

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

DATE OF DEFERRAL	19 January 2017
PANEL MEMBERS	Kara Krason (Acting Chair), Michael Leavey, John Griffin and John Gilbert
APOLOGIES	Jason Perica, Sandra Hutton and Justin Hamilton
DECLARATIONS OF INTEREST	None

Public meeting held at Lake Macquarie City Council on Thursday 19 January 2017, opened at 2.00 pm and closed at 5:10pm.

MATTER DETERMINED

2016HCC033 - Lake Macquarie City Council, DA/731/2016, Staged Development – Stage 1 Retail Premises (Demolition of Existing Coles and construction of new Coles and specialty shops) – Stage 2 Service Station concept, Lot 103 DP 1115833, Lot 101 DP 1115833, 46 and 56 Wilsons Road, Mount Hutton

VERBAL SUBMISSIONS

Support – nil

Object – One (Kirsty Tepper on behalf of Steve Barr)

On behalf of the applicant – Rob Hain, Kevin Schraader, Andre Cowan, Maggie Steele, Rob Severino)

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 inspection listed at item 8 in Schedule 1. The Panel considered an amended set of conditions tabled by Council Officers at the meeting.

The Panel determined to defer the development application in order for the following to occur:

- (a) The applicant to formally submit for Council assessment the amended plans that were presented to the Panel at the meeting on 19 January 2017, which include improvements to the Scrubby Creek entry, waste bay and loading zones, with the following further amendments to also be included:
 - (i) The height of the visual screens around the waste area are to be increased as described by the Proponent at the meeting, to satisfactorily screen the visual appearance of the dock;
 - (ii) The acoustic screens adjoining the new speciality loading dock and new Coles loading dock are to be increased in height from 2.2m to 6m and are to incorporate external architectural treatment that achieves a positive visual appearance when viewed from Scrubby Creek and surrounding residential properties;
 - (iii) Consider opportunities for providing a screen/partition or similar to ensure a safe separation between the pedestrian entry path from Scrubby Creek with the adjoining waste loading area, without compromising safety.
 - (iv) A suitable pedestrian walkway with a minimum width of 4m from the bus stop along Wilsons Road into the new shopping centre entry, to be constructed as part of the Stage 3 works. The plan is to include details of location and path dimensions, landscaping, street furniture, safety measures and confirmation that the path meets accessibility requirements. The plan should recognise that the Panel has significant concerns with the Stage 2 Concept Proposal for a service station and accordingly the footpath plan should be designed in conjunction with the actual works contained within the development application.
- (b) The Council staff provide a supplementary assessment report upon receipt of the plans in response to (a) above and addressing all relevant matters outlined in the reasons for the decision below, the

additional assessment comments provided by email on 16/1/17, and including copies of all public submissions received, to the JRPP as soon as is practicable in February for subsequent consideration by the Panel by electronic means.

- (c) The Proponent is to provide the additional information referred to in (a) above within 14 days of the date of these minutes. Should the material not be submitted within this time period the Panel may determine the application on the basis of the material and the assessment report provided to date.

The Panel deferred determination of the development application to provide the opportunity for the Proponent to formally submit the amended plans and to enable Council to assess the revised design put forward by the Proponent. The Panel noted that the alternative design presented by the Proponent is contrary to the design changes recommended by Council Officers as outlined in the proposed deferred commencement condition, however after visiting the site, considering the assessment report and the submission by the Proponent the Panel considered the alternative scheme may have merit, however await a further assessment by Council prior to making a determination.

The decision to defer determination was unanimous.

An amended set of conditions should be included in the Supplementary Report.

The supplementary report should be made available on the JRPP website.

REASONS FOR THE DECISION

The Panel generally agreed with the assessment within the Council assessment report and are of a mind to support the Stage 1 works within the application with some design amendments and modifications to the proposed conditions, however formal submission of amended plans by the Proponent and assessment of those plans by Council Officers within a supplementary report are necessary prior to the Panel determining the application. While the Panel had some concerns with the lack of activation of the north-eastern façade of the building and the address of the development to Scrubby Creek, the Panel recognised that the amended plans put forward by the Proponent as an alternative to the design change for the waste area outlined in the deferred commencement condition proposed by Council, were generally acceptable taking into consideration the operational issues raised by the Proponent should the relocation of the waste area proposed by Council be required. However to mitigate the visual impacts of the proposed service areas of the proposal as viewed from Scrubby Creek, the Panel considered that proposed screening to the waste area and the loading areas should be increased in height and incorporate architectural wall treatments. The Panel would also like to see further consideration of design opportunities to separate the pedestrian pathway from the adjoining waste loading area to ensure pedestrian safety while trucks are accessing the waste area.

The Panel was not however supportive of the Stage 2 concept proposal for a service station, which is likely to have pedestrian, vehicle and servicing impacts with the shopping centre access and parking areas, which have not been addressed in sufficient detail as part of the concept proposal. These issues are critical to the assessment of the proposed land uses and building footprints for this aspect of the proposal. Furthermore, the Panel have concerns over supporting a concept proposal that involves land use and building footprints that would be subject to further design amendments via conditions of consent as there is uncertainty of the outcome given the constraints of the service station site with respect to the surrounding shopping centre land uses, pedestrian pathways, loading bay, vehicle access routes and car parking areas. The Panel's consideration of the concept proposal for the service station therefore differs from the recommendation put forward by Council staff on this aspect of the application.

While not making a decision on the application at this stage, the Panel noted the clause 4.6 variation to building height and considered the arguments made by the Proponent and the public.

In relation to the issue of social impacts associated with the proposed liquor store adjoining the new Coles supermarket, the Council Officer provided further assessment to the Panel via email on 16 January 2017 in response to the submission made by a member of the public. The Officer's response included consultation

with Council's Community Planner on the issues raised in the submission. The additional assessment concludes that the application satisfies the requirements of clause 7.11 of the LEP and that the social impacts associated with the proposed bottle shop are acceptable. The Panel requests that an assessment of the late submissions received form part of the supplementary report by Council staff. If the application is approved the Panel is of a mind to identify specific hours for the liquor store within proposed condition 21, restricting the liquor store to the hours of 9am to 9pm Monday to Saturday and 9am to 5pm on Sundays.

Furthermore, the Panel considered that proposed condition 21 could also be strengthened by specifying the existing hours of the shopping centre referred to in that condition as 7am to 10pm Monday to Saturday and 8am to 5pm on Sundays and public holidays.

In relation to the matter of a shared path/cycleway the Panel considered that this should be provided as part of the Stage 1 works associated with the redevelopment of the shopping centre rather than defer to a future potential DA for a service station as currently proposed in condition 6. The Panel are of the view that this matter could be appropriately addressed as a condition of consent.

In relation to the public concerns raised in relation to shopping trolley management and abandoned trolleys in Scrubby Creek the Panel considered that this could be satisfactorily addressed through modifications to proposed Condition 7, including extending the requirement for the use of radio frequency wheel locking system or similar to be implemented on the trolleys of all major retailers within the centre including but limited to Coles, Woolworths and Big W, and requiring that the Trolley Management Plan also address signage at the entry to the Scrubby Creek pedestrian bridge.

The Panel considered the landscaping proposed to be generally acceptable subject to some amendments to condition 27 to require an amended landscape plan to include additional tree planting between carparking spaces to provide shade generally in accordance with the requirements of clause 7.4 of the DCP and to incorporate landscape works associated with the new shared pathway/cycleway adjoining Scrubby Creek.

The Panel considered that additional documentation should be provided in relation to temporary pedestrian pathways from the bus stop on Wilsons Road to the Shopping Centre during each stage of construction and operational management measures associated with the loss of carparking during the construction period, however these matters could be satisfactorily addressed through modifications to proposed condition 29.

In relation to acoustic issues, the Panel were of a mind to accept the assessment of the Council Officers, noting there is a typographical error in proposed condition 31. The Panel noted that the Council Referral Response from the Environmental Management Officer predates the Acoustic addendum letter provided by the applicant by a day and that further clarification was provided to the Panel by the assessment officer on the matters raised. It is suggested that an updated response from Council's Environmental Management Officer form part of the Supplementary Report to the Panel to confirm that Council is satisfied that the proposal will have acceptable acoustic impacts particularly on nearby residential receivers.

In terms of crime risk, the Panel considered that proposed condition 37 could be strengthened by also including Council's standard condition regarding graffiti removal and light replacement requirements, as recommended by Council's CPTED Officer.

In terms of construction hours, the Panel considered some further clarification could be included in Condition 46 that may enable fit out for individual speciality stores (not major retailers) to be carried out outside standard construction hours to minimise disruption to the public during trading hours.

PANEL MEMBERS



Kara Krason (Acting Chair)



Michael Leavey



John Griffin



Signature:

John Gilbert