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**Attention:** Dylan Mitchell

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**RE: Response to Request for Further Information – 795 Medowie Road Medowie (DA 16-2020-136-1)**

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This correspondence has been prepared by KDC Pty Ltd (KDC) on behalf of Muir Point Pty Ltd to address the Request for Further Information (RFI) email issued by Council on the 24<sup>th</sup> April 2020 in relation to DA 16-2020-136-1 for a food and drink premises and two commercial premises with basement parking at 795 Medowie Road, Medowie NSW 2318.

As Council are aware, and as per the discussions undertaken between the proponent's representatives and Council staff on 25 June 2020, market demand has necessitated a number of changes to the proposal which we would like take the opportunity to detail within this RFI response.

These changes are made pursuant to Clause 55 of the *Environmental Planning and Assessment Regulations 2000* which allows for a development application to be varied at any time before the application is determined (with the agreement of the consent authority).

The development, as presented in the revised Architectural Plans, includes the removal of the two commercial premises and an extension of the food and drink premises, maintaining generally the same building footprint as originally proposed. The land use is also now further defined, and it is confirmed that the building will operate as Medowie Family Tavern. Therefore, the development seeks approval for a food and drink premises (pub) as per the definitions contained within Port Stephens LEP 2013:

***pub*** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note.** Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

The proposed hours of operation are from 10am to midnight, 7 days a week. It is noted that deliveries/waste collection will be restricted during the evening and night time hours (ie between 6pm and 7am) to control noise. Further details are provided in the Noise Assessment appended to this letter.

The main changes are summarised below:

- Deletion of 2 x commercial premises;
- Enlargement of tavern to include sports lounge and gaming area;
- Built structure over car parks fronting Muir Street to help define the street edge; and
- 2m high colourbond fencing to northern boundary.

To support the changes, the following plans and specialist reports are provided:

- Architectural Plans;
- Stormwater Management Report and Plans;
- Traffic Impact Assessment;
- Noise Assessment; and
- Plan of Management.

The Tavern is expected to have an ongoing positive socioeconomic impact on the local area. The development will not only deliver a family friendly facility with great social benefits for residents, it will also result in positive economic benefits in terms of ongoing employment opportunities as well as stimulus to the local economy during the construction phase.

Noise and anti-social behaviour will be managed through the implementation of the enclosed Plan of Management. It is noted Crime Prevention through Environmental Design (CPTED) principles are included in the design of the development to discourage criminal activity and ensure the safety of patrons, staff and the local community. These include natural surveillance (as well as CCTV cameras), external lighting, access control, territorial reinforcement and activity and space management. Implementation of the above-mentioned measures into the design and management of the proposal will create an environment that will dissuade offenders from committing crimes by manipulating the built environment in which those crimes proceed from or occur.

As required under Section 48(5) of the *Liquor Act 2007*, consideration of social impact must be made for any new liquor licence application made to Liquor and Gaming NSW. In this regard, a Community Impact Statement is currently being prepared and will include consultation with Council, local police, local health district, Department of Family and Community Services, the local Aboriginal community, special interest groups in the area, and anyone located within 100 metres of the proposed premises. The liquor licence required for the Tavern will not be granted if the overall social impact of the licence is detrimental to the well-being of the local or broader community.

The below response addresses each of the points raised in the RFI:

**1. *Hunter Water***

*Please refer to the request for information, issued by Hunter Water, within the attached letter.*

Please refer to the revised Civil Engineering Plans and Stormwater Management Report prepared by MPC Consulting Engineers. The proposed stormwater treatment train meets Council stripping targets and the MUSIC link report is enclosed with this response.

**2. *Planning***

*Streetscape and front setback – The proposal includes car parking forward of the building line, which is not supported due to the compromised streetscape outcome. Given the significant oversupply of car parking, calculated at in excess of between 32 – 40 spaces in the TIA, the removal of these car parks and incorporation of a reduced building setback would be appropriate to better enhance streetscape amenity and enable the introduction of a 3m front setback, commensurate with the adjoining development.*

As can be seen on the revised Architectural Plans, the proposal now includes a built structure over the at grade car parks on the Muir Street frontage, accented with timber beams that are a common feature throughout the building design. This design approach helps to define the street edge and the structure will align with the setback to the main building entrance located further along Muir Street. A landscaped garden bed is included at the front of the car parks with vertical climbing plants on stainless steel wires that will marry into the landscape theme for the building and site. Figures 1 and 2 show 3D perspectives of the car park structure on Muir Street.

**Figure 1 – 3D Perspective of car park structure**



**Figure 2 – 3D Drone Perspective of Development**



3. Relationship with adjoining properties - It is requested that the architectural plans be amended to better demonstrate the relationship with development approvals on surrounding properties. In particular, the subdivision layout, inclusive of the proposed road and approved lot 34 of the approved residential development to the north should be included. Development to the east should also be indicated on plans, including the building footprint and landscaping to demonstrate continuity between the developments.

Drawing Number A01 now includes the layout of the residential subdivision to the north of the site as well as the layout of the approved commercial development to the east. The width of landscaping along the Muir Street frontage is generally matched between the two developments.

4. Impacts to residential amenity - A 3D render is required to better represent the visual impacts resulting from the rear of the development (North elevation), which will be highly visible from the residential street and future dwelling on lot 34 of the approved residential development to the north. The 3D render should also include an indicative fence line. This information will assist in Council's review of the proposed rear setback variation.

3D renders are included in the Architectural Plans including the view of the northern boundary with proposed fencing shown in the render.

5. Building Height - Based on Council's review of the maximum height of the development, there appears to be a minor height variation when measured from natural ground level on the western elevation. However, this is unclear, as the natural ground level is not labelled on the plan and no maximum height plane is given on the plans. It is requested that plans be amended to clearly depict the developments maximum height measured from natural ground level. Should a minor variation be proposed, consideration should be given to Clause 5.6 of the LEP, or a Clause 4.6 request be submitted to Council.

The Architectural Plans have been amended to comply with the height limitation for the site under the LEP. No Clause 4.6 variation is requested.

6. General - It is noted that on various plans the southern boundary has the wrong size of the parent lot boundary. Instead of 97.815m it should be 63.02m. It is requested that this discrepancy be amended accordingly.

The Architectural Plans have been amended accordingly.

7. Landscaping - The landscaping plan submitted with the application appears to be corrupted as the file won't open. It would be appreciated if you could submit the plan at your earliest convenience.

Landscaping Plans have been submitted to Council.

#### **Storm water**

8. DRAINS modelling has not been submitted to Council for verification. In addition, the pre-developed flows appear to be calculated using outdated Rational Methods. It is requested that DRAINS modelling be provided and pre-development flows updated using the current rainfall and runoff routing methods.

Revised Civil Engineering Plans are included with this response including DRAINS modelling. Pre-developed and post-developed site conditions are modelled using DRAINS software package according to Australian Rainfall and Runoff (ARR) 2019 procedures.

#### **Water Quality**

9. MUSIC modelling has not been submitted to Council for verification.

MUSIC schematic model diagram is included in the revised Stormwater Plans. MUSIC-link report is attached in Appendix E of the Stormwater Management Report.

10. Hunter Water Corp have identified the DCP Part E treatment train effectiveness values used by the consultant are not correct hence water quality has not been achieved. Please refer to the required water quality targets on page E-197. It is requested that the treatment train be revised to meet Council's tripping rate targets.

Stormwater quality requirements from the Port Stephens DCP, and in particular the Water Quality Targets within the DCP have been incorporated into the overall stormwater management design for the site. Refer to enclosed Civil Engineering Plans and Stormwater Report.

11. *The treatment train screenshot shows 5 x RFM Pillows however no details are provided on the plans or what the manufactures specifications are for this treatment device. It is requested that these further details be provided for Council's consideration.*

The RFM Pillows Specifications are included at Appendix F of the Stormwater Management Report

***Traffic/Access***

12. *No indication is given of upgrades to the Muir Street/Medowie Road intersection. Given this has been identified as a requirement for other proposed developments in the vicinity a cost sharing agreement is appropriate.*

N/A. This request was noted prior to the determination for other commercial development in the vicinity of the site. The intersection upgrades are dealt with under these other consents.

13. *Construction of a 2.5m wide shared path is required across the frontage of the development site within Muir Street and to the underground access on Peppertree Road.*

It is noted that a footpath is provided on the southern side of Muir Street to service pedestrians in the area. A footpath could be included around the site and Council are invited to condition any future consent accordingly.

14. *An extension of Peppertree Road is required to allow access to the underground carpark. Accordingly, additional information is required detailing the proposed extension.*

The revised Architectural Plans show the extent of Peppertree Road.

15. *It is requested that swept paths be provided for the proposed car parking.*

Refer to the revised Architectural Plans.

16. *The underground parking space dimensions do not appear consistent with AS2890.1 requirements for user class 3A. It is requested that amended plans be submitted to demonstrate compliance with the standard.*

Refer to revised Architectural Plans which notates compliance with AS2890.1 for user Class 2. It is noted that under the AS, Class 3A is for 'short term, high turnover of parking at shopping centres'. Class 2 is considered the most applicable rate for the proposed land use in this instance. This is supported in the Traffic Impact Assessment.

**Regional Planning Panel**

In addition to the above, the following two matters have been raised by Council via email on the 26<sup>th</sup> June as requiring to be addressed in light of the Regional Planning Panel comments:

1. *Interface with adjoining development– it is requested that additional information (including boundary cross sections) be provided to clearly show the interface with approved development to the north and east. Further to this, the approved subdivision layout for the development to the North should be included on a site plan to demonstrate the relationship with the current proposal.*

The layout of the approved residential subdivision to the north of the site has been included on the Plans, as has the layout of the office development to the east (refer Dwg A01). There is no real benefit in providing a cross section across the site boundary and land to the north as this is a footpath and road (Road 4) which is at grade. Boundary fencing is shown on the revised Architectural Plans enclosed with this response.

2. *Public Art – The panel confirmed the public art provisions of the DCP must be addressed. Reliance on other public art installations within the area is not a suitable solution. It is requested that a concept public art plan be developed in consultation with Council's Community Development Section.*

A Public Art Plan is still being developed and the proponent will further engage with Council's relevant department in due course.

## CONCLUSION

We thank Council for the opportunity to revise the DA pursuant to Clause 55 of the *Environmental Planning and Assessment Regulations 2000*. All necessary plans and specialist reports has been provided to allow Council to make an informed assessment of the proposal. In addition, the specific items requested in the RFI and by the Regional Planning Panel have been addressed within this response.

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

Yours sincerely,



Kate Young  
**Principal Planner**  
**KDC Pty Ltd**

Attachments:

- Architectural Plans
- Stormwater Management Report and Plans
- Noise Assessment
- Traffic Impact Assessment
- Plan of Management.