

DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	18 October 2022
DATE OF PANEL DECISION	18 October 2022
DATE OF PANEL MEETING	11 October 2022
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown, David Christie
APOLOGIES	Michael Keys
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 28 September 2022.

MATTER DETERMINED

PPSWES-126 – Edward River – DA124/21 – Lot 1 and 2, 384-392 Poictiers St, Deniliquin - Seniors Living Precinct (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 additional conditions imposed by the Panel set out below.

CONDITIONS

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

- **Condition 1 is amended to read;**

1. DEVELOPMENT AS PER PLANS

The development shall take place in accordance with the approved plans and documentation, including any notations marked by Council thereon, as referenced in Schedule 1 - List of approved plans attached to DA No. 124/21 and the conditions of consent with the exception of the following development on the approved plans which are not approved;

- The Future Community Centre
- The Trailer Parking Compound
- The Future Roofed Carport with Solar Array

A separate Development Application is required for these developments.

- **New condition 1A**

1A. OCCUPATION OF DEVELOPMENT

Any person residing at the proposed development must comply with the definition of “seniors” in cl 82 of *State Environmental Planning Policy (Housing) 2021*, that is over 60 years of age (cl 82(a)), a resident at a facility at which residential care is provided (cl 82(b)) or have been assessed as being eligible to occupy housing for aged persons (cl 82(c) and/or are persons with a disability.

If the development is to be subdivided, a positive covenant is to be placed on the title for each lot indicating the limits on occupation imposed by *State Environmental Planning Policy (Housing) 2021*. Alternatively, if the development is not to be subdivided, the lease for occupation for each dwelling must include the limits on occupation imposed by *State Environmental Planning Policy (Housing) 2021*.

- **Condition 13 is amended to read:**

13 ACCESS FOR PEOPLE WITH DISABILITIES

Provision must be made in each independent living unit, on the site and to facilities and services nearby for:

- a) Access for people with disabilities to each independent living unit in accordance with the Building Code of Australia;
- b) Toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities must be accessible to all persons residing in each independent living unit;
- c) Motor vehicle parking spaces on the site for the exclusive use of people with disabilities in accordance with Table D3 of the Building Code of Australia;
- d) Access for people with disabilities within the development is to comply with Schedule 4 of *State Environmental Planning Policy (Housing) 2021*.
- e) Access external to the site is to be provided in accordance with cl 93(3) of *State Environmental Planning Policy (Housing) 2021* to services and facilities. Evidence is to be provided that the requirements in cl 93(b) and (c) are satisfied in relation to whether the access to the facilities and services in Deniliquin is available by “means of a suitable access pathway” (cl 93(3)(b)). This will require an assessment of existing footpaths and gutter crossings. This may require the provision of additional footpaths and gutter crossings to the facilities and services in Deniliquin. The provision of these facilities should be consistent with the staging of the proposed development.

Note: These matters must be addressed in the plans and specifications submitted with the application for a Construction Certificate.

- **Condition 17 is amended to read;**

17 LANDSCAPE PLAN

A detailed landscape plan and legend showing all stages of the works shall be submitted and approved prior to the release of the Construction Certificate for each stage.

- a) A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted with the Landscape Plan. Plant species are to be identified by full botanical name. All plants proposed in the landscape plan are to be detailed in the plant schedule.

- b) The landscape plan is to provide details of proposed landscaping at the end of the roads entering the site from both entrances from Poitiers Street so that the view along the internal driveways from Poitiers Street terminates with a significant landscaped feature.
- c) The internal driveways from Poitiers Street are to be amended to provide at least two areas along each of these internal roads where the driveway width is reduced to a minimum 3.5m for a length of 5m to provide landscaping and reduce vehicle speed on these internal driveways. The two areas are to be on opposite sides of the driveway. The areas of reduced width on these internal roads are to be landscaped and details shown on the landscape plan.

- **Condition 18 is amended to read;**

18. LANDSCAPING – CONSTRUCTION

Prior to the release of Construction Certificate, detailed construction plans for the landscape treatments for each stage and as documented in this Development Application shall be submitted for approval and be consistent with the overall landscape plan required by condition 17 and any other conditions relating to the provision of landscaping for the site and areas outside the site.

Detailed plans are to show all landscape treatments that include but are not limited to: Entry treatments, signage, tree planting, carparks, shrub planting, turfing, signage, paths, pavement treatments etc.

A Plant Schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development shall be submitted. Plant species are to be identified by full botanical name. All plants proposed are to be detailed in the plant schedule.

The detailed landscape construction plans are to include the quantity and location of any and all street trees proposed for installation as part of this development.

- **New condition 18A**

18A FENCING

Boundary fencing to Harfleur Street, as part of Stages 2 and 5, shall consist of the same 2.1m high brickwork base wall and brick piers with capping as proposed for the Poitiers Street frontage and the Hardinge Street frontage except that the wrought iron infill panels can be replaced with solid panel to protect the open space areas of the properties that back onto Harfleur Street.

Note: This matter must be addressed in the plans and specifications submitted with the application for a Construction Certificate.

- **New condition 18B**

18B. INTERSECTION TREATMENT

The intersection of the two internal roads where they form a T-intersection is to be treated in a manner that ensures the safety of vehicles and pedestrians using this T-intersection.

Note: This matter must be addressed in the plans and specifications submitted with the application for a Construction Certificate.

- **Condition 32 is amended to read;**

32. STREET TREE PLANTING

Street tree planting is required along Poitiers Street, Harfleur Street and Hartinge Street frontages of the proposed development. Details of street tree planting including details of returfing the nature strips is to be provided as part of the landscaped plan required by condition 17. For street tree planting, the landscape plan should include the following:

- Retention of existing street trees
- Details of the street tree species to be planted
- Details of the root barrier system to be incorporated in the planting to ensure protection of infrastructure;
- Details of siting of the trees at suitable intervals ensuring adequate site distances are maintained from proposed and existing access points and road intersections; and
- Details of Council infrastructure ensuring that the proposed street trees are a minimum of 1.5m from Council sewer mains, water mains and stormwater pipes.

Landscaping of the nature strip in accordance with the approved plan is to be completed prior to the occupation of the proposed development.

- **Condition 33 is amended to read;**

33. PEDESTRIAN ACCESS Gateway – Harfleur Street and Hardinge Street frontage.

Provision is to be made for a secure Pedestrian access gate to the Harfleur Street frontage as part of Stage 2 to allow residents to access the commercial complex to the north-west of the site. A further secure Pedestrian access gate to be made to the Hardinge Street frontage as part of Stage 5 to allow residents to access Hardinge Street. The access should be openable by way of key or secure access code only and shall be restricted to use by residents and maintenance staff only. Details of the proposed access gate shall be provided to Council for approval prior to the commencement of works for that stage of development.

- **Condition 57 is amended to read;**

57. LANDSCAPING SCREENING

The boundary of the site with frontage to Harfleur Street is to be screened with shelter screen tree planting. Details of the proposed plantings are to be submitted to Council for approval prior to the works being undertaken. The trees are to be maintained by provision of permanent drippers and a water supply line. Due consideration must be given to plant species utilised in landscaping and drought tolerant species are preferred. The landscaping must be maintained to Council's satisfaction.

Details are to be provided on the landscape plan (see condition 17)

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



Garry Fielding (Chair)



Sandra Hutton



Graham Brown



David Christie

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSWES-126 – Edward River – DA124/21
2	PROPOSED DEVELOPMENT	Seniors Housing Precinct
3	STREET ADDRESS	Lot 1 and 2, 384-392 Poictiers St, Deniliquin
4	APPLICANT/OWNER	Shannon Galea / Edward Rivers Council
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 (Planning Systems) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 Deniliquin Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Deniliquin Development Control Plan 2016 Planning agreements: Nil Relevant 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 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: 17 August 2022 Written submissions during public exhibition: 0 Memo from Marie Sutton, Manager Development Services, Edward River Council on flood planning dated 11 October 2022
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing and site inspection: 22 March 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton and Graham Brown <u>Council assessment staff</u>: Marie Sutton, Phillip Stone and Mark Dalzell <u>DPE</u>: Amanda Moylan Final briefing to discuss council's recommendation: 11 October 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, David Christie <u>Council assessment staff</u>: Marie Sutton <u>Applicant representatives</u>: Shannon Galea DPE: Amanda Moylan
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report