

<b>DATE OF DETERMINATION</b>	Wednesday, 20 November 2019
<b>PANEL MEMBERS</b>	Jason Perica (Chair), Kara Krason and Michael Leavey
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Peter Garnham: I am an elected member of Maitland City Council. Sally Halliday: I am an elected member of Maitland City Council. Mitchell Griffin: I am an elected member of Maitland City Council.

Public meeting held at Maitland No. 1 Sportsground, Odd & James Street, Maitland on 20 November 2019, opened at 4:00pm and closed at 4.30pm.

**MATTER DETERMINED**

2019HCC019 – Maitland City Council – DA19/342 at High, Grant, Devonshire Streets, Maitland – New Public Administration Building (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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 agreed with the assessment of environmental impacts as contained in the Council staff assessment report;
- The proposal would be in the public interest, with the benefits of an improved Civic Centre and other positive attributes outweighing the impacts from the proposal;
- The proposal was a positive heritage outcome and supported by the NSW Heritage Office;
- The proposal would significantly improve access to an important public civic building;
- The design was of a high quality and very well considered for the site and its context;
- The provision of parking was appropriate;
- Impacts of flooding are largely unavoidable due to the location, but are reasonably able to be mitigated through conditions of consent, while the design avoided key infrastructure below the flood level and the proposal does not impact on the Council’s capacity to respond to flooding in the LGA;
- The proposal was consistent with principles of Ecologically Sustainable Development;
- The use is permissible with consent and consistent with the objectives of the zone;
- There are limited and acceptable impacts upon neighbours;
- Impacts have been reasonably mitigated by the design and conditions of consent.

**CONDITIONS**

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Condition 10 be amended to include the words “including accessible spaces” at the end of the first sentence.

- Conditions 11 and 12 be amended to state: “, and meet Australian Standards” at the end of the first sentence.
- Condition 61 be amended to change the first sentence to state: “All workers on the site shall be informed of possible previous aboriginal use and occupation of the site”.
- Condition 62 be amended to include the following sentence at the end of the condition: “Consultation shall occur (and be documented) with the family of General Julisz Kleeburg (as far as is reasonably practical) regarding relocation of the Kleeburg Memorial. Consultation shall also occur with the Polish Association Maitland (6 Grant Street Maitland). This shall occur prior to commencement of works regarding the memorial”.
- A new Condition 68A be added to state: “Prior to issuing an Occupation Certificate, Council shall prepare or update its Flood Evacuation/Response Management Plan for the new Civic Centre Building”.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel noted no written submissions were made during public exhibition and no-one sought to address the panel.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Michael Leavey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019HCC019 – Maitland City Council – DA19/342
2	PROPOSED DEVELOPMENT	New Public Administration Building
3	STREET ADDRESS	High, Grant, Devonshire Streets, Maitland
4	APPLICANT/OWNER	Maitland City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments:               <ul style="list-style-type: none"> <li>○ Environmental Planning and Assessment Act</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No. 55 - Remediation of Land</li> <li>○ State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>○ Lower Hunter Regional Strategy (2006)</li> <li>○ Maitland Local Environmental Plan 2011</li> </ul> </li> <li>• Development control plans:               <ul style="list-style-type: none"> <li>○ Maitland Development Control Plan 2011</li> </ul> </li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> </ul>

		<ul style="list-style-type: none"> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 30 October 2019</li> <li>• Written submissions during public exhibition: 0</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Council assessment officer – Leanne Harris</li> <li>○ On behalf of the applicant – Aaron Cook</li> </ul> </li> </ul> <p>The Panel also received a memo dated 19 November 2019 from Council regarding flooding and a letter from Council stating the elected Council supported the proposal.</p>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing: Wednesday, 31 July 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jason Perica (Chair), Michael Leavey and Kara Krason</li> <li>○ <u>Council assessment staff</u>: Leanne Harris</li> </ul> </li> <li>• Site inspection: Wednesday, 20 November 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jason Perica (Chair), Michael Leavey and Kara Krason</li> <li>○ <u>Council assessment staff</u>: Leanne Harris</li> </ul> </li> <li>• Final briefing to discuss council’s recommendation, Wednesday, 20 November 2019, 3:30pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jason Perica (Chair), Michael Leavey and Kara Krason</li> <li>○ <u>Council assessment staff</u>: Leanne Harris</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report