

**SUPPLEMENTARY REPORT TO HCC PLANNING PANEL –
DEVELOPMENT APPLICATION No. 96/2017**



ADDRESS: LOT: 113 and 114 DP: 631908
172-182 Macqueen Street Aberdeen

APPLICATION No: DA 96-2017

PLANNING PANEL REF: 2017HCC023DA

PROPOSAL: Demolition of existing structures and construction of a mixed use commercial development comprising of two storey commercial building incorporating ground floor retail shops and supermarket and first floor commercial tenancies, 24 hour highway service centre, quick service food outlet, bulky goods retail outlets, car parking, signage & landscaping

PLANS REF:	DRAWINGS NO.	DRAWN BY	DATE	RECEIVED
	PLANNING RELATED DRAWINGS / INFO			
	Site Analysis Plan A002 Issue C	Dwp	07.06.2019	14.06.2019
	Site Plan A003 Issue G	Dwp	07.06.2019	14.06.2019
	Site Plan – General Arrangement A004 Issue U	Dwp	07.06.2019	14.06.2019
	3D Views A005 Issue B	Dwp	14.06.2017	25.07.2017
	GA Plan Retail 1 Ground + Commercial Level 1 A006 Issue E	Dwp	07.06.2019	14.06.2019
	GA Plan – Retail 2 + Service Centre A007 Issue D	Dwp	07.06.2019	14.06.2019
	GA Plan – Retail 3 + Truck Parking Amenities A008 Issue C	Dwp	07.06.2019	14.06.2019
	3D Site A009 Issue A	Dwp	13.06.2013	25.07.2017
	Elevations – Retail 1 Ground + Commercial Level 1 A010 Issue H	Dwp	07.06.2019	14.06.2019
	Elevations – Retail 2 - + Service Centre A011 Issue H	Dwp	07.06.2019	14.06.2019
	Elevations – Retail 3 + Truck Parking Amenities A012 Issue G	Dwp	07.06.2019	14.06.2019
	Sections A013 Issue C	Dwp	07.06.2019	14.06.2019

Materials / Acoustic Fence Section / Signage Pylon Elevation A014 Issue D	Dwp	07.06.2019	14.06.2019
Shadow Diagrams A015 Issue C	Dwp	07.06.2019	14.06.2019
Site Plan – Staging A161 Issue E	Dwp	07.06.2019	14.06.2019
Landscape Sketch Plan L.SK.01 Revision E	Scape Design Landscape Architecture	14.06.2019	14.06.2019
Landscape Planting Plan L.SK.02 Revision C	Scape Design Landscape Architecture	14.06.2019	14.06.2019
Landscape Sections L.SK.03 Revision A	Scape Design Landscape Architecture	14.06.2019	14.06.2019
External Intersection Works Rev B	Northrop	10.12.2018	17.12.2018
Soil and Water Management Plan DA01-05	Lindsay Dynan	11.12.2018	17.12.2018
Stormwater Water Drainage Plan DA06-09	Lindsay Dynan	11.12.2018	17.12.2018
Hydraulic Services H01 to H04 Revision 3	McCallum PFCA	10.12.2018	17.12.2018

REPORTS:

CIV Report (Muller Partnership (28 June 2017)
Access Report (Design Confidence, 4 July 2017)
Preliminary Hazard Report (Hazkem Pty Ltd, June 2017)
Geotechnical Report (June, 2017)
Traffic Impact Statement (SECA Solutions, 10 December 2018)
Acoustic Assessment (Spectrum Acoustics, May 2017)
Waste Management Plan (TTM, 22 June 2017)
Report on Detailed Site Investigation for Contamination (Douglas Partners, January 2018 Project: 91087.01)

OWNER:

Enef Investments Pty Ltd

APPLICANT:

Enef Investments Pty Ltd
C/-Dwp
16 Telford Street
NEWCASTLE NSW 2300

AUTHOR:

Mathew Pringle

DATE LODGED:

25 July 2017

AMENDED:

The development application was amended on 17 December 2018.

ADD. INFO REC'D:

14 June 2019, 3 July 2019

DATE OF REPORT:

4 July 2019

SUMMARY OF FACTS

ISSUES:

Stormwater, traffic, access, noise, site management

SUBMISSIONS:	Seven (7) submissions were received.
RECOMMENDATION:	Approval, subject to conditions of consent.

PURPOSE

The purpose of this report is to consider additional information submitted by the applicant in response to the deferral of determination of DA 96/2017 by the Hunter and Central Coast Regional Planning Panel at its meeting held on 8 May 2019.

BACKGROUND

On 8 May 2019, the Hunter and Central Coast Regional Planning Panel considered a report in respect of Development Application No. 96/2017 for a mixed use commercial development including a 24 hour highway service centre and demolition of existing structures at 172 – 182 Macqueen Street, Aberdeen.

The Panel agreed to defer 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 the 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 scale more compatible with the site's location and 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 is to be reported back to the Panel for determination, which may be by electronic means.

REPORT

In response to the panel's decision to defer the application, the applicant submitted additional information to Council, including amended plans, on 14 June and 3 July 2019. A copy of the additional information is provided in Attachment 2.

An assessment of the additional information is provided 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.*

In accordance with the requirements of deferral item 1, the amended architectural and landscape drawings show the centreline of the proposed acoustic fence at a distance of 6 metres from the southern boundary and 2 metres from the driveway kerb on the southern side of the truck parking area. The landscaping plan provides details of planting on both sides of the fence which will soften the visual impact of the fence. The landscaping is considered to be appropriate for the local area and climatic conditions. Landscaped areas to be irrigated are shown on the amended landscape drawings. Details of the design, materials and colour of the acoustic fence are included in the amended architectural documents. An additional condition of consent is recommended (Condition No. 27) requiring the acoustic fence colour to be a green tone or soft grey to blend with the adjoining landscaping.

It is considered that the amended plans satisfy the requirements of deferral item 1.

As a result of the additional details, Condition No. 20 (requiring the submission of design details for the acoustic wall) is no longer required and has been deleted.

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.*

The amended architectural and landscape drawings provide for a reduction in the hard stand areas around the truck parking area and an increased landscaped area. Swept paths and circulation routes have been provided on separate engineering drawings demonstrating there is adequate space for truck manoeuvring and circulation ensuring that all traffic movements around the truck parking area will be in a forward direction.

It is considered that the amended plans satisfy the requirements of deferral item 2.

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.*

The amended architectural drawings provide for a drive-in/drive-out outdoor undercover loading aisle adjacent to the proposed storeroom to serve both the supermarket and bottleshop. The proposed loading aisle is positioned to allow for forward moving delivery vehicles no larger than an 8.8 metre medium rigid truck which would typically service a supermarket and bottleshop of this size. Delivery vehicles would enter and leave the loading aisle in a forward direction without needing to reverse into the area and interrupt vehicle movements in the main entry driveway from Perth Street. The revised location of the proposed loading area and its distance from neighbouring properties (approximately 40 metres) as well as the provision of landscaping adjacent to the area will limit the visual and acoustic impacts on neighbouring residential properties.

It is considered that the amended plans satisfy the requirements of deferral item 3.

Condition No.46A has been added to the recommended conditions of consent to limit the size of delivery vehicles servicing the supermarket and bottleshop to an 8.8m medium rigid truck.

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.*

Drawing No. A161 shows the intended directional flow path for both larger vehicles, such as semi-trailers and B-Doubles, and smaller vehicles, such as cars, delivery vans and medium rigid trucks.

Large vehicles will enter off Macqueen Street and move in a forward one-way direction through their designated area of the site either back to Macqueen Street in the southwest corner of the site or via the truck parking area adjacent the eastern boundary and onto Perth Street. Large vehicle No-Entry signs with calming road-humps are positioned at the entries to the commercial/retail car park area and the bulky goods/retail car park area to prevent large vehicles from entering these areas.

Smaller vehicles enter off Macqueen Street and can move into the service centre and back onto Macqueen Street in the southwest corner of the site or move into the entry of either the commercial/retail car park area or the bulky goods/retail car park area and ultimately onto Perth Street. Access to and from the commercial/retail area is two way while access to the bulky goods/retail area is one way only. At the connecting entry from the commercial/retail area, stop signs with a calming road-hump is located to caution vehicles moving into the service centre area from the commercial/retail car park area. At the connecting entry from the service centre to the bulky goods/retail car park area No-Exit signs with a calming road-hump are located to prevent vehicles from exiting into the service centre area. A single access to and from the commercial bulky goods/retail areas has been established at the centre of the northern boundary to the site from Perth Street with stop signs cautioning vehicles entering Perth Street

It is considered that the amended plans satisfy the requirements of deferral item 4.

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.*

Staging of the proposed development has been amended with Stage 1 to include the retail 1/commercial, retail 2, service centre and truck parking area and Stage 2 to comprise the bulky goods/ retail 3 buildings and associated car parking. Details are shown on the revised staging plan (Drawing No. A161) in Attachment 2.

The applicant submits that the inclusion of the service centre and associated truck parking area into Stage 1 provides the economic balance which would allow for the provision of traffic signals and the appropriate safe pedestrian access to the Stage 1 development.

The revised staging provides the car parking for the retail 1/commercial building to match that as proposed in the original development application and meet the car parking provisions of the Upper Hunter DCP 2015.

The recommended conditions of consent have been amended to reflect the amended staging and to require the provision of traffic signals at the intersection of Macqueen Street and Perth Street prior to the issue of an Occupation Certificate for Stage 1.

It is considered that the amended plans satisfy the requirements of deferral item 5.

6. *Submission of amended plans to reduce the height of the proposed pylon signs. Along Macqueen Street the height of the 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 scale more compatible with the site's location and adjoining residential development.*

The amended architectural drawings show the proposed pylon signage reduced in size from 3.0m W x 8.0m H to 2.5m W x 6.0m H along the Macqueen Street frontage and removed in their entirety from the Perth Street frontage. The sign height, width and scale is generally consistent with other similar signs along the New England Highway and within the Upper Hunter Shire.

It is considered that the amended plans satisfy the requirements of deferral item 6.

As a result of the amended signage details, Condition No. 19 is no longer required and has been deleted.

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.*

The amended landscape drawings indicate the details for the re-use of roof water /stormwater for irrigation.

It is considered that the amended plans satisfy the requirements of deferral item 7.

8. *Consider the allocation of space within the development for community facilities, and other community measures such as signage and noticeboards.*

The amended architectural drawings show the inclusion of a community meeting area within the proposed development. The meeting area comprises an 8m x 8m central community space within the commercial building (retail 1) located on the ground floor between the commercial lobby and the supermarket. The space provides for a community totem, as a cylindrical information board for local community notices, and an articulated conversation seat where individuals or groups are able to meet and consult with one another.

It is considered that the amended plans satisfy the requirements of deferral item 8.

As requested by the Panel, the recommended conditions of consent have been reviewed to ensure there is a robust framework for the ongoing monitoring and management of noise resulting from the proposed uses. Recommended condition Nos. 5, 6 and 7 are considered to be adequate to ensure that noise associated with the development is monitored and managed and does not unreasonably impact on the amenity of surrounding properties. In the event that the conditions of consent are not complied with, Council may take enforcement action against the property owner by serving an Order under Section 9.34 of the Environmental Planning and Assessment Act 1979; issuing a Penalty Notice or commencing Class 4 civil enforcement proceedings in the NSW Land and Environment Court.

CONSULTATION

The amended plans/additional information has not been referred to RMS for comment or placed on public exhibition as the changes to the proposal are minor in nature and will result in a reduced environmental impact.

In relation to the installation of traffic signals at the intersection of the New England Highway and Perth Street intersection, the applicant is now proposing to provide signals at Stage 1 of the development rather than Stage 2. In this regard, the RMS, in its original assessment of the proposal, offered in-principle support to the installation of traffic control signals based on the entire development rather than any particular stage (ie it was assumed that the signals would be installed regardless of the staging of the development). As such, the original comments and recommendations received from RMS remain current and applicable to the amended proposal.

CONCLUSION

The additional information submitted by the applicant has adequately addressed the terms of deferral provided by the Hunter and Central Coast Regional Planning Panel at its meeting held on 8 May 2019. Accordingly, the conditions of consent have been updated to reflect the changes to the proposal as detailed in the additional information and amended drawings.

The development application, as amended, has been assessed as satisfactory against Section 4.15 of the Environmental Planning and Assessment Act 1979 ('the Act') subject to the updated conditions of consent in Attachment 1. Accordingly, development consent may be granted.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979,

THAT the Hunter and Central Coast Regional Planning Panel, as the consent authority, grant consent to Development Application No. 96/2017 subject to the attached conditions of consent.

REASONS FOR RECOMMENDATION

The recommendation that the development application be approved 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 Local Environmental Plan 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 Local Environmental Plan 2013.
- The development satisfies the relevant clauses of the Upper Hunter Local Environmental Plan 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 Development Control Plan 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.

There were 7 public submissions in response to the development application. The issues raised have been considered and where appropriate, addressed through conditions of consent. Broader community views have also been incorporated through the consideration of environmental planning instruments, the Upper Hunter Development Control Plan 2015 and the Environmental Planning and Assessment Act 1979.