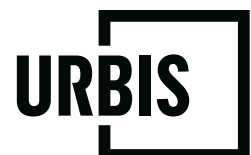




148 ROUSE STREET TENTERFIELD

STATEMENT OF ENVIRONMENTAL EFFECTS

Prepared for
SHUN HUNG PTY LTD
7 October 2021



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1. INTRODUCTION

1.1. OVERVIEW

This Statement of Environmental Effects (**SSE**) has been prepared by Urbis Pty Ltd on behalf of Shun Hung Pty Ltd (**the applicant**) to accompany a Concept Development Application (**DA**) lodged to Tenterfield Shire Council (**Council**) at 148 Rouse Street, Tenterfield (**the site**).

The application includes a concept proposal for a proposed cinema and mixed-use development and a detailed proposal for the construction of the Stage 1 buildings and associated works. The proposal also includes minor works to establish a pedestrian connection between the site and the adjoining property at 162 Rouse Street Tenterfield. The proposed development has an estimated cost of \$9,867,000 (incl. GST).

This Concept DA seeks development consent for the proposal under Division 4.4. of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and has been prepared in accordance with Section 4.22 of the **EP&A Act**. Specifically, the application seeks development consent for:

- Concept proposal (site masterplan) for a mixed-use development including:
 - building envelopes and land use for the following new buildings:
 - medical centre
 - pharmacy
 - bowling alley
 - child care centre
 - cinema
 - cafés
 - car parking and vehicular access points
 - through-site pedestrian connection from the car park to the existing Henry Parks shopping centre north of the site.
- Detailed proposal (Stage 1) for construction and operation of the first phase of the development including:
 - demolition of existing office, repair workshop, office and hardstand on the site in accordance with the demolition plan contained in **Appendix C**.
 - alterations and additions to the main workshop building adjacent to Miles Street for use as a four screen cinema and café.
 - construction of car park (to service the entirety of the completed development).
 - a through-site pedestrian connection from the car park to the shopping centre. This will require the creation of an opening in the southern wall of the shopping centre and the installation of a motorised sliding door.
 - landscaping.

Stage 2 of the development, comprising the construction and operation of the child care centre, pharmacy, medical centre, café and bowling alley and signage, will be subject to a subsequent detailed DA.

Additional works which are external to the site include a building awning to Rouse Street, public domain improvements and landscaping, comprising removal and replacement of street trees. These works will be subject to separate Section 138 Roads Act application(s) to Council.

The proposal aligns with Council's strategic vision to enhance business and lifestyle opportunities whilst creating infrastructure to help support industry and the community.

1.2. REPORT STRUCTURE

This SEE identifies the subject site and surrounding locality, describes the proposal and provides an assessment of it against the relevant matters for consideration, pursuant to Section 4.15 of the EP&A Act. The report is structured as follows:

- **Section 2 - Site Context:** identifies the site and describes the existing development and local and regional context.
- **Section 3 - Project History:** outlines the approvals history and pre-lodgement discussions with Council.
- **Section 4 -Proposed Development:** provides a detailed description of the proposal including the demolition, construction and operational phases.
- **Section 5 - Strategic Context:** identifies and analyses the State, regional and local strategic planning policies relevant to the site and proposed development.
- **Section 6 - Statutory Context:** provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- **Section 7 – Assessment of Key Issues:** identifies the potential impacts arising from the proposal and recommends measures to mitigate, minimise or manage these impacts.
- **Section 8 - Section 4.15 Assessment:** provides an assessment of the proposal against the matters of consideration listed in Section 4.15 of the EP&A Act.
- **Section 9 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

1.3. PROJECT TEAM

This SEE should be read in conjunction with associated documentation and drawings identified in **Table 1**.

Table 1 Supporting Documentation

Document	Consultant	Appendix
Survey Plan	Tenterfield Surveys	Appendix A
Cost Summary reports	Rider Levett Bucknall	Appendix B
Architectural Plans	Mills Gorman	Appendix C
Landscape Plan	Species Landscape Architecture	Appendix D
Stormwater Management Plan	Whitton Engineering	Appendix E
Heritage Impact Statement	Urbis	Appendix F
Traffic Impact Assessment	Traffix Group	Appendix G
Lighting Impact Assessment	Lighting Partners Australia	Appendix H
BCA Compliance and Access Statement	Brent Williams Associates	Appendix I
Phase 1 - Contamination Assessment	Ecoteam	Appendix J
Waste Management Plan	Traffix Group	Appendix K

2. SITE CONTEXT

2.1. SITE DESCRIPTION

The site to be redeveloped is located at 148 Rouse Street, Tenterfield, with minor works proposed to the adjacent site at 162 Rouse Street, Tenterfield to enable a pedestrian connection to be created between the two properties. The location of the site is shown in **Figure 1**.

The key features of the site are summarised in **Table 2** below. Due to the limited nature of works proposed to 162 Rouse Street a reference to the 'site' within this SEE should be interpreted as referring only to 148 Rouse Street Tenterfield, unless specified otherwise.

Table 2 Site Description

Feature	Site Description	
Street Address	148 Rouse Street, Tenterfield	162 Rouse Street, Tenterfield*
Legal Description	Lot A in Deposited Plan 150057 Lot B in Deposited Plan 150057 Lot 1 in Deposited Plan 516621 Lot 33 in Deposited Plan 1138201	Lot 32 in Deposited Plan 1138201* Works to this property consist of the installation of a glass sliding door to provide a pedestrian connection between the neighbouring sites. Owner's consent has been obtained and is supplied with the DA.
Site Area	5,620m ²	8,132m ²
Site Dimensions	51m to Rouse Street 98m to Miles Street 58m to Crown Street	69m to Rouse Street 79m to Crown Street
Easements and Restrictions	148 Rouse Street provides vehicle access to the adjacent shopping centre (162 Rouse Street). The site easements include: <ul style="list-style-type: none"> 5m wide loading easement (A) 2.24m wide and variable width right of carriageway (B) Drainage easement 2.24m wide and variable width through the approximate centre of the site. 	Works to this property will not impact on any existing easements or restrictions.
Site Topography	The land slopes gently from the south and east to the north west of the Rouse Street.	
Hydrology	Tenterfield Creek is approximately 160m to the north-west of the site. A tributary of Tenterfield Creek runs through the site from the south-eastern corner to the north-western corner. The tributary is underground in the	

Feature	Site Description
	south eastern corner of the site and appears as an open drain on the western portion of the site. This drain collects stormwater for the site and surrounding areas.
Heritage	The site is on the southern fringe of the Tenterfield Town Centre Heritage Conservation Area (HCA) listed as C3 under Schedule 5, Environmental Heritage of the Tenterfield LEP 2013. However, the site is not an individually listed heritage item.

Figure 1 Aerial photograph



2.2. EXISTING DEVELOPMENT

The site currently accommodates a Sexton Green car dealership, within a single storey masonry building . Adjoining the car dealership is a warehouse building (steel framework and corrugated sheet metal). At grade car parking is provided in the middle of the site from two vehicular crossovers off Rouse Street.

At the northern boundary of the site to Crown Street there is a loading bay and loading ramp that serve the adjacent Henry Parks shopping centre at 162 Rouse Street.

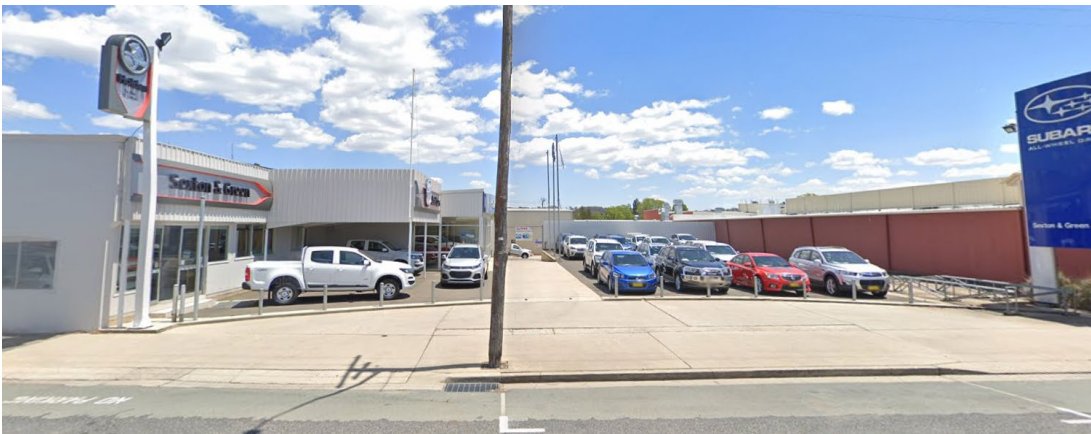
The site is flat with multiple vehicular access points. There are two vehicular crossovers from Rouse Street to access the at grade car park. There is also a vehicle service entry off Miles Street. Access to the loading dock is provided from Crown Street at the rear of the site. **Figure 2, Figure 3, and Figure 4** below are photos of the existing development on the site.

Figure 2 View to corner of Rouse Street and Miles Street - workshop office building to be demolished



Source: Google streetview

Figure 3 At grade carpark – adjacent shopping centre to right of photo



Source: Google streetview

Figure 4 View from Crown Street - existing brick buildings to be demolished



Source: Google street view

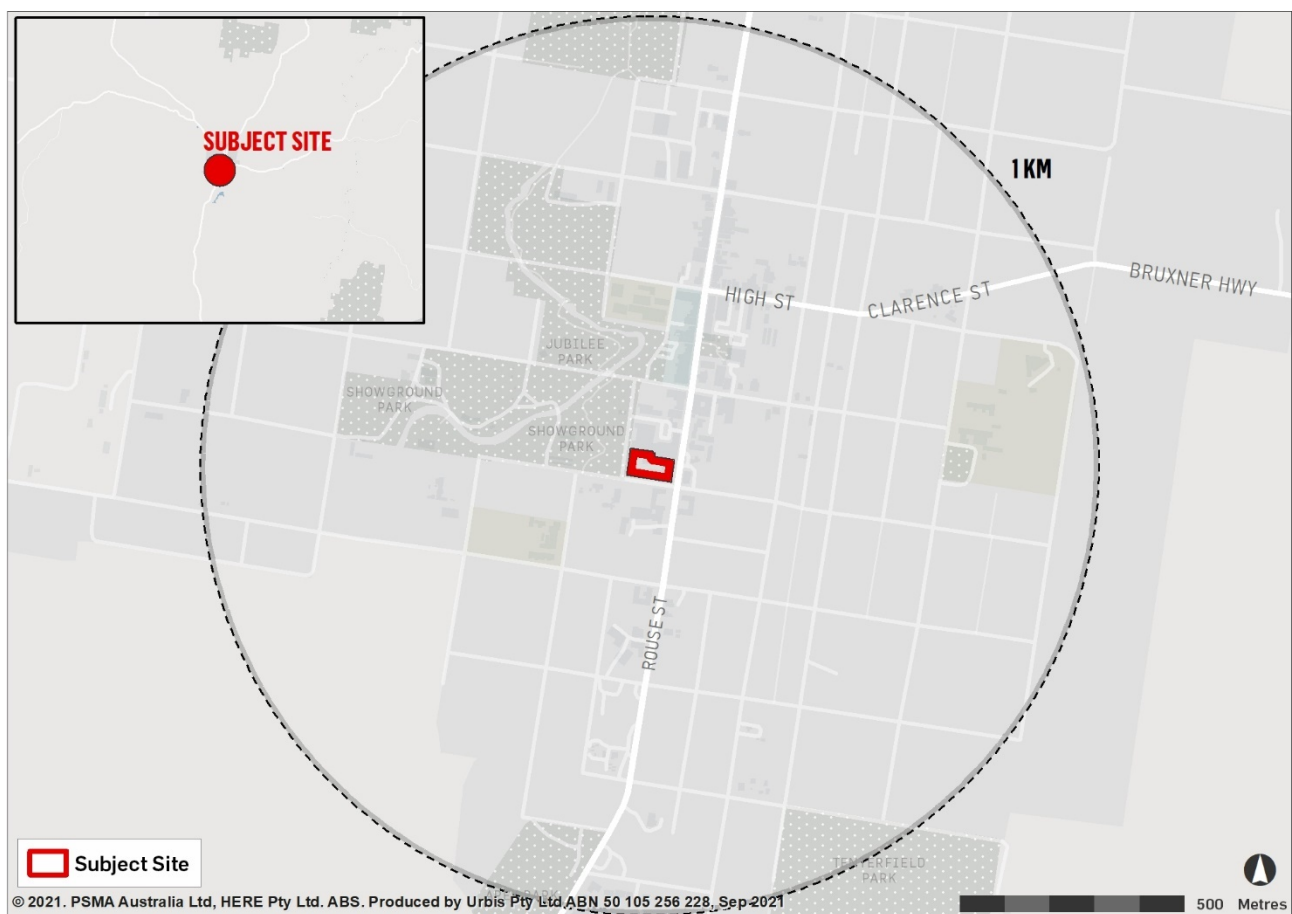
2.3. LOCALITY CONTEXT

The site is in Tenterfield, a regional town within the New England region of NSW. Tenterfield is located on the New England Highway approximately 275 kilometres north-west of Coffs Harbour.

The site is within the historic Tenterfield Town Centre which provides commercial services including retail, cafes, hotels and civic functions. The broader context to the town consists of low density residential and rural land uses. Surrounding land uses consist of:

- **North:** the site adjoins an existing commercial development known as the Henry Parkes Plaza that contains a Coles supermarket, Target, liquor store and discount store. Further north of the site are a variety of local commercial and retail stores including a Mitre 10 hardware store, antiques shop, bakery and newsagent.
- **East:** land to the east is comprised of the Tenterfield visitor information centre, a service station, hotel and the Sir Henry Parkes School of Arts. Further east of the site is residential development.
- **South:** to the south is a motel and the Our Lady of Perpetual Succour Church. Further south of the site is residential development.
- **West:** Church Street Park, Tenterfield Showground and caravan park lies to the immediate west of the site. Further west of the site is residential development.

Figure 5 Local Context



3. PROJECT HISTORY

3.1. APPROVALS HISTORY

Council has advised a garage was operational on the site in 1921. Council's DA register did not commence until 1936 and accordingly, there is no record of approval for the original development. Table 3 provides a summary of the recent building and development application history on the site. The workshop building that is to be retained as part of the cinema dates from 1995.

Table 3 Development History of the Site

DA Reference	Proposal	Determination Status
BA 1995.122	Garage workshop	Approved
DA 1995.042	Additions / alterations to workshop	Approved
DA 1997.016	Office and showroom alterations	Approved
DA 1997.037	Display and administration building	Approved
DA 2002/011	Steel frame show room	Approved

3.2. PRE-LODGEMENT DISCUSSIONS

The applicant consulted with Council prior to the lodgement of the DA. Comments in respect of the preliminary plans were received via email on 9 June 2021. The key issues raised and how they have been addressed in the proposal are summarised in **Table 4**.

Table 4 Pre-lodgement comments

Issue	Council comment	Applicant response
Contamination	Based on the historic use of the site as a garage, Council will require a Preliminary Site Investigation be undertaken in accordance with the requirements of SEPP No. 55 – Remediation of Land.	<p>A Preliminary Site Investigation (Appendix J). has been undertaken for the site. The PSI identifies that a detailed site investigation (DSI) is required to confirm that the site is suitable for the intended use. This is discussed in Section 6.1.1.</p> <p>Due to COVID restrictions and difficulties in accessing the site, the applicant has been unable to complete DSI to confirm the site is suitable from a contamination perspective for its intended use. The DSI will be provided to Council under separate cover as soon as it is available.</p>
Traffic and car parking	Potential for conflict with existing development to the north and associated loading/unloading covered by easements as indicated in attached registered plans.	The applicant for the proposed development also owns the adjacent shopping centre site. The existing loading dock and ramp that serve the shopping centre are to be retained as is under the proposal. There is no change to the existing easements that provide this access. A

Issue	Council comment	Applicant response
		new through site pedestrian will link the shopping centre to the new car park and owner's consent have been supplied with this DA. The pedestrian connection is shown in the Architectural Plans at Appendix C .
Stormwater / Drainage	An open drainage line with existing overland flow of stormwater is piped under the existing building. A preliminary stormwater design is required to address a 1 in 100 year storm event and take into consideration the upstream catchment flows.	The Site Survey Plan (Appendix A) shows the drainage easement through the site. The Stormwater Management Plan (Appendix E) demonstrates how the proposal has been designed to consider a 1 in 100 year storm event and upstream catchment flows.
Childcare centre	Any works associated with the childcare centre must consider the requirements of the SEPP – Educational Establishments and Child Care Facilities 2017 and the <i>Child care Planning Guidelines</i>	<p>The child care centre is proposed within Stage 2 which will be subject to a further detailed DA. The concept proposal includes sufficient parking for the future child care centre and has made allowance for adequate outdoor play space.</p> <p>A high level assessment of the suitability of the site for a child care centre is contained at Section 6.1.2 of this report. The detailed DA for Stage 2 will comprehensively assess the proposed childcare centre in accordance with identified SEPP and guideline.</p>
Staging of the development	Proposed staging of the development to be indicated on plans and details provided as to how each stage will be serviced by car parking, access and amenities.	The architectural plans (Appendix C) provide details on how the proposal will be staged. The staging plan is also shown at Figure 6 . Sufficient car parking for the whole development will be delivered in Stage 1.
Heritage	<p>Retention and restoration of the building and integration with a new development is strongly recommended to maintain the historical significance, fabric of the town centre</p> <p>Views and vistas to the development need to be carefully considered with regard to impacts on the School of Arts which is an item of State significance.</p> <p>Inclusion of traditional materials such as timber, brick and painted surface in a contemporary form is recommended</p>	<p>The proposal includes the demolition of the original workshop building. The site is not listed as a heritage item. The accompanying Heritage Impact Statement (HIS) concludes the proposal will not have a detrimental impact on the heritage significance of the town centre including the School of Arts building. Refer Appendix F and Section 7.3 for discussion of the heritage impact of the proposal.</p> <p>The architectural plans (Appendix C) demonstrate how the simple gabled roof form, the brick materiality and the scale of the development is consistent with the adjoining streetscape.</p>

Issue	Council comment	Applicant response
	to assist a new infill development harmonise with the historic township	

4. PROPOSED DEVELOPMENT

4.1. OVERVIEW

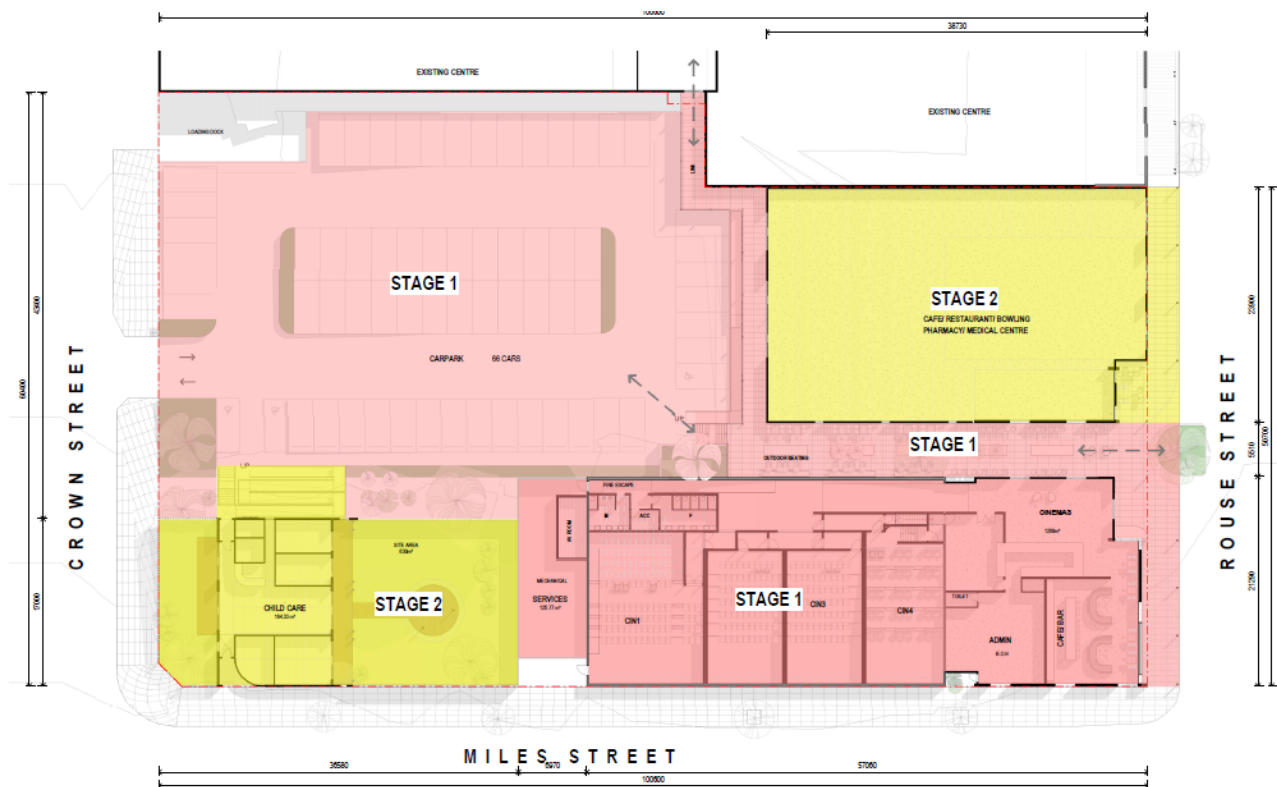
The application is lodged as a Concept DA and comprises a concept proposal for a mixed-use development and a concurrent detailed proposal for the Stage 1 development and associated works. The proposal is described in more detail below:

- Concept proposal (site masterplan) for a mixed-use development including:
 - building envelopes and land use for the following new buildings:
 - medical centre
 - pharmacy
 - bowling alley
 - child care centre
 - cinema
 - cafés
 - car parking and vehicular access points
 - through site pedestrian connection from the car park to the existing Henry Parks shopping centre north of the site.
- Detailed proposal (Stage 1) for construction and operation of the first phase of the development including:
 - demolition of existing office, repair workshop, office and hardstand on the site in accordance with the demolition plan contained in **Appendix C**.
 - alterations and additions to the main workshop building adjacent to Miles Street for use as a four screen cinema and café.
 - construction of car park (to service the entirety of the completed development).
 - a through-site pedestrian connection from the car park through to the shopping centre. This will require the creation of an opening in the southern wall of the shopping centre at 162 Rouse Street and the installation of a motorised sliding door.
 - landscaping throughout the site.

Stage 2 of the development, comprising the construction and operation of the child care centre, pharmacy, medical centre, café and bowling alley and signage, will be subject to a subsequent detailed DA. Stage 2 requires input from external operators of the medical centre and childcare centre. It is intended that the detailed DA for Stage 2 will be lodged in early 2022 and that construction of Stage 2 will follow shortly after the completion of Stage 1. The delineation of the proposed stages is shown in **Figure 7** below.

Note: external works to the site including a building awning to Rouse Street, public domain improvements and landscaping, comprising removal and replacement of street trees along Miles Street and Rouse Street, will be undertaken as part of a separate Section 138 Roads Act approval to Council.

Figure 6 Development Staging



Source: Mills Gorman Architects

The key aspects of the proposed mixed-use development are summarised in **Table 5**. The proposal is described in further detail within the following sections of this report.

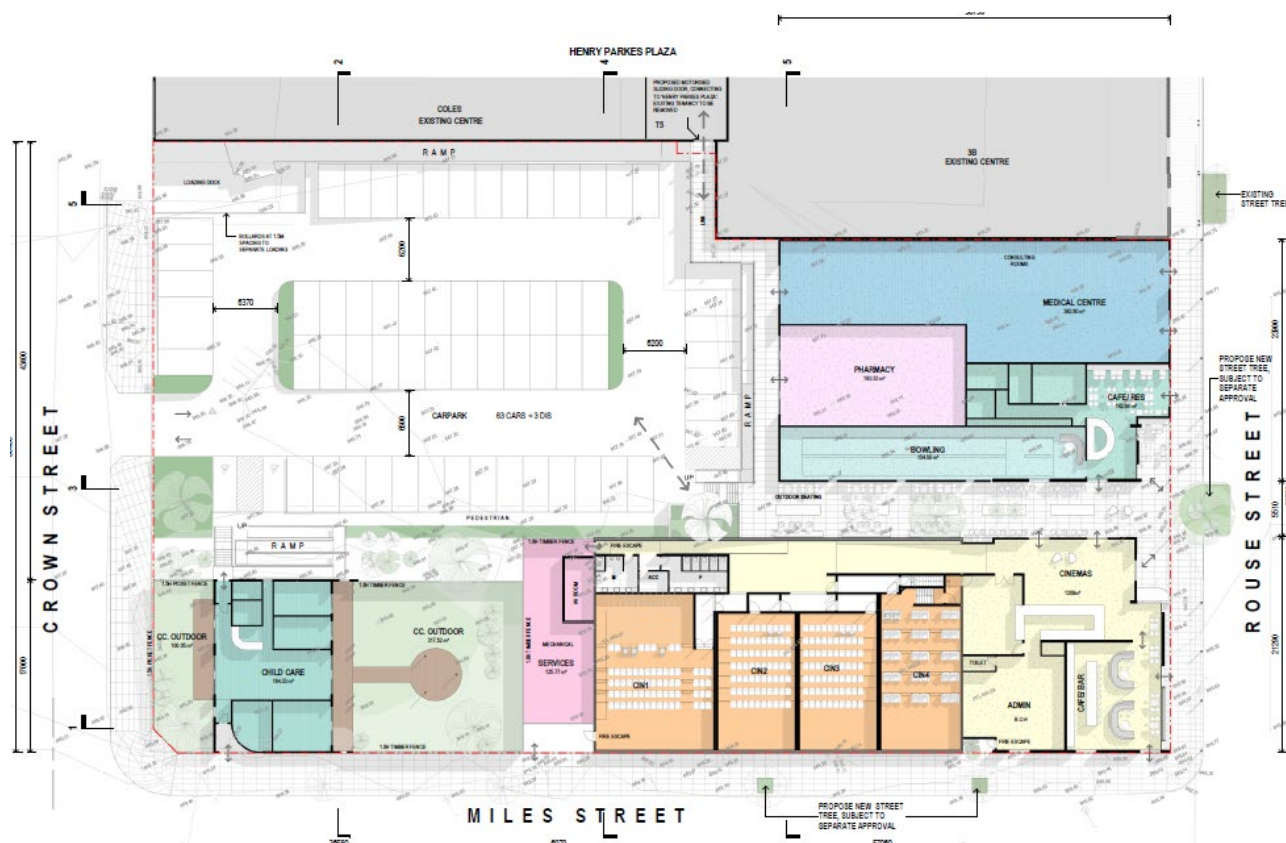
Table 5 Key aspects of the Proposal

Descriptor	Proposed
Land Use Activity	<p>The proposal includes the following uses:</p> <ul style="list-style-type: none"> ▪ Cinema – <i>entertainment facility</i> ▪ Café – <i>food and drinks premises</i> ▪ Bowling alley – <i>indoor recreation facility</i> ▪ Medical centre – <i>health services facility</i> ▪ Childcare centre – <i>centre based childcare facility</i>
Height of Building	Maximum building height is 7.9 metres
Site Coverage	<p>Cinema building including café and office – 1195.34m²</p> <p>Childcare centre – 189m²</p> <p>Pharmacy, Medical Centre, Café, Bowling Alley– 904.52m²</p> <p>The total built form on the site is 2,288m² representing a site coverage of approximately 49%.</p>

Descriptor	Proposed
Landscaped Area	Trees and low planting/ groundcovers will be provided throughout the development. The total landscaped area is 206m ² .
Car Parking Spaces	64 car parking spaces are provided, 3 of which are accessible car parking spaces

The estimated cost of the development is \$9,867,000 inclusive of GST. A Quantity Surveyor's certificate is attached as **Appendix B**. A set of architectural drawings is attached as **Appendix C**. A site plan is shown in **Figure 7**.

Figure 7 Site Plan



4.2. DEMOLITION

The shell of the main workshop building adjacent to Miles Street adjoining Miles Street will be retained and repurposed as the cinema component of the proposal. The existing loading ramp and concrete loading bay off Crown Street will also be retained. All other structures on the site and the concrete hardstand will be demolished and removed. Refer to the demolition plan at **Appendix C** for further details.

A Construction and Demolition (C&D) waste strategy will be incorporated into the construction management plan (CMP) prior to the commencement of any demolition works.

4.3. SITE PREPARATION AND CIVIL WORKS

An existing open stormwater drain runs through the site from the south-eastern corner to the north-western corner and drains to the existing culvert under Crown Street. The drain is a tributary of the Tenterfield Creek and collects stormwater from the site and surrounding areas. Stormwater from the site also currently discharges to the Rouse Street kerb and gutter, to a drain underneath the adjacent shopping centre, and onto Miles Street.

The development will include the replacement of the open drain section with a reinforced concrete box culvert which will be underneath the new carpark. A stormwater report and drainage layout plan have been prepared by Whitton Engineering to detail the proposed works and assess the performance of the proposed stormwater arrangement. Refer **Appendix E** and **Section 7.5**.

The areas of the site to be developed in Stage 2 will be secured by temporary fencing.

4.4. BUILDING DESIGN AND MATERIALS

The proposed development has been designed to be contemporary and sympathetic to the scale, character and form of development within the Tenterfield Town Centre and the Tenterfield HCA. It comprises a one-storey building with a series of gable roof forms along the primary street frontage of Rouse Street. The proposal includes a street awning to Rouse Street (subject to separate approval) that will integrate with the existing contemporary shopping centre to the north of the site.

The Stage 1 detailed proposal incorporates a traditional materials palette that is sympathetic to the existing streetscape including a masonry face brick façade, rendering and glazing. A schedule of proposed external building materials, colours, and finishes is included in the accompanying architectural drawings (at **Appendix C**).

The proposal is accompanied by a lighting plan (**Appendix H**) that identifies the proposed external lighting design for the carpark, outdoor areas and the exterior of the cinema building.

4.5. PARKING AND ACCESS

4.5.1. Vehicle Access

Vehicle access to the car parking area at the rear of the site will be via a two-way access driveway from Crown Street. All existing redundant vehicular crossovers to Miles Street and Rouse will be removed resulting in an increase in on street parking. Four spaces will be restored to Rouse Street and two spaces to Miles Street.

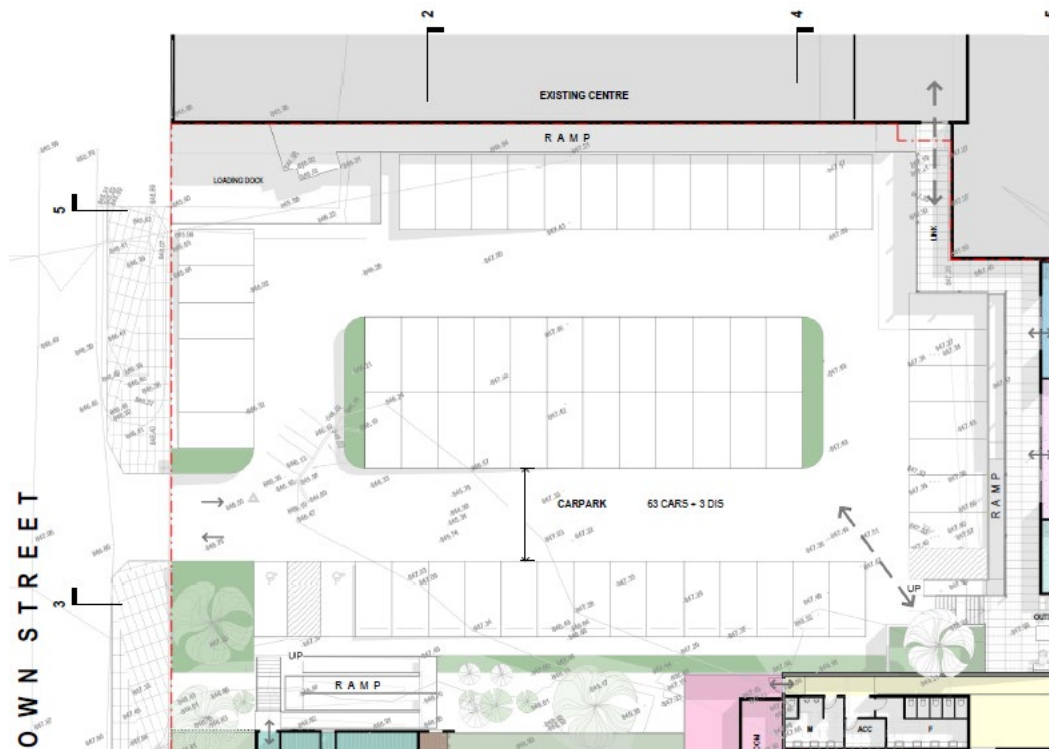
The car park will provide 64 car parking spaces, 3 of which will be accessible spaces. The car park will be delivered in Stage 1 but will serve the entirety of the development. The site includes an existing loading dock that services the adjacent shopping centre. The loading dock and current access arrangement will be retained under the proposal. Refer to the Traffic Impact Assessment at **Appendix G** for further details.

4.5.2. Pedestrian Access

The primary pedestrian access to the site will be via the landscaped central plaza from Rouse Street. A pedestrian connection from the car park to the shopping centre to the north will be provided by installing a motorised sliding door in the southern wall of the shopping centre.

The proposed car park layout and pedestrian link (indicated by the vertical arrow) are shown in **Figure 8** below. Refer to the Architectural Plans at **Appendix C** for further details.

Figure 8 Carpark



4.6. LANDSCAPING

A landscape plan has been prepared by Species Landscape Architecture and is included at **Appendix D**. The proposal has been designed to create a vibrant and cool environment that is sympathetic to the character of the Tenterfield Town Centre. The key elements of the landscaping of the site include:

- **Central pedestrian spine:** corridor of Persian Silk trees to create green pedestrian canopy
- **Car park:** slender Capital Pear trees and hardy hedging and groundcovers in the garden beds

Species selection has been informed by the site conditions and local climate and the need for vigour and hardiness.

4.6.1. Public Domain

The landscape plan includes planting of street trees along Miles Street and Rouse Street and asphalt paving along Crown Street, Miles Street and Rouse Street. For further details see **Appendix D**.

Separate approval will be sought under Section 138 of the *Roads Act 1993* for any landscaping works to be undertaken within the public domain.

4.7. SIGNAGE

Indicative signage locations for the cinema and other buildings have been identified in the Architectural Plans at **Appendix C**. However, these locations are indicative only and future signage will be subject to separate DA(s).

4.8. INFRASTRUCTURE

The site is connected to water, sewer, electrical and communications services. Existing services and connections will be extended, expanded and augmented as required to meet the requirements of the development.

4.9. WASTE MANAGEMENT

The DA is accompanied by an Operational Waste Management Plan (OWMP) prepared by Traffix (at **Appendix K**). The OWMP sets out high level waste management arrangements in relation to the following matters:

- Waste and recycling generation (materials stream and waste generation estimates)
- Waste and recycling storage calculations; and
- Waste management systems (for the general waste, recyclables, bulky waste storage, and bin requirements).

General waste and recycling will be collected by a private contractor on a weekly basis. Bins will be stored in a designated area adjacent to the existing loading dock. The car park has been designed to accommodate a standard rear loading waste collection truck that will use the existing loading dock.

4.10. OPERATIONAL DETAILS

The proposed operating hours for the cinema will be between 10.00am and 11.30pm seven days a week. Occasionally films may finish later but all operations are expected to be finished by midnight.

The cafe attached to the cinema will operate between 10.00am and 10.00pm seven days a week.

The cinema and café will have a maximum of 15 staff working at any one time.

Operating hours for Stage 2 of the development will be identified in a future detailed DA.

5. STRATEGIC CONTEXT

The proposed development has been assessed against key planning objectives, priorities and actions established within the following relevant strategic land use policies.

Table 6 Strategic Planning Context

Strategic Policy	Comment	Consistency
New England North-West Regional Plan	<p>The New England North-West Regional Plan provides the overarching strategic plan for growth and change in the New England North-West region of NSW. It is a 20 year plan that seeks to leverage its existing strengths as of NSW's top agricultural regions into a leading 21st Century regional economy. It identifies key goals and actions to achieve its vision of creating a leading 21st century regional economy.</p> <p>The proposal is consistent with the following goals and directions:</p> <ul style="list-style-type: none"> ▪ Goal 1: A strong and dynamic regional economy: <ul style="list-style-type: none"> - Direction 7: Building strong economic centres - Direction 8: Expand tourism and visitor opportunities ▪ Goal 4: Attractive and thriving communities <ul style="list-style-type: none"> - Direction 18: Provide great places to live - Direction 19: Support healthy, safe, socially engaged and well connected communities <p>The proposal will drive economic and entertainment opportunities in the Tenterfield town centre by providing additional access to social infrastructure and cultural recreation that will help to foster a strong sense of place amongst residents.</p>	Yes
Tenterfield Shire Local Strategic Planning Statement	<p>The Tenterfield Shire Local Strategic Planning Statement (LSPS) identifies land use needs in the Tenterfield Shire for the next 20 years. It demonstrates how Council's vision aligns with the New England North West Regional Plan.</p> <p>The proposal aligns with and implements key LSPS planning priorities outlined for Tenterfield, including the following:</p> <ul style="list-style-type: none"> ▪ Planning Priority 4: Enhanced business and lifestyle opportunities ▪ Planning Priority 5: Infrastructure to support industry and community. 	Yes

6. STATUTORY CONTEXT

This section provides an assessment of the environmental impacts of the proposed development against the relevant statutory planning frameworks including Acts, environmental planning instruments and development control plans.

6.1. STATE ENVIRONMENTAL PLANNING POLICIES

6.1.1. State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 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.

Clause 7(1) of the SEPP provides that the consent authority must consider the finding of a preliminary investigation carried out in accordance with contaminated land planning guidelines, prior to determining a development application to carry out development on that land.

A Preliminary Site Investigation (PSI) has been undertaken by Ecoteam (refer **Appendix J**). The PSI recommends that a Detailed Site Assessment (DSI) be carried out to confirm that the site is suitable for the intended uses. Refer to **Section 7.8**.

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

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 aims to facilitate the effective delivery of educational establishments and early childhood education and care facilities across NSW.

Centre-Based Child Care Centres Guideline

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

Part 3 of the Guideline includes matters which must be considered by the consent authority when assessing a DA for a child care facility. The child care facility is included as part of the concept proposal, with further approval to be sought in a subsequent detailed DA. The assessment of the concept proposal has considered the key requirements of the Guidelines, including the provision of adequate indoor and outdoor space and the suitability of the site for the proposed use. A high level assessment of the proposal against Part 3 is provided in **Table 4** below.

If a DA satisfies the design criteria, a consent authority cannot refuse the DA on the basis of design. The SEPP prevents a consent authority from imposing more onerous standards or refusing a DA on the basis that they have not been complied with. The standards include proximity to other centres, indoor and outdoor space requirements, colour schemes, site area, coverage, dimensions, and other stated design criteria.

Part 4 of the Guidelines provides the requirements for internal and external areas of child care facilities in accordance with the National Quality Framework (NQF). These are addressed in **Table 8**.

Table 7 Centre Based Child Care Centres Guideline - matters for consideration

Matters for Consideration	Proposed	Complies
3.1 Site Selection and location		
Objective: To ensure that appropriate zone considerations are assessed when selecting a site.	The site is considered appropriate within the RU5 Village Zone for the following reasons:	Yes
Objective: To ensure that the site selected for a proposed childcare facility is suitable for the use.	The child care centre will provide facilities and services for residents to meet their day to day needs.	

Matters for Consideration	Proposed	Complies
Objective: To ensure that sites for childcare facilities are appropriately located.	<p>The setbacks and design of the concept envelope for the future child care centre are appropriate considering the adjoining residential character and streetscape.</p> <p>The proposal complies with the traffic and parking requirements of Council and will not pose any detrimental impacts to the surrounding locality.</p> <p>The future detailed Stage 2 DA will be accompanied by an Acoustic Assessment if required.</p>	
Objective: To ensure that sites for childcare facilities do not incur risks from environmental, health or safety hazards.	The site is environmentally safe for the proposal given that it is not within proximity to any risks such as flooding, land slip, bushfires or coastal hazards. A DSI will be carried out to confirm that the site is suitable for the proposed childcare use from a contamination perspective.	To be confirmed by further assessment.
3.2 Local character, streetscape, and the public domain interface		
Objective: To ensure that the childcare facility is compatible with the local character and surrounding streetscape	<p>The site is appropriate and suitable given the following:</p> <p>The proposal will not change the existing building footprint, size of street frontage or lot configuration.</p> <p>The proposal will retain existing site boundaries.</p> <p>The proposal has been through a conscientious design process to ensure it is environmentally sensitive and will not cause any adverse impacts to surrounding uses.</p>	Yes
Objective: To ensure clear delineation between the childcare facility and the public spaces	The centre is separate from the adjacent uses with direct access from the car park.	Yes
Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.	The proposed fencing for the child care centre will be identified at the detailed DA stage.	Can comply

Matters for Consideration	Proposed	Complies
3.3 Building orientation, envelope and design		
Objective: To respond to streetscape and site, while optimising solar access and opportunities for shade.	The child care centre building is sited appropriately with proposed outdoor play areas receiving sunlight (with the provision of shade structures).	Yes
Objective: To ensure that the scale of the childcare facility is compatible with adjoining development and the impact on adjoining buildings is minimised.	The single storey scale of the proposal is compatible with adjoining residential development.	Yes
Objective: To ensure that setbacks from the boundary of a childcare facility are consistent with the predominant development within the immediate context.	The proposed building height and setbacks to Miles Street are consistent with DCP controls and consistent with the scale and character of the existing streetscape context.	Yes
Objective: To ensure that the build form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character	The proposal is of an appropriate bulk and scale in relation to the surrounding land uses.	Yes
Objective: To ensure that buildings are designed to create safe environments for all users.	The proposed child care centre is directly accessible from the car park with a clearly defined front entrance.	Yes
Objective: To ensure that childcare facilities are designed to be accessible by all potential users.	The child care centre building has been designed so that it is accessible by all potential users and can be accessed by a ramp from the car park.	Yes
3.4 Landscaping		
Objective: To provide landscape design that contributes to the streetscape and amenity.	The internal landscaping of the child care centre will be confirmed at the detailed DA stage.	Can comply
3.5 Visual and acoustic privacy		
<p>Objective: To protect the privacy and security of children attending the facility.</p> <p>Objective: To minimise impacts on privacy of adjoining properties.</p> <p>Objective: To minimise the impact of childcare facilities on the acoustic privacy of neighbouring residential developments.</p>	<p>The detailed DA will include measures to protect the privacy of the children within the centre and any impact on surrounding properties.</p> <p>An acoustic assessment can be prepared to accompany the future detailed Stage 2 DA if required.</p>	Can comply.
3.6 Noise and air pollution		

Matters for Consideration	Proposed	Complies
<p>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</p> <p>Objective: To ensure air quality is acceptable where childcare facilities are proposed close to external sources of air pollution such as major roads and industrial development.</p>	<p>An acoustic assessment can be prepared to accompany the future detailed Stage 2 DA if required.</p> <p>The site is within a residential zone and not located near a busy road or land uses which would result in poor air quality conditions.</p>	Can comply
3.7 Hours of Operation		
<p>Objective: To minimise the impact of the childcare facility on the amenity of neighbouring residential developments.</p> <p>C29 of the guideline's states:</p> <p>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed childcare facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>	Operating hours for the child care centre will be confirmed at the detailed DA stage.	Can comply
3.8 Traffic, Parking and Pedestrian Circulation		
Objective: To provide parking that satisfies the needs of users and demand generated by the centre.	The development provides appropriate parking for the mix of uses. Refer Section 7.4 of this SEE.	Yes
Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.	The users of the child care centre will access the centre from the central car park.	
Objective: To provide a safe and connected environment for pedestrians both on and around the site.	The site provides a safe internal pedestrian connection to Rouse Street and to the adjacent shopping centre.	

Table 8 National Quality Framework Assessment Checklist

Regulations	Proposed	Complies
4.1 Indoor space requirements		
<p>Regulation 107</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p>	<p>Proposed number of children: 50</p> <p>Required indoor space: 162.5 sqm</p> <p>Proposed indoor space: 184.33 sqm</p>	Yes

Regulations	Proposed	Complies
4.2 Laundry and hygiene facilities		
Regulation 106 There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children. Childcare facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.	Details of on site laundry to be confirmed within the future detailed DA.	Can comply.
4.3 Toilet and hygiene facilities		
Regulation 109 A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children. Childcare facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.	Details of toilet facilities to be confirmed within the future detailed DA.	Can comply
4.4 Ventilation and natural light		
Regulation 110 Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Childcare facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.	Window configuration to be confirmed within the future detailed DA. The building has northern and southern elevation so can provide adequate light and ventilation.	Can comply.
4.5 Administrative space		
Regulation 111		Can comply.

Regulations	Proposed	Complies
A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.	Configuration of office/administrative functions to be confirmed within the future detailed DA.	
4.6 Nappy change facilities		
<p>Regulation 112</p> <p>Childcare facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p> <p>Childcare facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the <i>National Construction Code</i>.</p>	To be confirmed within the future detailed DA.	Can comply.
4.7 Premises designed to facilitate supervision		
<p>Regulation 115</p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p> <p>Childcare facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p>	To be confirmed within the future detailed DA.	Can comply.
4.8 Emergency and evacuation procedures		
<p>Regulations 97 and 168</p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> instructions for what must be done in the event of an emergency an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit 	A comprehensive emergency management manual to match final construction details will be prepared by a specialist emergency evacuation consultant and submitted with the future detailed DA.	Can comply.

Regulations	Proposed	Complies
<ul style="list-style-type: none"> a risk assessment to identify potential emergencies that are relevant to the service. 		
4.9 Outdoor space requirements		
<p>Regulation 108</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.</p>	<p>Number of children: 50</p> <p>Required outdoor space: 350 sqm</p> <p>Proposed outdoor space: 417.52 sqm</p>	Yes
4.10 Natural environment		
<p>Regulation 113</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p>	The detailed DA will identify textures, materials and elements will be provided in the different outdoor areas.	Can comply
4.11 Shade		
<p>Regulation 114</p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p> <p><u>Design Guidance:</u></p> <p>Outdoor play areas should:</p> <ul style="list-style-type: none"> have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered. provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area. have evenly distributed shade structures over different activity spaces. <p>Shade structures should allow adults to view and access the children's play areas, with a recommended head clearance of 2.1 metres.</p>	The two outdoor play areas will include shade structures to provide sufficient shading and protect children.	Can comply
4.12 Fencing		
<p>Regulation 104</p> <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of</p>	The child care facility is fully enclosed and separated from the rest of the site.	Can comply

Regulations	Proposed	Complies
<p>a height and design that children preschool age or under cannot go through, over or under it.</p> <p>Childcare facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p>	Fencing details to be confirmed within the future detailed DA.	
4.13 Soil assessment		
<p>Regulation 25</p> <p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed childcare facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	The appropriate soil assessment will be undertaken for the site as part of the service application. This will be informed by the findings of the DSI.	Can be provided

6.2. TENTERFIELD LOCAL ENVIRONMENTAL PLAN 2013

Tenterfield Local Environmental Plan 2013 (Tenterfield LEP) is the primary environmental planning instrument applying to the site and the proposed development. The site is zoned RU5 – Village in accordance with the Tenterfield LEP. The zone objectives are:

- *To provide for a range of land uses, services and facilities that are associated with a rural village*
- *To enable development of a scale that is compatible with the general residential character of village areas and that will not prejudice the viability of established shopping and commercial centres.*

The proposal is a mixed use development that will provide a range of use to serve the needs of the Tenterfield community. It will include entertainment, medical and pharmacy and a child care centre. The proposed built form is consistent with the surrounding scale of development and in keeping with the character of the town centre. It proposes a mix of uses that will not detract from existing services and facilities within the centre.

Each of the proposed uses and their respective definitions in accordance with the Tenterfield LEP are listed below. Each of these uses is permitted with consent in the RU5 zone in accordance with the LEP.

- Cinema – *entertainment facility*
- Café – *food and drinks premises*
- Bowling alley – *indoor recreation facility*
- Medical centre – *health services facility*
- Childcare centre – *centre based childcare facility*

Table 9 assesses the compliance of the proposed development with relevant clauses in the LEP.

Table 9 LEP Compliance Table

Clause	Provision	Proposed	Complies
4.3 – Height of Building	No maximum building height is specified in the LEP. The Tenterfield DCP references a maximum building height of 12m. Although this is contrary to the standard instrument LEP requirements.	The architectural plans (Appendix C) indicate that the building will be of a similar height to neighbouring development and is appropriate within the existing streetscape.	N/A
4.4 – Floor Space Ratio	No maximum floor space ratio or site coverage is specified.	The architectural plans (Appendix C) demonstrate that the proposal is consistent with the massing of buildings within the existing streetscape. Built form is balanced with appropriate provision of open landscaped area and carparking. The proposed density of the development is therefore considered appropriate for the site and its setting.	N/A

Clause	Provision	Proposed	Complies
5.10 – Heritage Conservation	<p>The site is not identified as a heritage item. It is located within the Tenterfield Town Centre Conservation Area (C3 in Schedule 5) and in proximity to several heritage items including the former St Marys Catholic Church (I111) on the southern side of Miles Street.</p> <p>Clause 5.10(2) requires development consent for the demolition of a building within an HCA and for the erection of a building within a heritage conservation area.</p> <p>Under Clause 5.10(5) Council requires the preparation of a heritage management document that assesses the impacts of a development on the heritage significance of an item or HCA.</p> <p>Advice from Council's consultant heritage advisor during the Pre DA process was that</p> <p>"Retention and restoration of the building and integration with a new development is strongly recommended to maintain the historical significance, fabric of the town centre."</p>	<p>The proposal seeks consent in accordance with Clause 5.10(2) for the demolition of the office, showroom repair workshop building and other roof structures on the site. These are shown on the demolition plan included in Appendix C.</p> <p>A HIS has been prepared in accordance with Clause 5.10(5) to identify the potential heritage impacts of the proposal.</p>	<p>Yes. The proposal is sympathetic to the existing character of the Tenterfield Town Centre and integrates well with the surrounding streetscape and is not detrimental to the heritage values of the HCA.</p> <p>The HIS concludes that the proposal will not have detrimental impacts on the HCA. See Section 7.3 and the HIS at Appendix F for further details.</p>

Based on the above, it is considered that the proposal complies with the relevant provisions within the Tenterfield LEP.

6.3. TENTERFIELD DEVELOPMENT CONTROL PLAN 2013

Tenterfield Development Control Plan 2013 (Tenterfield DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in **Table 10**.

Table 10 DCP Compliance Table

Clause	Provision	Proposed	Complies
Chapter 5 – Industrial and Commercial Development			
Access for persons with Disabilities	<ul style="list-style-type: none"> Adequate provision is to be made to enable persons with disabilities to gain access to the development and to the land on which the development is proposed to be carried out The development is to comply with the relevant Australian Standard for access for disabled persons applying at the time the development application is lodged. 	The proposal has been designed to comply with relevant Australian Standards for access for disabled persons. A BCA and Access Statement has been prepared and confirms that the proposal is capable of complying with the NCC and relevant accessibility requirements- refer Section 7.9 and Appendix I .	Yes
Height	<ul style="list-style-type: none"> The maximum height of the building at any point shall be measured from the natural ground level to the ridge of the roof. This height should not be more than 12 metres to the top of the ridge 	The proposed height of the development to the ridge line will be approximately 7.9 metres. Refer to the Architectural Plans (Appendix C) for further details.	Yes
On-site facilities	<ul style="list-style-type: none"> On-site facilities for garbage bin and recycling storage and service meters are to be designed to be physically convenient, visually attractive and require minimal maintenance Garbage and recycling bin storage is not to be located at the street frontage Where collection is not on the street frontage, adequate loading and turning areas for service vehicles is to be provided within the development Adequate provision is to be made for the storage and handling of solid wastes generated by the development. The storage area is to be enclosed and the material stored is to be screened from public view Provision is to be made for the installation and maintenance of 	<p>A bin storage and waste management area will be located adjacent to the existing loading dock. This area will accommodate sufficient bin storage for the development. The waste management area will be accessed from Crown Street using a rear loading vehicle that will occupy the existing loading bay.</p> <p>General waste and recycling will be collected by a private contractor on a weekly basis. While the waste management area cannot be located out of public view, it will be appropriately screened and the bins secured.</p> <p>Refer Waste Management Plan at Appendix K.</p>	Yes

Clause	Provision	Proposed	Complies
	Liquid Trade Waste management facilities where required.		
Development on land adjoining residential development	<p>Business or industrial development on land adjoining predominantly residential use should not have a significant adverse impact on the amenity of the residential areas in the vicinity. Applications will be required to address:</p> <ul style="list-style-type: none"> Noise associated with the amount of traffic generated by the development The type of traffic generated by the development (cars, delivery vehicles etc.) Hours of operation Headlight glare from vehicles within the site Odour Nuisance caused by illumination of the development for advertising and/or security Visual impact associated with the setback of the development from the common property boundary and the design and scale of the development. Possible adverse impacts on the locality, including the above factors should be considered when choosing the site and designing the development. 	<p>The proposed operating hours for the cinema will be between 10.00am and 11.30pm seven days a week. Occasionally films may finish later but all operations are expected to be finished by midnight.</p> <p>The cafe attached to the cinema will operate between 10.00am and 10.00pm seven days a week.</p> <p>Together, the cinema and café will have a maximum of 15 staff working at any one time.</p> <p>Operating hours for Stage 2 of the development will be identified in a future detailed DA.</p> <p>Section 7 provides an assessment of potential traffic, noise and light spill impacts associated with the proposed development. The assessment confirms that the proposal will have a negligible impact on adjoining residential development.</p>	Yes
Energy efficiency	<p>Opportunities may exist to design layouts for a development which minimise winter heat loss and make use of solar energy. This may be achieved by:</p> <ul style="list-style-type: none"> Locating main office and/or retail areas on the north side of the building. Storage areas, toilets and other rooms requiring minimum climate control could be located away from the north side 	<p>The proposal includes solar panels to reduce dependence on non-renewable energy.</p> <p>The development incorporates awnings to the western (Rouse Street) side of the development to shade the building face and provide pedestrian amenity. The site layout provides natural light to the cafe restaurant on Rouse</p>	Yes

Clause	Provision	Proposed	Complies
	<ul style="list-style-type: none"> Walls set back sufficiently from the north site boundaries to enable winter solar access to the main north facing areas Buildings to incorporate window shading devices, such as eaves, verandahs and blinds, to reduce exposure from hot summer sun, especially on the western side of the building Landscaping that incorporates good solar design principles 	<p>Street, and to the outdoor play space of the child care centre.</p> <p>An assessment of the built form and landscaping is discussed in Section 7.1.</p>	
Chapter 6 – Access and parking			
Parking	<ul style="list-style-type: none"> Council will require the provision of on-site car parking at the rate set out in Table F1 for any particular type or category of development. Car parking requirements are as follows: <ul style="list-style-type: none"> Business premises: 1 space per 30m² GFA Food and drink premises: 1 space per 30m² GFA Place of public entertainment: 1 space per 10 seats or 1 space per 15m² of main assembly area, whichever is the greater Recreation facilities (indoor): 1 space per 25m² GFA Restaurant or café: 1 space per 30m² GFA, except for 1 space per 5m² GFA, or 1 space per 6 seats. Car parking is provided on the site of the development The layout and dimensions of car parking areas is in accordance with the Australian design standards 	<p>The proposal includes 64 car parking spaces, of which 3 are accessible spaces.</p> <p>The car park has been designed in accordance with relevant Australian Standards.</p> <p>For further assessment of parking details see Section 7.4 and the Traffic Impact Assessment (Appendix G).</p>	No

Clause	Provision	Proposed	Complies
	<ul style="list-style-type: none"> Provision of car parks for people with disabilities shall be in accordance with AS 2890.6 (2009) All required car parking areas, driveways, turning areas and loading areas are paved in either a bitumen seal coat, asphaltic or bituminous concrete, cement concrete, concrete paving blocks, or brick paving blocks. Note: <i>The standard of paving required will be dependent upon the type of development proposed, with regard to traffic loadings including turning movements of heavy vehicles</i> In villages and rural areas paving to driveways, turning areas, loading areas and car parking areas shall be all-weather. Note: <i>surface materials to be at the discretion of Council's Director of Engineering Services.</i> All parking spaces shall be suitably marked by lines, or indicated by other approved means; and Free and uninterrupted access to car parking areas shall be maintained at all times 		
Chapter 7 – Development and Heritage Conservation			
Colour schemes	<p>Only buildings with high heritage significance should be painted in their original colour schemes.</p> <p>Otherwise, a traditional colour scheme which fits in with the street as a whole should be considered, especially for that part of the building from the awning soffit upwards. For different styles and periods of building there are alternative colours schemes available. Refer to two books by Evans, Lucas and Stapleton on Colour Schemes for Old Australian Houses (see reference list at the end of this chapter). Council's Heritage Advisor can also assist in the selection of</p>	<p>The proposed development has been designed using a traditional colour palette that ensures it's sympathetic to the Tenterfield Town Centre and fits into the existing streetscape and character of the area. For further details see Section 7.3 of this report and Appendix C which includes the colour palette for the proposal.</p>	Yes

Clause	Provision	Proposed	Complies
	<p>appropriate colours in accordance with the buildings age and history.</p> <p>Parapets, awning soffits and fascia's that are continuous across more than one occupancy should be painted with the same colour(s) irrespective of the different signage.</p>		
Infill development	<p>Infill buildings should not pretend to be heritage buildings but must be sympathetic to the period of the buildings surrounding it and fit into the streetscape. Materials for major building elements should relate to the common materials existing in the area. For development within a row of buildings, the new work should try to adopt the existing horizontal lines which run along buildings, such as roof ridges, parapets, gutters, window sills and awnings.</p> <p>Window and door openings are a major part of a building's design. For infill development the proportion of the opening should be similar to those of adjoining buildings. Long facades should be broken up by windows or recesses, combined with verandahs, awnings or window hoods.</p>	<p>The proposed development has been designed to be sympathetic to the Tenterfield Town Centre however is distinctly contemporary in appearance and does not seek to replicate the heritage buildings in the town. The proposal employs gabled roof forms and materials that are consistent with the streetscape and broader area. For further details see Section 7.3 of this report.</p>	Yes
Roofs	<p>Many roofs on heritage buildings cannot be seen from the street because they are hidden by parapets. For new buildings, if the roof is visible the roofing material and pitch should be sympathetic with neighbouring buildings. In particular, new roof material should match the existing material, or be an historically appropriate substitute e.g., corrugated galvanised steel.</p> <p>Skillion roof: Add skillion roofed additions to the rear of an existing hip or gable roof. The roof pitch should be a minimum of 20°, or similar to the existing roof.</p> <p>Flat roofs should be avoided.</p>	<p>The roof of the proposed development has been designed to be sympathetic to neighbouring buildings. The roof is a series of gable roofs that are coloured to ensure the proposal fits within the existing streetscape. For further details see Section 7.3 and Appendix C of this report.</p>	Yes

As identified in the **Table 10**, the proposal is compliant with the majority of the relevant DCP controls for the site. Where there are non-compliances, these are discussed in **Section 7** of this report.

6.4. INFRASTRUCTURE CONTRIBUTIONS

The *Tenterfield Shire Council Section 7.12 Development Contributions Plan (General Development)* (Contributions Plan) levies developer contributions for new development to fund the provision of public infrastructure, facilities and services.

The levy requires the applicant to pay the Council a levy of 1% of the proposed cost of carrying out the development. It is anticipated that a condition will be included on any consent issued requiring payment of this levy.

7. ASSESSMENT OF KEY ISSUES

7.1. BUILT FORM, URBAN DESIGN AND LANDSCAPING

The built form is sympathetic to the existing character and streetscape of the Tenterfield HCA and the broader town centre.

The proposed development features a series of gable roof forms along those frontages which present to and interact with the public domain (Miles Street and Rouse Street). The proposal includes a pedestrianised plaza and awning open to the public domain, cultivating appropriate activation at street level which remains consistent with the pedestrianised character of Rouse Street.

The proposed buildings are below the maximum 12 metre building height specified in the Tenterfield DCP. The proposed site coverage is appropriate given the immediate context. The central landscaped open space links the car park to Rouse Street and breaks up the building form to encourage people to enter and interact with the site.

The proposal will remove a large area of at grade car parking from public view and provide a publicly accessible, genuine mixed use development that will activate the street.

Figure 9 View from north east showing proposed development



7.2. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The proposed development incorporates design initiatives to maximise amenity and minimise energy use.

Solar panels are proposed to be installed on the roof of the cinema building in the Stage 1 detailed proposal to reduce dependence on non-renewable energy sources. The adaptive re use of the existing workshop building for the cinema also makes use of an existing building and reduces the amount of building waste to be disposed.

Further opportunities to incorporate Ecologically Sustainable Development (ESD) measures into the development will be explored at the detailed design phase for the Stage 2 development.

7.3. HERITAGE CONSERVATION

The potential impacts of the development on the heritage significance of the Tenterfield HCA and heritage items in proximity to the site has been considered as part of the HIS prepared by Urbis – refer **Appendix F**.

The HIS finds:

- The site is located within southern portion of the HCA. The southern fringe of the Town Centre HCA largely comprises contemporary development including the Coles building to the north and the information centre to the east, which although appearing to be of a referential Federation style, is a contemporary development.
- The existing building on the site has been assessed to have little historic or aesthetic merit. The building has been highly altered throughout and no longer reflects characteristics of a particular era of style. The building is therefore limited in its contribution to the surrounding streetscape and the identified character and statement of significance of the Town Centre HCA.
- The demolition of the building will not have an adverse heritage impact on the significance of the HCA. The subject property has limited original fabric and a very low level of aesthetic integrity. Retention and integration of what little original fabric remains would not result in an enhanced contribution of the property to the significance of the area and would still not provide a legible interpretation of the history of the place. A well designed replacement infill building would be able to make a similar or greater contribution to the significance of the area and the aesthetic character of the streetscape.
- The proposed scheme responds appropriately to the scale and character of the Town Centre HCA. The scheme is notably contemporary and is sympathetic to the scale and form of surrounding development.
- The design employs traditional materiality in the form of face brick which is considered appropriate in a predominantly masonry context.
- The proposed development employs appropriate verticality across prominent street frontages sympathetic to existing proportions along Rouse Street and throughout the broader HCA.
- The works facilitate ongoing, renewed use and amenity of the site with no adverse impact on the immediate streetscape character and setting.

The HIS concludes that the proposal is not considered to have any detrimental heritage impacts and is supported from a heritage perspective.

7.4. TRANSPORT, TRAFFIC AND PARKING

A Traffic Impact and Parking Assessment has been prepared by Traffix and is included at **Appendix G**.

Parking will be provided in an at grade car park accessed from Crown Street. The car park will provide right angle parking spaces to service the entire development. An assessment of the total parking requirement for the development has been made with reference to Table F1 of the Tenterfield DCP. Empirical rates have been adopted for the medical centre and the child care centre components noting that there is no definitive rate for these uses under Table F1 of the Tenterfield DCP.

Table 11 Carparking Assessment

Use	Area	Car parking rate	Parking requirement
Pharmacy	180.33m ²	1 space per 30m ² GFA	6 spaces
Cafe	142.68m ²	1 space per 30m ² GFA	5 spaces
Bowling Alley	154.5m ²	1 space per 10 seats or 1 space per 15m ² of main assembly area, whichever is the greater.	10 spaces (provides for 150 patrons)
Cinema	745m ² 278 seats	1 space per 10 seats or 1 space per 15m ² of main assembly area, whichever is the greater.	28 spaces (based on cinema seats)

Use	Area	Car parking rate	Parking requirement
Medical Centre	392.80m ²	4.0 spaces per 100m ² – RTA Rate	13 spaces
Childcare Centre	184.33m ² 50 children	0.25 spaces per child – Empirical Rate	12 spaces
Total Parking Requirement			74 spaces
Proposed Provision			64 spaces Of which three (3) are accessible.

Source: *Traffix – Traffic Impact Assessment*

The proposed 64 car parking spaces represents a shortfall of 10 car parking spaces based on the DCP rates. However, the peak usage times for the different components of the development are not likely to coincide, e.g., the childcare centre and cinema will have different attendance patterns depending on the time of day or day of the week. Further, there are also likely to be efficiencies due to the complementary uses within the development, including linked trips occurring to the cinema, bowling alley or café. Similarly, visitors to the medical centre may also access the pharmacy.

The Traffix assessment identifies that as a result of the variation in the peak demands, the overall peak demands are highly unlikely to reach the combined parking requirement identified in the DCP. On this basis, the Traffix assessment concludes that the proposed provision of 64 car spaces will be sufficient to accommodate the parking demands of the site.

The Traffix assessment further concludes:

- The proposed carpark layout is fully compliant with relevant standards. Adequate site access provisions, including vehicle access and manoeuvring and sight distances have been met for the proposed access to and from Crown Street.
- Loading activities for the commercial uses on the site will utilise the existing loading bay located in the north-west corner of the site. The proposed loading and waste collection arrangements are acceptable from a traffic engineering perspective.
- the level of traffic generated by the proposal can be accommodated without any adverse impacts to the operation of the local road network and infrastructure improvements are not required in order to accommodate the traffic impacts.

7.5. AMENITY IMPACTS

7.5.1. Light Spill

The proposal includes outdoor lighting within the car park, within the landscaped pedestrian area and on the external elevations of the cinema building. A lighting design has been prepared by Lighting Partners Australia- refer **Appendix H**. Directional lighting (pointing down) was selected for the Miles Street elevation to ensure that the proposal does not result in obtrusive light spill impacts on adjacent residential areas.

The obtrusive lighting calculation prepared by Lighting Partners Australia demonstrates that the proposed lighting design complies with the relevant *Australian Standard 4282 – Control of the obtrusive effects of outdoor lighting (AS 4282 – 1997)*. The potential impacts on adjacent residents due to the proposed lighting will be acceptable.

7.5.2. Noise

The proposed cinema building will be suitably insulated and engineered for its purpose. Accordingly, it is unlikely that there will be any external noise impacts generated by the operation of the cinemas.

There may be noise generated from patrons of the development leaving late in the evening. However, the site layout with the central car park means that noise impacts will be largely contained within built form and within the site. Signage encouraging patrons to respect neighbours when leaving and to keep noise to a minimum may also be employed to encourage appropriate behaviour.

The concept proposal includes a child care centre which is also located adjacent to residential development on Miles Street. If Council deems it necessary, an acoustic assessment considering potential impacts of the child care centre can be prepared to accompany the future detailed DA for Stage 2.

7.6. STORMWATER AND FLOODING

The application is accompanied by a stormwater report and stormwater drainage concept plans prepared by Whitton Engineering (refer **Appendix E**). The proposal includes the conversion of a section of open stormwater drain within the site to a reinforced box culvert (RCBC) that will be placed underneath the new carpark.

The key findings of the report are as follows:

- The existing stormwater culvert system with the proposed culvert additions (within the site) will have adequate capacity to handle the 1% AEP rainfall event.
- The concept stormwater design directs the majority of stormwater flows to the new RCBC and ultimately to the stormwater pits in Crown Street.
- The development does not result in significant increase in stormwater discharge volumes and there will be no adverse impacts on the existing stormwater systems.

7.7. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Mills Gorman has considered the principles of Crime Prevention Through Environmental Design (CPTED) in the design of the proposal. CPTED principles are used to identify potential improvements to the design which may help to reduce crime and anti-social behaviour.

Table 12 identifies the four key CPTED principles and demonstrates the proposal's compliance with the principles.

Table 12 CPTED Principles

Principle	Definition	Assessment of Proposal
Surveillance	Natural surveillance is a by-product of well-planned, well-designed and well-used space. It involves maximising opportunities for passers-by and users to observe what happens in an area (the 'safety in numbers' concept). Higher risk locations can also benefit from organised surveillance, which involves the introduction of formal measures such as on-site security guards or CCTV.	<p>The site is defined by a central pedestrian pathway leading from Rouse Street through the carpark. The creation of the connection to the adjacent shopping centre will encourage pedestrian activity within the site and casual observation of the area. CCTV cameras may be employed to further secure the development site. The entrances have been designed to reduce pedestrian blind spots and avoid the creation of spaces for concealment.</p> <p>Clear sightlines will be available through the site from Rouse Street to the carpark. All areas will be adequately lit, and sign</p>

Principle	Definition	Assessment of Proposal
		posted to ensure safe occupation of the space.
Access Control	Designing space to control who enters and prevent unauthorised access. This can be achieved through natural barriers, mechanical controls or formal controls.	Entrances to the different parts of the development will be clearly defined and appropriately controlled. The pedestrian access to the adjacent shopping centre will be locked and secured after hours.
Territorial Reinforcement	The way in which a community demonstrates ownership over a space. Places that feel owned and cared for are likely to be used, revisited and protected. This can be expressed through good maintenance, landscaping and wayfinding.	The proposal includes a central landscaped area with seating and paving to clearly define a pathway through the site. The ground floor and public domain adjoining the building entrances and road frontages will be actively lit at night, aligning to Australian Standards. This will enable visibility of key pedestrian connections and main access locations to visitors.
Space and Activity	Ensures that space is appropriately utilised and cared for. Space and activity management involves monitoring the site usage, managing site cleanliness and repairing vandalism and broken physical elements to decrease fear of crime.	The landscaping will be maintained to provide a cared for, attractive outdoor space. The plans to enhance the public domain outside of the site boundary will integrate the site with the streetscape and demonstrate commitment to providing a quality, cared for built environment.

The site layout responds to the CPTED principles and the proposal will provide a safe and secure environment for employees and visitors.

7.8. CONTAMINATION

Ecoteam has prepared a Phase 1 PSI (refer **Appendix J**). The PSI finds that based on the historical uses of a mechanical workshop and car dealership there is potential for contamination to be present on the site.

A number of potential areas of concern have been identified, including the mechanical pit and wash down collection tank. There may have been leakage of oil and fuel from the mechanic workshop or unknown chemical from other uses. Importation of contaminated fill may also have occurred at the site.

The PSI recommends further investigation including surface and under slab/bitumen sampling and depth sampling around potential underground contamination sources. Surface water sampling at the site of the exposed drain is also recommended.

Due to the extended COVID lockdown in NSW, Ecoteam has been unable to access the site prior to the lodgement of this DA to carry out the required detailed site investigation (DSI).

It is the intent of the applicant to complete the DSI as soon as possible. It is acknowledged that Council will require the DSI to be completed prior to approval to confirm the site is suitable or can be made suitable for the intended uses.

7.9. BCA AND ACCESS

A Preliminary Compliance Report has been prepared by Brent Williams and Associates and is located at **Appendix I**.

The proposal has been reviewed against the relevant 'deemed-to-satisfy' sections of the NCC. The review has determined that the proposal is capable of complying with the 'deemed-to-satisfy' provisions and 'performance requirements' of the NCC and meets the relevant accessibility requirements.

8. SECTION 4.15 ASSESSMENT

The proposed development has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act 1979.

8.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed in accordance with the relevant State and local environmental planning instruments:

- *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55)
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*
- *Tenterfield Local Environmental Plan 2013*

This SEE demonstrates that the proposal complies with the relevant provisions within the relevant instruments and achieves the objectives of the applicable local planning policies.

Additional intrusive investigations and environmental assessment are required to confirm that the site is or can be made suitable for the intended uses in accordance with SEPP 55.

8.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

8.3. DEVELOPMENT CONTROL PLAN

Tenterfield Development Control Plan 2013 provides detailed planning controls relevant to the site and the proposal. As detailed in **Section 6.3**, the proposal complies with the majority of the relevant provisions of the DCP.

The proposed variation to the DCP car parking requirements is considered acceptable as outlined in detail within **Section 7.4** of this report. The parking to be provided will meet the likely demands of the mixed-use development and can be supported by Council.

8.4. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

8.5. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2000*.

8.6. LIKELY IMPACTS OF THE PROPOSAL

The proposed development has been assessed considering the potential environmental, economic and social impacts as outlined below:

- The development has been designed to provide an attractive interface to the primary frontage of Rouse Street.
- The proposal will improve the existing stormwater drainage arrangements on the site and remove the open stormwater drain.
- The proposal will have no adverse impacts on the Tenterfield Heritage Conservation Area and the simple building design will sit comfortably in the streetscape.
- The development provides appropriate and sufficient parking for the development and will not create any adverse traffic generation or parking impacts.
- The proposal will not result in adverse amenity impacts on adjacent property owners.

- The construction and operation of the proposal may create direct or indirect employment opportunities and economic investment in the area.
- The proposal will enhance the social and cultural life of Tenterfield with the cinema providing an additional cultural and community social gathering place in the town centre.
- All environmental impacts arising from the proposal have been considered by the various technical consultants and can be managed through appropriate consent conditions.

8.7. SUITABILITY OF THE SITE

The site is considered highly suitable for the proposed development for the following reasons:

- The uses are permissible within the RU5 (Village) zone and are consistent with the objectives of this zone.
- The proposal has a high degree of compliance with the relevant statutory controls.
- The proposed buildings are appropriate in the context of the adjacent streetscape
- All services are provided at the site.
- The site is located within the town centre within proximity to residential areas. The proposal will provide a genuine mixed-use development that will enhance the services and facilities available in the town centre.
- The proposed range of uses including the cinema are compatible with the existing town centre and will enhance the social and cultural opportunities in the town.

8.8. SUBMISSIONS

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

8.9. PUBLIC INTEREST

The proposed development is considered in the public interest for the following reasons:

- It provides for the orderly and economic use of land for permissible uses under the relevant planning instrument and in a form which is cognisant of, and does not impact unreasonably on, surrounding land.
- It is consistent with the strategic directions and planning priorities identified in the New England North West Regional Plan and the Tenterfield LSPS.
- It achieves a high level of compliance with the objectives and development standards of relevant planning controls including the Tenterfield LEP 2013 and the Tenterfield DCP 2013.
- The proposal will provide a social and cultural community destination in an accessible and strategic location in the centre of Tenterfield.
- The proposal achieves a high standard of design and will make a positive contribution to the site and surrounding context.
- The creation of the pedestrian access between the site and the adjacent shopping centre will provide a convenient connection between the two land uses.
- It is compatible with the existing commercial mixed use character of the Tenterfield city centre and does not create any significant adverse impacts on the environment or adjoining properties.
- No adverse environmental, social or economic impacts will result from the proposal.

Accordingly, it is considered that the proposed development is in the public interest.

9. CONCLUSION

This SEE has been prepared on behalf of the Shun Hung Pty Ltd to accompany a Concept DA for a cinema and mixed use development at 148 Rouse Street Tenterfield. The proposal includes a concept proposal for the overall staged development and a detailed proposal for the Stage 1 component.

This SEE has assessed the proposal in accordance with section 4.15 of the EP&A Act. The proposed development is supported and considered appropriate for the site and the locality as it:

- **Satisfies the applicable local and state planning controls:** The proposed development is permissible with development consent in the RU5 Village zone. The proposal meets the objectives and intent of the Tenterfield LEP and achieves a high level of consistency with the key planning controls within the Tenterfield DCP.
- **The proposal will not result in any adverse environmental impacts:** It has been demonstrated that the proposal will not adversely impact the Tenterfield HCA and is supported from a heritage perspective. The proposal will improve on site stormwater management arrangements
- **The design responds positively to the site conditions and the surrounding environment:** The proposed development successfully integrates the different components of the development with a design that respects and responds to the streetscape and adjoining development.
- **The proposal will result in positive social and economic impacts:** the proposal will provide a significant new community and cultural destination for residents.

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

10. DISCLAIMER

This report is dated 7 October 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Shun Hung Pty Ltd (**Instructing Party**) for the purpose of Statement of Environmental Effects (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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APPENDIX A

SURVEY PLAN

APPENDIX B

QS REPORT

APPENDIX C

ARCHITECTURAL DRAWINGS

APPENDIX D

LANDSCAPE PLAN

APPENDIX E

STORMWATER MANAGEMENT PLAN

APPENDIX F

HERITAGE IMPACT STATEMENT

APPENDIX G

TRAFFIC IMPACT ASSESSMENT

APPENDIX H

LIGHTING IMPACT ASSESSMENT

APPENDIX I

BCA COMPLIANCE AND ACCESS STATEMENT

APPENDIX J

PHASE 1 CONTAMINATION ASSESSMENT

APPENDIX K

WASTE MANAGEMENT PLAN