolition activities identify that relevant noise management levels may be exceeded. Hence, noise management measures are provided in the enclosed NA to reduce potential impacts on surrounding receivers during construction activities. Consideration will be given to the implement boundary fences/retaining walls as early as possible to maximise their attenuation benefits to surrounding receivers.

5.5.2 Odour

It is not expected that the proposal will have a significant impact on surrounding premises from any potential odours associated with activities undertaken on the site.

During construction and earthworks, the following measures shall be implemented to minimise odours:

- Covering of stockpiles;
- Use of fine mist sprays and /or odour mitigating agent on impacted areas and materials; and
- Adequate maintenance of equipment and machinery to minimise exhaust emissions.

5.5.3 Lighting

Appropriate lighting will be installed on the proposed premises, including lighting for the car parking and outdoor areas. External lighting will contribute to the overall safety of the site, in conjunction with other security measures such as CCTV cameras.

It is considered that the proposed lighting will result in minimal impact on adjoining properties and the surrounding streetscape.

All external lighting will comply with AS/NZ 1158.3.1:2005 and AS 4282.1997 Control of the obtrusive effects of outdoor lighting.

5.6 Safety and Security

The development has been designed to and shall be managed to minimise and discourage criminal activity and ensure the safety of customers, staff, and the local community. The proposal has been designed to be consistent with Crime Prevention through Environmental Design (CPTED) principles.

A Crime Risk Assessment has been undertaken and is included at Appendix M. The purpose of the Crime Risk Assessment is to identify and assess crime risk associated with the proposed development, and to minimise opportunities for crime through design. The Crime Risk Assessment has regard for the 4 key strategies (surveillance, access control, territorial reinforcement and activity and space management) of Crime Prevention and Public Safety.

5.7 Landscaping

Appropriate landscaping is proposed to complement the development including shade amenity trees, feature trees, tall screen shrubs, mass planted groundcovers, low boarder planting, cascading planting, shade tolerant planting and climbers covering just over 10% of the total site area. The landscape design plan meets Council's planning objectives through the consideration of environmental, ecological concerns and public amenity.

The planting design strategy for this mixed-use development includes the following:

- Tree planting within appropriate deep soil zones to reduce bulk & scale of the development;
- Evergreen tree planting to provide shade & amenity;
- Deciduous tree planting to allow for solar access & seasonal change;
- A broad planting palette to include a variety native species & exotic species to provide colour, texture, aroma & form;
- Implementation of some indigenous species to encourage canopy corridor links and biodiversity;
- Proposed planting to implement Bush Fire Hazard reduction initiatives and provisions for the Inner Protection Zone (IPZ) as identified in the Bush Fire Assessment Report.

Shrub species, sizing & locations have been chosen to ensure that passive surveillance is maintained at building, carpark & driveway entries path and all plantings are to be layered to with smaller groundcovers and shrubs adjacent to paths and buildings in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

All proposed plant species selection has been considered in terms of soil types, species hardiness and on-going watering maintenance requirements. Predominantly low water use species (both native & exotic) have been grouped in regard to watering requirements and to reduce reliance on use of potable water.

In summary, the new landscaping proposed will help integrate the built form and hardstand areas on the site and provide a positive contribution to the overall landscape character of the area. A detailed Landscape Plan prepared by Xeriscapes is included at Appendix H.

5.8 Sediment and Erosion Control

All sediment control devices will be constructed, placed, and maintained in accordance with respective Council specifications and Landcom "soil and construction" manual and as shown on the proposed Erosion and Sediment Control Plans at Appendix F.

Temporary contractors' vehicular access to the site will be restricted to a single point off Peppertree Road with a vehicle shaker grid and stabilised site access to reduce the likelihood of sediment being trafficked off site. Sediment/silt fencing will be erected around the northern, southern and western boundaries of the site as necessary.

5.9 Social and Economic Impacts

An analysis of the social and economic impacts associated with the development of the site is detailed in this section to ensure that, where relevant, social and economic considerations are an integral part of the development assessment process.

The proposed establishment of commercial uses, childcare, and a medical centre on the site is anticipated to have an ongoing positive social and economic impact on the local area as well as the broader community.

As identified in the Medowie Planning Strategy 2016 and the Economic Considerations Report that informed the recent rezoning of the site from residential to business, Medowie is set for a large amount of population growth over the next 15-20 years. This in turn is expected to create increased demand for local commercial

and retail floor space within Medowie. The economic research showed that this additional demand is unlikely to be in the form of grocery and supermarket-related floor space, instead, additional floor space demand is likely to relate to non-grocery retail categories including specialty shops; retail service (e.g. banks, real estate agents, hairdressers, medical); and food services offerings.

The proposal includes uses that are not only permissible in the zone but consistent with the Strategy and envisaged future development for Medowie town centre. The development proposes the logical extension of the existing town centre, in line with the recent rezoning, representing sustainable land use planning.

The identified positive social and economic impacts are summarised below:

- The proposal will generate direct employment opportunities with flow on employment multipliers benefitting the local community;
- The development will be compliant with relevant disability standards, and will meet the needs of people with physical disabilities, sensory disabilities, and intellectual disabilities;
- The proposal will provide valuable services to the area meeting the daily needs of surrounding residents, workers, and visitors;
- The proposal will result in economic benefits associated with the construction works;
- The inclusion of a childcare facility in proximity to residential development represents good land use planning;
- The proposal is consistent with the intended future of the site as outline within the Medowie Planning Strategy; and
- Specific safety and security measures will be incorporated into the operational procedures of the development to ensure a safe and secure environment for patrons and staff.

Given the overall positive impacts associated with the proposal and the implementation of mitigation measures as mentioned within this report, the proposal will provide a net community benefit to the local and wider community.

5.10 Building Access

Access to the buildings will be compliant with the relevant legislation and criteria including The Building Code of Australia (BCA), the Disability Discrimination Act 1992 and AS1428 – *Design for Access and Mobility* to ensure that adequate pedestrian and disabled access is provided for the development. As illustrated on the proposed plans, access for the disabled is made available throughout the site, carpark, building entrance and within the building.

An Access Report has been prepared by Lindsay Perry Access which demonstrates compliances with relevant legislation. The report addresses items such as carparking, stairs, pedestrian crossings, toilets, doorways, and signage. The Access Report is attached in Appendix J.

5.11 Bushfire

The majority of the site is mapped as bushfire prone land (refer to Figure 7) with the exception of the south east corner. For this reason, the childcare facility is proposed on Lot 3 – furthest from the bushfire hazard outside the site boundaries.

A Bushfire Assessment Report has been prepared by Newcastle Bushfire Consulting and the application will be referred as integrated development to the NSW RFS for assessment.

The Bushfire Assessment Report has recommended standard measure to address the potential risks relating to bushfire, including the Child Care Centre being constructed to comply with BAL 12.5 and the entire site maintained as an Inner Protection Area (IPA) in accordance with Planning for Bushfire Protection 2006.

5.12 Geotechnical Assessment

A Geotechnical assessment has been prepared by Qualtest Laboratory (NSW). The report found that the site is considered suitable for the proposed development from a geotechnical viewpoint provided that development is carried out in accordance with sound engineering principles and good hillside practice. Further recommendations regarding the Geotechnical Assessment can be found attached in Appendix C.

5.13 Public Interest

The proposal is considered to be in the public interest as it will deliver a number of public, social and economic benefits with minimal adverse impacts. The development is consistent with the Meadowie Commercial Centre component of the Meadowie Planning Strategy 2016 and will support the existing commercial centre currently established.

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6 Conclusion

The subdivision, commercial, medical and childcare uses at 795 Medowie Road, will provide a well-designed, modern facility within an accessible and convenient location in Medowie Town Centre. As detailed in the Medowie Planning Strategy 2016, Medowie is forecast for significant population growth over the next 20 years. Development such as that proposed under this DA will greatly assist in providing the services and facilities required to support that growth.

The proposal is generally compliant with relevant legislative requirements and Environmental Planning Instruments. The proposal is permissible and consistent with the objectives for the B2 Local Centre Zone under the LEP 2013. The development is compliant with the relevant LEP clauses, presenting no variations to any development standard.

The proposal is compliant with all the requirements of DCP 2014, with the exception of setbacks. This variation has been discussed in the body of this SEE and is considered reasonable in the circumstances given the nature of the development and surrounds, the envisaged future development of the local centre and overall DCP objectives satisfaction.

The proposed development incorporates high-quality building presentation and signage with an integrated overall approach to site development. The design of the development incorporates appropriate stormwater management, respects the natural environment, and minimises potential amenity impacts on neighbouring properties.

This SEE has addressed the potential impacts arising from the proposal on surrounding properties including traffic, access and parking, noise, bushfire, visual amenity, and waste and water management. Where necessary, mitigation measures are proposed to minimise these potential impacts and reduce potential risk associated with the development. Furthermore, it is in the interest of the future operators to employ strict management procedures for each premises to ensure that the development is a safe, efficient, and pleasant environment in which to work and visit.

Given the merit of the design and the absence of any significant adverse environmental impacts or planning issues, the DA is considered to be in the public's interest and worthy of Council's support.

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Appendix A - Plans

CKDS Architecture

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Appendix B – Hunter Water Stamped Plan

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Appendix C – Geotechnical Report

Qualtest Laboratory (NSW) Pty Ltd

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Appendix D – Traffic Assessment

SECA Solutions

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Appendix E – Proposed Subdivision Plan

DeWitt Consulting

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Appendix F – Civil Engineering Plans

ADW Johnson

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Appendix G – CIV

RPS Group

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Appendix H – Landscape Plan

Xeiscapes

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Appendix I – Acoustic Report

Muller Acoustic Consulting

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Appendix J – Disability Access Report

Lindsay Perry Access

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Appendix K – Bushfire Assessment Report

Newcastle Bushfire Consulting

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Appendix L – Waste Management Plan

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Appendix M – CPTED

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Appendix N – Compliance Tables

KDC Pty Ltd

Table 5 – Port Stephens DCP (2014) Compliance Table

Control	Requirement	Comment	Compliance
B. General Provisions			
B1 Tree Management			
B.1.1 Non Rural Areas	<p><i>Where any activity specified in Column 2 is proposed an applicant must attain the corresponding approval type specified in Column 1 except for an activity where no approval is required.</i></p> <p><i>Council issued permit:</i></p> <ul style="list-style-type: none"> • Removal or pruning of a tree or other vegetation where height exceeds 3m or circumference breast height exceeds 300mm; or • Removal or pruning of a tree or other vegetation, irrespective of the size, that is: <ul style="list-style-type: none"> - a NSW Christmas Bush (<i>Ceratopetalum gummiferum</i>); - a Cabbage Tree Palm (<i>Livistona australis</i>); - a species listed under the Biodiversity Conservation Act 2016; - listed under the register of significant trees; or - part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance, which Council is satisfied: <ul style="list-style-type: none"> o is of a minor nature or is for the maintenance of that item, area, object or place; and o will not adversely affect the significance of that item, area, object or place. 	The site is cleared of any trees or significant vegetation.	N/A
B3 Environmental Management			
B3.B Air Quality	<i>An air quality impact assessment is required where development has potential to adversely impact surrounding areas in terms of air quality.</i>	The proposed development will not include any specific uses that will have a significant adverse impact on the surrounding areas in terms of air quality.	Y
B3.C Noise	<p><i>An acoustic report is required for development that has the potential to produce offensive noise, meaning:</i></p> <ul style="list-style-type: none"> • that, by reason of its level, nature, character or quality or the time at which it is made, or any other circumstances: <ul style="list-style-type: none"> - is harmful to (or is likely to be harmful) to a person who is 	<p>A Noise Assessment has been prepared and attached at Appendix I.</p> <p>Noise attenuation measures recommended by the Noise Assessment have been incorporated to ensure the</p>	Y

	<p><i>outside the premises from which it is emitted, or</i></p> <ul style="list-style-type: none"> <i>- interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted</i> <i>• that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations, such as the Environmental Protection Authority. 2000, 'NSW Industrial Noise Policy'14</i> 	proposed development is compliant with the relevant noise criteria and guidelines.	
B3.D Earthworks	<p><i>Development may need to provide a bulk earthworks plan in order to adequately address the above matters when:</i></p> <ul style="list-style-type: none"> <i>• cut exceeds 2m in depth</i> <i>• fill has a total area of 100m² or more</i> <i>• is within 40m of the top bank of a riparian corridor as defined under the Water Management Act 2000</i> <p><i>Fill must consist of Virgin Excavated Natural Material (VENM) as defined under the Protection of Environment Operations Act 1997 or any other waste-derived material the subject of a resource recovery exemption under clause 91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.</i></p>	<p>Earthworks are proposed to level the site for future development. A cut and fill plan has been provided at Appendix F</p> <p>Any fill requirement will consist of VENM. Council may condition this as part of the development consent.</p>	Y
B4 Drainage and Water Quality			
B4.A Stormwater Drainage Plan	<p><i>Development that applies to this Part is to provide a stormwater drainage plan and a written description of the proposed drainage system within the SEE.</i></p>	A Stormwater Drainage Plan has been prepared by ADW Johnson, refer to Appendix F.	Y
B4.B On-site Detention / On-site infiltration	<p><i>On-site detention / on-site infiltration is to be:</i></p> <ul style="list-style-type: none"> <i>• sized so that the post-development flow rate and volume equals the predevelopment flow rate and volume for all storm events up to and including the 1% Annual Exceedance Probability (AEP) storm event</i> <i>• provided by either underground chambers, surface storage or a combination of the two and are generally positioned: - under grassed areas for any cellular system (which can be easily maintained)</i> 	As above.	Y

		<p>- under hardstand areas such as driveways for any concrete tank structures</p> <p><i>Details of the on-site detention / on-site infiltration concept design must be provided in the stormwater drainage plan</i></p>		
B4.C Water Quality		<p><i>Development is to provide water quality measures in accordance with Table BF: Water Quality Table (p. B-32), unless:</i></p> <ul style="list-style-type: none"> <i>a WSUD Strategy has previously been prepared in accordance with this requirement, which in that case, WSUD measures in accordance with that WSUD Strategy are to be implemented</i> <p><i>Erosion and sediment measures are provided during the construction phase in accordance with the issued conditions of consent.</i></p> <p><i>Development that, in the opinion of the Council, has the potential to significantly adversely affect the water quality of the drinking water catchment will be referred to Hunter Water under section 51 of the Hunter Water Act 1991.</i></p>	<p>The proposed development during construction and post-construction/operational has been designed to ensure water quality is achieved.</p> <p>An erosion and sediment control plan has been included within the Civil Plans at Appendix F for water quality measures to be implemented throughout the duration of the construction period.</p> <p>Stormwater runoff collected during operation will be appropriately filtered prior to discharge.</p> <p>All water quality details are provided within the Civil Plans at Appendix F.</p>	Y
B6 Essential Services				
B6.A Essential Services		<p><i>To give effect to the provisions of the Local Environmental Plan that relate to essential services and provision of public utility infrastructure, a development application must demonstrate that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</i></p> <ul style="list-style-type: none"> <i>The supply of water</i> <i>The supply of electricity</i> <i>The disposal and management of sewage</i> <i>Stormwater drainage or on-site conservation</i> <i>Suitable vehicular access</i> 	<p>All essential services will be provided to the site and building(s).</p>	Y
B9 Road Network and Parking				
B9.A Traffic Impacts		<p><i>The SEE details:</i></p> <ul style="list-style-type: none"> <i>car parking location, number and dimensions;</i> <i>access arrangements;</i> <i>traffic implications on the existing road network and junctions;</i> 	<p>Traffic details include proposed car parking spaces and dimensions, access arrangements and traffic implications are provided within Section 5.2 of this SEE.</p>	Y

	<ul style="list-style-type: none"> • street features, such as trees, footpaths and pipes; and • pedestrian impacts and access for disabled persons. <p>A Traffic Impact Assessment (TIA) is required for:</p> <ul style="list-style-type: none"> • development defined as traffic generating development; or • development deemed in Council's opinion to impact on the existing road network 	A TIA has been prepared by SECA Solution and attached at Appendix D.	
B9.B On-Site Parking Provisions	<p><i>B9.4 All development that has the potential to create demand for on-site parking must provide parking in accordance with Figure BT (p. B-56);</i></p> <ul style="list-style-type: none"> • A reduction in the number of spaces required in accordance with Figure BT (p. B56) may be considered when supported by a TIA in the following circumstances: <ul style="list-style-type: none"> - Parking has a negative visual impact on heritage - The current land-use has been approved with a parking shortfall and the proposed parking concession does not exceed the current shortfall for the approved use calculated in accordance with Figure BT (p. B-56) - Peak demand between commercial and residential development types is shared - An upgraded public transit facility, such as a bus stop, is provided in proximity to the site 	104 parking spaces are provided within the site meeting Council's DCP requirement in full. Calculations are provided in Section 5.2 of this Report.	Y
	<i>B9.5 All internal driveways and parking areas of public car parks are concrete pavement or gravel sealed with bitumen or asphalt.</i>	Internal driveways and parking areas will be sealed.	Y
	<i>B9.6 Walking routes through large car parks are to be delineated by markings, signage, grade separation and pedestrian crossings in accordance with AS 2890 – Parking facilities</i>	Walking routes are delineated predominately by grade separation and through pedestrian crossings in accordance with AS 2890 – Parking facilities	
	<p><i>B9.7 Parking for people with a disability is designed and constructed:</i></p> <ul style="list-style-type: none"> • in accordance with AS 2890 – Parking facilities and AS 1428 – Design for access and mobility • to be located as close to wheelchair accessible entrances/lifts and linked by an accessible/ continuous path 	The accessible car spaces are designed in accordance with AS2890 and AS1428, and are located close to the entrances of the various buildings.	Y
	<i>B9.8 On-site parking is located behind the building line or setback by 1m</i>	All on-site parking is located behind the building line.	Y

B9.C On-Site Parking Access	<i>B9.9 Ingress/Egress category 2, entry width 6-9m, exit width combined.</i> <i>Based on the proposed development being Class 3, on Local road, with 25 car parking spaces</i>	The two entry/exit driveways for the proposed development are compliant.	Y												
B9.D Visitor Parking & Loading Facilities	<i>B9.11 Visitor parking is clearly marked, signposted and located in proximity to the main building of the development.</i>	Parking is clearly marked and is located adjacent to the building(s).	Y												
	<i>B9.12 Service areas, car parking and loading bays are provided:</i> <ul style="list-style-type: none">• At the basement or ground level at rear• Away from pedestrian public spaces• Away from residential areas• Separately to staff and customer parking	Proposed loading bays and service areas are setback from street view and are clearly delineated from pedestrian space and staff and customer parking.	Y												
	<i>B9.13 Parking layouts provide direct pedestrian paths to building entries and street frontage and is screened from the street.</i>	Pedestrian paths to the proposed building entries are directly accessible from the car parking area.	Y												
B10 Social Impact															
B10.A Social Impact	<i>A social impact assessment is required for development with the potential to have a significant social impact, which may include:</i> <ul style="list-style-type: none">• backpacker accommodation• boarding houses• caravans parks• entertainment facilities• hostels• major subdivisions• pubs• registered clubs• restricted premises• sex services premises• tourist and visitor accommodation• transitional group homes• any other development deemed by Council to have a significant social impact	The proposed development has not been listed under this control, therefore a detailed Social Impact Assessment is not required in this instance. Notwithstanding, social impacts are discussed within Section 5.90 of the SEE.	N/A												
C2 Development Types															
C1 Subdivision															
C1.A Block and Street Layout	<i>C1.1 A Block seeks to achieve the following dimensions:</i> <table><tr><th>Zone</th><th>Maximum depth</th><th>Maximum length</th></tr><tr><td>Residential</td><td>80m</td><td>160m</td></tr><tr><td>Commercial</td><td>50m</td><td>80m</td></tr><tr><td>Industrial</td><td>120m</td><td>200m</td></tr></table>	Zone	Maximum depth	Maximum length	Residential	80m	160m	Commercial	50m	80m	Industrial	120m	200m	The proposed lots comply with the minimum dimensions specified for commercially zoned lots.	Y
Zone	Maximum depth	Maximum length													
Residential	80m	160m													
Commercial	50m	80m													
Industrial	120m	200m													
	<i>C1.2 Street layout complies with the road network specification in Infrastructure specification – design</i>		N/A												
C1.B Lot Size and Dimensions	<i>C1.6 Subdivision adheres with Local Environmental Plan Part 4</i>	There is no minimum size for subdivision in the LEP.	N/A												

	<i>C1.9 Splay corners are provided for corner lots and must be a minimum of:</i> - 8m x 8m for commercial and industrial zones	A splay has been provided on the north western corner of Muir Street and Peppertree Road.	Y
C1.E Infrastructure	<i>C1.16 Infrastructure in accordance with the infrastructure specification design</i>	All private infrastructure will be located within the proposed lots.	Y
	<i>C1.17 Subdivision provides public infrastructure within the adjoining road or public land, including kerb/gutter, stormwater drainage, footpaths, street lighting, street trees and bus shelters, excluding:</i> • Public utilities, such as water and electricity, are kept with private lot boundaries and are not located within the road reserve.	Noted and achieved.	Y
	<i>C1.18 Lifecycle and maintenance costs are a key determinant when considering alternative methods, products and manufacturers to those specification in the infrastructure specification – design</i> • Council will request life cycle costing and maintenance manual details for infrastructure to assist in ongoing maintenance	Noted.	Y
C1.F Public Scale Drainage	<i>C1.19 Each lot must be able to be gravity drained through the drainage system to public drainage</i> <i>Inter-allotment drainage may be required for subdivision where a lot does not drain directly to the road kerb</i>	Sufficient grade has been provided to allow for the lots to be drained by gravity.	Y
C2 Commercial			
C2.A Height	<i>C2.1 Building height is provided in accordance with the Local Environmental Plan clauses 4.3 and 5.6</i>	The proposed building(s) do not exceed the max building height stipulated in the LEP.	Y
	<i>C2.2 Minimum ground floor to ceiling height for all new development within a commercial zone is 3.5m.</i>	Noted and achieved with the exception of the childcare which is purpose built to meet specific guidelines and regulations.	Y
C2.B Site Frontage and Setbacks	<i>C2.7 Development is built to the front property line for the ground and first floor.</i>	The proposed buildings have been designed with sections that have been setback from the front property line. This is as a result of the design and layout of the site as a whole. Further justification regarding this can be found in section 4.5 of this SEE.	N
	<i>C2.11 Development should be built to the side boundary to maximise continuous activate street frontage, except where side access is provided.</i>	This requirement is not applicable for the subject site as continuous activated street frontage is not sought in this location.	N/A
	<i>C2.12 Commercial premises adjacent to a lot that is zoned or used for residential purposes or a public reserve is to provide a minimum rear setback of 5m, plus an</i>	The majority of neighbouring land is non-residential, with the exception of land to the rear of the proposed 800m ² commercial	N/A

	<i>additional 0.5m for each metre of the height of the building that exceeds 8m.</i>	building. Whilst this is not strictly considered a 'rear' setback, the building in this location is setback to from the boundary to account for the existing sewer line with mass plantings of shrubs and groundcovers as well as buffer tree planting along the boundary. This dense landscaping coupled with fencing will ensure the amenity of adjoining residential lands.	
	<i>C2. 14 Where there is a level of change in excess of 500mm at the front property boundary the floor plate and rooflines of development steps with the longitudinal grade of street</i>		N/A
C2.C Building Form and Massing	<i>C2.15 Building mass does not result in unreasonable loss of amenity to adjacent properties or the public domain.</i>	Building mass will not result in loss of amenity to adjacent properties or public domain. The scale of the building is appropriate in context to neighbours and zoning of the land.	Y
	<i>C2.16 Building proportion is complimentary to the form, proportions and massing of existing building patterns.</i>	The proposed building is in proportion with the form, dimensions and massing of other commercial and residential buildings in the area.	Y
C2.D Facades	<i>C2.17 Building facades use materials, colours and architectural elements to reduce bulk and scale that are complimentary to existing built-form and natural setting.</i>	The proposed buildings are architecturally designed with articulated façade elements and appropriate materials that complement existing buildings in the local area.	Y
	<i>C2.18</i> <ul style="list-style-type: none"> <i>• Development provides continuity of an active street frontage for localities where business premises or retail premises predominately face the street and have direct pedestrian access from the street, which may be identified in Part D-Specific Areas</i> <i>• An active street frontage provides the following:</i> <ul style="list-style-type: none"> <i>- Maximum unarticulated wall is 2m in length</i> <i>- Minimum 50% of ground floor front is windows, which does not include false windows</i> 	The site is not located in an area with active street frontages. Notwithstanding, an active street frontage to Peppertree Road has been provided in this proposal where the site faces the existing Coles premises.	Y
	<i>C2.20 Development incorporates Crime Prevention through Environmental Design (CPTED) principles by providing passive surveillance to public spaces through building design and orientation</i>	CPTED principles are incorporated into the developments design and site layout. Refer to Appendix M for a CPTED report.	Y

	<i>C2.21 Development provides paving to the public footpath for the entire length of the development street frontage.</i>	The proposed development includes pedestrian connectivity in the form of a 1.2m wide footpath from the public footpath on Peppertree Road.	Y
C2.E Awnings	<i>C2.22 Awnings must be provided over pedestrian pathways</i> <ul style="list-style-type: none"> <i>New awnings must maintain the same dimensions, alignment and materials of existing awnings along the street</i> <i>A continuous or stepped solid box awning should be provided for the full extent of the building frontage with awnings 3m in width or setback 750mm from the curb, whichever is less</i> <i>Under awning height will be between 3.2m and 3.6m</i> <i>Awnings on sloping sites should be a cantilevered steel box section that steps with street slope</i> <i>Awnings are varied when there is a need to highlight the location of a major building entrance</i> 	<p>A new awning is proposed along the commercial tenancies located on Peppertree Road where there are currently no existing awnings on the streetscape. This will be 3.28m in width, with under awning height being approximately 4m. this slightly exceeds the proposed 3.6m under awning height, however, the position of the awning has been driven by the concrete formwork of the upper level, which is level with the carpark central to the site.</p> <p>All onsite awnings indicated in Appendix A comply with the relevant provisions.</p>	Y & N
C2.F Building Entries	<i>C2.23 Provide a recognisable entry from the primary street</i> <ul style="list-style-type: none"> <i>Entries on corner sites address both streets by providing a splayed entry on that corner</i> <i>A separate and secure access point that provides a clear sense of building address is provided for the residential component of mixed-use development</i> 	<p>The proposed site development is located on the corner of Peppertree Road and Muir Street. Entry to the site is provided through a combined ingress/egress point on each frontage. Landscaping, siting, and building orientation provides easily recognisable entry points to the site.</p> <p>Site separation and landscape plantings will delineate site boundaries and provide a recognisable entry/exit point.</p> <p>Entrances to buildings onsite will be easily visible from the car parking area given on-site building separations, landscaping, driveway design, and levelled pedestrian only areas.</p>	Y
	<i>C2.24 Entry structures, such as access ramps, are located within the site behind the property boundary so as not to obstruct pedestrian footpaths in the public domain</i>	The access ramp from Peppertree Road is located behind the property boundary so as not to obstruct pedestrian footpaths in the public domain	Y
C2.G Building Facilities and Services	<i>C2.25 Plant, equipment, storage areas, communication structures and servicing areas are located at the rear of a building and not be visible from streets, parks and</i>	All plant equipment and storage areas will be suitably concealed.	Y

	<i>other public spaces, except for service lanes.</i>		
	<i>C2.26 Commercial development with a capital investment value over \$2 million shall provide toilets that are accessible to the public</i>	Public access toilets have been provided within the development.	Y
C2.H Public Art	<i>C2.27 Commercial development with a capital investment value over \$2 million and that provides frontage to the public domain shall incorporate public art in accordance with Council's Public Art Policy and Guidelines for the approval and installation of public art in Port Stephens</i> <i>Note: Evidence must be provided with a commercial development application value over \$2 million demonstrating that the developer has obtained Public Art Approval from Council.</i>	Future discussions with relevant Council staff will be undertaken and approval sought via a public art application.	Y
C2.J Landscaping	<i>C2.31 Landscaping is provided as follows:</i> <ul style="list-style-type: none"> • 10% of the site area consisting of deep soil planting • 30% shading over car park areas 	The Landscape Plan at Appendix H shows that just over 10% of the site will be landscaped. Proposed trees will provide shading over portions of the car park.	Y
	<i>C2.32 To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.</i>	Commercial developments tend to not include large areas of deep soil plantings for both practical and logistical reasons. Rather low level ground covers and grasses are proposed with some trees and shrub screening in garden beds. This is considered appropriate for this location and proposed use(s). The childcare centre will have extensive deep soil landscaping in the outdoor play area.	Y
	<i>C2.33 Landscaping is in accordance with the following:</i> <ul style="list-style-type: none"> • Landscape works incorporate adequate screening from the street and adjacent neighbours; • Corner lots provide landscaping to both street frontages; • Tree and landscape planting shall be of a scale and extent that reflects the scale of the proposed development's buildings and pavement areas • Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure • Street trees are to be within the footpath, verge or in the parking lane and be consistent with the Port Stephens Council tree technical specification 	<p>Boundary planting achieves appropriate screening to neighbours.</p> <p>Achieved</p> <p>Tree and landscape planting is of an appropriate scale to reflect the building and pavement areas.</p> <p>Noted.</p> <p>N/A</p>	<p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p> <p>N/A</p>

	<p><i>C2.34 The rear setback area is to be:</i></p> <ul style="list-style-type: none"> • <i>a deep soil landscape planting area where the development adjoins a residential zone or land used for residential purposes; or</i> • <i>assessed by a merit-based approach where the development does not adjoin a residential zone or land used for residential purposes</i> 	Due to the dual frontage of the land, there is no definitive 'rear' of the site, notwithstanding, deep soil landscaped areas are included within the scheme.	Y
	C2.35 Landscape species are to be selected in accordance with the Landscape Technical Specification.	Species have been selected in accordance with the Landscape Technical Specification. Refer to Landscape Plans at Appendix H for further details.	Y
C8 Signage			
C8.A General	<i>C8.2 Signage is integrated with the building facade</i>	The proposal includes business signage that is integrated within the various building façade(s).	Y
	<p><i>C8.3 The following types of signage are generally not supported:</i></p> <ul style="list-style-type: none"> • <i>Flashing signs Note: Flashing signs may be permitted in the road reserve if the text is a road safety message</i> • <i>Roof signs</i> • <i>Vehicular signs where the primary use of the vehicle is for advertising.</i> • <i>Above awning signs</i> • <i>Anchored balloons or airborne signs</i> • <i>Inflatable signs</i> • <i>Hoarding signs</i> 	The proposed signs are not listed as unsupported. A SEPP 64 Assessment is included at Table 4.	Y

Table 6 – SEPP 64 Schedule 1 Assessment Criteria

Assessment Criteria		Comment	Compliance
1) Character of the area	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage scheme is considered compatible with the character of the locality, being within the town centre, noting that signage content is not known at this stage.	Y
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no specific identified theme for this locality.	N/A
2) Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage does not detract from any areas of environmental or cultural importance, similarly, it will not negatively impact on the amenity of surrounding areas.	Y
3) Views and vistas	Does the proposal obscure or compromise important views?	Signage proposed does not comprise any views or vistas given they are located within the bounds of the site.	Y
	Does the proposal dominate the skyline and reduce the quality of vistas?	The external signage is located on the proposed buildings and does not protrude above the structure on which it is located.	Y
	Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not obscure any other advertising.	Y
4) Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed scale, proportion and form of signage is appropriate for the streetscape.	Y
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will contribute to the visual interest of the area through its integration with the built form and uncluttered appearance. The signage appropriately identifies the future user(s) of the site.	Y
	Does the proposal reduce clutter by rationalizing and simplifying existing advertising?	An integrated whole-site approach to signage has been adopted which will simplify / de-clutter site signage.	Y
	Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	N/A
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, all signage is located on the proposed built form.	Y
	Does the proposal require ongoing vegetation management?	The proposed signage does not require ongoing vegetation management.	N/A
5) Site and building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage has been designed to integrate with the proposed built form and site characteristics.	Y

	Does the proposal respect important features of the site or building, or both?	The proposed signage does not detract from important features of the site or proposed building.	Y
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The placement of signage is considered appropriate given the site topography, building siting, access points, car parking and landscape elements.	Y
6) Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage includes elements of appropriately illuminated signage.	Y
7) Illumination	Would illumination result in unacceptable glare?	Signage will be illuminated at appropriate LUX levels to not result in unacceptable glare.	Y
	Would illumination affect safety for pedestrians, vehicles or aircraft?	The illuminated signage will not provide a safety concern for pedestrians, vehicles or aircraft.	Y
	Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed illuminated signage will not detract from the amenity of any residences. It will be screened from view to the residential property to the west by the proposed commercial building and boundary landscaping.	Y
	Can the intensity of the illumination be adjusted, if necessary?	No, however the illumination is not expected to create any negative visual impacts or unacceptable glare.	N/A
	Is the illumination subject to a curfew?	The signs would be illuminated at night during operational hours. There is no curfew in place.	N/A
8) Safety	Would the proposal reduce the safety for any public road?	The proposed signage will not reduce road safety. There will be no cause of distraction for drivers.	Y
	Would the proposal reduce the safety for pedestrians or cyclists?	The proposed signage will not reduce existing safety for pedestrians and cyclists. All signage is contained wholly within the site and not within the road or footpath.	Y
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage does not obscure sightlines from public areas.	Y