

DATE OF DETERMINATION	8 December 2016
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Lindsay Fletcher, Cllr John Gilbert and Sandra Hutton
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Lake Macquarie City Council on Thursday 8 December 2016, opened at 2.00 pm and closed at 2.45 pm

MATTER DETERMINED

2015HCC017 – Lake Macquarie City Council – DA/851/2015, Recreation facility (indoor) and recreation facility (outdoor), Lot 1 DP 113863, Lot 971 DP 755233 and Lot 970 DP 755233 17, 17A and 19 Mulbinga Street, Charlestown.

PANEL CONSIDERATION AND DECISION

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.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION

The Panel generally agreed with the environmental assessment and balance of considerations within the Council staff assessment report.

In particular, the Panel found the proposal displayed a high degree of architectural merit, particularly in the presentation to the street through articulation, shape and materials.

The proposed removal of trees was not widespread and was appropriately offset and mitigated by the replacement of trees, at a ratio of approximately 2.5:1.

The site is already occupied by a recreation facility and the site is suited to the use and the proposal. Carparking would be appropriately regulated, while water management addressed through site planning. While there would be some impacts on the area and surrounding amenity, including through importation of fill, these were appropriately mitigated by proposed conditions (as amended).

CONDITIONS

A The development application was approved, subject to the conditions recommended within the Council assessment report, subject to the following changes:

1. The approved site plan in Condition 3 refer to Issue G;
2. Condition 22 be amended to state:

22. Landscaping

Landscaping shall be implemented/installed in accordance with the approved landscape plans and documentation as prepared Environmental Partnership NSW, Revision 5, Dated July 2016.

Documentation for all landscape works within the property boundary shall be prepared and submitted with the application for a Construction Certificate. This documentation shall be assessed by relevant Council officers responsible for design and maintenance of Council assets.

All retaining walls shall have a textured exposed face finish equivalent to Boral Split Face Designer Block, inclusive of retaining walls within the car park, on-site detention basin and forecourt. The colour of the exposed face of the retaining wall within the on-site detention basin is to be equivalent to Boral Split Face Designer Block – Charcoal or Wilderness. The colour of all other retaining walls shall be determined to the satisfaction of Council and approved in writing by Council's Project Management Coordinator.

A Construction Certificate shall be prepared and submitted to Council for all landscape works within the public domain road reserve. The Construction Certificate for public domain works shall be approved by Council in accordance with the following:

- It must be in accordance with the approved DA plans and fully integrated with civil, traffic and stormwater engineering requirements.
- It shall be prepared and produced by a consultant that meets the requirements of the Lake Macquarie Development Control Plan 2014.
- It shall specify the standard set of hold/witness points to be organized with Council's Project Management Coordinator contactable on 4921 0333 during the construction period for all public works. These are:

Associated Witness & Hold Points

Street Trees

- Set out of tree pits (witness points).
- Excavation of tree pits with root barrier and sub-surface drainage installed in accordance with LMCC's Landscape Standard Drawings – Street Tree Details (hold point).
- Evidence of certification of all associated imported topsoil for street tree planting in accordance with AS4419 – 2003 to be provided to Council's Project Management Coordinator (hold point).
- Tree delivery prior to installation and certification to comply with AS2303-2015 'Tree Stock for Landscape Use' (hold point).
- Commencement of tree planting (witness point).
- Completion of tree planting, including installation of any guards, feature panels / grates in accordance with LMCC's Landscape Standard Drawings (witness point).
- Installation of each layer/horizon of growing medium (witness point).

Hardscape Works

- Clarification on site of setout points and any trenching for services (hold point)

- Form work inspection (hold point)
- Pre pour inspections for pavement and pathways (hold point)
- Completion of works and installation of furniture and TGSI's as approved (witness point)
- Review of works as executed with LMCC's Project Management Coordinator prior to completion report sign off (hold point).

Detention Basin Works

- Completion of subgrade preparation prior to spreading of any imported soil or ameliorated site soil (in accordance with AS4419 – 2003) (witness/hold point).
- Where ameliorated stockpiled soil or site soil is required and utilised for planting purposes in accordance with AS4419 – 2003, evidence of associated amelioration measures must be provided to LMCC's Project Management Coordinator (hold point)
- Completion of nominated soil spreading, mulching, associated proprietary products and planting in accordance with the landscape specifications (witness point).
- Completion of all landscape works in accordance with the Construction Certificate and subject DA approved consent (hold point).

All landscape works shall be carried out by members of Landscape NSW & ACT Master Landscapers Association or equivalent, and implemented under the full supervision of an appropriately qualified landscape contractor.

Landscape works must conform to planting densities comprising plants at nominated spacings in all open areas dedicated to planting. A hard garden retaining edge to all planting areas adjoining lawn surfaces must be implemented and all planted areas covered with minimum 100mm mulch to aid plant establishment.

The landscape consultant that produced the Construction Certificate for public domain works shall submit a **Landscape Compliance Report** to the LMCC Project Management Coordinator that certifies that all landscape works have received the relevant witness and hold point inspections, implemented and maintained in accordance with this Construction Certificate. This compliance report is required prior to LMCC issuing a compliance certificate for the works.

The landscape consultant that prepared the Construction Certificate for public domain works shall submit two **Landscape Maintenance Reports** to LMCC Project Management Coordinator at 26 weeks and 52 weeks after practical completion. This report will certify that at 26 and 52 weeks after practical completion the approved public domain works are being satisfactorily maintained.

3. Condition 28 be amended to state:

28. Car Parking and Allocation of Spaces

A total of 137 car parking spaces and 9 motorbike parking spaces shall be constructed on the site in accordance with the minimum requirements of the Australian Standard AS/NZS 2890 as current at the time of construction, and maintained on the land in accordance with the approved plans.

The spaces shall be allocated in the following proportions:

Accessible Car Parking for the Existing Child Care Centre	1 space
Regular Car Parking for the Existing Child Care Centre	9 spaces
Accessible Car Parking for Recreation Facility	3 spaces
Electric Vehicle Car Parking for Recreation Facility	2 spaces
Regular Car Parking for Recreation Facility	122 spaces
Motorbike Parking for Recreation Facility	9 spaces

The vehicle parking spaces are to be identified on-site by line marking. The parking provided shall only be used in conjunction with the uses contained within the development and except as provided for in these conditions are not to be used other than by an occupant or tenant of the development.

The required disabled car parking spaces shall be clearly marked and signposted for the sole use by disabled persons.

The required electric vehicle charging spaces shall be clearly marked and signposted for the sole use by electric vehicles.

The required car parking spaces associated with the Child Care Centre shall be clearly marked and signposted for the sole use by staff and visitors of the Child Care Centre during its approved operating hours.

Any strata subdivision plan relating to the development shall be consistent with the allocation of car parking in this condition.

No spaces shall be marked, signposted or otherwise identified as being for the sole use of staff only. Spaces shall not be fitted with any equipment serving to render the car park inaccessible at any time, such as bollards, roller doors, or the like.

All car parking spaces, line marking and signage shall be completed prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first.

4. Condition 33 be amended to state:

33. Onsite Loading/Service Facility

The onsite loading/servicing facility shall be constructed clear of designated car parking spaces and driveways, must be kept clear of goods and must not be used for any storage purposes, including garbage storage.

The loading dock and driveway shall be graded and drained to a collection sump for the control of any spillages or cleaning waste generated. Wastes shall be directed to the sewer in accordance with the requirements with the Hunter Water

Corporation. Details shall be provided to the Principal Certifying Authority prior to the issue of the first Construction Certificate.

All loading operations associated with servicing the site, must be carried out within the boundaries of the site, and must not obstruct other properties, access driveways, public roads or footpaths.

Following commencement of occupation, deliveries to the site shall occur only between the times stated as follows:

Monday to Saturday: 7:00am to 6:00pm

Sundays and Public Holidays: 8:00am to 6:00pm

5. Condition 60 be amended to state:

60. Acoustic Certification

The recommendations contained in the acoustic report prepared by Noise and Sound Services, Project Number: nss22141 – Final, dated April 2016, shall be incorporated into the design, construction and ongoing operation of the development.

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with any acoustic conditions and that no other noise nuisance is created to the neighbourhood.






Upon completion of the works and prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified acoustic consultant certifying that the works have been completed in accordance with their requirements and the development or proposed use is capable of operating in accordance with the design criteria.

At 90 days of operation a suitably qualified acoustic consultant shall test, measure and certify that the development is operating, at that time, in accordance with the approved acoustic report.

- B The Panel suggested the submission regarding materials and corrosion be referred to the section within Council who will be responsible for construction and maintenance of the facility, for appropriate consideration.

Reasons:

1. To correct a reference in the schedule of approved plans;
2. To ensure an appropriate finish to retaining walls visible from the public domain and to correct references to a "subdivision" construction certificate;
3. To ensure appropriate allocation and marking of carparking areas;
4. To place appropriate hours on loading operations, having regard to general potential amenity impacts from operations on the surrounding area;
5. To correct a minor error in Condition 60 to ensure acoustic recommendations also apply to operations.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Lindsay Fletcher	 John Gilbert
 Sandra Hutton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015HCC017 – Lake Macquarie City Council – DA/851/2015
2	PROPOSED DEVELOPMENT	Recreation facility (indoor) and recreation facility (outdoor)
3	STREET ADDRESS	Lot 1 DP 113863, Lot 971 DP 755233 and Lot 970 DP 755233 17, 17A and 19 Mulbinga Street, Charlestown.
4	APPLICANT/OWNER	Lake Macquarie City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development that has a value of more than \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ol style="list-style-type: none"> 1. State Environmental Planning Policy (State and Regional Development) 2011 2. State Environmental Planning Policy (Infrastructure) 2007 3. Lake Macquarie Local Environmental Plan 2014 <p>Draft environmental planning instruments: Nil</p> <p>Development control plans:</p> <ul style="list-style-type: none"> • Lake Macquarie Development Control Plan 2014 <p>Planning agreements: Nil</p> <p>Regulations:</p> <ul style="list-style-type: none"> • Environmental Planning and Assessment Act Regulation 2000 <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</p>

		<p>The suitability of the site for the development.</p> <p>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The public interest, including the principles of ecologically sustainable development.</p>
7	MATERIAL CONSIDERED BY THE PANEL	<p>Council Assessment Report with proposed conditions and plans of development. Updated memo circulated to the Panel by Council staff, responding to queries.</p> <p>Written submissions during public exhibition: one submission</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> • Support – nil • Object – nil • On behalf of the applicant – Nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>18 August 2016 – Briefing Meeting</p> <p>8 December 2016 – Site Inspection and Final Briefing Meeting</p>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report