

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	15 July 2024
DATE OF PANEL DECISION	15 July 2024
DATE OF PANEL BRIEFING	10 July 2024
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Sally Halliday, Ashley Kavanagh
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 3 July 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).

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 determination of this application on 2 April 2024 for the applicant to provide additional information and amended plans. At that time the Council had recommended refusal of the DA. In its record of deferral the Plan required:

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, minibus. 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 applicant has amended the application and provided the additional information.

Council submitted a supplementary assessment report dated 3 July 2024 in response to the revised documentation and amended plans, recommending approval of the application.

The Panel has considered this information and assessment report. The proposed development will provide a social and public benefit to the broader community. The potential impacts arising from the development have been addressed in the amended proposal and can be managed. The proposed development has merit and could be approved.

Development application

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 determined to approve the application for the following reasons:






- i. The proposed development has been designed to the site conditions and the impacts arising from the development can be mitigated.
- ii. The proposed development will meet an urgent need for these types of facilities in the broader area.
- iii. The built form response is compatible with the surrounding streetscape and context.

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report.

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)	 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 (Transitional), Associated Landscaping, Retaining Walls and Demolition of Existing Structures
3	STREET ADDRESS	Lot 2 DP1285515 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> • 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: 19 March 2024 • Council supplementary report: 3 July 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 • Site inspection: <ul style="list-style-type: none"> ○ <u>Panel members</u>:

		<ul style="list-style-type: none"> ○ Alison McCabe 23 July 2023 ○ Tony McNamara: 5 July 2024 ○ Roberta Ryan: ○ Sally Halliday: 23 July 2023 ○ Ashley Kavanagh: 26 July 2023 <ul style="list-style-type: none"> ● 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>: Emmilia Johnstone, Kristen Wells, Cameron Evans ○ <u>Applicant Representatives</u>: Darren Wooding, Daniel Djikic, James Burns, Daniel Drum ○ <u>DPE</u>: Leanne Harris and Holly McCann ● Final briefing to discuss Council's recommendation: 10 July 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>: Emmilia Johnstone, Cameron Evans ○ <u>DPE</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council supplementary assessment report