

DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	21 June 2022
DATE OF PANEL DECISION	20 June 2022
DATE OF PANEL MEETING	14 June 2022
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton and Graham Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	Peter Shelley and Katie Dicker

Papers circulated electronically on 1 June 2022.

MATTER DETERMINED

PPSWES-110 – Mid-Western – DA0412/2021

28 Spring Flat Road, Spring Flat - Manufactured Home Estate (proposed lend lease community) comprising 206 dwellings, communal facilities (community centre, lawn bowling green, swimming pool and tennis court) and associated works (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 and for the following reasons:

- The proposed development complies with the applicable Environmental Planning Instruments, Development Control Plan and Council's policies and is therefore recommended for approval subject to the conditions of consent attached (as amended).
- Development for the purpose of a Manufactured Home Estate is permissible in the RU4 zone under the Mid-Western Regional LEP 2012 and Part 8 of the Housing SEPP 2021.
- The conditions imposed by the Panel will ensure the development is adequately serviced in accordance with clause 6.9 of the Mid-Western Regional LEP 2012.
- The proposed development is of an appropriate scale and design with regard to the urban interface with Spring Flat Rd and provides a good range of onsite facilities to support the proposal's community.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

Condition 86 – replace with the following amended wording to ensure appropriate landscaping of the site as follows:

86. Additional native landscaping, a minimum of 2m wide, is to be provided on the high side of the storm water swale / bund and to the northern side of the community facilities / tennis court to provide greater screening. Details, including a cross section, are to be provided in an amended Landscape Plan to be submitted and approved by Council prior to the issue of the Construction Certificate.

Condition 16 – replace with the following amended wording to accommodate appropriate flooding considerations post civil design details as follows:

16. All finished floor levels of the site buildings are to be 500mm above the 1 in 100 year flood level (as documented In the Drainage Report to be submitted in accordance with condition 57).

Condition 62A – creation of a new condition to ensure there is no conflict between past and current approvals as follows:

62A. In accordance with s4.17(5) of the Environmental Planning and Assessment Act 1979, the existing development consent, DA370/2009 as modified, is to be formally surrendered prior to the commencement of any civil works on the site.

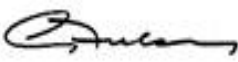


Condition 45 – amend the text within the table relating to the concrete foot pathway to provide a footpath that is appropriate for the future land use on the site as follows;

Concrete Footpaths	2.5m wide concrete paths, with cross fall of 2.5% and kerb ramps where necessary in accordance with AS 1428 and DDA requirements
--------------------	--

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:

- Stormwater impacts on adjoining land
- Existing right of carriageway through adjoining land impacting future development

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-110 – Mid-Western – DA0412/2021
2	PROPOSED DEVELOPMENT	Manufactured Home Estate (proposed lend lease community).
3	STREET ADDRESS	28 Spring Flat Road, Spring Flat
4	APPLICANT/OWNER	Stimson Urban and Regional Planning / Lincoln Place MHE Pty Ltd ATF LP Mudgee Sub Trust
5	TYPE OF REGIONAL DEVELOPMENT	Council related development 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 (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Housing) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Resources and Energy) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Mid-Western Regional Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> - Mid-Western Regional Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: • Provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2021 • 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: 31 May 2022 • Applicants submission on draft conditions of consent; 14 June 2022 • Written submissions during public exhibition: 2 • Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ○ Briefing: 19th October 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown. ○ <u>Council assessment staff</u>: Kayla Robson ○ <u>DPE</u>: Amanda Moylan, Kim Holt ○ Site visit: 24 November 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown. ○ <u>Council assessment staff</u>: Kayla Robson ○ <u>DPE</u>: Carolyn Hunt

		<ul style="list-style-type: none"> ○ Briefing: 26 April 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sandra Hutton (A/Chair), Graham Brown ○ Katie Dicker (observing only) ○ <u>Council assessment staff</u>: Kayla Robson ○ <u>DPE</u>: Holly McCann ○ Final Applicant briefing 14 June 2022 <ul style="list-style-type: none"> ○ <u>Applicant</u>: Warwick Stimson, Ben Hindmarsh, Henry Sturrock, Henry Pilcher, Jim Disher ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown ○ <u>Council assessment staff</u>: Kayla Robson ○ <u>DPE</u>: Amanda Moylan ○ Final briefing to discuss council's recommendation: 14 June 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown ○ <u>Council assessment staff</u>: Kayla Robson ○ <u>DPE</u>: Amanda Moylan
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report