

COUNCIL ASSESSMENT REPORT

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC-225 DA/2023/662
PROPOSAL	Health Services Facility, One (1) into Two (2) Lot Torrens Title Subdivision, Subsequent Strata Title Subdivision and Signage
ADDRESS	Lot 392 DP 755237, Metford Road, Metford
APPLICANT	EJE Architecture
OWNER	Metford Medical Pty Ltd
DA LODGEMENT DATE	3 August 2023
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Schedule 6 (Regionally Significant Development) of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> , Clause 5(b) Private infrastructure and community facilities over \$5 million, which includes health services facilities
CIV	\$14,295,581 (excluding GST)
CLAUSE 4.6 REQUESTS	NIL
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i>; • <i>State Environmental Planning Policy (Planning Systems) 2021</i>; • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>; • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>; • <i>Maitland Local Environmental Plan 2011</i>.
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	NIL
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Architectural Plans, 14541, Drawing No.: A01 to A31, prepared by EJE Architecture, dated 01/12/2023; • Subdivision Plan, 14137, Sheet 1/1, Revision B, prepared by De Witt Consulting, dated 11/09/2023; • Draft Strata Subdivision Plan of Proposed Lot 1, 14137-ST1, prepared by De Witt Consulting, dated 29/03/2023;

	<ul style="list-style-type: none"> • Draft Strata Subdivision Plan of Proposed Lot 2, 14137-ST1, prepared by De Witt Consulting, dated 29/03/2023; • Civil Engineering Plans, N23056, Drawing No.: CI-0000, CI-0120, CI-0200, CI-0300, CI-0355, CI-0700, CI-0710, Revision A, prepared by BG&E, dated 14/07/2023; • Landscape Plans, 14541.5, Drawing No.: L000, L010, L101, L102, L201, Revision B, prepared by Terras Landscape Architects, dated 19/07/2023; • Bushfire Risk Assessment, Metford-EJE, prepared by Firebird ecoSultants Pty Ltd, dated 11/09/2023; • Statement of Environmental Effects, Metford Medical-SEE-Rev2, prepared by EJE Architecture, dated September 2023; • Access Report, P222_504, prepared by Design Confidence, dated 24/07/2023; • Response to Council's Request for Additional Information. N23056, prepared by BG&E, dated 06/12/2023; • Cost Estimate Report, 18519, prepared by River Levett Bucknall, dated 24/07/2023; • Site Contamination Assessment, P2209079JR01V01, prepared by Martens Consulting Engineers, dated September 2022. • Groundwater Contamination Assessment, NEW23P-0272-AA, prepared by Qualtest Laboratory (NSW) Pty Ltd, dated 12 February 2024. • Geotechnical Investigation Report, 754-NTLGE343023-AC, prepared by Tetra Tech Coffey, dated 12 February 2024 • Survey Plan, 338.22, prepared by Rennie Golledge Pty Ltd, dated 20/10/2022; • Section J Deemed to Satisfy Solution Report, 395 Metford Road Metford, Revision 2, dated 25/07/2023; • Owner's Consent.
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	NIL
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	28 February 2024
PREPARED BY	Thomas Howell, Senior Development Planner
DATE OF REPORT	14 February 2024

EXECUTIVE SUMMARY

Development Application DA/2023/662 has been received seeking consent for a Health Services Facility, One (1) into Two (2) Lot Torrens Title Subdivision, Subsequent Strata Title Subdivision and Signage at Lot 392 DP 755237 Metford Road, Metford.

Under the Maitland Local Environmental Plan (MLEP) 2011, the site is zoned E3 Productivity Support zoning in which 'health services facility' is an innominate use permitted with consent. Details of the development include:

- Two lot Torrens title subdivision (Lot 1: 2,364m² and Lot 2: 2,814m²) inclusive of reciprocal Right of Carriageway and easement to drain water over Lot 1.
- Erection of two detached two-storey buildings containing a total of 22 tenancies, with total gross floor area of 2,757m².
- 71 car parking spaces including 6 accessible spaces and associated shared zones.
- Freestanding pylon sign measuring 5.35 m in height at the Metford Road frontage.
- Associated civil works including earthworks, stormwater detention and landscaping.
- Subsequent Strata title subdivision.

The site is irregular shaped allotment approximately 5,177m² in area and gains dual frontage: Metford Road (east) and Turton Street (west). The site is currently vacant having previously been utilised as a concrete batching plant which has largely been demolished under separate development consent (DA/2022/803). A small detached single storey site office remains at the Metford Road frontage. Large expanses of concrete hard stand also remain across most of the site with an undeveloped grassed frontage to Turton Street. The site is devoid of any significant vegetation.

The site is identified as part of the East Maitland Catalyst Area under the Hunter Regional Plan 2041. The East Maitland Catalyst Area aims to develop East Maitland into a key health and retail hub, centred around the new Maitland Hospital. The development site is located approximately 200m south of Maitland Hospital at 51 Metford Road, Metford.

The principal planning controls relevant to the proposal include *State Environmental Planning Policy (Industry and Employment) 2021*, *State Environmental Planning Policy (Planning Systems) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, *State Environmental Planning Policy (Transport and Infrastructure) 2021*, *MLEP 2011* and *Maitland Development Control Plan (MDCP) 2011*. The proposal is generally consistent with various provisions of the planning controls:

- The development is consistent with the requirements of the various State Environmental Planning Policies which apply to the development and site;
- Complies with the zoning and development standards of the MLEP 2011;
- The development is generally consistent with the controls/provisions of Parts A, B and C of MDCP 2011;
- The proposal is considered to be consistent with the various objects of the EP&A Act (orderly and economic development of land) and the public interest given it is consistent with various planning controls; and
- The proposal addresses the matters for consideration under Section 4.15(1) of the EP&A Act in relation to potential impacts to the site, surrounding area and the environment.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A referral to Ausgrid pursuant to section 2.48 of *State*

Environmental Planning Policy (Transport and Infrastructure) 2021 was sent and raised no objections.

The application was placed on public exhibition from 18 August 2023 to 14 September 2023, with no submissions being received.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied including:

- Clause 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021* for consideration of whether the land is contaminated;
- Clause 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* in relation to development within 5m of an exposed overhead electricity power line.

A briefing was held with the Panel on 19 September 2023 where key issues were discussed, including impacts of building to the boundary of the site and the structural integrity of adjacent retaining walls and buildings, applicable building setback controls, right turn movements off Metford Road, loading zones and servicing, waste management and details of land title restrictions on the proposed subdivision.

The key issues associated with the proposal include:

1. *Access, parking and traffic* – restricting right turn movements from Metford Road, minor variation to car parking rates.
2. *Bulk and scale* – siting the development in regard to boundary walls, setbacks and street frontage appearance. Any potential impact of the proposed built form on adjoining developments and streetscape.
3. *Earthworks* – excavation and retaining on shared property boundaries including impacts to adjoining developments and construction methodology of undertaking these works.
4. *Subdivision* – Required land title provisions to facilitate legal access and legal right of drain water.
5. *Waste management and servicing* – details on operational waste management, servicing areas and loading zones.

Following consideration of the matters for consideration under Section 4.15(1) of the *EP&A Act*, the provisions of the relevant State Environmental Planning Policies, the proposal can be supported.

The development application has demonstrated the health services facility is a suitable use of the land within the E3 Productivity Support with proximity to the new Maitland Hospital and within the East Maitland Catalyst Area and 'health hub'. The issues of bulk and scale, car parking and traffic, earthworks, subdivision and waste management have been considered and are not critical issues, with conditions recommended to assist with managing potential impacts.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA/2023/662 is recommended for approval subject to the conditions contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The site is known as Metford Road, Metford and has a legal description of Lot 392 in Deposited Plan 755237. The site is an irregular shaped allotment approximately 5,177m² in area. The land is zoned E3 Productivity Support as prescribed by MLEP 2011. The site is represented in Figure 1 below.



Figure 1: Aerial photo of subject site, October 2023

The development site gains dual frontage, 28.55m wide to Metford Road (east) and 32.91m wide to Turton Street (west). The site slopes from the eastern portion of the site down towards the Turton Street to the west with a cross fall of approximately 6m.

The site is currently vacant having previously been utilised as a concrete batching plant which has largely been demolished under separate development consent (DA/2022/803). A small detached single storey site office remains at the Metford Road frontage. Large expanses of concrete hard stand also remains across most of the site with an undeveloped grass frontage to Turton Street intersected only by a concrete driveway and crossover. The site is devoid of any significant vegetation. Photographs of the development site are shown at Photos 1 to 7 below.



Photo 1: existing site looking west from Metford Road



Photo 2: existing southern boundary



Photo 3: existing northern boundary



Photo 4: Metford Road frontage with existing adjoining development in background



Photo 5: existing site and adjoining development from Metford Road



Photo 6: existing frontage from Turton Street



Photo 7: southern adjoining development from Turton Street

The development site is mapped as containing bush fire prone land (Category: Vegetation Buffer) and Class 5 Acid Sulfate Soils, as identified in Figures 2 and 3 below. The site is also identified as containing potentially contaminated land as a result of historic industrial land uses occurring on the site including concrete batching. The site adjoins E4 General Industrial zoned land to the west, E3 Productivity Support zoned land to the south and RU2 Rural Landscape zoned land to the east on the opposite side of Metford Road.

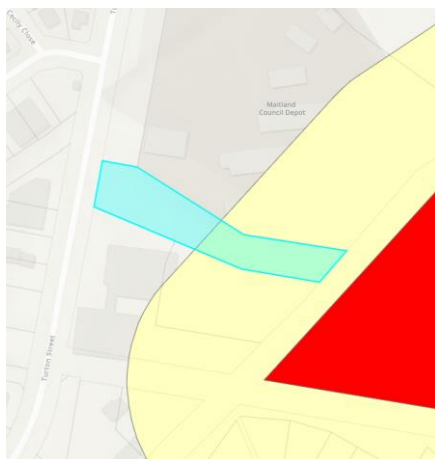


Figure 2: Bushfire mapping



Figure 3: Acid sulfate mapping

1.2 The Locality

The development site is located in the suburb of Metford, positioned in the eastern half of the Maitland City Council Local Government Area approximately 5km to the east of Central Maitland. The development site is located in an established light industrial area of Metford, north of the New England Highway and south of the Main Northern Railway Line. Metford Railway Station is approximately 1.6km to the east of the site and Victoria Street Railway Station approximately 1.1km to the north-west. Bus stops are located along Chelmsford Drive, the nearest cross-street to the south, which are serviced by routes 180 (Green Hills Shopping Centre to Singleton Heights via Maitland) and 189 (Thornton to Green Hills Shopping Centre via Chisholm).

The site is identified as part of the East Maitland Catalyst Area under the Hunter Regional Plan 2041. The East Maitland Catalyst Area aims to develop East Maitland into a key health

and retail hub, centred around the new Maitland Hospital. The development site is located approximately 200m south of Maitland Hospital.

The locality consists of a mix of commercial and light industrial buildings on various sized allotments. Maitland City Council Depot adjoins the site immediately to the north, a newly constructed medical centre adjoins the site to the south with Metford Road and Turton Street bounding the site to the east and west, respectively.

Surrounding developments are predominantly constructed from pre-cast concrete panels or metal cladding or a combination of the two with flat or low pitch roofs. Outside building envelopes, sites are generally covered boundary-to-boundary in concrete hardstand utilised for at-grade car parking or storage. A Council owned reserve runs through the eastern portion of the light industrial precinct at Chifley Street acting as a buffer to the R1 General Residential zoned land beyond.

As the subject site, and surrounding E3 Productivity Support or E4 General Industrial zoned land, are not mapped as having a minimum lot size for subdivision, larger lots are being subdivided creating greater opportunities for multiple commercial and light industrial developments.

The area is at the preliminary stages of transitioning, with new commercial developments and change of use to health services facilities within the immediate area to the development site, including:

- DA/2023/316 – Construction of Two (2) Warehouse Units and Two (2) Lot Strata Title Subdivision at 60 Turton Street, Metford.
- DA/2019/914 – Change of Use to Health Services Facility (Medical Centre) at 30 Metford Road, Metford.
- DA/2019/776 – Demolition of Existing Buildings, Construction of a Service Station (24hr) and Torrens Title Subdivision - Two Lots at 50 Metford Road, Metford.
- DA/2018/1894 – Proposed Office Premises and Self-Storage Units with Ancillary Manager's Residence, Car Parking and Landscaping and Two into Two Lot Subdivision at 40 Metford Road, Metford.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The development application proposes the erection of two detached buildings for use as a health services facility including one into two lot Torrens title subdivision (refer to Figure 4 to 6 below). The proposed works include:

- One into two lot Torrens Title subdivision consisting of:
 - Lot 1: 2,364m²; and
 - Lot 2: 2,814m².
 - Reciprocal Right of Carriageway variable width, easement to drain water 2 wide and 8.7 wide burdened Lot 1 benefit Lot 2.
- Erection of two detached buildings constructed from a combination of pre-cast concrete and metal sheeting with 6-degree pitch skillion roofs. The buildings have a combined gross floor area of 2,757m² which consists of the following:
 - Building A is two-storeys, located at the north-eastern corner of the allotment fronting Metford Road and contains 11 tenancies (six to the ground floor and five to the first floor) across a total gross floor area of 1,473m² and includes a

communal lift lobby with pedestrian access, including ramp, gained internally from the site with ground floor tenancy 6 access directly from Metford Road. Each tenancy includes private accessible bathroom facilities.

- Building B is two-storeys, located at the south-western corner of the allotment fronting Turton Street and contains 12 tenancies (four to the lower ground floor and seven to the ground floor) across a total gross floor area of 1,284m² and includes a communal lift lobby with pedestrian access, including ramp, gained internally from the site. Each tenancy includes private accessible bathroom facilities.
- Two new vehicle crossings are proposed, a 9.45m wide commercial grade crossover to Metford Road and a 6m wide commercial grade crossover to Turton Street.
- 71 car parking spaces including six accessible spaces and associated shared zones, provision of loading zones for service vehicles including waste and ambulance.
- Bulk earthworks including a maximum cut of approximately 3.5m resulting in the exportation of approximately 2,096.2m³ excavated material from the site.
- Freestanding pylon sign at the Metford Road frontage (1.8m x 5.35m) to identify future tenancies.
- Stormwater works including provision of a combined underground on-site detention and water quality tank with a volume of 100m³, seven stormwater pits across the site, new kerb inlet pit on Turton Street and other associated works.
- Supplementary landscaping across the site including feature trees, screen planting and ground covers.
- Subsequent 11 lot Strata title subdivision to Lot 1 and 11 lot Strata title subdivision to Lot 2.
- Hours of operation, including deliveries as follows:
 - Monday to Friday, 7am to 6pm;
 - Saturday, 9am to 12pm;
 - Sunday, closed.

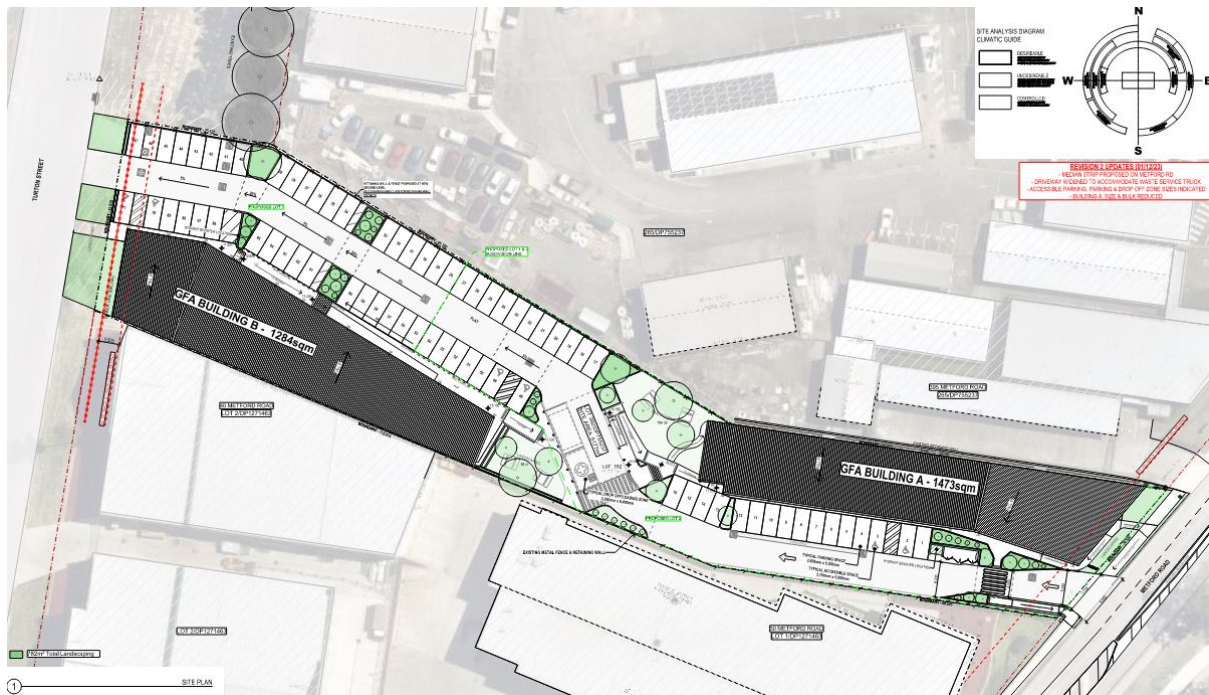


Figure 4: Proposed site plan (source: EJE Architects, 01/12/2023)



Figure 5: Metford Road Photorealistic Render (source: EJE Architects, 01/12/2023)

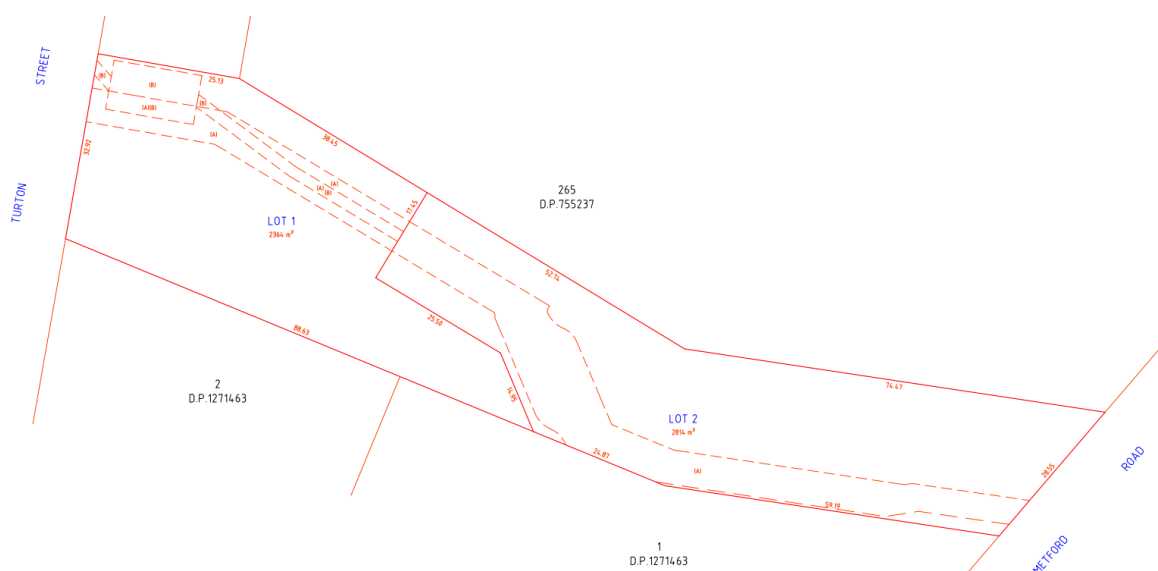


Figure 6: Proposed subdivision plan (source: De Witt Consulting, September 2023)

Table 1: Development Data

Control	Proposal
Site area	5,177m²
GFA	2,757m²
FSR (retail/residential)	N/A
Clause 4.6 Requests	No
Max Height	8.35m (No LEP height control)

Landscaped area	458m² or 8.8% of the site
Car Parking spaces	71
Setbacks	<ul style="list-style-type: none"> • NIL to the northern and southern side boundaries. • 3.5m to Metford Road frontage. • 3m to Turton Street frontage.

2.2 Background

The development application was lodged on **3 August 2023**. A chronology of the development application since lodgement is outlined in Table 2 below including the Panel's involvement with the application:

Table 2: Chronology of the DA

Date	Event
3 August 2023	DA lodged.
11 August 2023	DA referred to external agencies.
18 August 2023 to 14 September 2023	Exhibition of the application. No submissions received.
24 August 2023	Request for Information from Council to applicant regarding clarification on proposed use, additional operating details, waste management plan, Hunter Water Corporation stamped plans, CPTED comments, signage details, bushfire requirements, retaining wall details, notation of easements on subdivision plans, notation of levels and heights on the elevation plans, land contamination assessment.
1 September 2023	Ausgrid comments received.
18 September 2023	Amended plans lodged by applicant to include further details of the northern and southern boundaries walls and proposed signage. Additional documentation including amended Statement of Environmental Effects to include operational details and CPTED assessment, amended subdivision plans, Hunter Water Corporation stamped plans. bushfire assessment and preliminary site investigation.
19 September 2023	Preliminary Panel briefing. The following key issues were identified by the Panel which required further consideration:

	<ul style="list-style-type: none"> • Further engineering and geotechnical details to be provided as part of the application to understand impacts of building to the boundary of the site and the structural integrity of adjacent retaining walls and buildings. • Panel to understand applicable setback controls. • Requirement for possible restriction of right turn movements off Metford Road identified. • Loading / unloading needs to be clarified with details of the types of trucks servicing the facility. • Waste management arrangements need to be detailed and assessed. • Details of the Torrens Title subdivision is needed including rights of way, easements, section 88B instruments.
2 November 2023	Request for Information from Council to applicant to include amended plans to demonstrate median and associated line marking along Metford Road to restrict right turn movements into the site, details of widths and grades of parking areas and driveways, additional stormwater modelling, engineering details of retaining proposed along the boundaries, additional land title requirements for the maintenance of the stormwater drainage system, groundwater assessment.
1 December 2023	Additional documentation lodged by applicant including amended Operational Waste Management Plan, photomontages, retaining wall details and additional stormwater information.
23 January 2024	Minor Request for Information from Council to applicant ensuring appropriate driveway grades can be achieved.
14 February 2024	Additional documentation lodged by applicant including groundwater contamination assessment and geotechnical investigation report.
19 February 2024	Draft conditions of consent provided to the applicant for review.
21 February 2024	Council assessment report and draft conditions lodged to the Panel.

2.3 Site History

BA84/0233

Development consent was granted by Maitland City Council on 30 March 1984 for the erection of bulk cement silos.

BA84/1040

Development consent was granted by Maitland City Council on 18 December 1984 for office additions.

DA14/2743

Development consent was granted by Maitland City Council on 28 November 2014 for the removal of four trees.

DA/2020/159

Development consent was granted by Maitland City Council on 5 March 2020 for the removal of two trees.

DA/2022/803

Development consent was granted by Maitland City Council on 26 September 2022 for the demolition of industry including concrete batching silos and associated infrastructure.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Industry and Employment) 2021;*
- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *Maitland Local Environmental Plan 2011.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable State Environmental Planning Policies

EPI	Matters for Consideration	Comply (Y/N)
SEPP (Biodiversity and Conservation) 2021	<ul style="list-style-type: none"> • Chapter 4 – Koala habitat protection 2021 The development site does not contain koala feed tree species or is a core koala habitat. 	Y
SEPP (Industry and Employment) 2021	<ul style="list-style-type: none"> • Chapter 3 – Advertising and signage Section 3.6 - requires the consent authority to be satisfied that development consent to display signage satisfies assessment criteria in Schedule 5. 	Y
SEPP (Planning Systems) 2021	<ul style="list-style-type: none"> • Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5 of Schedule 6 as it comprises private infrastructure and community facilities over \$5 million. 	Y
SEPP (Resilience & Hazards) 2021	<ul style="list-style-type: none"> • Chapter 4: Remediation of Land Section 4.6 - Contamination and remediation has been considered in the Site Contamination Assessment prepared by Martens Consultant Engineers and Groundwater Contamination Assessment prepared by Qualtest Laboratory (NSW) Pty Ltd and the site is considered suitable for the proposed use with regards to contamination. 	Y
SEPP (Transport and Infrastructure) 2021	<ul style="list-style-type: none"> • Chapter 2: Infrastructure Section 2.48 - development carried out within 5m of an exposed overhead electricity power line. 	Y

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4: Koala habitat protection 2021

The site is not a core koala habitat, and it has limited habitat protected by this policy.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3: Advertising and signage

This chapter of the SEPP requires signage to be compatible with the future character of an area, provide effective communication in suitable locations and be of high-quality design and finish. The application proposes the erection of a freestanding pylon sign at the Metford Road frontage (5.35m in height, 1.8m in width, 300mm in depth) containing panels for 22 future tenancies.

The proposed signage is consistent with the definition of a '**building identification sign**' as provided under the Standard Instrument, as its primary purpose is for the identification of the building and future business operations within the proposed development. Section 3.6 of

SEPP (Industry and Employment) 2021 requires that the consent authority cannot grant consent unless it is satisfied:

- (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

Schedule 5 of the SEPP sets out Assessment Criteria for the assessment of applications for advertising signs which is addressed below:

Table 4: Schedule 5 Assessment Criteria of SEPP (Industry and Employment) 2021

Assessment criteria	Comment	Comply (Y/N)
1. Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The proposed pylon sign at the front of the site is for business identification purposes only and does not detract from the existing amenity of the area.</p> <p>Newer developments along this section of Metford Road also contain detached signage panels of similar size. As such, the proposal is consistent with the existing and desired future character of the area.</p>	Y
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage is consistent with signage for a development of this nature and is consistent with the theme of surrounding signage.	Y
2. Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	It has been determined that the size of proposed signage panel does not detract from the amenity of the area or create unreasonable impact.	Y
3. Views and vistas		
Does the proposal obscure or compromise important views?	No. There are no important views obscured.	Y
Does the proposal dominate the skyline and reduce the quality of vistas?	No. The pylon sign is detached and is set below the proposed building height of the development at 5.350m.	Y
Does the proposal respect the viewing rights of other advertisers?	Yes. The signage does not obscure other signs.	Y

4. Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. The scale, proportion and form of the signage panel is consistent with the streetscape and appropriate for its location and commercial light industrial setting.	Y
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage panel creates visual interest within the streetscape.	Y
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage panel is to be the only signage along the Metford Road frontage. The addition of one pylon sign within the area is not considered to create unreasonable clutter within the streetscape.	Y
Does the proposal screen unsightliness?	No.	Y
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No. The signage panel is below the is set below the proposed building height of the development.	Y
Does the proposal require ongoing vegetation management?	No. The proposed landscape plan nominates groundcover species within proximity to the footings of the signage panel and it is not anticipated ongoing vegetation management will be required.	Y
5. Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. The signage is compatible in scale with the proposed buildings.	Y
Does the proposal respect important features of the site or building, or both?	Yes. The signage does not detract from the building or any important feature of the site.	Y
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The sign is conventional and appropriate for the development use as a health services facility.	Y
6. Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No.	Y

7. Illumination		
Would illumination result in unacceptable glare?	Illumination is proposed and will be conditioned to comply with relevant luminosity standards and be restricted to operating hours only.	Y
Would illumination affect safety for pedestrians, vehicles or aircraft?	No. The scale of the signage facing the street frontage is not likely to affect safety of pedestrian, vehicles or aircraft.	Y
Would illumination detract from the amenity of any residence or other form of accommodation?	The site is located within a light industrial precinct with no adjoining residences. The signage is of a scale unlikely to detract from the amenity any residences.	Y
Can the intensity of the illumination be adjusted, if necessary?	Not necessary.	Y
Is the illumination subject to a curfew?	Yes. Illumination will be restricted to the hours of operation.	Y
8. Safety		
Would the proposal reduce the safety for any public road?	No. The signage is located within the subject site and is not considered to detract the from the safety of drivers.	Y
Would the proposal reduce the safety for pedestrians or bicyclists?	No. The signage is located within the subject site and is not considered to detract the from the safety of pedestrians or cyclists.	Y
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The signage does not obscure sightlines.	Y

For the reasons above, the proposed signage is of a scale and design suitable for the locality and is consistent with the provisions of Chapter 3: Advertising and signage under SEPP (Industry and Employment) 2021.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and regional development

The proposal is regionally significant development pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the SEPP (Planning Systems) 2021 as the proposal is development for private infrastructure and community facilities over \$5 million as a health services facility. Accordingly, the HCCRPP is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of land

Section 4.6 provides that prior to granting consent to the carrying out of any development on land the consent authority is required to give consideration as to whether the land is contaminated and, if the land is contaminated, whether the land is suitable for the purpose of the development or whether remediation is required.

A site contamination assessment was undertaken (Martens Consulting Engineers, 20/09/2022) to provide a preliminary assessment of the contamination status of the site and to assess the suitability of the site for the proposed industrial subdivision. A combination of desktop review and soil investigations was undertaken as part of the assessment.

- The site history review indicated that the site was cleared of vegetation sometime between 1966 and 1977, with existing site infrastructure appearing visible between 1977 and 1993, and the site has retained its use to present day.
- Site walk over occurred on 25/07/2022 which observed the following conditions:
 - The site is predominantly covered in hardstand and features structures related to its function as a concrete batch plant.
 - An office building and toilet are situated in the eastern section of the site.
 - Ponds with depths ranging from 40 cm to 60 cm are located in the western area.
 - Stockpiles in the central part of the site contain aggregates like concrete blocks, ballast, and cobbles, with no visible foreign materials on their surfaces.
 - Corrosive liquid-filled IBC storage tanks were spotted on the premises.
 - There is no indication of past or current on-site storage of fuel or chemicals, such as breather pipes or fill points.
 - No observable surface signs of potential contamination, like staining or odor, were detected.
- Potential contamination sources at the site include imported fill material from unknown sources introducing potential contamination including hydrocarbons, heavy metals, pesticides, PCD and asbestos. The previous use of the site as a concrete batching plant may have also introduced site contamination.
- Subsurface soil investigations were completed on 25/07/2022 and involved excavation of seven boreholes up to a maximum investigation depth of 2.5m below ground level. The results of the drilling works found fill (up to 2.0m below ground level) was encountered at all testing locations and was found to be generally consistent gravely clay and sand. No observations of anthropogenic inclusions (such as building waste) or any obvious visual or olfactory signs of contamination were made apart from hydrocarbon odour detect in BH103 between 0 and 1.5m below ground level.
- Soil samples collected from fill material were analysed for contaminants of potential concern (COPC) associated with potential site contamination sources as outlined in the CSM.

The report concludes that based on the sampling of the site no indications of gross contaminants have been identified which exceeds the sites land use as commercial/industrial development. However, the report states that the current status of groundwater is considered to be a data gap that requires further assessment. The applicant was required to provide further information as development works include significant cut which may encounter groundwater.

A groundwater contamination assessment was undertaken (Qualtest Laboratory (NSW) Pty Ltd, 12/02/2024) to assess whether groundwater contamination is present, and provide

recommendations on the need for further assessment, management or remediation. Qualtest carried out the following scope:

- Drilling and installation of three groundwater wells, and collection of groundwater samples.
- Laboratory analysis of selected groundwater samples for identified contaminants of potential concern (COPC).
- Data assessment and preparation of this Groundwater Contamination Assessment Report.

The groundwater sampling and analysis identified concentrations of metals exceeding the aquatic ecosystem guidelines in MW01, MW02 and MW03. Given the top-down nature of contamination, clayey sub-soils, and depth to groundwater (>3m below ground level), these concentrations of metals in the groundwater are considered to represent regional background conditions, and not caused by site activities/uses. This is further supported by similar concentrations of metals in an off-site well located in a cross-gradient position to the site.

Based on the results of the groundwater contamination assessment, it is considered that groundwater does not pose a risk to the proposed development from a contamination perspective. Council's Senior Contamination Officer has reviewed this report and advised the site is acceptable in regard to land contamination risk subject to an undisclosed finds condition provided in **Attachment A**.

A condition has been imposed requiring that any unexpected finds being found on site during works be assessed for being potentially contaminating. If potential contamination is encountered, site works will be ceased, and suitable environmental consultant will be engaged for assessment. As such, the proposed development is considered acceptable from a land contamination perspective.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

Division 5: Electricity transmission or distribution

In accordance with Clause 2.48 (Development impacted by an electricity tower, electricity easement, substation, power line) of SEPP (Transport and Infrastructure) 2021, the proposed development is located within 5m of an exposed overhead electricity power line along Metford Road and a referral to Ausgrid was completed.

A referral response was provided by Ausgrid on 1 September 2023 indicating that the proposed development is satisfactory subject to compliance with relevant Ausgrid, SafeWork, Australian Standards and Building Code of Australia requirements. Ausgrid's advice is summarised below:

Electricity Connection: *Connection methods must adhere to Ausgrid's Electrical Standard. Developers are advised to consult with Ausgrid for advice on connecting to the electricity network.*

Conduit Installation: *Evaluation of the need for additional conduits will be conducted by Ausgrid's Design Information*

Vegetation: *Vegetation near power lines must comply with ISSC 3 Guideline.*

Streetlighting: *Developers need to consider existing and future streetlighting impact on the development. Relocation may be necessary, generally at the developer's cost.*

Proximity to Existing Network Assets:

- *Overhead Powerlines: Minimum safety distances must be maintained between mains/poles and structures in accordance with Ausgrid Network Standard, NS220 Overhead Design Manual. Developers must submit a survey plan prior to issue of a construction certificate.*
- *Underground Cables: Developers should ensure construction activities do not interfere with underground cables along Metford Road.*
- *Substation: Ventilation openings must meet relevant regulations, with specified separation distances from building ventilation systems. Fire resistance and electromagnetic field exposure guidelines must be followed. Existing easements must be maintained.*

A condition of consent has been imposed requiring compliance with Ausgrid's requirements.

Maitland Local Environmental Plan 2011

The relevant local environmental plan applying to the site is the MLEP 2011. The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (c) to facilitate ecologically sustainable development of land and natural assets,
- (d) to protect and maintain the extent, condition, connectivity and resilience of natural ecosystems, native vegetation, wetlands and landscapes, including those aspects of the environment that are matters of national environmental significance within Maitland in the long term,
- (e) to properly plan and protect human-made resources of Maitland including buildings, structures and sites of recognised significance which are part of the heritage of Maitland,
- (f) to protect, enhance or conserve the natural resources of Maitland including the following—
 - (i) areas of high scenic rural quality,
 - (ii) productive agricultural land,
 - (iii) habitat for listed threatened species and endangered ecological communities,
 - (iv) minerals of regional significance,
- (g) to create liveable communities which are well connected, accessible and sustainable,
- (h) to provide a diversity of affordable housing with a range of housing choices throughout Maitland,
- (i) to allow for future urban development on land within urban release areas and ensure that development on such land occurs in a co-ordinated and cost-effective manner,
- (j) to concentrate intensive urban land uses and trip-generating activities in locations most accessible to transport and centres, strengthening activity centre and precinct hierarchies and employment opportunities,
- (k) to ensure that land uses are organised to minimise risks from hazards including flooding, bushfire, subsidence, acid sulfate soils and climate change,
- (l) to encourage orderly, feasible and equitable development whilst safeguarding the community's interests, environmentally sensitive areas and residential amenity.

The proposal is consistent with these aims as the development will provide essential health services to meet the needs of the local community and wider Maitland population. The development is well-connected and accessible, particularly in regard to the proximity of the site to the new Maitland Hospital. The development is generally consistent with the future desired land use of the site and surrounding area and mitigates hazards, including bushfire risk.

Zoning and Permissibility (Part 2)

The site is located within the E3 Productivity Support Zone pursuant to Clause 2.2 of the MLEP. Refer to Figure 7.

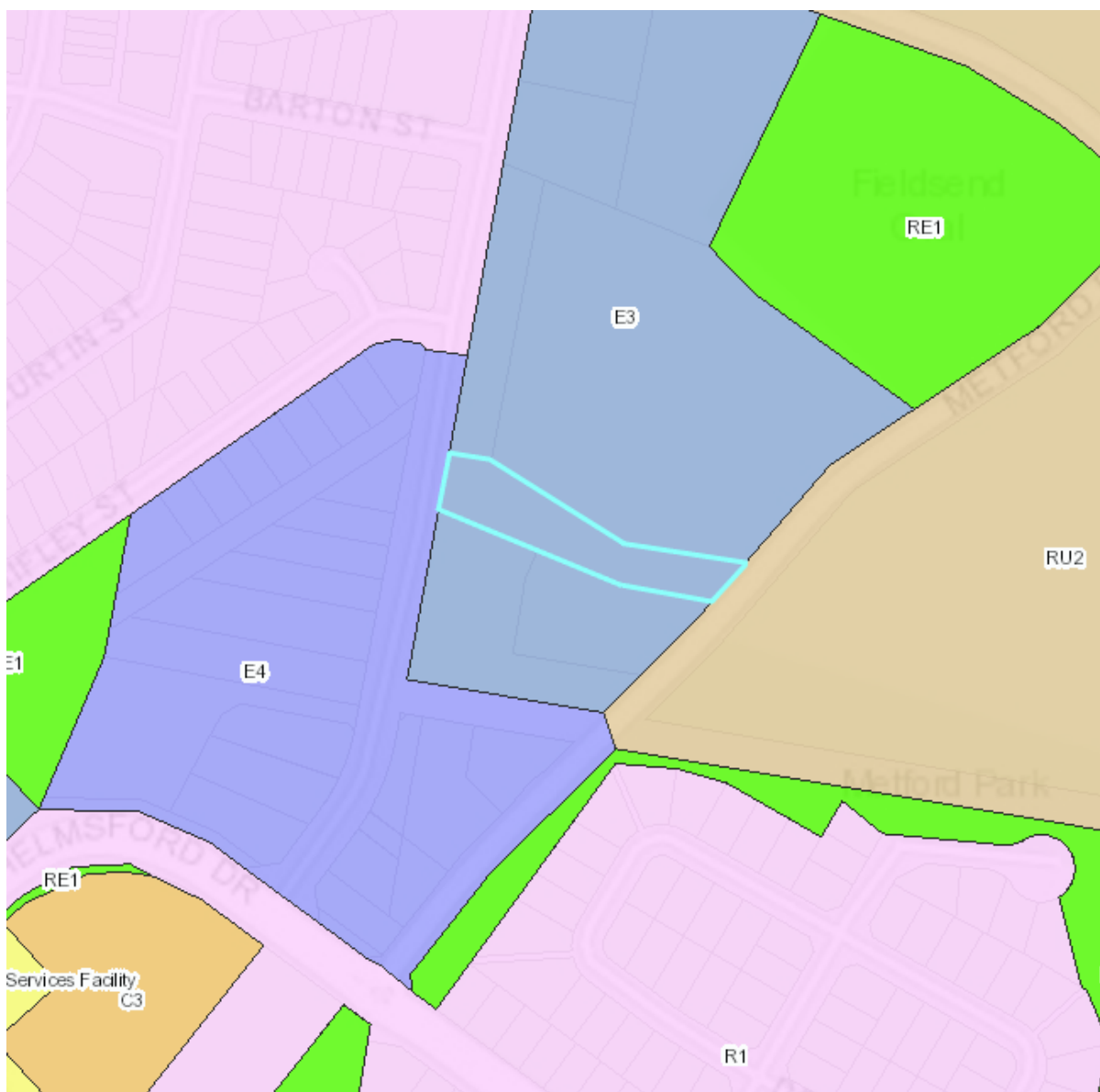


Figure 7: Maitland LEP 2011 land use zoning map with subject site highlight in blue (source: Maitland LEP 2011, 2023)

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of ‘health services facility’ which is a permissible use with consent in the Land Use Table in Clause 2.3.

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,*
- (b) community health service facilities,*
- (c) health consulting rooms,*
- (d) patient transport facilities, including helipads and ambulance facilities,*
- (e) hospital.*

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide a range of facilities and services, light industries, warehouses and offices.*
- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*

- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To minimise conflict between land uses within the zone and with adjoining zones.

The proposed development is consistent with the objectives of the zoning as it provides opportunities for essential health services without creating conflict with adjoining land uses. The proposed development is not considered to create any competition with surrounding commercial centres, particularly as the subject site is captured within the East Maitland Catalyst Area which aims to create a health hub in proximity to the new Maitland Hospital. The site is located within an established light industrial precinct with newer developments transitioning to a more commercial or health service focus and the health service facility a compatible land use to meet the needs of the employment zone in which it is located.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions, and local provisions. The controls relevant to the proposal are considered in **Table 5** below.

Table 5: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Heritage (CI 5.10)	The consent authority must, before granting consent to the carrying out of development in an Aboriginal place of heritage significance consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement).	The development site is not deemed to be a place of Aboriginal Place of Heritage Significance having regard to an AHIMS search.	Y
Acid sulfate soils (CI 7.1)	Class 5: works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be	The proposed development works are not located within 500m of adjacent Class 1, 2, 3 or 4 land.	Y

	lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.		
Earthworks (CI 7.2)	Development Consent is required for earthworks unless the works are ancillary to other development for which development consent has been given.	<p>The earthworks are ancillary to the proposed health services facility subject to this development application. A total excavation of 2,414.2m³ across the site is proposed to facilitate the development with a maximum depth of 3.5m.</p> <p>Earthworks associated with completion of the development including levelling the site and lower ground level of Building B given the topographic nature of the site. All the earthworks will be conditioned to comply and tested as per AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments. Conditions of consent will also be included to ensure sedimentation and erosion controls measures are implemented during the construction phase and best practice measures are implemented. As such, minimal impacts are likely to occur onto the surrounding environment.</p>	Y

The proposal is considered to be generally consistent with the LEP.

3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

No issues are identified relating to the following Draft State Environmental Planning Policies:

- Draft Remediation of Land SEPP.

Furthermore, there are no applicable Draft EPIs with regard to the MLEP 2011

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Maitland Development Control Plan 2011* ('the DCP')

The following chapters of the MDCP are relevant to the assessment of the proposal:

- *Part A – A.4 Notification.*
- *Part B – B.6 Waste Not – Site Waste Minimisation & Management.*
- *Part C – C.1 Accessible Living, C.5 Industrial Land, C.7 Outdoor Signage, C.10 Subdivision, C.11 Vehicular Access & Car Parking, C.12 CPTED.*

Table 6 below provides a summary of relevant provisions of MDCP 2011, with a detailed assessment available at **Attachment B**.

Table 6: Consideration of DCP controls

Maitland DCP 2011 controls		
Control	Consideration	Comply
A.4 Notification	The application was placed on public exhibition for a period of 28 days from 18 August 2023 to 14 September 2023 in accordance with the <i>EP&A Act</i> , <i>EP&A Regs</i> and M DCP 2011. During this time no submissions were received.	Y
B.6 Waste Not - Site Waste Minimisation & Management	A Waste Management Plan was submitted with the application, outlining waste types, quantities, and disposal methods, with specific conditions of consent addressing waste management during construction. An Operational Waste Management Plan, prepared by EJE Architects, was also provided, detailing waste management for the health services facility, including recycling and clinical waste disposal, Council's Waste Officer has reviewed as acceptable subject to appropriate conditions ensuring compliance with relevant guidelines, and provisions for waste storage and vehicle access on-site.	Y
C.1 Accessible Living	An Access Report has been provided to support the proposal demonstrating compliance with disability access legislation and Council's requirements to ensure equal access opportunities for visitors and staff, with detailed design adjustments necessary to achieve full compliance with accessibility standards. Appropriate conditions are recommended.	Y
C.5 Industrial Land	The proposed development is generally compliant with the relevant provisions of this chapter. A minor variation is proposed in regard to the setback of the building to the Turton Street frontage which requires a minimum landscaped frontage of 5m. A 3.5m setback is provided to the front building line at Turton Street with car parking flush	Y

	to the boundary at the north-western corner. The variation to the setback controls is deemed necessary and supportable as the proposed buildings maintain suitable bulk and scale with wall-length glazing, architectural features like balcony projections, material changes, and a 6-degree pitch roof to mitigate visual dominance. The proposed built form provides adequate building separation to adjoining properties and does not unreasonably impact on the amenity and privacy of adjoining development. The development is compatible with adjoining land uses and any impacts negligible or controlled via recommended conditions of consent.	
C.6 Signage	The proposed development includes the installation of a freestanding pylon sign fronting Metford Road. The proposed signage panel complies with the requirements of this chapter. Conditions are recommended.	Y
C.10 Subdivision	The proposed development includes a one into two lot Torrens title subdivision and subsequent strata title subdivision. The proposed lots have access to essential services such as water, sewer, and electricity. Each lot also gains direct vehicle access to a public road. Appropriate Right of Carriageways and easement to drain water have been incorporated in the subdivision plans. Conditions are recommended.	Y
C.11 Vehicular Access & Car Parking	A Traffic Impact Assessment and supporting civil engineering plans have been provided. The proposed development seeks a variation to the overall carparking rates provided under this chapter. Considering various factors outlined in MDCP 2011, a reduction in parking requirements is justified due to staggered demand, location in a business zone, and proximity to public facilities. The proposal seeks a variation of 10%, which is deemed necessary and supportable given the facility's nature and accessibility requirements. Matters relating to access, parking and traffic are discussed in further detail under the key issues section below. Conditions are recommended having regard to design and construction of the vehicle access, internal driveway, carparking and loading areas.	Y
C.12 CPTED	A CPTED was addressed in the submitted Statement of Environmental Effects in accordance with the provisions of this chapter of DCP. Conditions are recommended.	Y

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Maitland Section 94A Levy Development Contributions Plan 2006 (Revision (C) 2013).*

The proposal attracts a contribution of **\$163,856** under Council's current adopted Section 7.12 Plan and is included in the recommended draft consent conditions.

3.4 Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 61 (1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, comprising the following:

Appropriate conditions of consent have been included to ensure demolition works comply with all relevant Australian Standards including AS2601-1991 'The Demolition of Structures'.

3.6 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPP's, LEP and DCP controls outlined above and the Key Issues section below.

The development is located within a site suitably zoned for the proposed use and is of a size able to cater for such development. The development is compatible with the existing character, bulk, scale, and massing of the existing built form in the immediate area. The proposal will not have any negative social or economic impacts. The development has been designed to generally satisfy the requirements of MDCP 2011 and as a result the development is unlikely to adversely impact upon adjoining properties.

3.7 Section 4.15(1)(c) - Suitability of the site

The site is suitable for the proposed development as it is consistent with the objectives of the E3 Productivity Support zone under the MLEP 2011 and generally compliant with relevant controls of the MDCP 2011. The site is appropriately positioned within the East Maitland Catalyst Area 'health hub' under the Hunter Regional Plan 2041 and is in proximity to the new Maitland Hospital. The buildings achieve a satisfactory architectural design that is sympathetic to the locality. The development is supported with a stormwater drainage design and landscape plan complementary to Council's requirements and has been conditioned accordingly. The development adheres to site constraints and restrictions and does not unreasonably impact upon the surrounding environment. The development is considered a suitable outcome for the subject site.

3.8 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 5 of this report.

3.9 Section 4.15(1)(e) - Public interest

The proposal is within the public interest as it will provide essential health services that is compatible within the Metford / East Maitland health precinct to meet the needs of the community, without impeding on the social, economic, built or natural environments. The proposal demonstrates consistency with the zone objectives and Council's development controls. The development is typical of that within the locality, will not result in unreasonable burden upon existing infrastructure or services.

• REFERRALS AND SUBMISSIONS

3.10 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 7.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 7: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A – concurrence was not required.			
Referral/Consultation Agencies			
Electricity supply authority	Section 2.48 – SEPP (Transport and Infrastructure) 2021, Development near electrical infrastructure	The application was referred to Ausgrid and referral response was provided on 1 September 2023 indicating that the proposed development is satisfactory.	Y
Integrated Development (S 4.46 of the EP&A Act)			
N/A – the application was not integrated development			

3.11 Council Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 8**.

Table 8: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Referral advice provided regarding vehicular access, stormwater detention, internal vehicular manoeuvrability, land title requirements and	Y

	servicing. After amended plans and additional documentation provided by the applicant Council's Subdivision and Engineering Team provide no objections to the proposed development subject to conditions included under Attachment A .	
Building	No referral comments provided. Relevant conditions recommended are included under Attachment A .	Y
Land Contamination	Referral advice provided concurs with the contamination report provided confirming the site is suitable for the proposed use. Conditions are recommended under Attachment A .	Y
Waste	Referral advice provided confirms adequate waste bins and associated storage areas have been provided noting the waste service will be managed by an external contractor.	Y
Development Contributions	Referral advice provide implements the applicable contributions levy under Maitland City Council's current S7.12 plan. Refer to Attachment A .	Y
Community Planning	Referral advice provided supports the finding of the submitted access report. The development can comply with relevant access requirements subject to detail design which has been condition under Attachment A.	Y
Strategic Planning	Referral advice supports the proposal as the site is located within the East Maitland Catalyst Area being identified by Council and NSW Government as a growth area anchored by hospital services, retail, and regional transport networks. The proposal satisfies the aims and objectives of the East Maitland Catalyst Area, while being aligned to the Metford Development Precinct providing supportive services to the new Maitland Hospital.	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

3.12 Community Consultation

The proposal was notified in accordance with the MDCP 2011 from 18 August 2023 until 14 September 2023. The notification included the following:

- 13 notification letters sent to adjoining and adjacent properties.
- Notification on the Council's website.

During this time, no submissions were received.

• KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

3.13 ACCESS, PARKING AND TRAFFIC

Access

The driveway on Metford Road will provide for entry movements only and is located in a similar location to the existing 2-way driveway that serves the site in this location. This driveway is located on a straight section of the road with both left and right turn movements permitted into the site. There is a sheltered right turn lane on Metford Road that services the subject site. A condition of consent, however, will require the construction of a median and line marking restricting the right turn movements in the site remaining consistent with the adjoining newer developments to the south.

Appropriate sight distances are achieved for drivers entering the site via Metford Road and exiting the site to Turton Street. The driveway widths and location are deemed satisfactory with supplementary conditions of consent requiring detailed design of the driveway crossover at section 138 stage. Refer to **Attachment A**.

Parking

The proposed car parking rates are assessed in accordance with Chapter C.11 'Vehicular Access & Car Parking' of Maitland DCP 2011 which requires two car parking spaces per medical practitioner/professional for medical centre developments. It is noted that the development plans do not nominate the number of practitioners, however, provides for 22 separate tenancies and a total gross floor area of 2,757m². As the development is intended to be leased to separate medical providers (i.e. there is no end tenant), also with potential for individual change of use applications, it is difficult to ascertain the total required car parking rates. Further, it is noted that adjoining development of a medical centre (DA/2019/914) applied the business and office car parking rate. The following parking rates under Table 9 have therefore been considered:

Table 9: Applicable car parking rates under Chapter C.11 of Maitland DCP 2011

Land use	Parking rates
Health consulting rooms / medical centre	2 spaces per medical practitioner/professional
Business and office premises	1 space per 40m ²

The development provides for a total parking provision of 71 spaces (inclusive of six accessible spaces) across the development (34 spaces to 'Building A' or Lot 2, and 37 spaces to 'Building B' or Lot 1). The proposed car parking rates can be broken down as follows:

- Based on the floor plans provided and an allowance on average of two practitioners per tenancy, a total of 88 car parking spaces would be required. This results in a variation of 17 car parking spaces or 19%.

- Based on the total gross floor area of 2,757m² and a parking rate of 1 space per 40m², a total of 69 car parking spaces would be required. This rate can be accommodated within the development.

A Traffic Impact Assessment (SECA Solution, 19/07/2023) was also submitted with the application identifying a peak hourly patient visitation of 66 patients. Noting that some patients will come from the new Maitland Hospital and arriving via ambulance/patient transport services, rideshares, taxis or dropped off. The car parking assessment argues that the car parking demand for the proposal can be catered within the proposed 71 car parking spaces across development.

Assuming the average of both parking rates, a total of 79 car parking spaces is considered to be an acceptable car parking rate. This results in a variation of 8 car parking spaces or 10%.

MDCP 2011 states when determining parking requirements for a development proposal the following principles shall apply:

- *the minimum standards as set out in this plan;*
- *the likely demand for off-street parking generated by the development;*
- *the availability of public transport in the vicinity to service the proposed development;*
- *the probable mode of transport to be used by employees and/or customers;*
- *the likely peak times of usage of the proposed development;*
- *the existing traffic volumes on the surrounding street network including, where relevant, the potential future traffic volumes; and*
- *the equity of requiring off-street parking for individual developments within areas such as Maitland City Centre and Morpeth, where historical parking deficiencies have occurred.*

Council can at its discretion consider a reduction in car parking requirements where it is demonstrated peak demand for each land use component is staggered, is situated in a business zone and where public facilities are in close proximity. Although the proposed development adopts traditional office hours of operation (7am to 6pm) it is anticipated the demand for carparking will be staggered throughout the day based on scheduled appointment times. The site is also located in an area zoned for light and general industrial and commercial developments, is mapped within the East Maitland Catalyst Area, is a compatible land use, and due to its proximity to the new Maitland Hospital is an encouraged land use for the area. The traffic impact assessment (SECA Solution, 19/07/2023) observed current on-street parking in proximity to the site, as follows:

- There is no on-street parking available along the frontage to Metford Road.
- Unrestricted on-street parking is permitted along Turton Street to both sides of the road. Peak morning observations noted that the demands for on-street parking in this location are very low.

Given the availability of car parking on-street, the parking generation characteristics and the surrounding site context, the applicant has demonstrated that a reduction in parking is appropriate in this circumstance. The DCP requires the extent of any reduction in car parking shall generally not exceed 70%. The proposal seeks a variation of 10% (i.e. deficient in 8 spaces) and thus variation is considered necessary and supportable to this control is accepted given the type of facility proposed and its enhanced accessibility requirements for the site.

Car parking is clearly delineated and will be conditioned to comply with the requirements of the AS2890.1:2004 in regard to base construction, minimum dimensions and clearances.

Traffic

A Traffic Impact Assessment (SECA Solution, 19/07/2023) was submitted as part of the supporting documentation. As part of this assessment, traffic data was collected during the morning peak on Metford Road to determine the 2-way traffic flows in this location. The results indicate the daily flows on Metford Road could be in the order of 1,500 vehicles per hour with a bias in traffic south-westbound towards the New England Highway. Traffic flows on Turton Street are much lower and based on observations are less than 200 vehicle per hour. The on-site observations demonstrate that the road network in this location works well, with minor delays at the roundabout of Metford Road and Chelmsford Drive.

The RTA Guide to Traffic Generating Developments provides a wide range of generation rates for medical centres, the following averages are provided below:

- Morning commuter peak hour trips – 10.4 trips per 100m² GFA
- Evening commuter peak hour trips – 8.8 trips per 100m² GFA
- No daily rates specified.

As such, based on the development having a gross floor area of 2,757m² the peak hour traffic flows could be in the realm of 286 vehicle trips in the morning and 242 vehicle trips during the afternoon. However, this was considered to be excessive for the project site and that the number of vehicle movements would be considerably lower. Based on project size it was determined that 66 vehicle movements to and from the site in morning and afternoon peak hours was considered more appropriate. Accounting for worst-case scenario this figure is doubled to 132 vehicle movements in peak hours. Daily rates are considered to be in the order of 5 times the peak rates giving some 660 inbound and 660 outbound traffic movements per day.

Current peak flows of Metford Road are 858 vehicles per hour in the morning peak (and a similar value expected in the afternoon peak) indicating that the road is currently operating at a level of service of 'D' (see table below).

Table 10: Urban road capacity values from the RTA Guide to Traffic Generating Developments (Table 4.4 of the guide)

Level of Service	One Lane (veh/hr)	Two Lanes (veh/hr)
A	200	900
B	380	1400
C	600	1800
D	900	2200
E	1400	2800

The additional traffic demands associated with the development will increase the traffic flow to over 900 vehicles per hour. Notwithstanding this, the RTA Guide to Traffic Generating Developments shows that the ultimate capacity of the road is around 1,400 vehicles per hour with the current road network observed to be operating to a satisfactory level. The

development of the Maitland Hospital has significantly increased traffic flows in this location and the road has been upgraded to accommodate this demand.

A concrete median and associated line marking on Metford Road will be required to restrict the right turn movement into the development. This is consistent with all new developments along Metford Road. For the left turn into the site, the existing sealed shoulder in this location allows for safe and appropriate turn movements into the subject site with minimal delays for the through traffic on Metford Road. All exit movements from the site are at Turton Street and given the very low traffic flows in this location, as such, minimal queues and delays are expected exiting the site.

The additional traffic movements associated with the project is considered to be acceptable with a relatively minor impact upon the overall operation of the surrounding roads and intersections with minimal increases in delays and queues.

Car parking and traffic are considered to be resolved with the inclusion of the conditions contained within **Attachment A**.

3.14 BULK AND SCALE

In accordance with Chapter C.5 'Industrial Land' of Maitland DCP 2011, side boundary setbacks are not restricted by numerical separation, however, must comply with the relevant provisions of the Building Code of Australia. Notwithstanding this, consideration has been given to the perceived bulk and scale of the development including the proposed boundary walls, particularly the proposed northern elevation of 'Building A' (refer to Figure 8 below).

The proposed development includes a maximum building height of 8.35m of which is proportional to surrounding mixed use commercial and light industrial buildings in the immediate area. This height has been measured from existing ground level, inclusive of the fill required to create a level development pad for at the very north-eastern portion of the site.

The boundary wall at the northern elevation has a maximum wall height of 7.08m and extends 70m into the site. The boundary wall at the southern elevation has a maximum wall height of 6.5m and is lower in height than the existing adjoining boundary wall on the southern adjoining allotment. Further, the topography of the site, and adjoining allotments, creates a 'stepping' effect in the streetscape with developments to the north sitting lower than their southern adjoining neighbour. The proposed boundary walls do not exacerbate this with only small amounts of fill proposed, noting 'Building B' being excavated into the slope. In Council's preliminary request for information, the applicant was asked to provide further details of the northern boundary wall to undertake a full assessment of any potential impacts. Photorealistic montages were submitted by the applicant and amended elevation plans providing additional notations, heights and RLs as well as additional detailing within the concrete panelling including use of coloured concrete.

The following assessment is based on these amendments:

- The boundary walls are consistent with and complements the built form prevailing along both Metford Road and Turton Streets noting that the development to the south is provided with a boundary wall at its northern elevation adjoining proposed 'Building B'.

- The design of the wall attempts to mitigate any perceived overbearing bulk through the use of coloured concrete panels and fire-resistant glazing.
- The subject site is irregular in shape, elongated and narrow and is relatively constrained by its width. Proposed boundary walls at the northern and southern elevations ensures the remaining development area can be maximised to provide for essential site services including vehicular access, car parking, accessibility ramps, waste storage, stormwater detention and landscaping.
- The proposed boundary walls do not impact on the amenity, privacy or views of adjoining developments noting the development to the north is single-storey and significantly lower than the existing levels of the subject site. Adequate sunlight and natural breezes can still be accommodated within the site and to adjoining developments.
- The first-floor levels are clad in a dark metal material to appear more recessive with architectural details including balcony projections, overhangs and floor-to-ceiling glazing mitigating the visual impact of the development from the street interface.
- The separation of the built form into two narrow buildings with landscaping proposed at the perimeter at both street frontages as well as soft landscaping at the centre of the site softens the bulk of the development when viewed from the public interface as well as when viewed from adjoining developments.



Figure 8: Photorealistic elevation as viewed from the north along Metford Road (source: EJE Architects, 01/12/2023)

Resolution: As the development is appropriately sited in terms of bulk, scale and building separation, the associated impacts of the development are not unreasonable. This key issue has been resolved.

3.15 EARTHWORKS AND RETAINING WALLS

A total excavation of 2,414.2m² across the site is proposed to facilitate the development. This includes the construction of the lower ground level of 'Building B' and the construction of the driveway and hardstand to achieve suitable grading for vehicle and pedestrian access. Further, it is noted that excavation is to occur within proximity to property boundaries.

Retaining along the northern and southern boundaries are proposed and comprises of traditional block retaining walls with footings and contiguous pipe retaining walls which are represented in Figures 9 and 10 below. The design of the retaining walls are considered acceptable. The maximum depth of excavation is 3.5m at the western portion of the site to facilitate the construction of 'Building B'. Groundwater Contamination Assessment prepared by Qualtest Laboratory (NSW) Pty Ltd, dated 12/02/2024. indicates that the groundwater level is inferred to be approximately greater than 3m at the eastern part of the site and greater than 5.5m at the western part of the site. As such, groundwater is not likely to be intercepted and referral to WaterNSW under the *Water Management Act 2000* is not required.

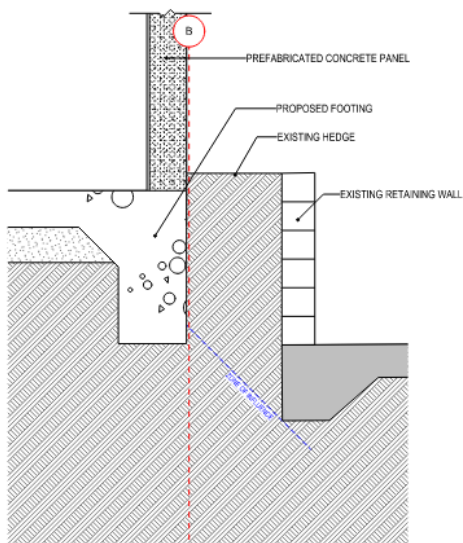


Figure 9: proposed footings and boundary wall to the northern boundary (source: EJE Architects, 01/12/2023)

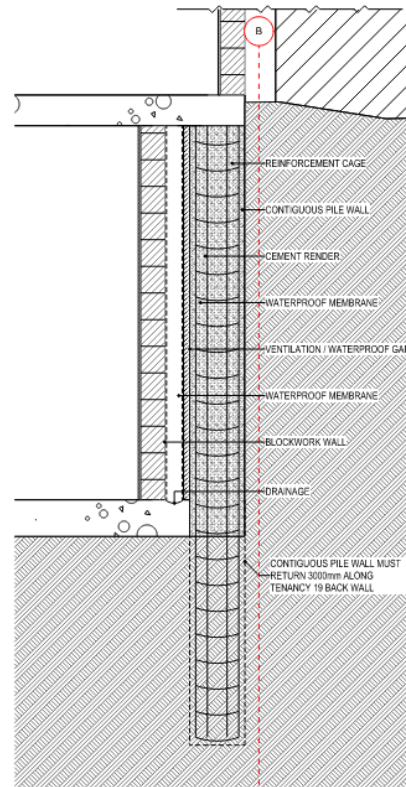


Figure 10: proposed contiguous pipe wall on the southern boundary (source: EJE Architects, 01/12/2023)

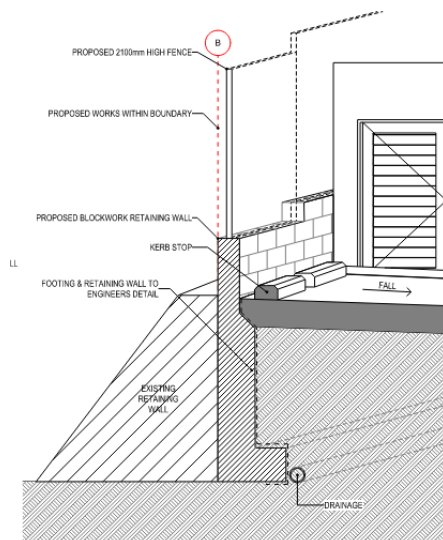


Figure 11: proposed retaining along the northern boundary at the western portion of the site (source: EJE Architects, 01/12/2023)

To ensure the site is adequately prepared for excavation works, the following conditions have been included (please refer to **Attachment A**):

- A comprehensive dilapidation survey should be conducted before the commencement of excavation works to document the existing condition of surrounding properties and structures. This report serves as a baseline for comparison in case of any damage claims arising from the construction activities. Additionally, a post-dilapidation report is to be prepared upon completion of the excavation works to assess any changes or damages that may have occurred during the construction process.
- Plans for the retaining walls must be certified by a qualified structural engineer prior to the issue of a construction certificate. This ensures that the proposed excavation methods and designs are structurally sound and considerate of the site's geological and soil conditions. The certification also helps mitigate risks associated with soil stability, groundwater seepage, and other geotechnical factors that may impact the safety and integrity of the excavation works.
- Any excavation materials transported off the site for disposal will require classification in accordance with the NSW Environmental Protection Authority Waste Classification Guidelines.

Resolution: Appropriate conditions have been recommended to mitigate risks, ensure compliance with regulatory requirements, and protect both the interests of the property owners and the integrity of the construction project. Refer to **Attachment A**.

3.16 SUBDIVISION

The site is not mapped as containing a minimum subdivision lot size pursuant to clause 4.1 of Maitland LEP 2011. The proposed lots are well-sized ranging from 2,364m² to 2,814m² which allows the erection of a building on each lot that is generally compliant with the relevant requirements of the Maitland LEP 2011 and DCP 2011 including provision for vehicular access, car parking, accessibility ramps, waste storage, stormwater detention and landscaping.

The subdivision plan was amended to include a reciprocal Right of Carriageway throughout the centre of the site to allow both lots to gain legal access to and from the site noting the one-way direction of traffic flow (entering from Metford Road, exiting onto Turton Street). The Right of Carriageway is variable in width. An easement for Lot 2 to drain water over Lot 1 has also been notated on the amended subdivision plan. This drainage easement also encapsulates the entire underground on-site detention tank located at the north-western corner of the site at the Turton Street frontage. Conditions of consent will be included to ensure relevant land title and section 88b restrictions are imposed prior to any subdivision certificate being issued.

Resolution: The matters relating to the one into two lot Torrens title subdivision are considered to be resolved with the submission of an amended subdivision plan. In addition, conditions of consent under **Attachment A** have been included to cover subdivision land title matters.

3.17 WASTE MANAGEMENT AND SERVICING

A Waste Management Plan (WMP) was provided with the application of which details the type and amount of waste, and methods for disposal and / or reuse during the construction phase. Management of waste during construction can be addressed by way of conditions of consent.

An amended operational WMP prepared by EJE Architects was submitted to Council in response to Council's Request for Information. The WMP details management of waste during

the operational phase for the health services facility. The details of operational waste servicing are as follows:

- 6 x 1,100L recycling bin for paper and cardboard (serviced once per week by a private waste contractor)
- 6 x 1,100L bin for clinical waste (serviced once per week by a private waste contractor) – appropriate conditions of consent have been included requiring removal of medical waste from the site to be undertaken in accordance with relevant guidelines.
- 11 x 1,100L bin for general waste (serviced once per week by a private waste contractor).

The waste storage areas are of a suitable size to store the required bins and are provided in accessible locations for both operators of the site and for waste collection. The bin storage areas are enclosed and screened from view from both Metford Road and Turton Street. Suitable loading areas and swept paths have been provided demonstrating the private waste vehicle can enter and exit the site in a forward direction.



Figure 12: Examples of elevation view of proposed waste storage areas (source: EJE Architects, 01/12/2023)

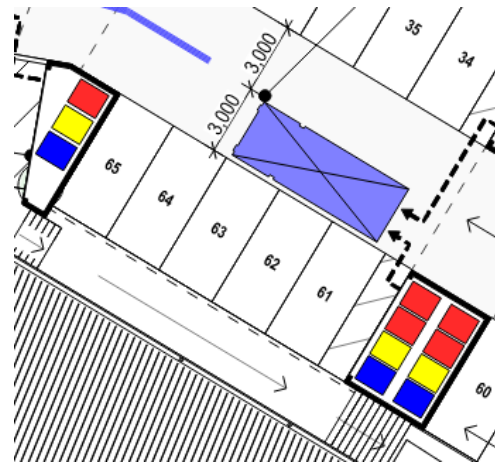


Figure 13: Example of floor plan of proposed waste storage (source: EJE Architects, 01/12/2023)

Resolution: Matters relating to waste management have been resolved through amendments provided by the applicant. Supplementary conditions of consent will also be included to ensure waste management operations are undertaken in a safe and efficient manner. These conditions can be reviewed under **Attachment A**.

• CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The development application, inclusive of plans and supporting documentation, has demonstrated the proposed health services facility including one into two lot Torrens title subdivision is compliant with relevant environmental planning instruments, generally compliant with the MDCP 2011 controls, with any related impacts being managed through conditions. The site is suitably located, having been identified through land zoning and the Hutner Regional Plan 2041 providing supportive services to the new Maitland Hospital. The

development is compatible with the existing and future road network, adjoining development and the environmental characteristics of the land, with conditions recommended to further manage any potential impacts.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

- **RECOMMENDATION**

That the Development Application DA/2023/662 for Health Services Facility, One (1) into Two (2) Lot Torrens Title Subdivision, Subsequent Strata Title Subdivision and Signage at Metford Road, Metford be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: MDCP 2011 compliance table
- Attachment C : Architectural Plans