

DATE OF DEFERRAL	22 November 2023
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Tony McNamara and Alan Tickle
APOLOGIES	David West
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 8 November 2023.

MATTER DEFERRED

PPSHCC-143 – MidCoast – DA2022/0847 at Old Bar Road, Old Bar 2430 – Old Bar Multi Dwelling Housing - Subdivision of land to create three development lots for a residential flat building and two for multi-dwelling housing developments as well as eight (8) single dwelling/dual occupancy lots (as described in Schedule 1).

REASONS FOR DEFERRAL

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

The applicant and Council briefed the Panel on this matter. The applicant sought a number of changes to the proposed conditions of consent.

The Panel in their consideration and deliberation of the matter requires the following additional information to make a proper assessment of the merits of the proposal:

- (i) A plan showing the proposed staging of the development.
- (ii) Cross section showing the relationship and height of the two (2) retaining walls on the eastern end of the detention basin and TH 18.
- (iii) Amended architectural plans that show the correct setback of TH 18 to the detention basin.
- (iv) Amended clause 4.6 written request that addresses the provision of 4.6 (3) (b) by identifying environmental planning grounds specific to the height breach and the justification.
- (v) Amended engineering plans that show the location of the GPT off public land or otherwise as agreed by Council.

The Council needs to review the proposed conditions to correct any errors and address changes required in response to the proposed staging. Specifically:

- (i) Condition 22 needs to pick up a requirement to manage noxious weeds.
- (ii) Condition 22 also needs to require the preparation of a Water Sensitive Design Management Plan.
- (iii) A condition detailing plans and requirements for all roads including roads dedicated to Council standard of construction required, inspection regime, and WAE requirement before any dedication occurs.

The matter was deferred to clarify inconsistencies, provide additional detail, and to ensure the Panel's consideration and ultimate determination properly addressed the provision of GTLEP 2010 including clause 4.6 and s4.15 EPA Act 1979.

When the updated assessment report is received the Panel will determine the application by way of electronic determination.


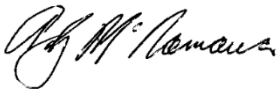


The decision to defer the matter was unanimous.

ACTIONS

To allow for the progression of the Development Application to determination, the Panel directed that:

1. The Applicant provide the required information as outlined above and upload all documentation to the Planning Portal within two (2) weeks of the date of this deferral.
2. A formal written request to amend the application is required to be uploaded to the Planning Portal by the Applicant outlining:
 - a. Particulars sufficient to indicate the nature of change to the development, as required under section 37 of the Environmental Planning and Assessment Regulation 2021
 - b. Any updated technical reports relied on in the amended application.
3. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal within two (2) weeks of the upload of the Applicant's required information to the Planning Portal.
4. When the updated assessment report is received the Panel will determine the application by way of electronic determination.

If the outstanding information is not provided by 30 November 2023 the Panel may move to determine the DA based on the information currently at hand.

PANEL MEMBERS	
 Alison McCabe	 Tony McNamara
 Roberta Ryan	 Alan Tickle

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-143 – MidCoast – DA2022/0847
2	PROPOSED DEVELOPMENT	Old Bar Multi Dwelling Housing - Demolition, subdivision (strata and torrens title) and construction of a RFB (23 apartments) and 55 townhouses
3	STREET ADDRESS	86-90 Old Bar Road, Old Bar 2430 Lots 3 and 4 DP22392
4	APPLICANT/OWNER	Oatrain Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2021 Rural Fires Act 1997 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development Greater Taree Local Environmental Plan 2010 Greater Taree Section 94 Development Contributions Plan Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Greater Taree Development Control Plan 2010 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>. 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: 7 November 2023 Clause 4.6 Variation to Height of Building Standard, 5 July 2023. Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 2 November 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, David West, Alan Tickle <u>Council assessment staff</u>: Bruce Moore, Kieran Woodall, Prue Tucker, Lisa Proctor <u>DPE</u>: Carolyn Hunt, Lisa Foley Site inspection: 22 March 2023

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, David West ○ <u>Council assessment staff</u>: Lisa Proctor, Bruce Moore, Kieran Woodall, Pru Tucker ○ <u>DPE</u>: Leanne Harris • Council Briefing: 22 March 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, David West ○ <u>Council assessment staff</u>: Lisa Proctor, Bruce Moore, Kieran Woodall, Pru Tucker ○ <u>DPE</u>: Leanne Harris • Final briefing to discuss Council's recommendation: 15 November 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Alan Tickle ○ <u>Council assessment staff</u>: Lisa Proctor, Adam Matlawski, Lorenzo Sposito and Stewart Hamilton ○ <u>Applicant representatives</u>: Raemond McEwen, Chris Pratt, Milton Lloyd, Matt Condos ○ DPE: Leanne Harris
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report