

TABLED DOCUMENT

ITEM NO. 1

DEVELOPMENT APPLICATION NO:16-2019-220-1 - SERVICE STATION (CONVENIENCE STORE, CAR PARKING, LANDSCAPING AND SIGNAGE) AT 15 BAGNALL BEACH ROAD, SALAMANDER BAY (LOT 9 DP1239352) – PLANNERS ASSESSMENT REPORT.

ORDINARY COUNCIL MEETING 27 AUGUST 2019



PORT STEPHENS

C O U N C I L



APPLICATION DETAILS

Application Number	16-2019-220-1
Development Description	Service station (convenience store, car parking, landscaping and signage)
Applicant	RCI GROUP PTY LTD
Date of Lodgement	05 April 2019
Value of Works	\$1,972,808.00

Development Proposal

The applicant seeks approval for a service station development and associated site works (see **fig 1** below which depicts the proposed layout). The application proposes operation of the service station 24 hours a day, seven days per week.

Specifically, the application proposes the following:

- Construction of a 191m² convenience store building containing service counter, retail floor space, office, store room, cool room, amenities, and service yard.
- Installation of underground fuel tanks (1 x 50,000 litre diesel, 1 x 30,000 litre Ethanol 10, 1 x 30,000 litre Premium Unleaded 98, 1 x 40,000 litre Unleaded 91 and 1 x 30,000 litre Premium 95) including fuel lines and related infrastructure.
- Installation of four (4) double sided fuel dispensers (appropriately bunded) and overhead canopy.
- Construction of 11 car parking spaces, including one (1) accessible space and x one (1) air / water bay.
- Installation of x 1 freestanding 8.15m high 'Mobil' internally illuminated pylon sign, located on the south-eastern corner.
- Construction of an underground Purceptor and SPEL Stormsack system for waste water discharge management.
- Construction of an underground OSD tank (22.5m³) for stormwater discharge control.
- Installation of illuminated 'Mobil' business identification signs on the south-west and north-west fascia bar of the fuel canopy.
- Installation of illuminated signage panels on the north-west façade and blade wall of the convenience store.
- Planting of landscaping around the perimeter of the service station and adjacent to the convenience store curtilage.
- Screened service yard and waste storage area.
- Medium Rigid Vehicle Loading Zone adjacent to service yard.
- Site works including minor excavations to accommodate vehicle ingress/egress.

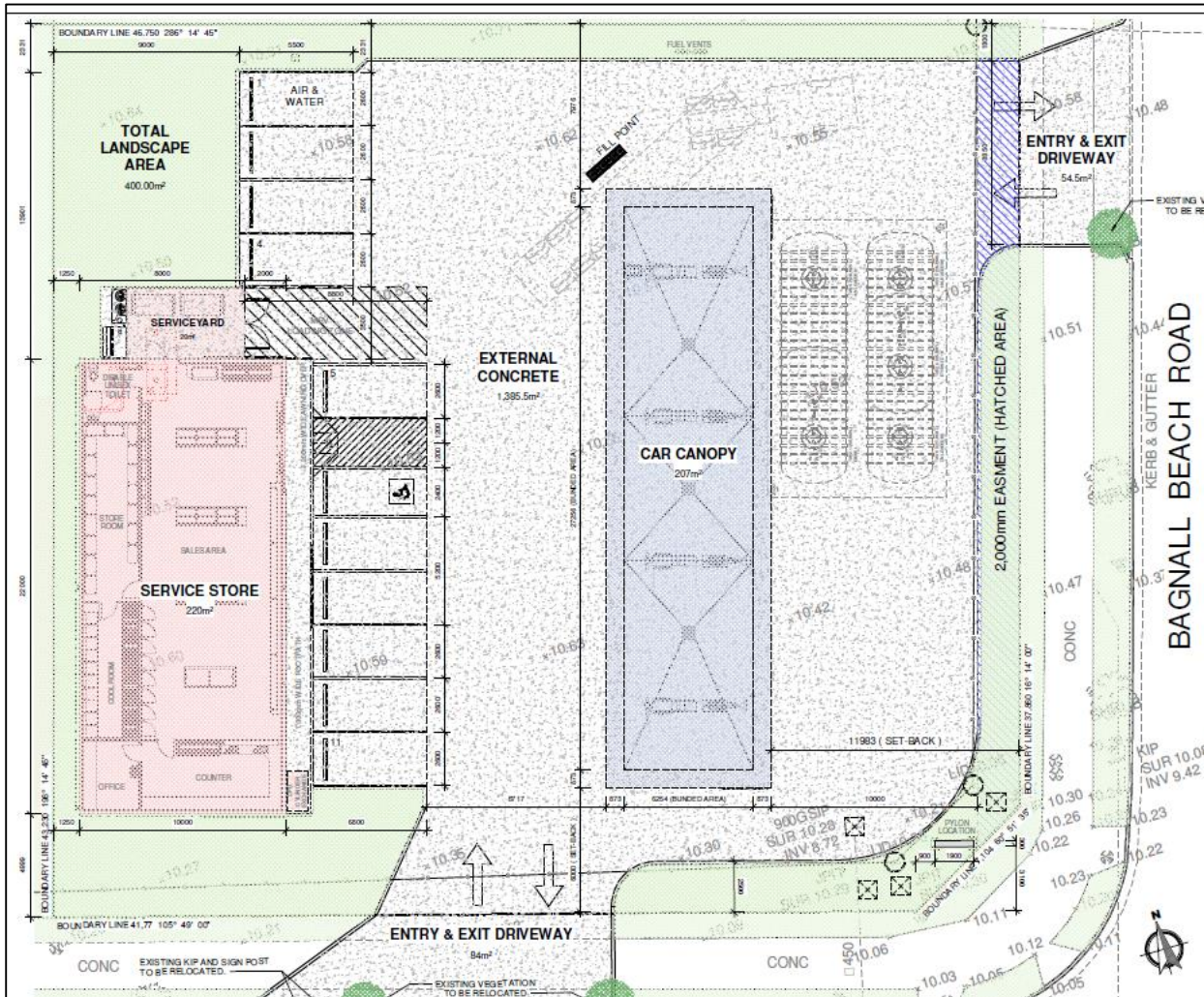


Figure 1: Proposed site layout

PROPERTY DETAILS

Property Address	15 Bagnall Beach Road SALAMANDER BAY
Lot and DP	LOT: 9 DP: 1239352
Current Use	Vacant Land
Zoning	B3 COMMERCIAL CORE
Site Constraints	Acid Sulfate Soils (Class 3) Stormwater Drainage Requirement Area

Site Description

The subject site is located on a corner lot between Terminus Parade (Centre Circuit) and Bagnall Beach Road. The site is known as 15 Bagnall Beach Road, Salamander Bay, legally identified as Lot 9 DP 1239352. The site comprises a regular shaped level allotment, cleared of vegetation, with an area of 2,000m². It has a frontage of 37m on Bagnall Beach Road and 41m on Town Centre Circuit.

The site is located within the Salamander Bay Shopping Centre Precinct with commercial forms of development endemic to the locality. The public domain is well established, with a number of street trees planted along the periphery of the adjoining road reserves. The surrounding lots to the north and east are currently vacant, although identified for future commercial development, benefiting from previous subdivision works with road access and infrastructure readily available. To the east of the site, beyond Bagnall Beach Road are low density forms of residential development. The adjacent lot to the south supports a free standing McDonalds premises, with grade parking and access via Centre Circuit.

The site is identified as Operational Land under Council Controlled Land.



Figure 2: Aerial image of subject site

A site inspection was carried out on 2 May 2019. The subject site can be seen in the photographs below.



Photograph 1: View from Terminus Parade roundabout, subject site in the middle of the image



Photograph 2: Northern view along Centre Circuit, subject site to the left



Photograph 3: Subject site viewed from Terminus Parade



Photograph 4: Corner of subject site facing both Terminus Parade and Bagnall Beach Road



Photograph 5: View from traffic lights facing north along Bagnall Beach Road, subject site on the left



Photograph 6: View from subject site looking south along Bagnall Beach Road

ASSESSMENT SUMMARY

Designated Development	The application <u>is not</u> designated development
Integrated Development	The application <u>does not</u> require additional approvals listed under s.91 of the EP&A Act
Concurrence	The application <u>does not</u> require the concurrence of another body

DA History

The site was created under DA 16-2016-814-1, a three Lot Torrens title subdivision of Lot 4 DP 1239352, approved in February 2017. The wider commercial estate was approved under DA 16-2015-865-1 that included the creation of Lot 4 DP 1239352. There are no known compliance matters on the site that affect this application.

Internal Referrals

The application was referred to the following internal specialist staff for assessment and the responses provided have been incorporated into this assessment report.

Development Engineer – Further information was requested with respect to water quality and traffic management. On receipt of the additional information, it was noted the following would be conditioned prior to Construction Certificate to address traffic concerns on Terminus Parade:

- a. Removal of the exit to Terminus Parade. The Local Traffic Committee did not support the exit to Terminus Parade due to the risk of conflict with traffic queued at the traffic signals.
- b. The Bagnall Beach Road frontage is required to have 'No Stopping' installed, from the traffic signals to the north side of the driveway, to improve sight distance for drivers exiting the site.
- c. A plan showing regulatory signage to be submitted to the Port Stephens Local Traffic Committee.

The applicant requested removal of condition (a) and provided additional justification to support retaining the exit onto Terminus Parade. The information was referred to Council's Traffic Engineer and the Local Traffic Committee for review. The internal review found that the concerns were not adequately addressed and the recommendation has therefore not been amended.

Building Surveyor – No objections were made. The proposal was assessed as being capable of meeting the provisions of the BCA subject to appropriate conditions being added to the consent.

Development Contributions Officer – Assessed the application against the Port Stephens Development Contributions Plan. Conditions of consent were provided requiring the monetary payment applicable under section 7.12 contributions.

Vegetation Management Officer – Advised no objection to the proposed development subject to conditions.

Environmental Health Officer – Advised no objection to the proposed development subject to conditions.

The application was referred to the following external agencies / referral bodies for comment:

NSW Police – Given the development proposes 24 hour operation, the application was referred to the NSW Police under the Council’s Police Protocol. No objections were received within 21 days, therefore it is assumed NSW Police raises no objection to the DA.

MATTERS FOR CONSIDERATION – SECTION 4.15

Relevant legislation

Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014

The POEO Regulation is relevant to the operation of the service station. It requires owners and operators of underground petroleum storage systems (UPSS) to regularly check for leaks in the fuel tanks and pipes used to store and handle petroleum products. Owners and operators need to meet minimum standards in their day-to-day environmental management of these storage systems. Part 4 - Use of Storage Systems of the POEO Regulation also requires an environmental protection plan to be in place prior for the use of a storage system containing petroleum.

Environment management/protection measures to enable best practice for safe operation and environmental protection have been identified in the Multi-Level Risk Assessment Report (dated 20 March 2019) prepared by accredited dangerous goods consultant, Myros Design Pty Ltd. Conditions have been imposed requiring compliance with POEO Regulation and the measures outlined in the Multi-Level Risk Assessment Report.

Environmental Planning and Assessment Act 1979 (EP&A Act)

Section 4.15 – Matters for consideration

The proposal has been assessed under the relevant matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as below.

Section 4.15(1)(a)(i) provisions of any environmental planning instrument

The environmental planning instruments (EPIs) that relate to the proposed development are:

- State Environmental Planning Policy (Infrastructure) 2007,
- State Environmental Planning Policy 33 – Hazardous or Offensive Development,
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64);
- State Environmental Planning Policy No. 55 – Remediation of Land,
- Port Stephens Local Environmental Plan 2013.

An assessment of the proposed development against these EPIs is detailed below.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) provides a framework to simplify the approvals process for the delivery of infrastructure and also identifies a consultation process with relevant public authorities for certain development types.

Under Clause 104 of the ISEPP, the proposed development is not classified as traffic generating development as the site is location 250m away from a classified road and does not include heavy vehicle fuelling or maintenance services. Consequently, the application was not referred to RMS for comment.

State Environmental Planning Policy No.55 – Remediation of Land

The Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7 of SEPP No.55 provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated, and if the land is contaminated, 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.

The subject site is currently cleared and has been used for a number of temporary activities including overflow car parking and temporary events. As such, the likelihood of the site being contaminated is unlikely. Additionally, the NSW list of contaminated sites published by the EPA does not identify the site as being a registered contaminated site. Based on this, it is considered that no significant contaminating activities have been undertaken that would preclude development of the site for the proposed use.

State Environmental Planning Policy 33 – Hazardous or Offensive Development

State Environmental Planning Policy (SEPP) No 33: Hazardous and Offensive Development presents a systematic approach to the assessment of development proposals for potentially hazardous and offensive industry or storage. Service stations are identified by SEPP No. 33 as a potentially hazardous industry.

A Multi-Level Risk Assessment Report prepared by Myros Design accompanies the application. The Multi-Level Risk Assessment Report contains an assessment against SEPP 33 risk factors, a Risk Procedure Summary Sheet, a flowchart for Screening Thresholds, and a Level 1 Qualitative Analysis. The Multi-Level Risk Assessment Report determined the societal risk to be negligible.

The proposal includes a number of systems to reduce the impact of the development and mitigate potential hazards, including designing in accordance with the relevant Australian Standard (AS4897-2008) and conditions to prevent adverse harm. Furthermore, given the relatively small size of the underground petroleum storage systems (UPSS), it is considered that the hazard level of the development would not be significant. Therefore the proposal satisfies the provisions of the Policy.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) sets out planning controls for advertising and signage in NSW. The SEPP requires signage to be compatible with the future character of an area, provide effective communication in suitable locations and be of high quality design and finish. The matters for consideration for SEPP No. 64 include Clause 3, which outlines the objectives of the SEPP and Schedule 1, which provides an assessment framework to determine if the proposed signage scheme is acceptable in terms of its impacts. An assessment of the proposed signage scheme against SEPP No. 64 matters for consideration is outlined in the table below.

Matters for consideration	Assessment comment
<p>Clause 3 – Aims and objectives</p>	<p>The proposed signage is considered to meet the aims and objectives of the SEPP in that it:</p> <ul style="list-style-type: none"> • is compatible with the desired visual amenity of the commercial precinct within which the site is situated; • complements the overall theme of the development; • is considered to be in the best location for effective communication with users of the service station; and • to be constructed of high quality materials.
<p>Schedule 1 - Assessment criteria</p>	
<p><i>1 Character of the area</i></p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The proposed signage scheme is compatible with the character of the locality, being zoned for commercial purposes.</p> <p>The proposed signage is consistent with the objectives for signage under the PSCDCP 2014, noting however there is no specific theme for this locality.</p>
<p><i>2 Special areas</i></p> <p>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?</p>	<p>The proposed signage does not detract from any areas of environmental or cultural importance or nearby residential or recreational areas.</p>
<p><i>3 Views and vistas</i></p> <p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The proposed signage does not obscure or compromise important views, dominate the skyline or reduce the quality of any views or vistas.</p> <p>The proposed signage has no impact on existing signage in close proximity to the site.</p>
<p><i>4 Streetscape, setting or landscape</i></p> <p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p>	<p>The signage scheme is very standard for a service station and is considered to be acceptable in terms of scale, height, and appearance.</p> <p>The proposed signage will contribute to the visual interest of the area through its integration with the</p>

<p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>built form and uncluttered appearance. The signage appropriately identifies the users of the site.</p> <p>An integrated whole-site approach to advertising has been adopted including a shared pylon sign which simplifies signage.</p> <p>The proposal does not screen unsightliness.</p> <p>The pylon sign and blade wall extend beyond the height of the proposed retail building. However, the signage structures remain consistent with the signage height of the nearby McDonalds and service station premises.</p> <p>No.</p>
<p><i>5 Site and building</i></p> <p>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?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The proposed signage is compatible with, and complements, the overall scale, proportion, design and character of the development.</p>
<p><i>6 Associated devices and logos with advertisements and advertising structures</i></p> <p>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?</p>	<p>The proposed signage includes elements of appropriately illuminated signage.</p>
<p><i>7 Illumination</i></p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	<p>Low impact lighting will be provided to illuminate the signage at night. It is unlikely adjacent residential development that will not be impacted by the lighting.</p>

<p>8 Safety</p> <p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>Safety would not be compromised by the location, size or nature of the proposed signage.</p> <p>The signage located at the vehicular entrance to the site will not impact on sight lines.</p>
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Local Environmental Plan

Port Stephens Local Environmental Plan 2013 (LEP)

Clause 2.3 – Zone Objectives and Land Use Table

The site is zoned B3 – Commercial Core. The proposed development is defined as a service station and is permissible with consent in the zone. The development satisfies the zone objectives as it will contribute to the provision of services and land uses to serve the needs of the local community and wider community. It will also provide employment opportunities in an accessible location. Therefore, the proposal satisfies the objectives of the zone.

Clause 4.3 – Height of Buildings

Clause 4.3 aims to ensure that the height of buildings is appropriate for the context and character of the area, and to ensure that building heights reflect the hierarchy of centres and land use structure.

The site has a maximum building height of 15m as identified on the LEP height of buildings map. The tallest built form element, being the pylon sign is 8.15m in height, complying with this development standard.

Clause 7.1 – Acid Sulfate Soils

The site is mapped as containing potential Class 3 Acid Sulfate Soils (ASS). Class 3 ASS requires a management plan for works more than 1m below the natural ground level. The proposed underground petroleum storage systems would be installed below ground with excavation greater than 1m. A Preliminary Acid Sulfate Soils Management Plan (dated 1 April 2019) prepared by Douglas Partners was submitted with the application. The submitted ASSMP does not include specific ASS testing at the site, however provides data obtained from several investigations in the vicinity of the subject site. A range of management and mitigation strategies were recommended in the ASSMP, which would ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The preparation of a detailed site specific ASSMP will be required prior to the release of a Construction Certificate.

Clause 7.2 – Earthworks

Clause 7.2 aims to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposal would not require fill over the site that would adversely impact the natural environment in terms of soil stability or drainage. Generally, the vast majority of cut and fill is within + or – 0.5m. A condition is included that requires any fill used on the site to be VENM, which would ensure there would be no contamination as a result of earthworks.

Clause 7.6 – Essential Services

The subject site is serviced by reticulated water, electricity and sewer. In addition, the application has demonstrated that stormwater drainage resulting from roof and hard stand areas can be catered for in accordance with Council's requirements.

Section 4.15(1)(a)(ii) - any draft environmental planning instrument that is or has been placed on public exhibition

The proposed Remediation of Land SEPP is intended to repeal and replace *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No.55)*. The draft SEPP, which was exhibited from 25 January to 13 April 2018, is currently under consideration.

The proposed SEPP seeks to provide a state-wide planning framework to guide the remediation of land, including: outlining provisions that require consent authorities to consider the potential for land to be contaminated when determining development applications; clearly lists remediation works that require development consent; and introducing certification and operational requirements for remediation works that may be carried out without development consent.

Consideration has been given to the suitability of the site with respect to potential land contamination under the SEPP No.55 discussion elsewhere within this report. The subject site has been identified as suitable for the proposed development and further investigation in respect to contamination is not warranted in this instance.

Section 4.15(1)(a)(iii) - provisions of any development control plan

Port Stephens Development Control Plan 2014 (DCP2014)

The Port Stephens Development Control Plan 2014 (DCP) is applicable to the proposed development and has been assessed below.

Chapter A.12 – Notification and Advertising

The proposal was advertised and notified in accordance with the EP&A Act, EP&A Regs, and Chapter A of DCP2014. In accordance with the requirements of chapter A.12, the development application was notified for a period of 14 days from 18 April to 2 May 2019. No submissions were received during the exhibition period.

Chapter B.1 – Tree Management

The proposal will require the removal of three (3) street trees of which two (2) can be relocated elsewhere along the road frontage. However, due to the size of the driveways, the cumulative loss of one (1) street tree is required. Notwithstanding, the proposal will result in the planting of an additional seven (7) mature trees within the site. This is considered adequate compensation for the loss of one (1) street tree.

Chapter B.3 – Environmental Management

Acid Sulfate Soils

As stated in the discussion of Clause 7.1 of the LEP above, the site is mapped as containing potential Class 3 Acid Sulfate Soils (ASS). A framework for the on-going management and monitoring of the impacts throughout the development has been addressed through the Preliminary Acid Sulfate Soils Management Plan (dated 1 April 2019).

Air Quality

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. Vapour recovery equipment will be installed at the petrol tanks which is designed to capture the displaced vapour and return it to the underground fuel storage tank or other appropriate vessel. Vapour recovery systems are intended to limit the emissions of fuel vapour when vehicles refuel by recovering at least 85% of the displaced vapour. In accordance with Protection of the Environment Operations (Clean Air) Regulation, the vapour recovery system will be tested for recovery performance before commissioning, and whenever components required to ensure the integrity of the system are removed and replaced.

Noise

An acoustic report has been submitted from Reverb Acoustics Ltd (dated March 2019). The report suitably demonstrates that provided the noise control recommendations Section 4 of the Reverb report are followed there will be minimal adverse impact residential acoustic amenity. The noise control recommendations include the following:

- Fuel tanker deliveries are to be restricted to 5am-12am;
- General store deliveries are to be restricted to 5am-12am;
- Perimeter walls to the Service Yard must be impervious from the ground to a height of 1800mm above FGL;
- All plant and mechanical equipment to be located at ground level internally or within the service yard; and
- The installation of acoustic noise barriers around high emitting plant and mechanical equipment.

As the character and amplitude of activities associated with the site will be similar to those already impacting the area, it will be less intrusive than an unfamiliar introduced source and should be acceptable to residents.

Waste

A waste management plan has been submitted with the application. It highlights the procedures for collection and disposal of waste during the construction and operation phase. It is considered that this is acceptable in managing the waste impacts of development and will be secured through a condition of consent.

Chapter B.4 – Drainage & Water Quality

The site will be mostly impervious (81%) with landscaping around the road frontages (387m²). The site is not within the Flood Planning Area, though the site may be affected by larger events from the local catchment.

According to Council's DCP B4.3, on-site detention / on-site infiltration is to be 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.

The applicant submitted detention calculations and modelling for water quality in line with these requirements. In addition to this, stormwater plans and sediment and erosion management was submitted in support of the application. Council's Engineering Section considered that these documents adequately satisfied the requirements of the Chapter for DA purposes. Conditions of consent are included to secure the drainage and water quality measures in accordance with Chapter B.4 and Council Specifications.

Chapter B.6 – Essential Services

The subject site is serviced by reticulated water, electricity and sewer. In addition, the application has demonstrated that stormwater drainage resulting from roof and hard stand areas can be catered for in accordance with Council's requirements.

Chapter B.9 – Road Network & Parking

Traffic Impacts

Bagnall Beach Road is classified as a local collector road. The road connects Salamander Way to Corlette in the north. Terminus Parade is a local road with its primary function being to provide controlled access to the Salamander Shopping Centre from Bagnall Beach Road. Terminus Parade connects to the Salamander Shopping Centre via a roundabout. Both roads are under the care and control of Port Stephens Council.

The application is supported by a Traffic Impact Assessment prepared by Intersect Traffic (dated March 2019), which has collected existing vehicle flows in the area and assumed the expected increase based on similar service station developments in Morisset, Edgeworth and Green Point. The Traffic Impact Assessment concluded that the proposal is not expected to increase traffic on Bagnall Beach Road or Terminus Parade significantly and both roads will continue to operate within their technical two-way midblock capacity post development and through to 2029. Therefore, it is reasonable to conclude that the development will not adversely impact on the two-way mid-block capacity of the state and local road network. Council traffic engineers have assessed the Traffic Impact Report and raised no objections to the road network capacity assessment.

Access

Concerns were identified with regard to access arrangements. If traffic is allowed to exit onto Terminus Parade, there is a risk of conflict with traffic queued at the traffic signals. This matter was considered as part of Local Traffic Committee inspections, where egress from the site to Terminus Parade was not supported by Inspection Committee members. Additionally, the Bagnall Beach Road frontage is required to have 'No Stopping' installed, from the traffic signals to the north side of the driveway, to improve sight distance for drivers exiting the site. A condition has been recommended that the driveway from Terminus Parade is restricted to entry only vehicle movements and that 'No Stopping' signage is installed from the traffic signals to the north side of the driveway.

Parking

The proposal is identified as a service station, with the following parking requirements under Figure BT of the DCP:

- 4 car spaces per work bay
- 1 car space per 20m² floor area
- 1 bike space per 15 employees

Based on the above, the proposed development requires 1 bike space and 10 car spaces.

The proposal provides for 11 on-site car parking spaces including one (1) accessible car parking space as well as adequate room for a bike parking space. The proposed development complies with the on-site car parking requirements of the DCP, with suitable storage area provided within the storage yard for secure parking of the required 1-space staff bicycle park and a single bike rack for visitors can be provided adjacent to the shop building.

Chapter C.2 – Commercial

The DCP does not include specific design requirements applicable to service station developments. Accordingly, a merits based assessment has been applied against the relevant requirements of Chapter C.2 – Commercial as the site is located on B3 – Commercial Core zoned land.

Height

The site has a maximum building height of 15m as identified on the LEP height of buildings map. The canopy and pylon structure height is not higher than 15m. In addition, the development is in keeping with the commercial nature of the surrounding comparable development types. Therefore, the proposal satisfies the performance criteria of this requirement.

Site Frontage and Setbacks

The site has a designated 5m landscaped setback to Terminus Parade. The building elements are well sited on the allotment and are becoming of this form of development. The continuity and consistency of the Salamander Bay public domain will not be compromised by the proposed built form.

Building Form and Massing

The overall height and scale of the building is appropriate for the site with an acceptable level of articulation achieved for visual relief. The proposed development incorporates a quality building presentation and signage scheme as an integrated approach to site development, including landscaped setbacks along both street frontages. The proposed built form will positively contribute to the visual character of the street.

Facades

The proposed building includes articulated elevations and limited unscreened blank walls. The materials used in the building design are of high quality and the proposed landscaping contributes positively to the streetscape. The building façade will include a variety of architectural elements/treatments in neutral colour tones as specified on the Development Plans.

The building design facilitates passive surveillance opportunities, although street front activation is not achieved. Notwithstanding, street front activation is not generally practical for service station developments commensurate with canopy and fuel bowsers being located along road frontages.

CPTED

This section of the DCP requires facades and development to be assessed against the Crime Prevention through Environmental Design (CPTED) principles. The proposed development has been assessed to meet Crime Prevention Through Environmental Design (CPTED) principles as outlined below:

- a. Surveillance – Developments must be designed and managed to maximise the potential for passive surveillance.

Comment: Clear sight lines are provided along road frontages, allowing maximum surveillance of the vehicular access points. 'Hidden spots' are avoided within the site by siting the building at the rear of the site facing the primary road frontage allowing optimal surveillance over the internal areas of the site.

- b. Access Control – Developments must be designed so as to make them legible for users without losing the capacity for variety and interest

Comment: Natural access control limits the opportunity for crime by taking steps to clearly differentiate between public space and private space. The proposal has been designed to encourage natural access and control flow of people by identifying clear movement passages for pedestrians throughout the car park and between the elements of the development to minimise conflict with vehicles.

- c. Space/Activity Management - Developments must be designed and detailed to minimise damage and the need for undue maintenance, without undermining the aesthetic and functional qualities of the building.

Comment: The proposal includes the use of some physical barriers associated with target hardening such as boundary fencing and landscaping in key locations. However, the site allows opportunities for natural surveillance from within the site, with clearly defined boundaries, and allows opportunities for natural access control. The development aims to ensure a safe environment for all users of the facility.

- d. Territorial Reinforcement - Territorial reinforcement promotes social control through increased definition of space and improved proprietary concern.

Comment: The proposed development has been designed to clearly delineate public space. This will ensure that any potential intruders will stand out and be easily identified. Elements of territorial reinforcement included into the design and management of the proposal include clearly defined boundaries of the site through new fencing and landscaping.

Awnings

The convenience retail building awning and fuel canopy provide screening and weather protection for site users.

Building Entries

The convenience store provides logical access from the canopy area and can also facilitate pedestrian access from either Town Centre Circuit or Bagnall Beach Road.

Building Facilities and Services

The waste and service facilities have been adequately screened and are all located within the north-west corner of the site away from the public domain.

Landscaping

Landscaping has been designed to soften the proposed built form and hardstand areas when viewed from the street and neighbouring properties, whilst ensuring the functionality of the site is maintained. The planting palette is based on durable native species which enhance the local urban ecology and complement the character of the surrounding developments.

Chapter D8 – Salamander Bay Shopping Centre

The aim of this Chapter is to provide planning principles that provide further guidance to the development of the Salamander Bay Shopping Centre Precinct.

Clause	Requirement	Assessment
D8.1	Identity Hub – Sense of identity for a unified community and commercial precinct	The proposed development is a viable use of commercial land within the precinct and will allow for provision of retail and community service options. The development of a service station within the precinct will reinforce the locality as a local hub for transport, community retail and service needs.
D8.2	Integration – Ensure future development integrates with and enhances the precinct	The development will provide a new modern built form consistent with Mobil nationwide specifications. The use of the site for an independent service station operation is an efficient use of the site that visually, socially and economically integrates with the Salamander Bay Shopping precinct.
D8.3	Connectivity – integrated pedestrian and road network	Pedestrian and bicycle paths along Bagnall Beach Road and Terminus Parade will be retained and provide connectivity to the retail offerings of the site. The supporting Traffic Impact Assessment (dated March 2019) demonstrates the proposed development is capable of integrating with the surrounding road network.
D8.5	Friendly – Development respects surroundings and users of the development	The proposal is compatible with surrounding land uses and has been designed to minimise adverse environmental and amenity impact, particularly to the adjoining lands and residential neighbours.
D8.6	Environment – Ensure development protects local ecology	The site is located away from ecologically sensitive areas and there are no anticipated impacts on the local ecology.
D8.7	Safety – Development designed to ensure safety of neighbours and users of the development	Pedestrian and bicycle paths are present on both Bagnall Beach Road and Terminus Parade development frontages. The proposed development achieves safe and efficient vehicle and pedestrian movements internally throughout the site. The siting of the development will not compromise safety or connectivity between developments within the precinct.
D8.8	Community – Development supports and is consistent with community activities	The site is strategically located and its location enables easy access for the community to utilise the services offered. Furthermore, the proposed development will generate employment opportunities within the local community in addition to providing facilities that will serve the daily needs of the people who work in the surrounding area.
D8.9	Aesthetics – Designed with human scale in mind and provide holistic approach to precinct	The proposed works will positively impact upon the visual amenity and built character of the area given: <ul style="list-style-type: none"> - The proposed built form is of an appropriate scale and bulk suitable for the area and the sites main road location;

		<ul style="list-style-type: none"> - The building and fuel canopy incorporate quality design and materials and are adequately setback from both road frontages; and - New proposed landscaping elements will 'green' the site and add to the visual interest of the area.
D8.10	Economic Development – Ensure future development economic advantages to community	The proposal will allow for the efficient use of the land for commercial purposes. This allows long-term future commercial growth, facilitating the provision of additional services and retail options to the local community. The increased availability of commercial and retail options will improve the ability of the commercial precinct to provide for the needs of the local community and attract visitors from a wider catchment area. The additional customers attracted to the locality will deliver positive impacts to the economic viability precinct.

Section 4.15(1)(a)(iiia) - any planning agreement or any draft planning agreement

No planning agreement relates to the site or proposed development.

Section 4.15(1)(a)(iv) - the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulations 2000* (EP&A Regs) requires the consent authority to consider the provisions of the National Construction Code – Building Code of Australia (BCA). Should the application be approved, recommended conditions of consent have been provided requiring compliance with the BCA.

Section 4.15(1)(b) - the likely impacts of the development , including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Social and Economic Impacts

The proposed development of a service station on the site is anticipated to have an ongoing positive social and economic impact on the local Salamander Bay area and the broader community.

The identified positive 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 much needed services to the area, satisfying the daily needs of the surrounding residents, workers and visitors;
- The proposal will result in economic benefits associated with the construction works;
- The proposal is consistent with the planning intent for commercial development in the precinct; and
- The development will have a positive impact on the environment by enhancing and improving the site and by ensuring minimal impact on downstream water quality as a result of the development.

Impacts on the Built Environment

The proposed works will positively impact upon the visual amenity and built character of the area. The proposed built form is of an appropriate scale and bulk suitable for the locality, which includes a conservative signage scheme with landscape works attenuating the visual impact of built elements. Accordingly, the proposed development is appropriate for the establishing commercial character of the Salamander Bay Shopping Centre precinct. Subsequently, no adverse impacts to the built environment are expected.

Impacts on the Natural Environment

The proposal incorporates appropriate measures to ensure no adverse impact on the natural environment. Air quality, noise, drainage and spill hazards have been appropriately addressed in the application, with mitigation measures included as recommended conditions. Appropriate erosion control and water quality measures will prevent adverse impacts during construction. Therefore, the proposed development will not result in any unreasonable impact on the natural environment.

Section 4.15(1) (c) - the suitability of the site for the development

The site is suitable for the proposed development given the proposed use is permissible in the B3 (Commercial Core Zone) and complies with PS LEP and DCP. The service station development will demonstrably not have detrimental impacts on the natural or built environments. As there are no significant physical, ecological or social constraints on the site that would preclude the development of a service station, the site is suitable for the proposed development.

Section 4.15(1)(d) any submissions made in accordance with this act or the regulations

The proposal was advertised and notified in accordance with the EP&A Act, EP&A Regulations, and Chapter A of DCP2014.

No submissions were received in relation to the proposed development.

Section 4.15(1)(e) the public interest

The proposal would make sound economic use of commercially zoned land and with appropriate control measures, the proposed development is not expected to result in adverse harm to the natural or built environment. Given the merit of the design, suitability of the site for a service station and the absence of any significant adverse environmental impacts; the DA is considered to be in the public's interest and worthy of Council's support.

Other relevant plans and policies

Port Stephens Planning Strategy 2011 - 2036

The Port Stephens Planning Strategy 2011 – 2036 identifies the site as being within the Salamander Bay Specialised Centre, identified as being regionally significant for economic activity and employment. It was envisaged for retail development that serves the relatively large catchment of the Tomaree Peninsula.

The proposed development is consistent with the goals and objectives of the Port Stephens Planning Strategy 2011 – 2036 by providing facilities that will serve the daily needs of the people who work

in the surrounding area, and contributing to the establishment of the Salamander Bay Shopping Centre as a thriving hub of retail activity.