

# MINUTES OF THE HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL MEETING HELD AT LAKE MACQUARIE CITY COUNCIL ON THURSDAY 10 MARCH 2011

## PRESENT:

Garry Fielding	Chair
Barry Johnston	Panel Member
Kara Krason	Panel Member
Jason Perica	Panel Member
Peter Rees	Panel Member

## IN ATTENDANCE

Michelle Bisson	Development Planner
Chris Dwyer	Principal Development Planner
Andrew Leese	Senior Development Planner
Felicity Booth	Minute Taker

The meeting commenced at 5:06pm

## APOLOGIES: NIL

1. **Declarations of Interest - None**
2. **Business Items**

### ***ITEM 1 - 2010HCC029 Lake Macquarie DA/1458/2010 - Telecommunication Facility; 400 Pacific Highway Cams Wharf***

**Moved** by Peter Rees, seconded by Kara Krason, that the panel approve DA/1458/2010 subject to the following conditions:

#### **Part A**

##### **Deferred Commencement Condition**

Pursuant to Section 80(3) of the EP and A Act 1979, this is a deferred commencement condition. This has the effect that the consent is not to operate until the applicant satisfies the Council that:

##### **Slope Stability**

A Slope Stability Assessment shall be prepared by a qualified geotechnical engineer in accordance with Council's Policy on Geotechnical Assessment and submitted to the Council.

The slope stability assessment shall confirm the site is suitable for the development proposed and if any restrictions should be imposed to ensure the proposed works will be stable and would be unlikely to initiate instability on the site or adjoining properties.

A copy of the plans submitted shall embody all relevant recommendations of the report and be endorsed (carry the original signatures) of the Geotechnical Consultant.

The applicant must produce evidence to the consent authority to satisfy the deferred commencement condition/s listed in Part A within 3 months from the date of this consent. The consent will lapse if the applicant does not provide the evidence to address the deferred commencement condition/s, within this **3 month** period.

## Part B

### Conditions of Consent

#### 1. Prescribed Conditions

- (a) The work must be carried out in accordance with the requirements of the Building Code of Australia.
- (b) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(i)	showing the name, address and telephone number of the Principal Certifying Authority for the work, and
(ii)	showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
(iii)	stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given the Council written notice of the following information:

(i)	in the case of work for which a principal contractor is required to be appointed:
a.	the name and licence number of the principal contractor, and
b.	the name of the insurer by which the work is insured under Part 6 of that Act,
(ii)	in the case of work to be done by an owner-builder:
a.	the name of the owner-builder, and
b.	if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under (d) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e)

(i)	For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
a.	protect and support the adjoining premises from possible damage from the excavation, and
b.	where necessary, underpin the adjoining premises to prevent any such damage.
(ii)	The condition referred to in (e) (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

## 2. Approved Documentation

This development consent incorporates plans/and or documents referenced and stamped:

(a) Development Consent No. DA/1458/2010

(b) Plans Reference:

Architectural (or Design) Drawings; prepared by:Daly International; Project no. S1536			
Drawing No.	Issue	Name of Plan	Date
G1	A	Site Locality Plan	19.03.10
G2	A	Overall Site Plan	19.03.10
G3	A	Site Layout and Setout Plan	19.03.10
G4	A	Site Elevation	19.03.10
T1	A	Site Transmission Details	19.03.10

(c) Document Reference:

Statement of Environmental Effects - Entitled Environmental report Proposed Telecommunications Facility Project No S1536 Nords Wharf ; Prepared by: Daly International; Dated: August 2010

Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) Any amendments in RED on the approved plans or documents;
- (ii) Any notes, markings, or stamps on approved plans or documents;
- (iii) Any conditions contained in this consent.

## 3. Construction Certificate

Prior to the commencement of work for the construction of a building or structure, it will be necessary to obtain a Construction Certificate.

## 4. Occupation Certificate

Prior to the occupation and/or use of a new or altered building, an Occupation Certificate must be issued by the accredited certifier.

## 5. Construction Site Safety Fencing

Construction site safety fencing must be provided around the construction area to prevent unauthorised access to the construction site.

## 6. OMITTED

## 7. Bushfire - Development

The development for any purpose on bushfire prone land shall conform to the specifications and requirements of:

- the guide "*Planning for Bushfire Protection 2006*" produced by the NSW Rural Fire Services; and
- if another document is prescribed by the regulations for the purposes of Section 79BA of the Environmental Planning and Assessment Act, that document.

## 8. Fix Damage Caused By Construction Works

The Applicant shall make good any damage or injury caused to a public road or associated structures including drains, kerb and gutter and utility services caused as a consequence of the development works. Any disused gutter and footpath crossing shall be removed and replaced with full kerb to match adjoining kerb to the satisfaction of the Principal Certifying Authority.

**9. Lighting**

Lighting of the land shall be designed so as to ensure minimal glare onto adjoining properties or roadways. The design of the lighting shall comply with the relevant Australian Standard.

**10. Buildings & Structures**

Buildings and structures shall be constructed of materials having non-reflective properties (low reflective properties in the case of windows). Natural tones and finishes which complement native vegetation are required. Preferred colours include olive greens, ochres, browns and greys.

**11. Building Waste**

Suitable provision for the containment of building waste materials generated by the building process, shall be provided within the boundaries of the building site prior to any construction work being commenced above natural or excavated ground level, as follows:-

- (a) Such containment measures are to be either by means of a screened area of silt stop fabric or shade cloth, having dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin;
- (b) The provision of a suitable enclosure or bin shall be maintained for the term of the construction to the completion of the project;
- (c) The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment.

**12. Site Amenities**

Throughout the course of building operations on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be installed as follows:

- (i) in a sewerred area, connect the temporary builder's service to the Hunter Water Corporation's sewerage system in accordance with such authority's requirements prior to commencing building operations.
- (ii) Where the connection of the builder's toilet to the Hunter Water Corporation's sewer is impractical, an application to approve the use of a chemical closet is to be made to Council accompanied with the appropriate fee for approval.

**13. Erosion & Sediment Controls**

Prior to the commencement of work on the site, erosion and sediment control shall be installed in accordance with Council's Guidelines for Erosion and Sediment Control and the Blue Book (Landcom, 2004) as follows:

- (a) Sediment fence consisting of 1.5m tall driven pickets at 2.5m maximum intervals with Geotextile filter fabric securely attached to the pickets with the base of the fabric entrenched a minimum 150mm below undisturbed ground surface and/or straw bales fixed in a 100mm deep trench and held in position with stakes driven 600mm into the ground. Ensure any star pickets are fitted with safety caps. The use of shade cloth for this purpose is not satisfactory.
- (b) The site entrance/exit shall be constructed where identified on the site plan submitted with the DA. It shall have a minimum width of 3 metres with a surface of compacted aggregate (minimum 30mm to a max of 75mm) or a sealed surface. Where the

sediment fence joins onto the site access, construct a hump in the access to divert water to the sediment fence.

- (c) Provision of a blue metal filled groin adjacent to the kerb inlet. The groin shall be 900 mm long by 200 mm diameter to be filled with 10-18 mm blue or crushed rock.
- (d) Material stock pile area (eg. sand or soil) shall be contained with a silt fence installed as per condition (a).
- (e) Any other directions given by Council's Sediment and Erosion Control Officer.

Should any soil or sediment escape from the building site (for example from vehicle tyres) it is to be cleaned off the roadway or gutter immediately to ensure it can not enter the drainage system. Any nearby drainage pit must be protected with blue metal sausages.

These controls are to be effectively maintained throughout the construction and post construction phase until the site's groundcover is measured at 90%. Failure to comply with these requirements may lead to Council instituting legal proceedings under the *Protection of the Environment Operations Act 1997*.

#### **ROCW - Easement for Services**

The Applicant shall include extend leasing arrangements to incorporate Vehicle Access and Service Corridors as required, to be created over lot 10 DP 517891 to service the proposed facility.

Documentation confirming the above shall be submitted to the Principal Certifying Authority (or Council) prior to the issue of a **Construction Certificate**.

#### **14. Emissions**

There is to be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

**THE MOTION WAS CARRIED BY THE PANEL.**

#### ***ITEM 2 – 2010HCC018 Lake Macquarie DA No. 886/2010 – Retirement Village; 40-48 Burton Road, Mount Hutton***

##### **Public Submissions -**

Sue Middelton addressed the panel **against** the item.

Peter Johnson addressed the panel **in favour of** the Item

**Moved** by Peter Rees, seconded by Barry Johnston that the panel defer the application to enable the applicant to provide Council with further information to satisfy clause 41(3) of the Lake Macquarie LEP 2004. This information is to be provided within 7 days; at that time the panel will reconvene via phone to determine the application..

**THE MOTION WAS CARRIED BY THE PANEL.**

#### ***ITEM 3 - 2010HCC027 Lake Macquarie DA/1282/2010 - Industry - Asphalt Plan; 11-18 Billbrooke Close, Cameron Park***

##### **Public Submissions -**

The Chairman invited submissions from those present and

Brian Adamthwaite addressed the panel **against** the item.  
Kim Davis addressed the panel **against** the item.  
Dr Louise McKinnon addressed the panel **against** the item.  
Bernard Griffin addressed the panel **against** the item.  
Lisa Knezevic addressed the panel **against** the item.  
Greg McCarthy addressed the panel **against** the item.  
Terry Hayward addressed the panel **against** the item.

Andy Boyd addressed the panel **in favour of** the Item  
Neville Moran addressed the panel **in favour of** the Item

**Moved** by Barry Johnston, seconded Kara Krason, that :

1. The matter be deferred.
2. The applicant is to provide such information as it wishes to provide to the Council within 4 weeks.

**THE MOTION WAS CARRIED BY THE PANEL.**

The meeting concluded at 7:07pm

Endorsed by



Garry Fielding  
Chair  
Hunter & Central Coast Joint Regional Planning Panel

15 March 2011