

DETERMINATION AND STATEMENT OF REASONS
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Thursday 18 October 2018
PANEL MEMBERS	Michael Leavey (Chair), Kara Krason, Lindsay Fletcher, Jason Pauling,
APOLOGIES	Jason Perica & Justin Hamilton
DECLARATIONS OF INTEREST	Scott Anson

Public meeting held at Lake Macquarie City Council, Administration Building, 126-138 Main Road, Speers Point on 18 October 2018, opened at 3:00pm and closed at 5:20pm.

MATTER DETERMINED

2017HCC022 – Lake Macquarie City Council – DA /1178/2017 at 309 George Booth Drive, Cameron Park (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel generally agreed with the environmental assessment within the Council staff assessment report.

The proposal complies with the relevant provisions of Lake Macquarie LEP 2014, and is generally consistent with Lake Macquarie DCP 2014, with some substantiated variations including the provision of additional car parking spaces which is supported by a Traffic and Parking Assessment and is reasonable given the nature and location of the use. Relevant state agencies have also been consulted and have provided the necessary approvals and concurrence.

The Panel noted advice from Council staff during the briefing meeting that site contamination issues had been addressed as part of the previous application for the site (DA/2207/2007), and that there is no threat of contamination due to the land's previous use as natural woodland.

The proposal is well considered and the amended plans provide improved pedestrian and landscape outcomes for the site, along with the provision and dedication of a cycleway link and a Public Art Strategy. The Panel noted a number of options were considered for the location of loading facilities, given the proximity of adjoining residential land, and was satisfied the proposed location is reasonable having regard to the nature of the site, the treatment of the loading area and operational conditions applying to its use.

In terms of considering community views, the Panel agreed with the staff assessment of the issues raised.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Amendment of Condition 22 to include the following additional paragraphs:

“No approval is given or implied to the pylon sign in the southwest corner of the site, adjacent to George Booth Drive and Lot 902 DP1222132.

For the purpose of this consent, only three pylon signs are approved in accordance with the approved site plan, numbered A02.01 issue J, prepared by Nettletontribe, dated 8 August 2018. This supersedes any plan or documentation nominating four pylon signs.”

Reason: to clarify the number of approved pylon signs, consistent with the amended site plan.

- Amendment of Condition 45 to read:

Hours of Operation and Management of Loading Dock

The loading dock shall be restricted for use only between 7.00am to 9.00pm, seven days per week and deliveries to the loading dock shall not be scheduled to occur before 7.00am, Monday to Saturday, and 8.00am, Sunday. Delivery vehicles shall not park or stand in Northridge Drive at any time.

Reason: to protect the amenity of adjoining residential properties through limiting the hours of operation of the loading dock and truck movements, and to ensure that delivery vehicles do park or stand in Northridge Drive awaiting unloading.

- Amendment of Condition 47 to read:

Acoustic Certification

Council has reviewed and relied upon the information contained in the Acoustic Report, prepared by Marshall Day Acoustics, number Rp 001 r05 2016048SY, dated 26 June 2017, as amended by addendum report, dated 15 February 2018.

The recommendations shall be incorporated into the design and construction of the development.

The 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.

The acoustic consultant shall address the power levels of refrigerated semitrailers parking in the service area and shall ensure compliance with the Industrial Noise Policy.



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.

Reason: to ensure compliance of loading activities with the Industrial Noise Policy and to protect the amenity of adjoining residential properties.

- Amendment of Condition 56 to insert the following paragraph following the first paragraph:
“Additional public art elements are to be included in the design within the main plaza area. Details of the additional public art within the plaza shall be submitted to Council for approval prior to the issue of the first Construction Certificate for the development.”

Reason: to ensure that opportunities for additional public art are provided within the Plaza area, consistent with the previous proposal, as identified by Council’s Heritage Planner.

PANEL MEMBERS	
 Michael Leavey (Acting Chair)	 Kara Krason



Lindsay Fletcher



Jason Pauling

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2017HCC022 - Lake Macquarie City Council - DA/1178/2017
2	PROPOSED DEVELOPMENT	Commercial Premises, 1 into 5 Lot Torrens Title Subdivision, Signage and Road
3	STREET ADDRESS	309 George Booth Drive, Cameron Park Lot 901 DP 1222132
4	APPLICANT/OWNER	Applicant: Fabcot Pty Ltd c/- ADW Johnson Owner: Fabcot Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development that has a capital investment value of more than \$20 million (DA lodged prior to 1 March 2018)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none">• Environmental planning instruments:<ul style="list-style-type: none">○ Lake Macquarie Local Environmental Plan 2014○ State Environmental Planning Policy (Infrastructure) 2007○ State Environmental Planning Policy (State and Regional Development) 2011○ State Environmental Planning Policy No. 55 – Remediation of Land○ State Environmental Planning Policy No. 64 – Advertising and Signage• Draft environmental planning instruments: Nil• Development control plans:<ul style="list-style-type: none">○ Lake Macquarie Development Control Plan 2014• Planning agreements: Nil• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil• Coastal zone management plan: Nil• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality• The suitability of the site for the development• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations• The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none">• Council assessment report: 5 October 2018• Written submissions during public exhibition: 2• Verbal submissions at the public meeting:<ul style="list-style-type: none">○ Support – nil○ Object – nil○ Council assessment officer – Elizabeth Lambert○ On behalf of the applicant – Christopher Sheehan• Council memo dated 17 October 2018 concerning Condition 22
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none">• Panel Briefing – 23 November 2017• Public Meeting – 18 October 2018

		<ul style="list-style-type: none">• Site Inspection and final briefing to discuss council's recommendation, 18 October 2018. Attendees:<ul style="list-style-type: none">○ Panel members: Michael Leavey (Acting Chair), Kara Krason, Lindsay Fletcher, Jason Pauling○ Council assessment staff: Elizabeth Lambert, Georgie Williams & Brian Gibson.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report