

MINUTES OF THE HUNTER & CENTRAL COAST JOINT REGIONAL PANEL MEETING HELD AT NEWCASTLE CITY COUNCIL ON THURSDAY, 25 NOVEMBER 2010

PRESENT:

Garry Fielding	Chairperson
Jason Perica	Deputy Chair
Kara Krason	Panel Member
Cr Mike Jackson	Panel Member
Cr Scott Sharpe	Panel Member

IN ATTENDANCE

Patricia McCarthy	Acting Manager Development & Building Services
Geof Mansfield	Development Assessment Team Coordinator
Damian Jaeger	Senior Development Officer

APOLOGY: Cr Brad Luke

The meeting commenced at 5:00pm

1. Declarations of Interest -

Garry Fielding – Professional work relationship with Jim Davies – Consultant for Objectors and Tibor Kovats – Consultant to Applicant.

Kara Krason – Holds shares in superannuation fund which includes Wesfarmers shares.

2. Business Items (DA09/1229)

ITEM 1 - 2009HCC010 - Newcastle DA 09/1229 - Demolition, earthworks and subdivision for new retail centre, car parking, apartments and townhouses, 77 Maitland Road, Mayfield.

3. Public Submission -

1	Aaron Buman	addressed the panel against the item.
2	Lisa Tierney	addressed the panel against the item.
3	Huerf Mueller	addressed the panel against the item.
4	Dr A Conrad	addressed the panel against the item.
5	Bruce Stevenson	addressed the panel against the item.
6	James Wilson	addressed the panel against the item.
7	Victor Jorge	addressed the panel against the item.
8	Danny Marks	addressed the panel against the item.
9	Amanda Johnstone	addressed the panel against the item.
10	Jim Davies	addressed the panel against the item.
11	John Purdey	addressed the panel in favour of the Item
12	Michael Ryan	addressed the panel in favour of the Item

4. Business Item Recommendations (DA 09/1229)

ITEM 1 - 2009HCC010 - Newcastle DA 09/1229 - Demolition, earthworks and subdivision for new retail centre, carparking, apartments and townhouses, 77 Maitland Road, Mayfield.

Moved Jason Perica, seconded Cr Mike Jackson

The Panel adopted the Council officer's recommendation to approve the proposal, subject to the recommended Draft Deferred Commencement Consent, with additional conditions and amendment to;

Schedule 1 – Deferred Development Consent Conditions

- Condition 1 is to be modified to include the following additional sentence:

1. Further investigation of the road improvement and intersection works proposed within Maitland Road, Thomas Street, Church Street and Nile Street, Mayfield is required to explore options to maximise the retention of on-street parking along Maitland Road and Nile Street, such as through a limited clearway system..

Reason: To ensure Roads Act approval is obtained and to retain street parking on the Southern side of Maitland Road and in Nile Street to assist existing local businesses.

- Add Condition 4 as follows:

4. The Plan for the north-western loading area is to be revised and amended to;

- a) Increase the 5m high acoustic wall adjoining 5 Thomas Street (measured on the subject site), although entirely within the subject site, for the full equivalent length of 5 Thomas Street's rear yard; including extending the covering roof equivalently to reduce noise and odour impacts.
- b) Relocate the garbage area away from 5 Thomas Street to the western side of the loading dock area.
- c) Any physical measures to manage delivery and garbage impacts on immediate neighbours.

Schedule 2 – Conditions requiring

Council officers to draft and include additional conditions of consent to address the following matters:

- Restrictions on accessibility into and out of Thomas Street to/from the subject site between 7pm to 10.30am the following day, while still allowing access to the Thomas Street loading dock between 7am to 10.30am Monday to Saturday and between 10.00am to 12 noon on Sunday and other properties such as 2 Thomas Street;
- Acoustic testing after occupation;
- Regulate hours of operation of the centre in the Consent, consistent with the hours sought in the application; and
- Appropriate reference to the BASIX Certificate.

Condition 5.15 is to be modified as follows:

5.15 Deliveries and servicing to the Thomas Street loading dock is to comply with the requirements of a Loading Dock Management Plan. The Loading Dock Management Plan is to be prepared to the satisfaction of Council and the RTA and implemented prior

to occupation of the building and should include at least but not be limited to the following controls:

- The loading dock is to operate only between 7:00am and 10:30am Monday – Saturday and between 10:00am and 12 noon Sunday.
- Egress from the basement car park to Thomas Street is to be prohibited (except in emergencies) whilst the Thomas Street loading dock is in operation.
- Maximum length of vehicles using the Thomas Street loading dock is to be 19 metres (19 m AV) as defined in Australian Standard AS 2890.2 – 2002 – 'Parking facilities – Off-street commercial vehicle facilities'. Under no circumstances should any vehicle larger than this enter the loading dock.
- All vehicles with a wheel base longer than 9.8 metres accessing the Thomas Street loading dock must approach the site along Maitland Road from the east and turn right into Church Street.
- The maximum number of deliveries utilising the Thomas Street loading dock is to be 4 per day.
- Truck movements to and from the loading bay are to be restricted to right turn in and right turn out at the intersection of Maitland Road and Church Street.

The Loading Dock Management Plan must identify the controls to be implemented to meet compliance and enforcement measures as part of the plan.

Reason: To ensure servicing arrangements provided in association with the proposed development are provided in the interests of public safety and amenity.

5.49, 5.50 being modified, and 5.51 incorporated into the aforementioned conditions, as follows;

5.49 The use of the Thomas Street loading dock area located in the north-west area of the proposed development, including waste collection, being restricted to between 7:00am and 10:30am Monday – Saturday and between 10:00am – 12 Noon Sunday.

Reason: To confirm the terms of consent and protect the amenity of the neighbourhood.

5.50 The use of the loading dock area located in the south-east area of the proposed development, including waste collection, being restricted to between 7:00am and 6:00pm Monday to Saturday and 8.30am to noon Sundays..

Reason: To confirm the terms of consent and protect the amenity of the neighbourhood.

Condition 5.52 is to be modified as follows;

5.52 Use of the Thomas Street retail car park entry and exit (excludes Thomas Street loading dock and garbage area) by any vehicle being restricted by the installation of suitable traffic management devices (while still allowing access for other properties) between the hours of 7:00pm – 10:30am daily. Full details are to be included in documentation for a Construction Certificate application, with the devices being installed prior to the release of the Occupation Certificate, and to Council's satisfaction as the Roads act authority.

Reason: To prevent access to the retail car park via Thomas Street during the night time period and protect the amenity of the neighbourhood.

An additional condition is to be added restricting hours of operation as follows:

Hours of Operation

Coles is permitted to operate within the following hours:

- Monday to Saturday: 7.00am to Midnight
- Sunday and Public Holidays: 7.00am to 10.00pm

Aldi and the speciality shops are permitted to operate within the following hours:

- Monday to Wednesday and Friday: 7.00am to 6.00pm
- Thursday: 7.00am to 9.00pm
- Saturday: 8.00am to 5.00pm
- Sunday and Public Holidays: 10.00am to 4.00pm.

An additional condition is to be added to ensure that the acoustic screening located around the north-western loading dock is contained wholly within the subject site as follows:

- The acoustic fencing surrounding the north-western loading dock area must be located wholly within the subject site and not encroach onto 5 Thomas Street, Mayfield.

An additional condition is to be added requiring acoustic testing to be carried out within 2 weeks of the centre becoming operational to confirm whether the acoustic mitigation measures achieve the conclusions detailed in the revised Acoustic Assessment prepared by GHD, dated September 2010. Should measured acoustic impacts be greater than those predicted in the acoustic modelling contained in the GHD report, then the developer is to provide additional noise mitigation measures necessary to achieve the predicted acceptable noise levels documented in the GHD Report, to Council's satisfaction.

Moved Jason Perica Seconded Mike Jackson

MOTION CARRIED 5 - 0

5. Business Item (DA10/0256)

ITEM 2 - 2010HCC014 Newcastle DA No. 10/0256 – Proposed 102 Bed Residential Aged Care Facility; 149a Newcastle Road, Wallsend.

6. Public Submission -

1	Grahame Hooper	addressed the panel in favour of the Item
2	Craig Marler	Architect for DA - addressed the panel in favour of the Item

7. Business Item Recommendations (DA 10/0256)

ITEM 8 - 2010HCC014 Newcastle DA No. 10/0256 – Proposed 102 Bed Residential Aged Care Facility; 149a Newcastle Road, Wallsend.

Moved Kara Krason, seconded Cr Mike Jackson

The Panel adopt the Council officer's recommendation to approve the proposal, subject to the recommended conditions of consent outlined in Attachment B with additional conditions as follows:

1) Appropriate Flood Emergency Response Plan

An appropriate flood emergency response plan for a residential care facility being prepared by the aged care provider in consultation with independent consulting engineers experienced in flood management, and put in place by the applicant prior to occupation of this site for the intended use. The plan is to be effectively updated and maintained by the occupiers; to include an education and awareness component for the workforce and detailed flood action plan including requirements for evacuation procedures to interface with the Bureau of

Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved. The flood emergency response plan must also outline an action plan for potential health emergency situations that could arise during a flood event if residents and workers remain on site.

(Note: The flood emergency response plan should describe the following components:

- a) Likely flood behaviour*
- b) Flood warning systems*
- c) Education awareness program*
- d) Evacuation and evasion procedures*
- e) Evacuation routes and flood refuges*
- f) Flood preparedness and awareness procedures for residents and visitors*
- g) Emergency vehicle access during a flood*

Considerations should include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. As much as possible, the plan should be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details to be included in documentation for a Construction Certificate application.)

Reason: To adequately manage the risk of life, property and all potential adverse flood impacts within the flood environment.

2) Community Bus

The community transport service for the proposed development is to incorporate a bus capable of carrying at least 10 passengers and be provided to serve the residents of the proposed development for the following purposes/circumstances:

- (a) drop off and pick up of passengers at a local centre that provides residents with access to the following:
 - (i) shops, bank services providers and other retail and commercial services that residents may reasonably require,
 - (ii) community services and recreation facilities
 - (iii) the practice of a general medical practitioner, and
- (b) be available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and a least once between 12pm and 6pm each day.

Reason: To ensure residents have access to services and the bus proposed with the application is provided.

3) Access way being modified

The Developer designing and constructing the following works within the **access handle** to the site at no cost to Council and in accordance with Council's guidelines and design specification, such works to be implemented prior to occupation of the premises:

- a) Minimum **7 metre wide** road pavement reconstruction (one way cross-fall)
- b) Road shoulder pavement (if required)
- c) Kerb and gutter (low side only)
- d) Footway formation
- e) Foot paving (1.2 m wide concrete)
- f) Associated drainage works

The width must be sufficient to allow an emergency vehicle to pass a truck accessing the adjoining property.

Note: Full construction details regarding the required works are to be submitted to Council for approval prior to commencement.

Reason: To ensure that public road facilities are upgraded to an appropriate standard having regard to the additional traffic movement likely to be generated by the proposed development.

2.3 The Developer designing and constructing the following works within the **unnamed public road** providing access to the site at no cost to Council and in accordance with Council's guidelines and design specification, such works to be implemented prior to occupation of the premises:

- a) Minimum **7 metre wide** road pavement reconstruction (one way cross-fall)
- b) Road shoulder pavement (if required)
- c) Kerb and gutter (low side only)
- d) Footway formation
- e) Foot paving (1.2 m wide concrete)
- f) Associated drainage works
- g) Provision of an 8.5 metre radius turning head
- h) Installation of road name plates.

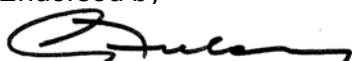
Note: Full construction details regarding the required works are to be submitted to Council for approval prior to commencement.

Reason: To ensure that public road facilities are upgraded to an appropriate standard having regard to the additional traffic movement likely to be generated by the proposed development.

MOTION CARRIED 5 - 0

The meeting concluded at 6:40pm

Endorsed by



Garry Fielding
Chair, Hunter & Central Coast Joint Regional Planning Panel
30 November 2010