

RECORD OF DEFERRAL

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 8 May 2019
PANEL MEMBERS	Michael Leavey (Chair), Peter Brennan, Julie Savet Ward, Wayne Bedggood and Steve McDonald
APOLOGIES	Jason Perica and Kara Krason
DECLARATIONS OF INTEREST	None

Public meeting held at Upper Hunter Shire Council – 135 Liverpool Street, Scone on 8 May 2019, opened at 2.30pm and closed at 4.30pm.

MATTER DEFERRED

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

REASONS FOR DEFERRAL

After considering the Council's assessment report, inspecting the site and hearing from community members at the meeting, the Panel was of the view that there was insufficient information on certain aspects of the proposal to make a definitive decision on the proposal, with regard to:

- the relationship of the development with surrounding residential properties, and measures to reduce impacts on these properties;
- ensuring safe access and circulation within and to the development;
- the sustainability of the development, particularly in terms of water reuse; and
- ongoing measures to ensure compliance with acoustic standards.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution to defer the determination, and the decision was unanimous.

TERMS OF DEFERRAL

The Panel agreed to defer the determination of the application until further information is provided by the applicant, as detailed below:

1. Submission of amended plans (including landscape details) which move the proposed acoustic fence to be a minimum of 6m from the southern boundary, and provide a minimum landscaped area of 2m on the northern side of the fence. The landscaping plans are to provide details of planting on both sides of the fence, with the objective of screening the fence, minimising its visual impact in addition to minimising noise impact. All landscaping is to be appropriate for the local area (species, form and mass) and climatic conditions, and on the southern side of the fence is to include appropriate species given the future shading of the area from the acoustic fence. If irrigation is to be provided it should be indicated. Details are also to be provided on the design, materials and colour of the acoustic fence.
2. Submission of amended plans showing swept paths and circulation routes for the driveway areas surrounding the truck parking area, with a view to reducing the amount of paved area and increasing capacity for landscaping. In requesting circulation routes, the Panel is of the view that all traffic movements should follow a forward path, and not require u turns within the driveway areas.
3. Submission of amended plans that relocate or redesign the loading area to the supermarket to enable access and manoeuvring without impacting on the main entry driveway from Perth Street or the proposed bottle shop drive-through. The Panel does not support any reversing from the main driveway and across the drive-through lanes. The amended plans are to address possible

larger vehicle types required for loading, as well as providing details on the acoustic and visual treatment of the loading area given its proximity to residential properties.

4. Provide further detail on the main entry driveway treatment from Macqueen Street, including measures proposed to separate and manage different vehicle types, routes and destinations within the site.
5. Provide further detail on the Stage 1 concept intersection treatment at the corner of Perth Street and Macqueen Street, and how this relates to the Stage 2 provision of traffic signals. Detail is also to be provided on the ability to provide safe pedestrian access to the Stage 1 development given the nature of uses proposed.
6. Submission of amended plans to reduce the height of the proposed pylon signs. Along Macqueen Street the height of signs is to be reduced to be consistent with other similar signs in the Upper Hunter Shire, and having regard to surrounding development and the character of the local area. Along Perth Street, sign height and width is to be further reduced to a scale more compatible with the site's location adjoining residential development.
7. Provide details for water re-use of roofwater and/or stormwater for irrigation and other non-potable uses on the site and possibly in the buildings.
8. Consider the allocation of space within the development for community facilities, and other community measures such as signage and noticeboards.

The Panel also requested that Council:

1. review the recommended conditions of consent, and particularly to ensure there is a robust framework for the ongoing monitoring and management (including penalties if required) of noise resulting from the proposed uses; and
2. seek written confirmation from Roads & Maritime Services for the provision of traffic signals being at Stage 2 of the development.

Following the submission and review of the additional information, the matter shall be reported back to the Panel for determination, which may be by electronic means.

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 report, in conjunction with the further details sought in the deferral, 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	- Environmental planning instruments: - 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: - Upper Hunter Development Control Plan 2015 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council assessment report: 11 April 2019 - Written submissions during public exhibition: 7 - Verbal submissions at the public meeting: - In objection – Beverley Atkinson, Sue Abbott, Kaye Munro - Council assessment officer – Paul Smith - On behalf of the applicant – David Rowe
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection: Wednesday, 8 May 2019 - Briefing: Wednesday, 8 May 2019 - Final briefing to discuss council's recommendation, Wednesday, 8 May 2019, 1.5pm. Attendees: <u>Panel members</u>: Michael Leavey (Chair), Peter Brennan, Julie Savet Ward, Wayne Bedggood and Steve McDonald <u>Council assessment staff</u>: Paul Smith, Matthew Pringle, Jeff Bush and Gavin Newton-Smith
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report