

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	7 March 2024
DATE OF PANEL DECISION	7 March 2024
PANEL MEMBERS	Alison McCabe (Chair), Sally Halliday, Ashley Kavanagh
APOLOGIES	Tony McNamara
DECLARATIONS OF INTEREST	Roberta Ryan declared a conflict due to recently working with a client associated with this site.

Papers circulated electronically on 21 February 2024.

MATTER DETERMINED

PPSHCC-225 – Maitland – DA/1127/2023 at Metford Road, Metford 2323 – Health Services Facility – including One (1) into two (2) Lot Torrens Title Subdivision, Subsequent Strata Title Subdivision, Demolition and Retaining Walls (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

The Panel has had the benefit of a number of briefings from both Council and the applicant. Additional information was lodged during the assessment of the application to address issues raised by Council and the Panel.

The site is located in the East Maitland Catalyst Area – and is being planned for a key health and retail hub. The site is located in proximity to the Maitland Hospital.

The proposed development is appropriate for the site and consistent with the form and nature of uses both anticipated and being planned for in the area.

The Panel in their deliberation and review of the conditions identified the need for street tree planting and for waste management collection to occur outside of business hours. These requirements will require amendment to conditions 29 and 80, and an additional condition. The requirement for a median on Metford Road referred to in the assessment report also needs to be specifically conditioned at condition 29.

The Panel considers that the site is suitable for the proposed development and that the form and scale of development is compatible with the surrounding context. Impacts arising from the development generally are reasonable, and traffic impacts specifically can be mitigated through imposition of conditions restricting right turn movement in to and out of the site.

The Panel is satisfied of the merits of the application and considers that it could be approved with conditions.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions attached to the Council report and the following additional and amended conditions.

1. Amend condition 29 to read as follows:

“Works within the existing public road reserve

Prior to commencement of works, a separate application must be lodged and consent obtained from Council for all works within the Metford Road and Turton Street Road reserves pursuant to Section 138 of the Roads Act 1993 (NSW). The following works in connection with the proposed development within the Metford Road and Turton Street public road reserve, include:

1. A concrete raised median 1.2m wide on the centreline of Metford Road of a suitable length to restrict right turn vehicle movements into the site from Metford Road.
2. Line marking and signage along Metford Road.
3. A pedestrian path 1.5m wide along the full frontage of the site in Metford Road.
4. Driveway crossovers to Metford Road and Turton Street.
5. Drainage works along the Turton Street frontage.
6. Street trees to the Turton Street frontage.

As part of the application under the Roads Act 1993 (NSW), the following is to be submitted:

1. an engineering design, in accordance with Council’s Manual of Engineering Standards, shall be submitted to Council for approval.
2. all relevant Council fees shall be paid
3. A Construction Traffic Management Plan (CTMP) to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity is to be submitted and approved by Council prior to the issue of the Construction Certificate. Any requirements required by the CTMP shall gain the appropriate Roads Act Approvals if impacting the road reserve.
4. Provide a line marking and signage plan for all (traffic) Regulatory line marking, and signage. This plan shall be approved by Council’s Local Traffic Committee.

Reason: The ensure appropriate approval(s) has been obtained prior to commencement of works.”

2. Amend condition 80(6) to read as follows:

“where the collection of garbage and recyclable materials from the premises is undertaken by a licensed contractor, it must occur outside the hours of 7am and 6pm Monday to Friday and 8am to 1pm on Saturdays. No waste pick up is to occur during business hours.”

3. Add new condition at 66(a) to read as follows:

“New street trees

Prior to issue of an Occupation Certificate and at no cost to Council, a minimum of two street trees of a suitable species (as approved by Council under the s138 Approval) are to be planted in a position that is clear of utilities and drainage lines and set back a minimum of 2m from any driveways on Turton street frontages.

Reason: To ensure street trees are planted per Council’s Manual of Engineering Standards.”

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined approve the application for the following reasons:

1. The proposed development is consistent with the planning framework for the area.
2. The impacts of the development can be appropriately mitigated.
3. The proposed use will provide employment opportunities and reinforce the purpose of the area as a key health and retail hub.

The decision was unanimous.




CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendments.

- Condition 29 amended to specify road works and street tree planting.
- Condition 80 amended to require waste pick up outside of hours 7am to 6pm Monday to Friday and 8.00 to 1.00pm Saturday.
- New condition – 66(a) requiring street trees to be in place prior to the issue of occupation certificate.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Ashley Kavanagh
 Sally Halliday	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-225 – Maitland – DA/1127/2023
2	PROPOSED DEVELOPMENT	Health Services Facility – including One (1) into two (2) Lot Torrens Title Subdivision, subsequent Strata Title Subdivision, Demolition and Retaining Walls
3	STREET ADDRESS	Lot 392 DP 755237, Metford Road, Metford 2323
4	APPLICANT/OWNER	EJE Architecture Metford Medical Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> 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 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Maitland Development Control Plan 2011 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Clause 61(1), demolition standards. Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or Regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 14 February 2024 Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 19 September 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Sally Halliday, Ashley Kavanagh <u>Applicant</u>: Luke Jogeever, Barnie Collins, Glen Greedy <u>Council assessment staff</u>: Shakira Muldoon <u>Department</u>: Leanne Harris, Holly McCann Site inspection: <ul style="list-style-type: none"> <u>Alison McCabe</u> (Chair): 27 October 2023 <u>Sally Halliday</u>: 25 February 2024 <u>Ashley Kavanagh</u>: 18 September 2023

		<ul style="list-style-type: none">• Final briefing to discuss Council’s recommendation: 28 February 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Alison McCabe (Chair), Sally Halliday, Ashley Kavanagh○ <u>Council assessment staff</u>: Thomas Howell, Cameron Evans, Jessica Stockham○ <u>Applicant representatives</u>: Barnie Collins, Chloe Rayfield, Glen Greedy○ <u>Department</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report