

MEMO



To: Hunter & Central Coast Joint Regional Planning Panel
From: Senior Development Planner - Andrew Leese
File: DA/2011/2016 **Reference:** 2017HCC001 **Date:** 06 February 2018
Subject: Revised conditions for consent – JRPP Meeting 8 February 2018

Dear Panel Members

Council provided the applicant for this DA with a copy of the proposed conditions of consent. The applicant has made representations to re-word 11 and delete one of the proposed conditions.

Council has considered this representation and has agreed to amend, (but not delete), all of the conditions identified.

Attached to this memo is a Schedule that identifies the re-worded conditions, noting the request of the applicant and the response of the Council.

It is noted that after a request from the applicant, the S.94 figure has been recalculated – with the final figure now being \$27,786.96.

It is also noted that in the draft conditions prepared by Council there are two conditions No. 20. Hence, any final version will have conditions, (post the first No. 20), renumbered.

A copy of this memo has been provided to the applicant.

Regards

A handwritten signature in black ink, appearing to read "A. Leese".

Andrew Leese
Senior Development Planner
Development Assessment & Compliance Department

Schedule 1:

Condition No 2: The applicant has requested a number of plan references be updated, clarified and corrected. Council has raised no objections to these changes.

Approved Documentation

The development consent incorporates this schedule of conditions and the plans and documents referenced, stamped and staged as follows:

(01) Plans Reference:

Plans prepared by: Glendenning Szoboszlay Architects; Project Number. J1264			
Name of Plan	Drawing Number	Issue	Date
Overall Site Plan	A002	B	01-08-2017
Material Sheet	A004 <u>A006</u>	B	01-08-2017
Lake Site – Demolition Plan	A012	B	01-08-2017
Lake site – Level 1 Plan	A021	B	01-08-2017
Lake site – Level 2 Plan	A022	B	01-08-2017
Lake site – Level 3 Plan	A023	B	01-08-2017
Lake site – Roof Plan	A024	B	01-08-2017
Lake site – Stage 1 Plan	A025	B	01-08-2017
Lake site – Level 2 & Demolition Plan	A026	B	01-08-2017
Lake site – Site Sections	A027	B	01-08-2017
Lake site – Site Elevations	A0289	B	01-08-2017
Triangle Block – Staging Equipment Building <u>Site and Roof Plan</u>	A031	B	01-08-2017
Triangle Block - Elevations	A032	B	01-08-2017
Triangle Block - Sections	A033	B	01-08-2017

Triangle Block – Demolition Plan	A034	B	01-08-2017
100 Acre Woods – Refuge & Camping Area <u>Plan</u>	A041	B	01-08-2017
100 Acre Woods – Refuge Floor & Roof Plan	A042	B	01-08-2017
100 Acre Woods – Refuge Elevations and Sections	A043	B	01-08-2017
100 Acre Woods – Refuge and Camping Area <u>Demolition Plan</u>	A044	B	01-08-2017
Dining Hall – Ground Floor Plan	A051	B	01-08-2017
Dining Hall – Lower Level Plan	A052	B	01-08-2017
Dining Hall – Roof Plan	A053	B	01-08-2017
Dining Hall – Elevations Sheet 1	A054	B	01-08-2017
Dining Hall – Elevations Sheet 2	A055	B	01-08-2017
Dining Hall - Sections	A056	B	01-08-2017
Boat House – Ground floor Plan	A061	B	01-08-2017
Boat House – Plans & Sections	A062	B	01-08-2017
Boat House - Elevations	A063	B	01-08-2017
MPH & Pool – Floor Plan	A071	B	01-08-2017
MPH & Pool – Roof Plan	A072	B	01-08-2017
MPH & Pool – Elevations	A073	B	01-08-2017
MPH & Pool – Elevations and Sections	A074	B	01-08-2017
Office – Existing and Demolition Plan	A081	B	01-08-2017
Office – Proposed Plan	A082	B	01-08-2017
Office – Proposed	A083	B	01-08-2017

Sections & Elevations			
Lodge – Ground Floor Plan	A091	B	01-08-2017
Lodge – First Floor Plan	A092	B	01-08-2017
Lodge – Roof Plan	A093	B	01-08-2017
Lodge – Elevation South and West	A094	B	01-08-2017
Lodge – Elevations North and South <u>East</u>	A095	B	01-08-2017
Lodge – Sections A & B	A096	B	01-08-2017
Lodge – Sections C & D	A097	B	01-08-2017
Cabins 1 – (2 + 3) Floor plans	A101	B	01-08-2017
Cabins 1 (2 +3) Roof Plan and Sections	A102	B	01-08-2017
Cabins 1 (<u>2 +3</u>) Elevations	A103	B	01-08-2017
Cabins 4 (5) – Floor Plans	A104	B	01-08-2017
Cabins 4 (5) – Roof Plan and Sections	A105	B	01-08-2017
Cabins 4 – (<u>5</u>) Elevations	A106	B	01-08-2017
Cabins 2 - Elevations	A107	B	01-08-2017
Cabins 3 – Elevations	A108	B	01-08-2017
Cabins 5 - Elevations	A109	B	01-08-2017
Meeting Space 1 – Plans and Elevations	A111	B	01-08-2017
Meeting Space 2 – Plans, Sections and Elevations	A112	B	01-08-2017
Maintenance Shed – <u>Basement</u> Ground Floor Plan	A121	B	01-08-2017
Maintenance Shed – <u>Ground Floor</u> Basement Plan	A122	B	01-08-2017
Maintenance Shed – Plans and Sections	A123	B	01-08-2017
Maintenance Shed – Elevations	A124	B	01-08-2017

Outdoor Chapel – Plans, Sections & Views Elevations	A131	B	01-08-2017
Outdoor Chapel – Access Platforms Plan, Detail, Sections and Views	A132	B	01-08-2017
Game and Induction Structures	A141	B	01-08-2017
Climbing tower 1 + 2	A142	B	01-08-2017
Typical Gazebo Satellite Bin Store	A143	B	01-08-2017
Archery Structures	A144	B	01-08-2017
Low rope Activity Area	A145	B	01-08-2017
Beach Volleyball Court <u>1</u>	A146	B	01-08-2017
Netball and Volleyball Court <u>2</u>	A147	B	01-08-2017
Honeymooners – Cabin Works	A149	B	01-08-2017
House Site - <u>Ground Floor Plan</u>	A151	B	01-08-2017
House Site – <u>First Floor Plan</u>	A152	B	01-08-2017
House Site – <u>Roof Plan</u>	A153	B	01-08-2017
House Site – <u>Street and Façade Elevations</u>	A154	B	01-08-2017
House 2 – <u>Elevations and Sections</u>	A155	B	01-08-2017
Stormwater Management Plans	Northrop Engineers-C08 – C11	SY152221-F	August 2017

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects Vol 1 and Vol 2 dated December 2016 except where	SEE and Response to Request for Further Information	JBA and Ethos Urban	December 2016 and August 2017

amended by Vol 1 and Vol 2 dated August 2017			
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Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

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

Staging: This consent includes consent to construct the development in two stages per the approved plans. Conditions, where relevant have been, allotted the appropriate stage for compliance. Where no allocation, compliance is required for both stages.

Condition No 6: The applicant has requested this condition be deleted. Council does not support this and has recommended a rewording, which has been supported by the applicant.

Concrete Footpath and Pedestrian Refuge

The Applicant shall construct:

A pedestrian refuge on Yarrawonga Park Road, to provide [connectivity for pedestrians between the Lake site and triangle site](#). Concrete footpaths 1.2 metres wide shall be constructed along the street frontage, where necessary, to connect the sites via the pedestrian refuge, at the cost of the person having the benefit of the consent. Concrete footpaving shall be constructed in accordance with Lake Macquarie City Council standard drawing EGSD-301, which is available from Council's website.

An approval under s138 of the Roads Act 1993 shall be obtained from Council prior to the issue of any Construction Certificate for those works. No works shall commence prior to the issue of a Construction Certificate.

Prior to the issue of the final Occupation Certificate for the Staging Equipment Shed or use of the 100 Acre Wood site for camping, a certificate shall be issued by the Principal Certifying Authority stating that the work has been undertaken in accordance with the DCP 2014 Engineering Guidelines.

Condition No 7: The applicant has requested a minor word change. Council raised no objection to this change.

Vehicles Access Crossing and Kerb Layback –~~Stage 2~~

A paved vehicular access including kerb layback from the property boundary to the street shall be installed in accordance with DCP 2014 Engineering Guidelines and Councils Standard Drawings: EGSD-103, EGSD-201 or EGSD-104 (available from Councils website).

An approval under s138 of the Roads Act 1993 shall be obtained from Council prior to the issue of any Construction Certificate for those works.

Prior to the commencement of work the person having the benefit of the consent shall contact Council for footpath levels so that a suitable driveway can be constructed to provide vehicular access onto the site.

Prior to the issue of ~~any~~ the relevant Occupation Certificate, the paved crossing shall be completed for the building, at the owner's cost

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter to match adjoining kerb and gutter to the satisfaction of Council.

Condition No 9: The applicant has requested a minor word change similar to Condition No 7. Council does not oppose this condition change.

Geotechnical Report Compliance

The recommendations of the Geotechnical Report No. 29457Zrpt Rev 1 prepared by JK Geotechnics dated 14 August 2017 shall be complied with. Any works undertaken in relation to the development shall embody all the relevant recommendations of the Geotechnical Report.

Where the geotechnical report requires inspections, a geotechnical engineer shall inspect the works at the stages as specified in that report.

Prior to the issue of the ~~first~~ relevant Construction Certificate, the engineering plans shall be certified as being designed in accordance with the approved Geotechnical Report by a suitably qualified structural / civil engineer.

Condition No 15: The applicant has requested a word change. This has been considered by Council's Flora and Fauna Planner, who recommended a rewording as follows.

Biodiversity Management Plan and Implementation

A person qualified in natural vegetation management, ecology or bush regeneration shall be retained to prepare a Biodiversity Management Plan (BMP) in consultation with Council's Development Planner Flora and Fauna. The BMP shall be prepared in accordance with the *Lake Macquarie City Council Guideline for Vegetation Management Plans*. The BMP shall be submitted, to and approved by Council's Development Planner Flora and Fauna prior to the issue of the first construction certificate. The BMP shall include:

- Fencing and conservation signage on site boundaries,
- Blocking vehicle access and clean-up of dumping areas,
- Weed removal and ~~revegetation as required including along the residential interfaces and illegal access areas~~ revegetation across the 100 Acre Wood Site. Revegetation shall include a minimum of 390 preferred squirrel glider feed trees including swamp mahogany *Eucalyptus robusta*, forest red gum *Eucalyptus tereticornis*, red bloodwood *Corymbia gummifera* and scribbly gum *Eucalyptus haemastoma*.
- Establishment of regular monitoring and response program which protects and enhances habitat for wallum froglet, squirrel glider, forest owls and *Tetratheca juncea* across the 100 Acre Wood site in perpetuity.

Implementation of the BMP shall commence immediately upon commencement of works including demolition works on site and shall be carried out in accordance with the BMP approved schedule of works.

Annual monitoring statements shall be provided to Council's Development Planner Flora and Fauna verifying compliance with the BMP. Implementation of the BMP may cease once outcomes of the BMP have been met, the works schedule completed and approval for the completion of works has been obtained from Council's Development Planner Flora and Fauna.

Condition No 16: The applicant has requested a minor word change. Council raised no objection to this.

Hollow Bearing Tree Removal

A qualified ecologist or wildlife carer shall supervise installation of nest boxes and removal of any hollow bearing trees to ensure mitigation against any native animal welfare issues.

Removal of Trees with Habitat Hollows

Removal of trees with habitat hollows shall be undertaken outside of hollow dependent fauna hibernating and breeding periods (i.e. preferred clearing times occur in March/April and October / November). Any hollow-bearing trees shall be felled in a manner determined to have the least impact on fauna. Unless otherwise specified by a qualified ecologist the tree shall be felled in one to two metre sections, beginning at the top of the crown. Lengths cut from the tree(s) shall be in a manner that will preserve the hollow(s) with each section inspected and appropriately treated to minimise impact to fauna.

Nest Box Installation

Six nest boxes are to be installed:

- At least two weeks prior to clearing and maintained in perpetuity;
- At least four metres above ground;
- Be of a design suitable for species that may be residing in trees marked for removal;
- Be of a design that is consistent with NSW Government 2011, "*Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects - Guide 8: Nest boxes*", prepared by the Roads and Traffic Authority, September 2011 and NSW Government 2008, "*Guidelines for the design, construction and placement of nestboxes*", prepared by the Department of Environment, Climate Change and Water, Biodiversity Conservation Section.
- At an orientation that is suitable for the species that the nest box has been designed. Micro bat nest boxes should be orientated at a north to north westerly aspect. Bird and mammal boxes should be orientated at an east facing aspect;
- In a manner that minimises damage to the trees and surrounding vegetation; and
- With a unique number affixed that can be read from the ground.

Nest Box Monitoring

Nest boxes shall be monitored to determine their usage and repairs or replacement (as required). Monitoring shall be carried out on an annual basis for a minimum period of five years following installation and/ or as otherwise agreed with Council.

Reporting

Council's Development Planner Flora and Fauna is to be provided with a written report following:

- Installation of nest boxes;
- Removal of hollow bearing trees; and
- Each annual monitoring/maintenance inspection.

Reports are to include the nest box identification number, artificial nest box or salvaged tree hollow type, GPS location (including GIS map), species and diameter at breast height of the host tree, artificial nest box or salvaged tree hollow height, nest box orientation, species use and nest box condition.

Condition No 18: The applicant has requested a minor word change. This has been considered by Council's Flora and Fauna Planner, who recommended a rewording as follows.

88B Instrument – Stage 1

The Registered Proprietor of the land shall provide an instrument under Section 88B of the Conveyancing Act setting out terms of easements and/or restrictions as to user as may be required by conditions of this consent prior to the issue of the final Occupation Certificate. Council shall be the party empowered to release, vary or modify those (and only those) easements and/or restrictions required by conditions of this development consent.

The Section 88B Instrument shall identify trees nominated for retention through the Lakeside precinct and Transfer Area (Tree Management No 1 and Tree Management Plan No 2, Xeriscapes 26/07/2017) as vegetation that shall be retained, protected and enhanced in perpetuity.

~~The Section 88B Instrument is to identify trees nominated for retention the development area in the 100 Acre Wood (100 Acre Woods Refuge & Camping Area Plan Demolition Plan, Glendenning Szoboszlay Architects Revision B 01/08/2017) as vegetation that shall be retained, protected and enhanced in perpetuity.~~

The Section 88B Instrument is to restrict tree clearing to those nominated for removal within the development area in the 100 Acre Wood (100 Acre Woods Refuge & Camping Area Plan Demolition Plan, Glendenning Szoboszlay Architects Revision B 01/08/2017)'.

The Section 88B Instrument shall identify the development area in the 100 Acre Wood (100 Acre Woods Refuge & Camping Area Plan Demolition Plan, Glendenning Szoboszlay Architects Revision B 01/08/2017). The remainder of the site shall to be retained, protected, managed and enhanced in accordance with the 100 Acre Wood Biodiversity Management Plan.

The Section 88B Instrument set out in this condition is not required if the person having the benefit of this consent can demonstrate to Council's satisfaction that it has established a Biodiversity Stewardship Agreement for the site.

Condition No 21: The applicant has requested a word change, so that some references in Council's standard condition be removed. Council does not object to these clarifications.

Standards for Construction of a Boat Shed

The first floor boat shed roof shall not be used for any purpose other than a roof. Balustrades shall not be erected on the first floor boat shed roof.

The boat shed shall not be used for any purpose, including habitation, other than shown on the approved Boat Shed drawings A061(B) and A062(B). ~~the storage or maintenance of a vessel. Cooking facilities, washing facilities, wall lining or any other improvements which would make the boatshed suitable for habitation shall not be installed.~~

Condition No 22: The applicant has requested that lots 1-3 DP 21486 and lots 21-22 DP 1158510 not be included in the lot consolidation. Council has agreed that lots 1-3 DP 21486 do not need to be included in the lot consolidation, but should be realigned to reflect the layout of the three proposed dwellings over these lots.

Consolidation of Lots – Stage 1

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, all the lots listed below associated with the site on the western side of Yarrawonga Park Road, shall be consolidated and registered at the Land and Property Information Services and a copy of the registered plan shall be provided to Council.

Lots 21-29 and 33 in DP1158510

Lot 1 in DP660654

Lot 1 in DP1089567

37 King Street, Balcolyn
2 Yarrawonga Park Road, Balcolyn
4 Yarrawonga Park Road, Balcolyn
6 Yarrawonga Park Road, Balcolyn
8 Yarrawonga Park Road, Balcolyn
10 Yarrawonga Park Road, Balcolyn
12 Yarrawonga Park Road, Balcolyn
20 Yarrawonga Park Road, Balcolyn
40 Yarrawonga Park Road, Balcolyn (7 lots)

Prior to the issue of an Interim or Final Occupation Certificate of the three staff dwellings, whichever occurs first, Lots 103 DP 21486 shall be realigned, to reflect the new buildings erected over these lots and registered at the Land and Property Information Services and a copy of the registered plan shall be provided to Council.

Condition No 24: The applicant has requested a minor word change to clarify this condition. Council raises no objection.

Boundary Fencing

All costs associated with the removal and replacement of any fence shall be borne by the person with the benefit of the consent and not the relevant neighbouring property owners.

Fourteen days written notice shall be given to the relevant neighbouring property owner of the intention to erect the boundary fencing.

Within E2 zoned land on the 100 Acre Wood Site only rural style fencing (wire and post) shall be used.

Condition No 27: The applicant has requested a minor word change on the basis they would like greater flexibility. Council raises no objection to this request.

Car Parking and Allocation of Spaces –Stage 4

A minimum of 70 car parking spaces (not including three staff dwellings) 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 car parking spaces are to be identified on-site by line marking and must be numbered. The car 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.

All designated car parking spaces shall be available for use only by employees and clientele during the business hours of the approved development unless shown otherwise on the approved plans but are not to be used as public car parking. No spaces shall be marked, signposted or otherwise identified as being for the sole use of staff only.

A minimum of 58 car parking spaces, line marking and signage shall be completed prior to the issue of an Interim or final Occupation Certificate for works on the Lake site.

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

Condition No 76: The applicant has requested a minor word change to clarify the extent of kerb and guttering. This is not opposed.

Construction of Kerb and Gutter and Associated Works

The person having the benefit of the consent shall construct, for the full frontage of the development, adjacent to the development site, in Yarrawonga Park Road and Manowie Street, kerb and gutter and associated road pavement, including drainage and adjustment to existing constructions in accordance with the provisions of the publications and standards identified in this consent

No works shall commence on site prior to the issue of a **Construction Certificate**.