



STATEMENT OF ENVIRONMENTAL EFFECTS

Construction and Use of a Food and Drink
Premises and Two Commercial Premises
with Basement Car Parking

Muir Street, Medowie NSW 2318



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Statement of Environmental Effects

FINAL

Report Reference No.: 20088
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Environmental Assessment

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In respect of: Muir Point Pty Ltd

Application and Land Details

Applicant: Muir Point Pty Ltd C/ - KDC Pty Ltd

Applicant Address: Suite 2B, 125 Bull Street, Newcastle West NSW 2302

Land to be developed: Approved Lot 1 under DA 16-2018-789-1; Muir Street, Medowie

Project: Construction and Use of Food and Drink Premises and 2 x Commercial Premises with basement Car Parking

This Report has been prepared in accordance with the brief provided by our client 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) for the construction and use of a food and drink premises and two commercial premises at Muir Street, Medowie NSW 2318. It is noted that approval was granted for a torrens title subdivision under DA16-2018-789-1 and the proposed development is located on approved Lot 1 under this subdivision.

The proposal includes the following:

- + Construction of new combined ingress and egress driveway on Muir Street and Peppertree Road;
- + Construction and use of a multi-tenancy building (total GFA 898m²) comprising a food and drink premises and two (2) x commercial premise(s);
- + Construction and use of an underground/undercroft car-parking facility;
- + Site landscaping;
- + 66 total parking spaces including 4 accessible spaces;
- + Signage; and
- + Other minor works as illustrated on the proposed Architectural Plans included at Appendix A.

The proposal will provide valuable services and facilities within a highly 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. Refer to Figure 1 for a 3D perspective of the proposal.

Figure 1 – 3D Perspective (as viewed from Muir Street)



The proposal is 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 under Port Stephens Local Environmental Plan 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 surrounding layout of approved residential subdivision adjoining to the north 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 as detailed within this Report.

This SEE has addressed the potential impacts arising from the proposal on surrounding properties including traffic, access and parking, noise, visual amenity, bushfire and waste and water management. Where necessary, mitigation measures are proposed to minimise impacts and reduce potential risk associated with the development. Furthermore, it is in the interest of the future operators to employ strict management procedures 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.

1 INTRODUCTION

This Statement of Environmental Effects (SEE) is submitted to Port Stephens Council (Council) in support of a Development Application (DA) on approved Lot 1, Muir Street, Medowie NSW 2318 (the site).

Specifically, the proposed development includes:

- + Construction of new combined ingress and egress driveways on Muir Street and Peppertree Road;
- + Construction and use of a multi-tenancy building comprising a food and drink premises (GFA 417m²) and two commercial premises (GFA 182m² and 150m²);
- + Construction and use of an underground/ undercroft car parking facility;
- + Site landscaping;
- + 66 total parking spaces including 4 accessible spaces
- + Signage; and
- + Other minor works as illustrated on the proposed Architectural Plans included at Appendix A.

This SEE has been prepared by KDC Pty Ltd (KDC) on behalf of Muir Point Pty Ltd. 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 EJE Architecture appended to this report (Appendix A).

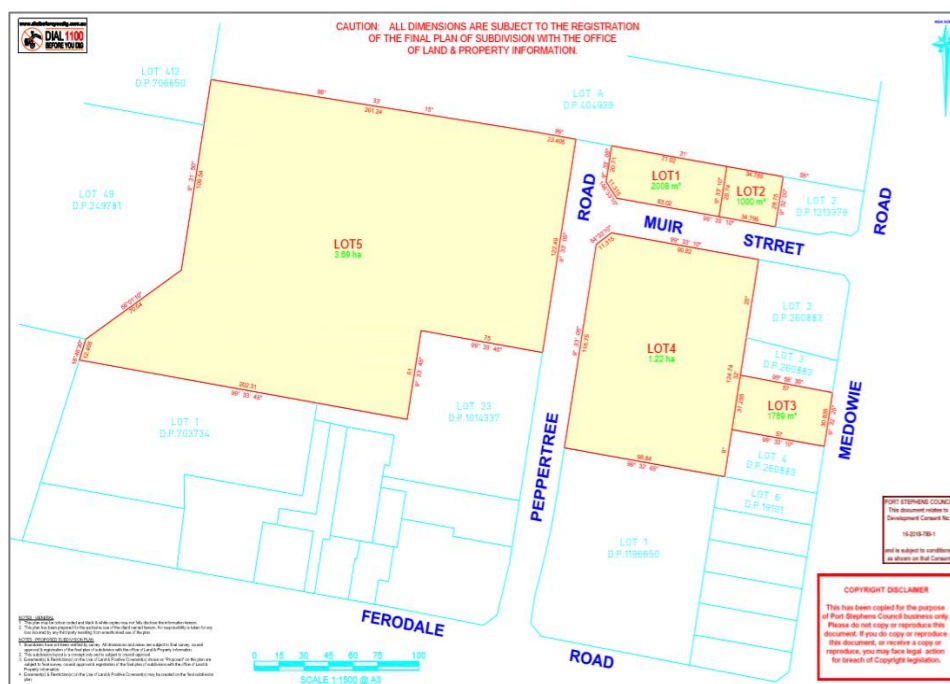
1.1 SITE HISTORY

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 1. The subdivision has yet to be registered with NSW Land Registry Services (LRS).

An extract of the approved Subdivision Plan is provided in Figure 2.

Figure 2 – Approved Plan of Subdivision under DA16-2018-789-1



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2 SITE ANALYSIS

2.1 SITE CONTEXT

The Medowie area is experiencing increasing urban growth and development pressure, with the town centre the focal point of activity. The town centre has been master planned under the Medowie Planning Strategy and will play an important part in Council's overall vision for growth within the area.

Land within the town centre (including the site) has been recently rezoned by Council to B2 Local Centre to facilitate development of a commercial nature and consolidate its role as the 'heart' for the social and economic life of the community. Further details on how the proposal fits within the Medowie Planning Strategy are addressed in Section 4.6 of this report.

2.2 SITE LOCATION

The site is located within Medowie commercial centre, on the north eastern corner of the intersection connecting Peppertree Road with Muir Street. Peppertree Road is incomplete, however is proposed to be extended north in accordance with the Medowie Town Centre masterplan.

As stated in the preceding section of this Report, the site boundary reflects the approved subdivided Lot 1 (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. Commercial 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 west is currently vacant.

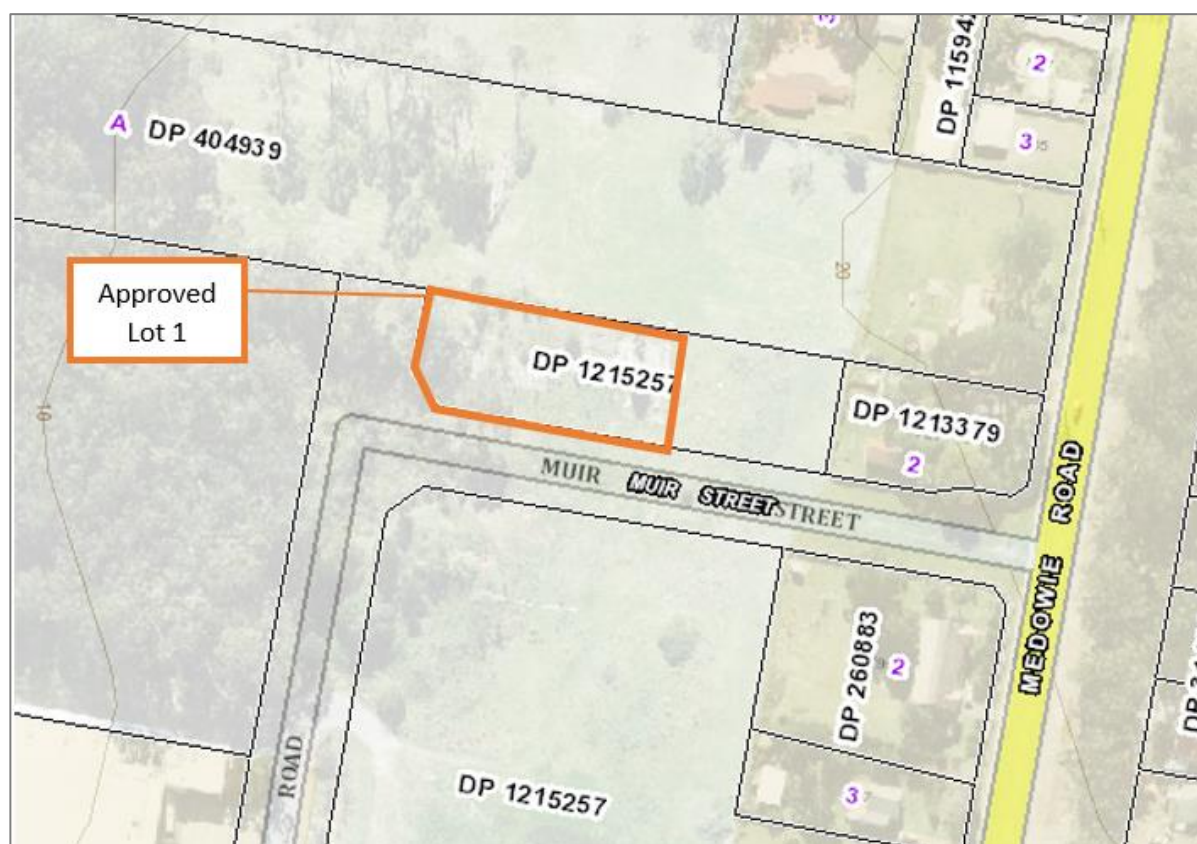
Figure 3 – Locality Plan (Source: Google Maps)



2.3 SITE DESCRIPTION

The site is described as Lot 1 as approved under DA 16-2018-789-1. The site has approximately 28m of frontage to the west along Peppertree Road and 65m of frontage to the south along Muir Street. The site is roughly rectangular in shape with a total site area of 2,009m² as shown in Figure 4 below.

Figure 4 – Cadastral Plan (Source: SixMaps)



Lot 1 is completely vacant of any buildings or structures with the exception of some boundary post wire fencing. Two trees are located on the Peppertree Road reserve outside the site boundaries and will require removal for access and for the extension of this road to the north.

The site falls from east to west with an average slope of 6.1%. A detailed survey plan is appended to the Stormwater Report at Appendix F.

2.4 SURROUNDING EXISTING 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:

- + Woolworths and Coles Supermarkets;
- + Retail/business uses including a pharmacy, real estate agency and a hairdresser;
- + Bull and Bush Hotel and bottlemart;
- + Hardware Store approximately;
- + Medowie Community Centre;
- + Public Recreation (Boyd Oval and Skate Park);
- + Yulong Oval; and
- + Medowie Fire Station.

2.5 SURROUNDING APPROVED/PROPOSED DEVELOPMENT

The Medowie Town Centre is experiencing a significant amount of new development on previously vacant land recently rezoned for commercial purposes in line with the Medowie Planning Strategy. These include a mixture of developments,

some of which have been approved and others currently still under assessment with Council. A summary of the approved/ proposed developments in the vicinity of the site is provided below:

- + **799 and 813 Medowie Road** - A Torrens title subdivision has been approved immediately to the north of the site at 799 Medowie Road and 813 Medowie Road (Lot A DP 404939 and Lot 32 DP1045148) under DA16-2017-837-1. This approval includes the subdivision of two (2) into thirty-nine (39) lots, and the construction of seven dwellings. It is noted that the road network servicing the subdivided residential lots abuts the northern boundary of the site and no common boundary exists between the subject site and a future residential lot under this subdivision.
- + **791 Medowie Road** - Torrens title subdivision for one into two lots and one into eight lot strata subdivision of multi-dwelling housing has been approved under DA16-2018-696-1. Access to this development is provided from Muir Street.
- + **795 Medowie Road** (approved lot 2) - A proposal for a new office building has been approved directly adjacent to the site to the east. Access to this development is provided from Muir Street.
- + **795 Medowie Road** (approved Lot 4) - An application for Commercial premises, medical centre, retail premises, childcare centre and one into four lot Torrens title subdivision has been lodged for this site under DA16-2019-445-1. Two access points are proposed for this development including one off Muir Street and one off Peppertree Road. A second DA has been lodged at this site on one of the subdivided lots for a food and drink premises (McDonald's) under DA16-2019-616-1. Both these DA's are still under assessment with Council.
- + **787 and 795 Medowie Road** (Approved Lot 3 and Lot 3 in DP 260883) – Approval for a service station and food and drink premises including vehicle repair station, ancillary signage, car parking, landscaping, demolition of existing structures and associated site works was approved by Council in December 2019 under DA 2019/339/1.

It is noted that the proposal has been designed and managed to take into account amenity impact on approved but not yet built developments in the vicinity of the site. Further details are provided in Section 5 of this Report.

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 proposed mixed use development includes the following elements:

- + Construction of new combined ingress and egress driveways on Muir Street and Peppertree Road;
- + Construction and use of a multi-tenancy building comprising a food and drink premises and two commercial premises (Total GFA 898m²);
- + Construction and use of an underground/ undercroft car parking facility;
- + Site landscaping;
- + 66 total parking spaces including 4 accessible spaces;
- + Building and site signage; and
- + Other minor works as illustrated on the proposed Architectural Plans included at Appendix A.

3.2 FOOD AND DRINK PREMISES

The tenant of the proposed food and drink premises is yet to be confirmed however the building will extend to 417m² GFA and have both internal and external seating for patrons. The tenancy will include a large internal dining area, kitchen and storage, amenities, servery area as well as outdoor terrace and kids play area. Stairs are provided from Muir street to the entrance of the building as well as a lift providing accessible access to all levels.

3D indicative images are included at Figure 5 and 6 as well as Appendix A to give a visual representation of the proposal, noting that they are for illustrative purposes only.

Figure 5 – 3D Perspective of food and drink premises (corner of Peppertree Road and Muir Street)



3.3 COMMERCIAL PREMISES

Two (2) commercial premises are proposed adjoining the food and drink premises extending to 182m² GFA (Tenancy 2) and 150m² GFA (Tenancy 3). The tenancies will have individual entrances accessed from ground level and will include accessible WC's. Future tenants for these units are yet to be confirmed.

Figure 6 – 3D Perspective (Muir Street)



3.4 OPERATIONAL DETAILS

Operational Hours

The proposed hours of operation are from 6am to midnight, 7 days a week. it is noted that the gates of the outdoor play area of the food and drink premises will be locked between 10pm and 7am each day to control noise. Further details are provided in the Noise Assessment at Appendix G.

Staff

Approximately 8 staff are likely to be at the site at any one time in relation to the food and drink premises with further staff required for the commercial tenancies (subject to future operator requirements).

Deliveries

A loading bay is proposed at the eastern end of the building with access internally for all future tenants via a common internal walkway at the back of the commercial tenancies. Adequate provision of space has been provided to allow a Light Ridged Vehicle (LRV) to access the site, reverse into the loading bay and exit in a forward direction onto Muir Street.

Approximately one to two deliveries shall typically occur daily for the food and drink premises and on an as needs basis for the future commercial operators. Deliveries shall be made outside of peak times and during day time hours only, ie 7am – 6pm).

3.5 MATERIALS AND FINISHES

The building is of a modern design and includes high quality finishes. The design includes clean lines and is predominantly

made up of dark honed blockwork, timber elements (blackbutt), exposed black steel beams, colourbond cladding and corton steel highlights. The external colour palette is crisp, and the design is essentially contemporary and complimentary to recent developments within Medowie town centre. The schedule of materials and finishes is included on the plans at Appendix A.

3.6 SIGNAGE

An integrated and very simple approach to external signage is proposed to identify the users of the site including 4 x flush mounted panels (internally illuminated), one for each tenancy as well as a general building identification sign on the blockwork on the Muir Street (front) elevation.

Building signage is concise and simple reducing the potential for clutter or signage proliferation in the area. Refer to the Elevation Plans at Appendix A which details the dimensions and location of signage.

3.7 VEHICULAR ACCESS AND PARKING

It is proposed to construct one (1) vehicle crossover onto Muir Street and one (1) vehicle crossover on Peppertree Road to the basement car park. Both driveways will be combined ingress and egress. 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. All vehicle entry and exit movements will be in a forward direction.

Within the site, 66 dedicated parking spaces are provided including 4 disabled spaces. 13 of the parking spaces are located at ground level, with 53 parking spaces (including 4 disabled parking spaces) located in the underground car parking. In addition, 6 motorbike parking space are also included at the basement level. Parking spaces will be typically 2.6 metres wide by 5.4 metres long. The disabled parking spaces are located in close proximity to the accessible lift servicing the building and 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 from Muir Street, circulate and make deliveries before exiting in a forward direction.

3.8 WASTE MANGEMENT

Waste generated during operation of the premises will be stored at the rear of the loading area where there will be a minimum of 2 bulk bins provided (for the separation of general waste and recycling). Waste collection will be undertaken by a private contractor during day time hours (7am- 6pm). Refer to the Waste Management Plan at Appendix H for further details.

3.9 LANDSCAPING AND TREE REMOVAL

The two trees located within the western road reserve (Peppertree Road) will require removal to facilitate access to the underground car park and to establish the area as an Inner Protection Area (IPA). Further details and mapping are included in the Bushfire Assessment Report at Appendix D.

The proposed landscaping scheme includes mass planted garden beds on the southern and western elevations as well as internal planting areas adjacent to the commercial tenancies, new street trees and turfing along the road frontages and vertical climbing plants around the outdoor terrace of the food and drink premises (refer to Figure 7). The landscape area within the site extends to approximately 149m² (7.4%). Taking into account proposed street trees along both Muir Street and Peppertree Road, the total landscaped area exceeds 10% of site area.

Figure 7 – 3D Perspective (outdoor terrace)



The planting palette is based on the existing and desired landscape character and includes gum trees along the street frontages, Star Jasmine and Madagascar Jasmine climbers, and a variety of native species in the mass planted garden beds as detailed in the Landscape Plans prepared by Terras Landscape Architects and are attached at Appendix C. An extract of the Plant Schedule is provided in Table 1 below.

Table 1 – Plant Schedule

PLANT SCHEDULE				
No.	Botanical Name	Common Name	Height	Width
TREES				
TL	<i>Tristanopsis laurina</i> 'Luscious'	Kanooka Gum	8 m	4 m
CLIMBERS				
01	<i>Stephanotis floribunda</i>	Madagascar Jasmine	6.0 m	2.0 m
02	<i>Trachelospermum jasminoides</i>	Star Jasmine		
PLANTING				
03	<i>Zamia furfuracea</i>	Cardboard Palm	1.0 m	2.0 m
04	<i>Philodendron tatei</i> ssp <i>melanochlorum rojo congo</i>	Philodendron 'Rojo Congo'	1.5m	1.0 m
05	<i>Senecio mandraliscae</i>	Blue Chalksticks	0.5 m	0.5 m
06	<i>Astelia chathamica</i>	Silver Spears	1.2 m	1.0 m
07	<i>Allocasia brisbanensis</i>	Elephants Ears	2.0 m	1.5 m
08	<i>Aspidistra elatior</i>	Cast Iron Plant	0.6 m	0.6 m
09	<i>Kalanchoe thyrsiflora</i>	Flapjacks	0.5 m	0.5 m

3.10 STORMWATER MANAGEMENT

The proposed development has been designed to collect roof and hard stand water runoff, filter and control discharge to the existing kerb inlet pit located in front of the site at the corner of Muir Street and Peppertree Road. The proposal includes a detention tank located within the underground car park and 2x water tanks on the eastern boundary.

Full details of proposed stormwater management arrangements are included within the Stormwater Management Report including Civil Drawings prepared by MPC Consulting Engineers 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 (State and Regional Development) 2011;
- + State Environmental Planning Policy 55 – Remediation of Land;
- + State Environmental Planning Policy 64 – Advertising and Signage;
- + State Environmental Planning Policy (Infrastructure) 2007;
- + 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.

The proposed development does not require any integrated development approvals pursuant to Section 4.46 of the EP&A Act.

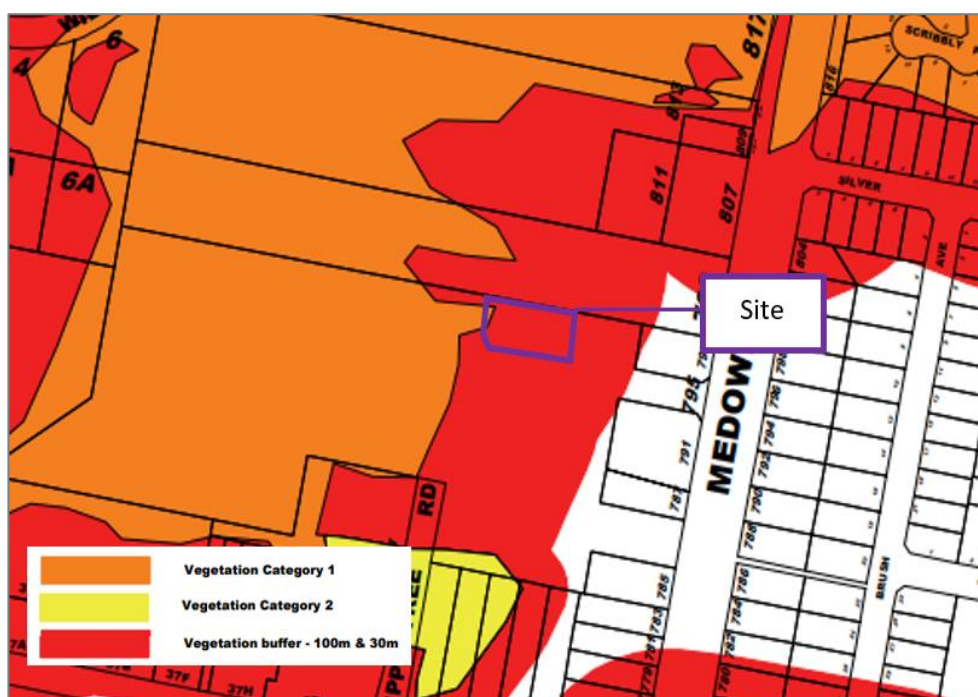
4.2 RURAL FIRES ACT 1997

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.*

The majority of the site is mapped within the Vegetation Buffer, with a very small section in the western portion of the site mapped as Vegetation Category 1 as shown in Figure 8. It is emphasised that aerial mapping and inspection of the site by the bushfire consultant revealed that the bushfire prone land map is somewhat inaccurate in respect to the current bushfire hazard. This is detailed in Section 5.11 of this Report.

Figure 8 – Bushfire Prone Land – Sheet 1 (Source: Port Stephens Council 2004)



As the proposal does not include subdivision nor are any Special Fire Protection Purposes (SFPP) proposed, referral to the NSW Rural Fire Service (RFS) is not required and integrated development is not triggered.

A Bushfire Assessment Report has been prepared by an Accredited Bushfire Practitioner Newcastle Bushfire Consulting (refer to Appendix D). 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 5.11 of this SEE.

4.3 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

4.3.1 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

Regional development classification criteria is defined within Schedule 7 of this SEPP. The relevant threshold is extracted below:

3 Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if—

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) the council is the owner of any land on which the development is to be carried out, or*
- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

As the CIV for the project will be greater than \$5 million and Council is the landowner, the development is deemed to be regionally significant development the application will be required to be referred to the Joint Regional Planning Panel (JRPP) for determination.

4.3.2 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 site has been cleared of asbestos as detailed in the Non-Friable Asbestos Clearance Certificate attached at Appendix K. Based on the findings of the visual clearance inspections, it was confirmed that all of the identified fragments of asbestos cement sheet debris and associated asbestos containing material (ACM) have been safely removed from the site. The site is therefore considered suitable for the commercial uses as proposed under this DA.

4.3.3 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 I.

4.3.4 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 45 – Under this clause, the application must be referred to Ausgrid if the proposal involves any of the following:

45 Determination of development applications—other development

(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- (b) development carried out —*

- (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
- (ii) immediately adjacent to an electricity substation, or
- (iii) within 5m of an exposed overhead electricity power line,

Clause 104 - Traffic generating development provides provisions for development(s) of a certain size or capacity specified within the Table to Schedule 3 under SEPP (Infrastructure). This proposal does not meet any of the triggers for traffic generating development and referral to the RMS is therefore 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 E). 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. Traffic, access and parking is further addressed within Section 5.2 of this Report.

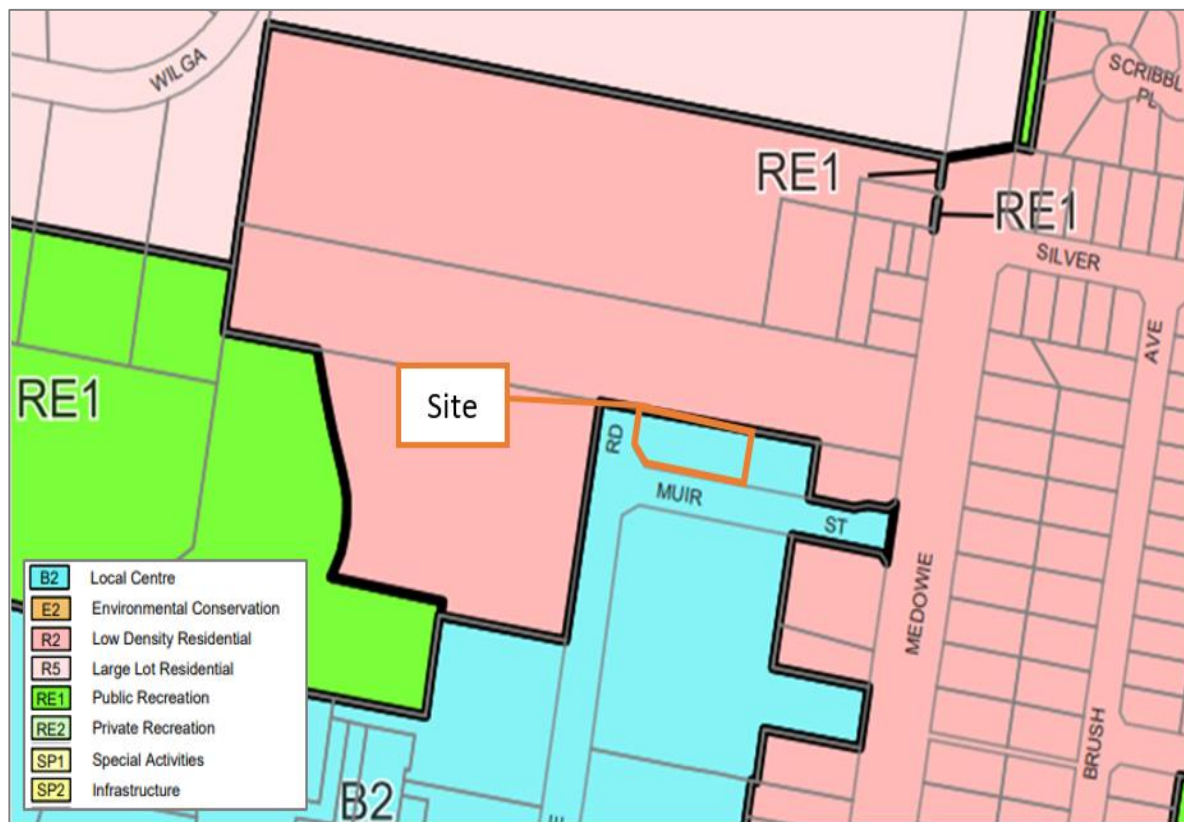
4.4 PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013

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

4.4.1 LAND ZONING

Pursuant to LEP 2013, the site is zoned B2 – Local Centre, as illustrated in Figure 9.

Figure 9 – 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 any of the following:

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

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,

- (m) timber yards,
 (n) vehicle sales or hire premises,
 but does not include highway service centres, service stations, industrial retail outlets or restricted premises.
Note. Retail premises are a type of commercial premises—see the definition of that term in this Dictionary.
food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—
 (a) a restaurant or cafe,
 (b) take away food and drink premises,
 (c) a pub,
 (d) a small bar.

Note. Food and drink premises are a type of retail premises—see the definition of that term in this Dictionary.

Based on the land use table and definitions provided above, all elements of the proposed development are permitted with consent in the B2 Local Centre zone.

Relevant LEP 2013 Clauses

The relevant clauses of the LEP are explored below.

Clause 4.3 Height of Buildings

The site contains a maximum height provision of 8m (Refer to Figure 10). The proposed buildings do not extend beyond 8m at the highest point above natural ground level, as shown on the Elevation Plans at Appendix A. As such, the proposal is compliant with this development standard.

Figure 10 – Port Stephens LEP Height Map Extract (HOB_004B)



Clause 4.4 Floor space Ratio (FSR)

This provision has not been adopted under LEP 2013.

Clause 5.10 Heritage Conservation

The site does not contain a heritage item, nor is it in a heritage conservation area or in proximity to any heritage items.

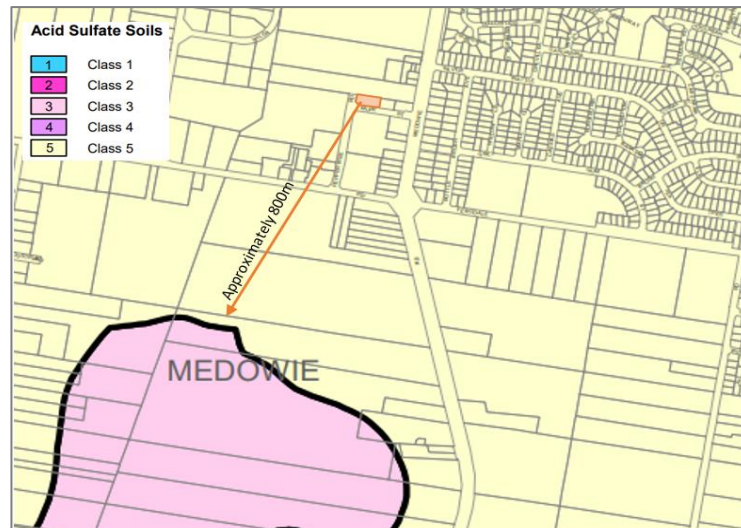
Clause 7.1 Acid Sulfate Soils

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, ie works within 500m of adjacent Class

1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land (refer to Figure 11).

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.

Figure 11 – 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. A bulk earthworks plan is included at Appendix F.

The proposed works include excavation to create level driveways and at grade entry to both street frontages. Proposed earthworks are not likely 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 soil to be excavated; impact development and likely amenity of adjoining properties; or 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 LEP 2013.

Clause 7.5 Development in areas subject to aircraft noise

The subject development site has not been mapped as being within or on land that is near the RAAF Base Williamtown Airport or is 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 Council and Australian 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.

In summary, the proposal is consistent and compliant with the relevant clauses and controls of LEP 2013.

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 DCP 2014 with the exception of setbacks to adjoining residentially zoned land. This variation is considered acceptable in the circumstances taking into account the layout of the approved residential subdivision immediately adjoining to the north. Appropriate separation from the approved residential lots is provided through the location of Road 4 immediately abutting the site (refer to Figure 12). Therefore, detrimental amenity impact from the numeric DCP noncompliance which requires a 5m setback to residential land is completely mitigated.

Figure 12 – Extract of approved Subdivision layout under DA16-2018-789-1



A full assessment against the relevant components of DCP 2014 is included in table format at Appendix B.

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. To support this growth, approximately 9.0 hectares of general commercial zoning is identified.

As stated earlier in this Report, the site (and surrounding land to the south) have recently been rezoned by Council from residential to business zone to cater for the services and facilities required within the town centre for the growing Medowie population. High quality development, such as that provided under this DA, is important for the sustainable growth of the area.

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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 or is consistent with all relevant planning instruments and controls set out in Section 4 of this SEE, in that:

- + The proposed development does not require any integrated development approvals pursuant to Section 4.46 of the EP&A Act.
- + The proposal is capable of compliance with PBP 2006 and referral to the RFS under Rural Fires Act 1997 is not required;
- + The proposed signage associated with the development is consistent with the criteria contained in SEPP 64 – Advertising and Signage;
- + Due consideration has been afforded to SEPP 55 Remediation of Land;
- + The proposed land uses are permissible within the B2 – Local Centre Zone under the Port Stephens LEP 2013;
- + The proposal is generally consistent with the relevant controls within Port Stephens DCP 2014, noting one variation in relation to setbacks as detailed and justified in this instance in Section 4.5 of this Report. A detailed assessment of the proposed development against the relevant provisions of the DCP 2014 is provided in the table at Appendix B; and
- + Commercial development of this nature is sought in the Town Centre under the Medowie Planning Strategy.

5.2 TRAFFIC, ACCESS AND PARKING

A Traffic Impact Assessment (TIA) has been undertaken by SECA Solution and is attached at Appendix E. 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 / Muir Street and Ferrodale Road/Peppertree Road 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 Ferrodale Road will continue to operate at an acceptable Level of Service for the 2029 design horizon allowing for background growth and development traffic flows. Further details are provided within the TIA in Appendix E.

Access and Internal Circulation

Vehicular access is provided from Muir Street to the at grade car park and from Peppertree Road to the underground/undercroft car park. All internal roads will be designed in accordance with the requirements of AS2890.1, which nominates a minimum width of 5.5 metres to allow for two-way movements. Additional width is provided for parking aisles.

The servicing facilities (loading bay) provided within the site is satisfactory and will allow practical and convenient servicing of the site with forward entry and exit movements of a light ridged vehicle onto Muir Street. This has been demonstrated with the provision of swept turning paths for light ridged vehicles on the Architectural Plans.

Parking

For the proposed development, the parking calculations are summarised in Table 2. It is noted that there is no 'commercial premises' rate under the DCP so both 'office/business premises' and 'shop' are analysed below.

Table 2 – Car Parking Calculations

Proposed Use	Parking Requirements	Accessible Parking	GFA (m ²)	Calculation
Office/Business Premises Shop	1 car space per 40m ² floor area 1 car space per 20m ² floor area	1 car space per 30 parking spaces	332	$332/40\text{m}^2 = 8.3$ (9) or $332/20\text{m}^2 = 16.6$ (17)
Food and drink premises, including restaurants, cafes and take away food and drink premises	1 car space per 25m ² floor area within commercial premises 15 car spaces per 100m ² floor area or 1 car space per 3 seats outside of commercial premises Minimum queuing area of 5 cars for drive-thru 1 bike space per 200m ²	1 car space per 30 parking spaces	417	$417/25\text{m}^2 = 16.6$ (17)
				26-34 spaces

Based on the above, using the higher DCP parking rates of a 'shop' for the commercial premise(s), 34 on site spaces are required to service the development.

The proposed development includes a total of 66 car parking spaces (including 4 disabled spaces). Therefore, the proposal exceeds the DCP requirements for parking. In addition, 6 motorbike spaces and a bicycle area are located in the underground car parking area.

5.3 VISUAL IMPACT

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

- + The proposed built form is of an appropriate height, scale and bulk suitable for the area and business zoning of the land;
- + The building has been architecturally designed and will utilise high quality and contemporary materials and finishes to contribute to the aesthetical development of the area in line with strategic planning for Medowie Town Centre;
- + The proposed development includes complimentary landscaping including climbers on the building facade, enhancing its appearance from surrounding properties and public areas;
- + Signage is limited in number, size and height to ensure signs do not dominate the proposal but rather integrate with the built form and architectural character of the building.

It is noted that under Section C2 Commercial (C2.B Site Frontage and Setbacks) of DCP 2014, 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 proposal, however the proposed building setback of 1.5m to Muir Street and 2.3m to Peppertree

Road are minimal and considered more appropriate for the proposal. The proposed sitting of the built form behind landscaping allows a 'greening' of the development and reduces visual impact on the public domain.

It is also noted that the setback to Muir Street will be generally consistent with the recently approved two storey office building adjoining the site to the east which has a 3m front setback.

5.4 SIGNAGE

An integrated and low-key approach has been adopted for signage within the site consisting of four (4) x wall panel signs on the southern elevation only. The location and dimension of signage is illustrated on the Elevation 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 size, illumination, scale and proportion given the sites location within the Medowie Local Centre.

While detailed specifications and signage content are not available at this stage, 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.

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 I. 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 the DCP compliance table at Appendix B).

5.5 AMENITY

5.5.1 NOISE

Operational Noise

A Noise Assessment (NA) undertaken by Muller Acoustic Consultants (MAC) measured and modelled the potential noise generation for the operation including sleep disturbance noise emissions (refer to Appendix G). The NA included existing receivers as well as hypothetical receivers in the assessment to represent future residential and commercial development in the vicinity of the site as part of the assessment.

The following noise attenuation and controls will be implemented in the proposal as recommended within the NA:

- + *Loading dock wall (eastern side of the loading bay) as per the site plans in Appendix B. The fence should be a minimum of 2.0m above relative ground level and consist of materials with a surface density of at least 10kg/m² (such as lapped and capped timber or equivalent) and not contain any gaps; and*
- + *It is assumed that any mechanical plant for cooling and refrigeration of the project are located internally in the basement area and are adequately screened to surrounding receivers. Accordingly, mechanical plant for cooling and refrigeration have not been included in the assessment. Note, this assessment has included exhaust / extraction fans associated with the kitchen.*
- + *Restriction on hours to deliveries and waste collection to 7am – 6pm, 7 days*

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.

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.

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 Section 7 of 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.

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 noise attenuation controls.

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 basement car park and other outdoor areas. External lighting will contribute to the overall safety of the site, in conjunction with other security measures such as CCTV cameras.

All external lighting will comply with AS/NZ 1158.3.1:2005 and AS 4282.1997 Control of the obtrusive effects of outdoor lighting. Lighting will generally be directed internal to the site and will have a negligible impact on nearby properties.

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 J. 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

The proposed landscaping scheme includes significant boundary plantings as well as internal garden beds, street trees and notably, instillation of green climbers on the building. Landscaping has been designed to soften the built form when viewed from the street(s) and neighbouring properties, while ensuring the functionality of the site.

The planting design strategy for the development includes the following:

- + Climbers on vertical stainless-steel wires providing screening and separation to the undercroft car park. The wires extend to the roof of dining terrace creating a statement to the corner as well as enhance the outdoor dining experience for patrons;
- + Low mass planting on ground level to boundaries including a broad planting palette to include a variety native species to provide colour, texture, aroma & form;
- + New street trees along Muir Street and Peppertree Road to enhance the visual landscape of the area;
- + Planter boxes to create articulation to car park edge on Muir Street;
- + Shade tolerant planting of medium height species at commercial frontages to soften connection to the car park whilst maintaining clear and safe sightlines to the tenancies;
- + Screen planting to water tanks;
- + Proposed planting to achieve 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 entry paths. All plantings are to be layered to with smaller groundcovers and shrubs adjacent to paths and buildings in accordance with CPTED principles.

In summary, the landscape design meets Council's planning objectives through the consideration of environmental, ecological concerns and public amenity. 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 Terra Landscape Architects is included at Appendix C.

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 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.

As identified in the Medowie Planning Strategy 2016 and the Economic Considerations Report that informed the 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; and
- + Specific safety and security measures are included in 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 proposed establishment of commercial uses at the site is anticipated to have an ongoing positive social and economic impact on the local area as well as the broader 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, underground carpark, building entrance and within the building and an accessible compliant lift is included adjacent to the accessible parking spaces.

5.11 BUSHFIRE

As detailed in Section 4.2 of this Report, the majority of site is mapped as bushfire buffer (refer to Figure 8), although it is highlighted that ground truthing has revealed that bushfire mapping is outdated due to the recent developments and road works in this area.

Notwithstanding, assessment of bushfire risk has been undertaken within a Bushfire Assessment Report prepared by Newcastle Bushfire Consulting (refer Appendix D). The report has recommended standard measures to address the potential risks relating to bushfire, including that the entire site and western road reserve maintained as an Inner Protection Area (IPA) in accordance with Planning for Bushfire Protection 2006.

The report establishes that the commercial building is capable of complying with the acceptable solutions of Planning for Bush Fire Protection (2006) subject to compliance with the recommendations outlined within Section 7. The recommendations from the Bushfire Assessment are extracted below:

- 1. The proposed building works shall comply with National Construction Code 2016 Structural Fire Safety requirements.*
- 2. At the commencement of building works and in perpetuity, the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for Asset Protection Zones.*
- 3. The applicant shall gain formal permission from council to clear and maintain the western road reserve in perpetuity.*

4. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection (2006).

Water Services

a. An additional hydrant shall be installed in accordance with AS2419.1.

5. Landscaping is to be undertaken in accordance with Appendix 5 of Planning for Bush Fire Protection (2006) and managed and maintained in perpetuity.

6. It is recommended that the building manager incorporate bushfire evacuation planning into emergency evacuation plans prepared for the workplace.

5.12 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 type of development envisaged at the site under the Medowie Planning Strategy and will support the logical and sustainable expansion of the existing commercial centre currently established.

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6 CONCLUSION

The commercial development proposed at Muir Street, Medowie, will provide a well-designed food and drink premises and commercial tenancies within an accessible and convenient location in the 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 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 under Port Stephens Local Environmental Plan 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 surrounding layout of approved residential subdivision adjoining to the north 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, combined with management practices, incorporates appropriate stormwater management, minimises cut and fill, and eliminates 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 – ARCHITECTURAL PLANS

EJE Architecture

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APPENDIX B – COMPLIANCE TABLES

KDC Pty Ltd

Table 3 – Port Stephens DCP (2014) Compliance Table

Control	Requirement	Comment	Compliance
B. General Provisions			
B1 Tree Management			
B.1.1 Non Rural Areas	<p>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.</p> <p>Council issued permit:</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. 	<p>The proposal requires the removal of the two trees located within the Peppertree Road reserve to facilitate access to the site and to maintain the area as an IPA, compliant with PBP 2006. It is noted that these trees would eventually be removed by Council to extend the road network to the approved residential subdivision to the north.</p> <p>The trees are not listed as significant and do not hold any specific ecological value. Removal of these trees is inevitable as Peppertree Road is extended to the north.</p>	Y
B3 Environmental Management			
B3.A Acid Sulphate Soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	The site is located on Class 5 ASS, An ASS management plan is not required in this instance.	Y
B3.B Air Quality	An air quality impact assessment is required where development has potential to adversely impact surrounding areas in terms of air quality.	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>An acoustic report is required for development that has the potential to produce offensive noise, meaning:</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 outside 	<p>A Noise Assessment has been prepared and attached at Appendix G.</p> <p>Noise attenuation measures recommended by the Noise Assessment will be incorporated to ensure the proposed development is</p>	Y

	<p>the premises from which it is emitted, or</p> <ul style="list-style-type: none"> - 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 • 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 	compliant with the relevant noise criteria and guidelines.	
B3.D Earthworks	<p>Development may need to provide a bulk earthworks plan in order to adequately address the above matters when:</p> <ul style="list-style-type: none"> • cut exceeds 2m in depth • fill has a total area of 100m2 or more • is within 40m of the top bank of a riparian corridor as defined under the Water Management Act 2000 <p>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.</p>	<p>Earthworks are proposed to create levelled access points into the site. A bulk earthworks plan is included at Appendix F.</p> <p>No fill is proposed.</p>	Y
B4 Drainage and Water Quality			
B4.A Stormwater Drainage Plan	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.	A Stormwater Drainage Plan has been prepared by MPC, refer to Appendix F.	Y
B4.B On-site Detention / On-site infiltration	<p>On-site detention / on-site infiltration is to be:</p> <ul style="list-style-type: none"> • 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 • provided by either underground chambers, surface storage or a combination of the two and are generally positioned: <ul style="list-style-type: none"> - under grassed areas for any cellular system (which can be easily maintained) - under hardstand areas such as driveways for any concrete tank structures 	As above.	Y

		Details of the on-site detention / on-site infiltration concept design must be provided in the stormwater drainage plan		
B4.C Water Quality		<p>Development is to provide water quality measures in accordance with Table BF: Water Quality Table (p. B-32), unless:</p> <ul style="list-style-type: none"> 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. <p>Erosion and sediment measures are provided during the construction phase in accordance with the issued conditions of consent.</p> <p>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.</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.</p> <p>Noted.</p>	Y
B6 Essential Services				
B6.A Essential Services		<p>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:</p> <ul style="list-style-type: none"> The supply of water The supply of electricity The disposal and management of sewage Stormwater drainage or on-site conservation Suitable vehicular access 	All essential services area available to the site and building(s).	Y
B7 Williamtown RAAF Base – Aircraft Noise and Safety				
B7.D Bird Strike	B7.D Bird Strike	B7.D Bird Strike	B7.D Bird Strike	B7.D Bird Strike
B9 Road Network and Parking				
B9.A Traffic Impacts		<p>The SEE details:</p> <ul style="list-style-type: none"> car parking location, number and dimensions; access arrangements; traffic implications on the existing road network and junctions; street features, such as trees, footpaths and pipes; and pedestrian impacts and access for disabled persons. 	<p>Traffic details including proposed car parking spaces and dimensions, access arrangements and traffic implications are provided within Section 5.2 of this SEE.</p> <p>A TIA has been prepared by SECA Solution and attached at Appendix E.</p>	Y

	<p>A Traffic Impact Assessment (TIA) is required for:</p> <ul style="list-style-type: none"> • development for 20 or more dwellings; • development defined as traffic generating development; or • development deemed in Council's opinion to impact on the existing road network 		
B9.B On-Site Parking Provisions	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)	66 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
	B9.5 All internal driveways and parking areas of public car parks are concrete pavement or gravel sealed with bitumen or asphalt.	Internal driveways and parking areas will be sealed.	Y
	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	Noted and can be achieved.	Y
	<p>B9.7 Parking for people with a disability is designed and constructed:</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 4 accessible car spaces are designed in accordance with AS2890 and AS1428 and are located close to the accessible lift.	Y
	B9.8 On-site parking is located behind the building line or setback by 1m	The Muir Street car park is setback 1.5m.	Y
B9.D Visitor Parking & Loading Facilities	B9.11 Visitor parking is clearly marked, signposted and located in proximity to the main building of the development.	Achieved.	Y
	<p>B9.12 Service areas, car parking and loading bays are provided:</p> <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 	Achieved.	Y
	B9.13 Parking layouts provide direct pedestrian paths to building entries and street frontage and is screened from the street.	Pedestrian paths to the proposed building entries are directly accessible from the car parking areas. The car parking area is screened from the street through landscaping.	Y
B10 Social Impact			
B10.A Social Impact	A social impact assessment is required for development with the potential to have a	The proposed development has not been listed under this control, therefore a detailed Social Impact Assessment is not required in this	Y

	significant social impact, which may include: <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 	instance, rather a social comment is included in Section 5.9 of the SEE.	
C2 Development Types			
C2 Commercial			
C2.A Height	C2.1 Building height is provided in accordance with the Local Environmental Plan clauses 4.3 and 5.6	The proposed building does not exceed the max building height stipulated in the LEP.	Y
	C2.2 Minimum ground floor to ceiling height for all new development within a commercial zone is 3.5m. Minimum first floor and above floor to ceiling height for commercial premises is 3m	A floor to ceiling height of 3.14m is achieved and considered acceptable for the proposal. Achieved	Y & N
C2.B Frontage Setbacks	Site and C2.7 Development is built to the front property line for the ground and first floor.	The proposed building is setback 1500mm to Muir Street and 2300mm to Peppertree Road. This minimal setback allows attractive landscaping at the front of the building and will enhance the visual impact of the proposal. The setback on Muir Street is consistent with the recently approved office building adjoining the site to the east. Further justification regarding this can be found in Section 4.5 of this SEE.	N
	C2.11 Development should be built to the side boundary to maximise continuous activate street frontage, except where side access is provided.	This requirement is not applicable for the subject site as continuous activated street frontage is not sought in this location.	N/A
	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 additional 0.5m for each metre of the height of the building that exceeds 8m.	The land to the north is zoned R2 low density residential. A rear setback of 900mm is provided along this entire boundary. The proposed setback is considered sufficient given that the site does not immediately adjoin residential lots but rather a road created under the recently approved subdivision (Road 4). Including the street construction, the total distance from the site to the majority of the approved residential lots exceeds 5m.	N

		Given no detrimental amenity impacts will result from the strict non-compliance with this DCP control, the variation is considered acceptable in this instance.	
	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	A generally constant roofline is proposed for the building, which is considered the best architectural outcome for the site, noting variation is included in sections.	N
C2.C Building Form and Massing	C2.15 Building mass does not result in unreasonable loss of amenity to adjacent properties or the public domain.	Building mass will not result in loss of amenity to adjacent properties or public domain. The scale of the building is appropriate in context of the sites zoning and neighbours.	Y
	C2.16 Building proportion is complimentary to the form, proportions and massing of existing building patterns.	The proposed building is in proportion with the form, dimensions and massing of other commercial and residential buildings (existing and approved) in the area.	Y
C2.D Facades	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.	The proposed building is architecturally designed with articulated façade elements and appropriate materials that complement the local area.	Y
	C2.18 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 An active street frontage provides the following: - Maximum unarticulated wall is 2m in length - Minimum 50% of ground floor front is windows, which does not include false windows	An active street frontage is achieved with pedestrian stairs from street level into the food and drink premises. Extensive windows are included on the southern and western building elevations.	Y
	C2.20 Development incorporates Crime Prevention through Environmental Design (CPTED) principles by providing passive surveillance to public spaces through building design and orientation	CPTED principles are incorporated into the developments design and site layout. Refer to Appendix J.	Y
	C2.21 Development provides paving to the public footpath for the entire length of the development street frontage.	Sufficient space has been allowed for a footpath on Muir Street should Council require such.	N/A
C2.F Building Entries	C2.23 Provide a recognisable entry from the primary street <ul style="list-style-type: none"> • Entries on corner sites address both streets by providing a splayed entry on that corner • A separate and secure access point that provides a clear sense of building address is provided for the residential component of mixed-use development 	The site is located on the corner of Peppertree Road and Muir Street. Pedestrian entry to the site is provided on Muir Street, whilst vehicular access to the underground car park is provided from Peppertree Road. Landscaping, building design, siting and orientation provides easily recognisable entry points to the site. A splayed entry was not considered the best design outcome for the site and proposal.	Y & N

	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	Noted and achieved.	Y
C2.G Building Facilities and Services	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 other public spaces, except for service lanes.	All plant equipment and storage areas are suitably concealed from street frontages.	Y
	C2.26 Commercial development with a capital investment value over \$2 million shall provide toilets that are accessible to the public.	Toilets have been provided within the development.	Y
C2.J Landscaping	C2.31 Landscaping is provided as follows: <ul style="list-style-type: none"> • 10% of the site area consisting of deep soil planting • 30% shading over car park areas 	<p>The Landscape Plan at Appendix C shows that approximately 7.4% of the site will consist of deep soil landscaping. In addition, 6 x street trees as well as turf is proposed pushing the landscaped area over 10%.</p> <p>The street trees will provide adequate shading over the Muir St car park.</p>	Y
	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.	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).	N
	<p>C2.33 Landscaping is in accordance with the following:</p> <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 plantings achieve appropriate screening to neighbours.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Noted.</p> <p>Noted.</p>	Y
	<p>C2.34 The rear setback area is to be:</p> <ul style="list-style-type: none"> • a deep soil landscape planting area where the development 	As the proposal includes a non-compliance with the rear (northern setback to residential lands, this control is N/A. Gravel will be laid along the northern boundary.	N/A

	<p>adjoins a residential zone or land used for residential purposes; or</p> <ul style="list-style-type: none"> assessed by a merit-based approach where the development does not adjoin a residential zone or land used for residential purposes 		
	C2.35 Landscape species are to be selected in accordance with the Landscape Technical Specification.	Noted. Refer to Landscape Plans at Appendix C for further details.	Y
C8 Signage			
C8.A General	C8.2 Signage is integrated with the building facade	The proposal includes business signage that is integrated within the southern building façade.	Y
	<p>C8.3 The following types of signage are generally not supported:</p> <ul style="list-style-type: none"> Flashing signs Note: Flashing signs may be permitted in the road reserve if the text is a road safety message Roof signs Vehicular signs where the primary use of the vehicle is for advertising. Above awning signs Anchored balloons or airborne signs Inflatable signs Hoarding signs 	The proposed signs are not listed as unsupported. A SEPP 64 Assessment is included at Appendix I.	Y

APPENDIX C – LANDSCAPE PLANS

Terras Landscape Architects

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APPENDIX D – BUSHFIRE ASSESSMENT REPORT

Newcastle Bushfire Consulting

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APPENDIX E – TRAFFIC IMPACT ASSESSMENT

SECA Solution

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APPENDIX F – STORMWATER MANAGEMENT REPORT AND CIVIL PLANS

MPC

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APPENDIX G – ACOUSTIC REPORT

MAC

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APPENDIX H – WASTE MANAGEMENT PLAN

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APPENDIX I – SEPP 64 ASSESSMENT

KDC Pty Ltd

Table 4 – SEPP 64 Assessment

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.	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 on the built form.	Y
	Does the proposal dominate the skyline and reduce the quality of vistas?	No. 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 Muir Street setting, noting the area is undergoing significant change as new development are approved.	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 signs will appropriately identify 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?	Plantings around the buildings will be managed as part of site operations and will ensure signage is not unnecessarily covered / overgrown by landscaping.	Y

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 is unlikely to detract from the amenity of any residences. It will be screened from view to the residential property to the west by the proposed office 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.	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 on either Muir Street or Peppertree Road.	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

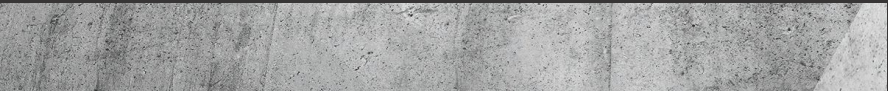
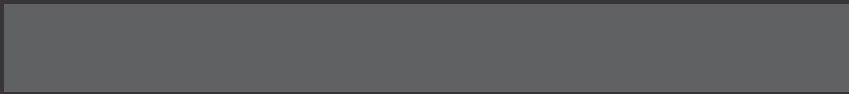
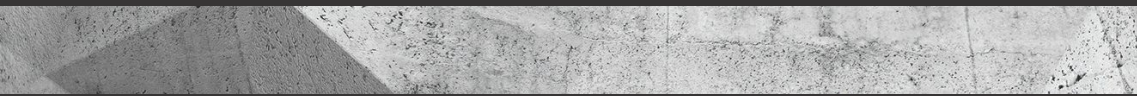
APPENDIX J – CRIME RISK ASSESSMENT

KDC Pty Ltd

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APPENDIX K – CLEARANCE CERTIFICATE

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