

DATE OF DETERMINATION	19 December 2023
DATE OF PANEL DECISION	19 December 2023
DATE OF PANEL BRIEFING	12 December 2023
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Tony McNamara, David West, Alan Tickle
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 8 December 2023.

MATTER DETERMINED

PPSHCC-143 – MidCoast – DA2022/0847 at Old Bar Road, Old Bar 2430 – Old Bar Multi Dwelling Housing - Demolition, subdivision (strata and torrens title) and construction of a RFB (23 apartments) and 55 townhouses. (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel deferred the determination of this matter on the 22nd November 2023 to seek additional information on the staging, engineering and detention basin, to clarify inconsistencies, and for amended architectural plans and an amended Clause 4.6 written request.

The applicant has provided amended plans and further details in respect to engineering and the clause 4.6 written request. Council has prepared an addendum assessment report dated 29 November 2023. The Panel has considered this report and the amended information.

Conditions have been included to require the removal of the gross pollutant trap (GPT) from public lands and instead to include a sediment forebay within the footprint of the bioretention.

The proposal includes a residential flat building which includes ten (10) carparking spaces more than the control. The Panel considers that at least two (2) of the carparking spaces need to be available as EV charging points for the use of the residents of the building. An additional condition has been recommended.

The Panel has considered the clause 4.6 written request to the height of building development standard.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Greater Taree Local Environmental Plan 2010 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (height of buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard,

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP;
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (height of buildings) of the LEP and the objectives for development in the R1 zone; and
- c) the concurrence of the Secretary has been assumed.

The Panel considers that the proposed development is suitable for the site and consistent with the policy framework and will provide both additional and a diversity of housing to the community of Old Bar.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions in the addendum report and the following additional condition:

1. At least 2 of the car parking spaces shall be provided with a minimum 'Level 2' charging point consisting of single or three-phase point with a power range of 7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan, Future Transport 2056 (21 January 2019). Access to the carparking spaces is to be available to the residents of the property.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposed development is consistent with the policy framework applying to the lands.
2. The proposed site is suitable for the development.
3. The potential impacts arising from the development can be appropriately mitigated and managed through the imposition of conditions.
4. The height of the built form is compatible with the emerging character of the area.





CONDITIONS


The development application was approved subject to the conditions in the Council addendum assessment report with the following additional condition to be added.

1. At least 2 of the car parking spaces shall be provided with a minimum 'Level 2' charging point consisting of single or three-phase point with a power range of 7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan, Future Transport 2056 (21 January 2019). Access to the carparking spaces is to be available to the residents of the property.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Alan Tickle
 Roberta Ryan	 David West



Tony McNamara

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• 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>: Section 61 demolition.• 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• 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• Revised Variation to Height of Building Standard for RFB, dated 24 November 2023.• Council supplementary report: 29 November 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 ○ <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 ○ <u>DPE</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report