

<b>DATE OF DETERMINATION</b>	13 December 2023
<b>DATE OF PANEL DECISION</b>	13 December 2023
<b>DATE OF PANEL BRIEFING</b>	12 December 2023
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Alice Glachan, David Thurley
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 6 December 2023.

#### **MATTER DETERMINED**

PPSSTH-295 – Albury – DA10.2023.40347.1 at Lot: 1 DP: 38393 located at 271 Bernhardt Street, East Albury – Group Home – Seven (7) Residences, Retaining Walls, Car Parking, Front Fence, Vegetation Removal & Demolition (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 meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **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 reasons outlined in the Council Assessment Report.

In particular, the Panel agrees with Council's assessment that:

- The development is permissible with consent and meets the objectives of the R1 (Residential General) zone;
- The development is consistent with the objects of the *Environmental Planning and Assessment Act 1979*;
- Council's assessment report demonstrated that the relevant prerequisites for the grant of consent had been met; and
- The site is suitable for the development as proposed.

The Panel was satisfied that the impacts associated with the construction and operation of the facility could be adequately mitigated or managed through the imposition of conditions as recommended by Council.

The Panel was further satisfied that the proposal was in the public interest given:

- The site is suitably located and accessible;
- The development would be socially beneficial providing much needed short-term emergency housing;
- The development would create positive economic impacts generating additional employment during construction and operation;

- The development, subject to the conditions as imposed, would not result in any unacceptable, environmental, amenity or land use safety impacts either onsite or on the surrounding urban landscape; and
- An appropriate assessment in terms of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* had been undertaken.

The Panel commended Council assessment staff for a thorough and comprehensive assessment report.

#### CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Minor administrative amendments - to several conditions to clarify their intent;
  - Condition (B12) Site Management Plan – was amended to ensure safety risks associated with third party access to the site outside the core operating hours would be appropriately managed.
- Condition (B12) c) now reads as follows:

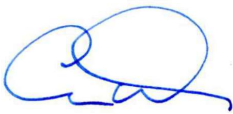



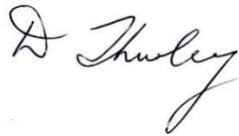
*c) Crime and safety risks for the site including protocols around third party and night-time access.*

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Loss of property values.
- Increase in criminal activity.
- Increased traffic flow.
- Impact to amenity.
- Construction impacts.
- Use of development.
- Removal of trees and vegetation.
- Bin storage area.
- Security and storage room.
- Signage.
- Stormwater in Bernhardt Street.
- Group home development out of character with surrounding built form.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and the conditions of consent as imposed.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	 Alice Glachan
 David Thurley	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-295 – Albury - DA10.2023.40347.1
2	PROPOSED DEVELOPMENT	Group Home – Seven (7) Residences, Retaining Walls, Car Parking, Front Fence, Vegetation Removal & Demolition
3	STREET ADDRESS	271 Bernhardt Street, East Albury (Lot: 1 DP: 38393)
4	APPLICANT/OWNER	Darren Wooding obo 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"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ Albury Local Environmental Plan 2010</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Albury Development Control Plan 2010</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 5 December 2023</li> <li>• Written submissions during public exhibition: 8</li> <li>• Total number of unique submissions received by way of objection: 8</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 27 September 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Alice Glachan</li> <li>○ <u>Council assessment staff</u>: Sharna Holland, David Christy</li> <li>○ <u>Applicant representatives</u>: Darren Wooding (Housing Plus)</li> <li>○ <u>Other</u>: Amanda Moylan (DPE)</li> </ul> </li> <li>• Site inspection: 27 September 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas</li> <li>○ <u>Council assessment staff</u>: Sharna Holland, David Christy</li> <li>○ <u>Other</u>: Amanda Moylan (DPE)</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 12 December 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Alice Glachan, David Thurley</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Council assessment staff</u>: Sharna Holland, David Christy, Matt Wilson</li><li>○ <u>Applicant representatives</u>: Darren Wooding (Housing Plus)</li><li>○ <u>Other</u>: Amanda Moylan (DPE), Tracey Gillett (DPE)</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report