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ABN 61 148 085 492

21st October 2020

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Attention: Dylan Mitchell

RE: Response to Submissions - Food and Drink Premises, 34 Peppertree Road, Medowie (DA16-2020-136-1)

This correspondence has been prepared by KDC Pty Ltd (KDC) on behalf of Muir Point Pty Ltd to address the submissions made in relation to DA 16-2020-136-1 for a food and drink premises (pub) at 34 Peppertree Road, Medowie NSW 2318.

A total of two (2) submissions were made during the period on which the application was publicly exhibited. The main issues raised in the submissions are addressed under separate headings below.

Parking Shortfall

Concern is expressed over a parking shortfall resulting from the proposal and a consequential lack of sufficient parking spaces for patrons. Traffic Engineers Seca Solutions have undertaken a detailed parking assessment of the proposal based on parking rates outlined in both Council's DCP and the *RTA Guide to Traffic Generating Development*. The parking assessment also draws on similar type existing developments to determine the most applicable parking rates for standalone suburban tavern's. The assessment found that the 66 on site parking spaces proposed (combination of underground and at grade) are sufficient to meet the demands of the proposal. Refer to the Technical Design Note, Seca Solution, dated 31st August 2020, already lodged with Council.

Community Disturbance/ Anti-Social Behaviour

Whilst it is not surprising that potential community disturbance from a late night trading tavern is raised as a concern, the reality is often quite different from community perception. This is further explored in the Social Impact Assessment (SIA) prepared by Liquor and Gaming Solutions where community consultation was undertaken with nearby resident/businesses and other relevant stakeholders.

The premises is proposed to trade until midnight Monday - Saturday and 10pm on a Sunday. The noise impacts on surrounding properties has been modelled by qualified acoustic engineers, MAC, in the submitted Noise Assessment and found to be within acceptable limits and compliant with criteria contained within acoustic legislation and guidelines. The premises will be strictly managed so that loitering after hours does not occur, and any noise complaints will be duly documented by staff and addressed in a register kept onsite and available for viewing by Police.

The recommendations provided within the CPTED Report undertaken for the proposal will promote not only a safe and comfortable place for staff and patrons, but will also deter anti-social behaviour within the surrounding area. In accordance with CPTED principles, the CPTED Report confirms the proposal can be managed to minimise the potential risk of crime. Furthermore, the proposal will incorporate appropriate night lighting, car park design, site and building layout and landscaping as well as security devices to assist in crime deterrence and prevention.

From a social and community perspective, the SIA found that the proposal is not likely to bring unacceptable social impacts (such as anti-social behaviour) provided the mitigation measures as detailed in the CPTED Report, Traffic Assessment and Noise Assessment are adopted.

Increased Crime

The potential for the proposal to increase crime in the area is discussed in both the SIA and the CPTED Report. Crime statistics are analysed from BOSCAR/Liquor and Gaming data where it was found that Medowie rates of incidents (per 100,000 people) for alcohol and non alcohol related domestic assault, alcohol related offensive conduct, and malicious damage to property are lower than the rest of the state as well as lower than the Port Stephens LGA average.

These statistics demonstrate that Medowie has a low risk of alcohol related harm overall. The highest incidence of harm is attributed to drink driving, and the introduction of additional premises within the local community may assist to reduce the risk of persons driving to Newcastle, Raymond Terrace or Nelson Bay for social interaction.

As part of the SIA consultation, Senior Constable Kaluski from the Port Stephens Licensing Unit supported the above findings and identified that the local community has a very low incidence of alcohol related harm, with the majority of alcohol related offences relating to drink driving.

Lack of Police Presence

One submission expressed concerns that there is already a lack of police presence in the area and another licenced premises would exacerbate the problem. Whilst police response times is not a relevant planning consideration in the assessment of this DA, it is emphasised that local police have been duly consulted and have expressed no concerns with the proposal.

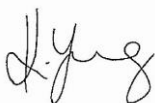
The data provided by Liquor and Gaming NSW on the density of licenced premises in NSW supports the community need for an additional food and drink premises (pub) in Medowie with the density of licenced premises within Medowie less than half the state average, and virtually no clustering of licenced venues.

The SIA found that the existing licenced premises within Medowie are inadequate to meet the needs of the local community, and there is a demonstrated public need for additional food and drink premises (pub) to service the local community. The density of licenced premises within Medowie is less than half the state average, with virtually no clustering of licenced venues in Medowie.

We thank Council for the opportunity to respond to the two submissions made in relation to the DA. The fact that the number of submissions is so low emphasises that the community are generally not opposed to the development. The proposal has the ability to achieve desirable outcomes for the community (local job creation, enhanced dining/drinking and entertainment options, promote safe night time town centre activity), whilst not detracting from the wellbeing of individuals, businesses and communities within the local area. The SIA found that the social impact of the proposed development is overwhelming positive.

Please don't hesitate to contact the undersigned should you require anything further.

Yours sincerely,



Kate Young
Principal Planner
KDC Pty Ltd