

DATE OF DEFERRAL	2 April 2024
DATE OF PANEL MEETING	26 March 2024
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Sally Halliday, Ashley Kavanagh
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 19 March 2024.

MATTER DETERMINED

PPSHCC-205– Maitland – DA at 10A Park Street, East Maitland – Group Home with Community Building and Associated Landscaping (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 observed at the site inspection listed at item 8 in Schedule 1.

The Panel has had a number of briefings on this application. In all briefings the issue of flooding has been discussed and identified as a matter that requires resolution.

The Council report prepared for the Panel’s consideration has recommended refusal of the application because of a lack of information and assessment of the impacts of the development on the behaviour of flood waters. This lack of information is further compounded by inconsistencies between architectural and engineering plans. The consideration of the impact of the development on the behaviour of flood waters and identification of offsite impacts is a critical and fundamental to the Panel’s consideration of the matter.

The applicant at the briefing lodged further information for Council and the Panel’s consideration and requested that the matter be deferred. The Panel acknowledges the need and benefit of these types of facilities and for this reason is prepared to defer the determination of the application for additional information and potential amendments.

The Panel agrees to defer the determination of the matter for the applicant to provide additional information and amended plans that include:

1. A Flood Impact Assessment inclusive of 2D flood modelling which clearly demonstrates the impact of any structures including columns and retaining/support walls within the floodway.
2. A Stormwater strategy for the development, including drainage modelling that demonstrate post-development flows match, or are less than pre-development flows, including detention volume required and permissible site discharge calculated for the 10%, 5%, 2%, and 1%AEP storm events.
3. Details of stormwater harvesting to be incorporated into the overall water quality strategy to reduce potable water demand for landscape areas, toilet flushing, etc. Water quality modelling to demonstrate compliance with Council’s water quality targets.
4. Structural details from a Chartered Professional Structural Engineer of the proposed suspended driveway are to be submitted for assessment. The suspended driveway is to be designed to cater for the largest vehicle that may use the site, i.e. removalist or delivery truck, mini-bus. The engineer is to nominate and justify selection (references to a medium vehicle is not sufficient). Signage may be required to restrict vehicles over a certain size, or the structural design amended.

5. Provide guardrail and fencing details for the driveway and the site and ensure adequate clearance is provided for vehicles.
6. Retaining walls details that are offset from the boundary at a 1V:1H ratio and clearly shown on the engineering plans. Typical cross sections should be provided.
7. A Crime Prevention Through Environmental Design (CPTED) Report which makes particular consideration of territorial reinforcement and access control underneath the proposed driveway and carpark structure.
8. The upper two (2) bedroom units at the first floor level above the communal area should be redesigned to provide outlook from living areas to the street and north east, and position balconies away from side boundaries so that privacy screens are minimised and outlook improved.
9. Consideration of Section J for Class 3 Structures in any revised document.

The Panel expects a comprehensive set of amendments supported by technical assessment and a consistent drawing package across the disciplines.

The decision to defer the matter was unanimous.

ACTIONS

The Panel agreed to defer the Development Application for:

1. The Applicant to provide the information at points 1 to 9 above.
2. A formal written request to amend the application uploaded to Planning Portal by the Applicant within two (2) months of this determination outlining:
 - a. Particulars sufficient to indicate the nature of the change of the development, as required under section 37 of the Environmental Planning and Assessment Regulation 2021
 - b. 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 4 weeks of the upload of the Applicants 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 in the timeframe identified, or an alternate timeframe agreed by Council, the Panel may move to determine the DA based on the information currently at hand.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Tony McNamara
 Roberta Ryan	 Sally Halliday
 Ashley Kavanagh	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-205– Maitland – DA/2023/435
2	PROPOSED DEVELOPMENT	Group Home with Community Building and Associated Landscaping
3	STREET ADDRESS	10A Park Street, East Maitland
4	APPLICANT/OWNER	Housing Plus Housing Plus
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ Maitland Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Maitland Development Control Plan 2011 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Section 61 and 62 • 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: 15 March 2024 • Written submissions during public exhibition: Nil • Total number of unique submissions received by way of objection: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Preliminary Briefing: 2 August 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Sally Halliday, Ashley Kavanagh ○ <u>Applicant Representatives</u>: Darren Wooding, Ange Kiley, Daniel Drum ○ <u>Council assessment staff</u>: Emilia Johnstone, Kristen Wells ○ <u>DPE</u>: Lisa Foley, Holly McCann • Assessment Briefing: 28 November 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Sally Halliday ○ <u>Applicant Representatives</u>: Darren Wooding, Daniel Djikic, James Burns ○ <u>Council assessment staff</u>: Emilia Johnstone, Kristen Wells, Cameron Evans ○ <u>DPE</u>: Leanne Harris, Holly McCann

		<ul style="list-style-type: none"> • Site inspection: <ul style="list-style-type: none"> ○ <u>Panel members:</u> <ul style="list-style-type: none"> ○ Alison McCabe (Chair) - 23 July 2023 ○ Tony McNamara ○ Roberta Ryan ○ Sally Halliday ○ Ashley Kavanagh • Final briefing to discuss council's recommendation: 26 March 2024 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Sally Halliday, Ashley Kavanagh ○ <u>Council assessment staff:</u> Emilia Johnstone, Kristen Wells, Cameron Evans ○ <u>Applicant Representatives:</u> Darren Wooding, Daniel Djikic, James Burns, Daniel Drum ○ <u>DPE:</u> Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A