

## RECORD OF DEFERRAL

### HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DEFERRAL</b>	8 December 2020
<b>PANEL MEMBERS</b>	Alison McCabe (Chair), Sandra Hutton, Marcia Doheny, Peter Garnham and Sally Halliday
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Juliet Grant has declared a conflict of interest as City Plan Services has provided a BCA report for the development application. Ms Grant does not work for City Plan Services, but she felt that a reasonable person might perceive her to have a conflict due to the connection between City Plan Services and her employer.

Papers circulated electronically on 20 November 2020.

#### MATTER DEFERRED

PPSHCC-49 – Maitland City Council – DA 2020/567 at 7 Martin Close and 42 Stronach Ave, East Maitland – Residential Aged Care Facility (as described in Schedule 1)

The Panel in their deliberations considered the relationship of the built form to immediately adjoining properties particularly those on Stronach Avenue, Martin Close and Erin Close.

The Panel considers that the landscape treatment and extent of pathways in the northern triangle portion of the site abutting the rear of No. 44 Stronach Avenue requires changes. These changes would include the retention of T233 and T234 and relocation of the stormwater/swale to ensure retention of T234. The pathway from RL 20.40 to RL 19.4 extending from the retained trees along the northern edge of the building to where it joins the emergency access is to be deleted.

Further detail has been provided in respect to the landscape outcomes along the interface with Erin Close properties and is considered satisfactory.

The emergency access point is to be used for emergency access only – with all maintenance vehicles to utilise entry and exits off Martin Close and no construction access is permitted. The concrete portion of the access is to be limited to the road reserve up to the boundary, and not extend into the site. Construction access or egress is not to occur via 42 Stronach Avenue.

Primary screens and louvres have been proposed and additional detail provided to the Panel regarding spacing angle and depth. The Panel has had regard to the context and character of the surrounding area. The Panel can be satisfied that the built form and scale relationship between the development and No.44 Stronach Avenue, given separation distances, landscape treatment and privacy measures is acceptable. This is also the case in respect to the other adjoining residential interfaces. The Panel considers that there has been sufficient information and analysis for the Panel to form this view.

The Panel understands that the development relies on the adjoining Riparian Areas to be managed as an APZ, and note Council's acceptance of this. The Panel has considered a further memo from Council outlining the current management regime and that further legal advice advising of the appropriate mechanism and conditions is to be provided.






The Panel on balance is satisfied with the merits of the application, but requires some additional information, prior to finally determining the matter.

## REASONS FOR DEFERRAL

The panel agreed to defer the determination of the matter for the following.

1. Legal advice regarding the mechanism to ensure management of the APZ in accordance with the Bushfire Assessment Report.
2. A supplementary report that addresses the legal advice and a revised set of conditions that includes the following requirement:
  - i. Retention of T233 and T234 and adjustment of the stormwater line;
  - ii. Deletion of the pathway between RL 20.9 and emergency access point on the northern side of building and replacement with landscape and an amended landscape plan;
  - iii. Restriction on use of the emergency access point and deletion of concrete finish within the property boundary;
  - iv. Management of APZ and obligations on applicant arising from legal advice;
  - v. Reference to amended plans regarding privacy louvre treatment;
  - vi. Reference to landscape detail along Erin Close boundary; and
  - vii. No construction access over 42 Stronach Avenue and a requirement for a Construction Management Plan.
3. On receipt of the supplementary report the Panel will determine the matter electronically.

The decision to defer the matter was unanimous The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Sandra Hutton
 Marcia Doheny	 Peter Garnham
 Sally Halliday	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-49 – Maitland City Council – DA 2020/567
2	PROPOSED DEVELOPMENT	Residential aged care facility (168 beds, demolition of existing facility, tree removal, car parking, signage and associated site works)
3	STREET ADDRESS	7 Martin Close and 42 Stronach Ave, East Maitland
4	APPLICANT/OWNER	Churches of Christ Community Care
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy 55 – Remediation of Land</li> <li>State Environmental Planning Policy 64 – Advertising and Signage</li> <li>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Koala Habitat Protection) 2019</li> <li>Maitland Local Environmental Plan 2011</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Maitland Development Control Plan 2011</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>:</li> <li>Coastal zone management plan: Nil</li> <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>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 20 November 2020</li> <li>Council memorandum: 30 November 2020</li> <li>Council memorandum: received 3 December 2020</li> <li>Written submissions during public exhibition: four (4)</li> <li>Details of Privacy Treatment and landscape outcome along boundary</li> <li>Total number of unique submissions received by way of objection: three (3)</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 7 October 2020 <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Juliet Grant and Sally Halliday</li> <li><u>Council assessment staff</u>: Leanne Harris and Kristy Cousins</li> </ul> </li> <li>Site inspections: <ul style="list-style-type: none"> <li><u>Alison McCabe (Chair)</u>: 9<sup>th</sup> November 2020</li> <li><u>Sandra Hutton</u>: 17 November 2020</li> <li><u>Sally Halliday</u>: 3 October 2020</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation: 1 December 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Marcia Doheny, Peter Garnham and Sally Halliday</li> <li>○ <u>Council assessment staff</u>: Kristy Cousins, Tegan Harris and Ajith De Alwis</li> </ul> </li> <li>• Submitter Briefing: 1 December 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Marcia Doheny, Peter Garnham and Sally Halliday</li> <li>○ <u>Submitters</u>: Michael Jacobs and Michael Rosenfeld</li> <li>○ <u>Council assessment staff</u>: Kristy Cousins, Tegan Harris and Ajith De Alwis</li> </ul> <p><u>Note</u>: Submitter briefing was requested to respond to the recommendation in the council assessment report and discuss their submissions</p> </li> <li>• Applicant Briefing: 1 December 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Marcia Doheny, Peter Garnham and Sally Halliday</li> <li>○ <u>Applicant representatives</u>: David Hanrahan, Lara Calder, Polly Jankov, Stuart McMonnies, Jennie Buchanan, Daniel West, Eliza Arnott, Simon Chew and Brett James</li> <li>○ <u>Council assessment staff</u>: Kristy Cousins, Tegan Harris and Ajith De Alwis</li> </ul> <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report