

# HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

Meeting held at Department of Planning & Environment on Thursday 31 March 2016 at 2.00 pm

Panel Members: Garry Fielding (Chair), Kara Krason, Jason Perica, Cr Brad Luke and Cr Sharon Waterhouse

Apologies: None

Declarations of Interest: None

## Determination and Statement of Reasons

**2015HCC015 – DA2015/0508 – Newcastle City Council**, Staged development for demolition of buildings, erection of ninety five dwellings, concept approval of a child care centre, associated site works and four lot into six lot subdivision, Lot A, DP 350420, Lot 1 DP725264 and Lots A & B, DP 394165 known as 150-156 Lake Road, Elmore Vale.

**Date of meeting:** 31 March 2016

### **Panel consideration:**

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

### **Reasons for the Panel Decision:**

1. The proposed development is permissible with consent under State Environmental Planning Policy (Infrastructure) 2007.
2. The proposed development is generally consistent in scale and form with the pattern of development planned for the locality in which the subject site is located.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including, SEPP (Major Development) 2005, SEPP (BASIX) 2004, SEPP 55 Remediation of Land and SEPP (Infrastructure) 2007.
4. The proposal adequately satisfies the provisions and objectives of Newcastle Local Environmental Plan 2012 and Newcastle City Council Development Control Plan 2012.
5. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby residential premises and the operation of the local road system.
6. In consideration of conclusions 1-5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

**Conditions:** Consent to the development application is granted subject to conditions recommended in the Council Assessment Report with the following:

- 4 New Conditions added after Condition 2:

### **New Conditions:**

#### **Condition 2a to read as follows:**

The child care centre and all references to it shall be removed from the terms of the consent and shall form no part of the approval.

#### **Condition 2b to read as follows:**

That dwellings 9, 10, 31, 32, 55, 56, 57, 58 & 59 shall be redesigned to:–

- a) Be setback a minimum of 4m from the northern side boundary on the ground and first floor;
- b) All first floor decks be removed;
- c) All first floor habitable rooms be bedrooms;
- d) Any windows within 5 metres of the northern boundary shall have a sill height of at least 1700mm.

These changes shall be to the Council's satisfaction prior to the issue of the Construction Certificate.

#### **Condition 2c to read as follows:**

Communal recreational facilities including, but not limited to tables, chairs, shading structure(s) and tap(s) shall be provided in an appropriate accessible area(s) with details to the satisfaction of the Certifying Authority prior to issue of a Construction Certificate.

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### **Condition 2d to read as follows:**

A further two (2) suitably accessible disabled car parking spaces shall be provided in the eastern half of the site (which may involve converting 2 visitor spaces) with details to be included in the Construction Certificate.

- **Condition 3 be modified to read as follows:**

Each stage of the development complying with all conditions within Schedule 2 and the specific conditions within the respective stages as detailed below. The Stages are required to be undertaken in numerical order.

- Stage 1 – Schedule A
- Stage 2 – Schedule B
- Stage 3 – Schedule C
- Stage 4 – Schedule D
- Stage 5 – Schedule E

These conditions relate to Section 94 Contribution and require payment prior to construction certificate.

- **Condition 20 be deleted**

- **Condition 29 be modified to read as follows:**

A dilapidation report prepared by a suitably qualified person shall be submitted to the Certifying Authority and Council prior to the issue of the Construction Certificate. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, infrastructure and roads.

- **Condition 30 (first paragraph) to read as follows:**

The developer is to design the following works within Lakes Road frontage (based on the Concept Public Domain Plan prepared by Northrop Consulting Engineers Project No. 140429 Dwg No. C4 DA Rev C dated 07/12/2015) adjacent to the site at no cost to Council and in accordance with Council's guidelines, design specification and City Centre Public Domain Technical Manual.

- **Condition 33 be modified to read as follows:**

The RMS terms of approval requirements for the road works associated with the driveway entry at Lake Road as set in the RMS Letter dated 06/11/2015 Ref. No. CR2015/004453, SF2015/109378 is to be addressed prior to issue of any construction certificate. The applicants are to enter into a Works Authorisation Deed (WAD) agreement with RMS and all associated road works, driveway works including sign posting, line marking, kerb and gutter and footpath works associated with the construction of the new driveway entry is to be completed prior to RMS standards and satisfaction prior to the issue of any construction certificate.

- **Condition 34 be modified to read as follows:**

All new internal roads and associated structures including kerb and gutter, drainage are to be designed by an appropriately qualified and experienced civil/structural/hydraulic/geotechnical engineer. The road pavement design, drainage and associated civil works are to be designed for a minimum of 50 year life. Full details including geotechnical investigation for road pavement design (consideration to be given or staging and construction vehicles) to be provided to the Principal Certifying Authority prior to issue of any construction certificate.

- **Condition 44 be modified to read as follows:**

The demolisher is to ensure that all services (ie Water, telecommunications, gas, electricity, sewerage etc.), are disconnected in accordance with the relevant authority's requirements prior to demolition. (Note Ausgrid's letter of 22 June 2015)

- **Condition 56 be deleted**

- **Condition 57 note be modified to read as follows:**

A separate approval from Council/RMS (as applicable) must be obtained for all works within the public road reserve pursuant to Section 138 of the Roads Act 1993. For further information contact Council's Works Depot on 49746000 to request a Road Opening Approval. A fee will be payable in this regard.

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- **Condition 86 is to be moved to the previous Schedule (after Condition 75)**
- **Condition 87 be modified to read as follows:**

An application is to be made for a Subdivision Certificate. The application is to be supported by a survey plan of subdivision, seven copies thereof and a Section 50 Certificate from the Hunter Water Corporation. If legislation requires, the Subdivision Certificate must be approved prior to the Occupation Certificate.

**Additional Condition 88 to read as follows:**

The Subdivision Certificate shall include appropriate easements for the lots fronting Lake Road.

- **Advisory Notes 103 and 104 be deleted.**

**Panel members:**

 <b>Garry Fielding (Chair)</b>	 <b>Jason Perica</b>	 <b>Kara Krason</b>
 <b>Cr Brad Luke</b>	 <b>Cr Sharon Waterhouse</b>	

### SCHEDULE 1

1	<b>JRPP Reference – 2015HCC015, LGA – Newcastle City Council, DA2015/0508</b>
2	<b>Proposed development:</b> Staged development for demolition of buildings, erection of ninety five dwellings, concept approval of a child care centre, associated site works and four lot into six lot subdivision.
3	<b>Street address:</b> Lot A, DP 350420, Lot 1 DP725264 and Lots A & B, DP 394165 known as 150-156 Lake Road, Elmore Vale.
4	<b>Applicant/Owner:</b> SNL Developments
5	<b>Type of Regional development:</b> The proposal has a capital investment value nominated as \$24.5 million.
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>◦ State Environmental Planning Policy (Major Development) 2005</li> <li>◦ State Environmental Planning Policy (Infrastructure) 2007</li> <li>◦ State Environmental Planning Policy (BASIX) 2004</li> <li>◦ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>◦ Newcastle Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>◦ Newcastle City Council Development Control Plan 2012</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Regulations: <ul style="list-style-type: none"> <li>◦ Environmental Planning and Assessment Act Regulation 2000</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council assessment report with recommended conditions.  Verbal submissions at the panel meeting: <ul style="list-style-type: none"> <li>• Mr Adam Walton</li> <li>• Mr Grant Baker</li> <li>• Mr Morris</li> </ul>

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8	<b>Meetings and site inspections by the panel:</b> 31 March 2016 - Site Inspection and Final Briefing.
9	<b>Council recommendation:</b> Approval
10	<b>Reasons:</b> Attached to council assessment report