

DATE OF DETERMINATION	Tuesday, 30 July 2019
PANEL MEMBERS	Michael Leavey (Chair), Peter Brennan, Julie Savet Ward, Wayne Bedggood and Steve McDonald
APOLOGIES	Jason Perica, Kara Krason
DECLARATIONS OF INTEREST	None

Papers circulated electronically between 22 July 2019 and 29 July 2019.

MATTER DETERMINED

2017HCC023 – Upper Hunter Shire Council – DA96/2017 at 172-182 Macqueen Street, Aberdeen NSW 2336 – Commercial Development (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel was satisfied that all the reasons for deferral of the application have been appropriately addressed, thereby satisfactorily clarifying and reducing the impact of the development on neighbouring properties and surrounding roads, and determined to approve the application for the following reasons:

- The proposed mixed commercial development comprising retail premises and highway service centre and bulky good retail premises is consistent with the objectives of the B2 Local Centre Zone pursuant to the Upper Hunter LEP 2013.
- Retail premises and highway service centres and bulky good retail premises are permitted with consent in the B2 Local Centre Zone pursuant to the Upper Hunter LEP 2013.
- The development satisfies the relevant clauses of the Upper Hunter LEP 2013: Clause 4.3 Height of Buildings, Clause 4.4 Floor Space ratio, Clause 6.1 Earthworks, Clause 6.7 Airspace operations and 6.10 Essential Services.
- The development satisfies (subject conditions of consent) the Upper Hunter DCP 2015 in relation to Part 5 Commercial Development and the related parts (Part 12a Access and vehicle parking and Part 11f Soil and Water Management).
- Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the development is unlikely to have any significant adverse impacts that cannot be addressed through conditions of consent.
- Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the site is suitable for the development.
- Pursuant to Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979 the development is in the public interest.





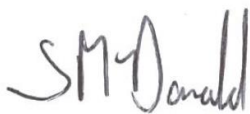
CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, with amendment of Condition 20 to read:

“The stormwater system shall be constructed to an appropriate standard in compliance with the Council’s Engineering Guidelines for Subdivisions and Developments. Detailed engineering drawings of the proposed stormwater drainage system for each stage of the development including the detention basin/tanks and connections for irrigation of landscape areas shall be submitted to and approved by the Certifying Authority prior to the release of any Construction Certificate.”

CONSIDERATION OF COMMUNITY VIEWS

In deferring determination, the Panel had regard to written submissions made during public exhibition, Council’s assessment report and heard from all those wishing to address the Panel. The Panel noted the main issues from the community being aesthetic impact, scale of the development, noise impact and scale of noise attenuation measures, air pollution, suitability of the site and sustainability measures. The Panel considered that Council’s assessment reports, in conjunction with the further details sought in the deferral, and recommended conditions of approval have addressed the issues raised by the community.

PANEL MEMBERS	
 Michael Leavey (Chair)	 Peter Brennan
 Julie Savet Ward	 Wayne Bedggood
 Steve McDonald	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC023 – Upper Hunter Shire Council – DA96/2017
2	PROPOSED DEVELOPMENT	Mixed use commercial development & demolition of existing structures & 24 hour Service Centre
3	STREET ADDRESS	172-182 Macqueen Street, Aberdeen NSW 2336
4	APPLICANT/OWNER	Applicant: ENEF Investments Pty Ltd C/- DWP Owner: ENEF Investments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$20M (DA lodged before 1 March 2019)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Upper Hunter Local Environmental Plan 2013 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 33 Hazardous and Offensive Development State Environmental Planning Policy No.55 – Remediation of Land State Environmental Planning Policy No. 64 – Advertising and Signage Clause 92 (1) (b) of the Environmental Planning and Assessment Regulation 200 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Upper Hunter Development Control Plan 2015 Planning agreements: Nil Provisions of the Environmental Planning and Assessment Regulation 2000: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Supplementary Report: Council assessment report: 11 April 2019 List any clause 4.6 variation requests here: NIL Written submissions during public exhibition: 7
8	PAPERS CIRCULATED ELECTRONICALLY	Papers were circulated electronically between Monday, 22 July 2019 and Monday, 29 July 2019.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report