

MEMO 3



To: Hunter & Central Coast Joint Regional Planning Panel
From: Senior Development Planner - Andrew Leese
File: DA/2011/2016 **Reference:** 2017HCC001 **Date:** 07 February 2018
Subject: Additional Issues for Clarification – JRPP Meeting 8 February 2018

Dear Panel Members

Council staff has received an additional list of 11 issues that the Panel is seeking further/greater clarification on, for the determination meeting for this DA.

In response to the issues raised Council provides the following responses:

1. Clause 4.6 – implications of Circular from DPE 15/12/17 and relevance to the DA

Nil – The only implications advised to LMCC Planning staff is that DAs with a variation to a numerical development standard of more than 10%, or any non-numerical development standard, must now reported to Council. Variations sought with the application exceed 10%, with the proposed climbing towers seeking a 76% variation. Consideration of this DA by the JRPP would satisfy Circular PS17-006.

2. Cl 4.6 - Clarify heights of two buildings marked “?m” in applicant’s Clause 4.6 request (pg. 50 report, pg. 44 applicants document)

It is noted that the table presented in the SEE on page 44 included four “?m”. This ‘editing error’ was overlooked as the Plans could be interpreted to indicate the heights. Discussion on height (cl 4.3 LM LEP) in pages 12-13 of the assessment report indicates the maximum height of the Dining Hall and Lodge as 10.5m and 11.5m respectively, with the variations being 2m and 3m respectively.

3. Was it applied for as a Staged DA or just staged construction?

The applicant is only seeking to have the construction staged (into two parts). Any approval will be for the entire development and not require further applications for additional ‘stages’.

4. Permissibility – confirm whether all permanent residential accommodation permissible if considered independent of community facility

The applicant has sought approval for the three 'dwellings' on the south-eastern corner of the development as staff dwellings – i.e. they will be used to accommodate teachers coming with students to camps. Council acknowledges the buildings will present as standard looking domiciles compared to the rest of the development on the site, and their location (and lot arrangements) could indicate a future use as private dwellings, (hence a request and lodgement of Basix Certificates – see question 10). Dwellings are permitted in the R2 zone, but presently the application is considering them as part of the Community Facility.

5. Confirm SEPP 55 considered

Contamination was considered and noted in the assessment report on pages 9, 20 and 34.

6. Is the sewer connection new or is existing site already connected?

Hunter Water Sewer is connected to the lake site, easily available to the triangle site and borders the north-eastern corner of the 100 Acre Wood site.

Questions relevant to recommendation for approval, without pre-empting any decision:

7. Does permissibility hinge on being a charity and if so is this a matter to consider for any s88B?

Community Facilities require the operator to be, "owned or controlled by a public authority or non-profit community organisation". Council has not sought to impose any legal easement on the land to restrict the ownership or the like. Any owner wishing to operate at the site would need to comply with the defined use, or the consent could not be satisfied.

8. Does BMP need OEH consultation or OK?

No – consultation would only be required if a SIS was required.

9. Is a condition required regarding a Water Authority approval (also noting GTAs not received)?

The following condition has been provided by Department of Industry – Water, for past applications within LMCC:

Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

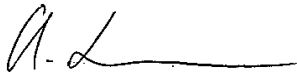
10. BASIX – OK to condition?

See question 4 – The matter was discussed with the applicant and they have provided complying Basix Certification to avoid the issue being raised at the last moment.

11. Is there any reason some conditions are blue and some black?

No – the blue are conditions that require some sort of editing by staff before issuing, and black are standard conditions that do not require any editing. In a final consent all conditions would be black.

Regards

A handwritten signature in black ink, appearing to read 'A. Leese', with a long horizontal stroke extending to the right.

Andrew Leese
Senior Development Planner
Development Assessment & Compliance Department