

DATE OF DEFERRAL	22 November 2022
DATE OF PANEL DECISION	21 November 2022
DATE OF PANEL MEETING	15 November 2022
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Stephen Leathley and Allan Renike
APOLOGIES	None
DECLARATIONS OF INTEREST	Kevin Duffy and Jeff Whitton

Public meeting held on 15 November 2022, opened at 11:30am and closed at 12:50pm.
Papers circulated electronically on 2 November 2022.

MATTER DEFERRED

PPSWES-135 – Orange– DA98/2022 – 103 Prince Street, Orange – Stage 1: Multi Dwelling Housing (17 Townhouses) & Torrens Title Subdivision (3 Lots). Stage 2: Residential Flat Building (63 Apartments) & Recreation Area (Public Park) (as described in Schedule 1).

REASONS FOR DEFERRAL

The panel resolved to defer determination of the matter pending the applicant submitting amended DA details incorporating the following requirements:

- Redesign of the development to include the north/south shared vehicular and pedestrian accessway along the eastern boundary of the subject land as required by the West End Precinct DCP. In doing so, delete the southern (RFB) vehicular access from Sale Street. (For the avoidance of doubt, the northern access into the basement carpark for the Multi Dwelling Housing development may remain as submitted and, consequently, it is agreed that trees 5 and 7 may be removed.) The internal north / south shared accessway must be designed to achieve the following:
 - The provision of appropriate connection points with both Prince Street and Dalton Street.
 - Be of a sufficient width to allow two-way traffic movement.
 - Provide compliant vehicular ingress and egress for the basement carpark of the RFB from the internal accessway.
 - Be designed to allow for the appropriate movement of the largest design vehicle to enter and leave the site in a forward gear (i.e. a garbage truck).
 - Allow for the collection of waste associated with the RFB wholly from within the development site.
 - Provide a loading / unloading area for removalists' vehicles, deliveries and the like without restricting traffic movement through the site.
 - Implement adequate traffic calming / pedestrian safety devices to ensure the safe use of the shared zone particularly at the interface with the public open space land.
 - Allow for the use of the shared accessway by the general public.
- Redesign and repositioning of the RFB to provide a front setback that is commensurate with the setback of the adjoining commercial building to the east. Additional landscaping must be provided in the increased setback area.
- Redesign of the southern and western elevations of the RFB (with particular emphasis on the form, appearance and dominance of balconies within those elevations, as identified by Council's heritage advisor). Consideration must be given to introducing more appropriate external

materials within the subject elevations to include a greater proportion of brickwork and other compatible materials, whilst reducing the extent of painted surfaces within the external walls of the RFB's two street elevations. In achieving this objective, the building's composition must still contain distinct tripartite elements comprising a bottom, middle and top.





- Retention of the significant vegetation within the western side of the development site. For the avoidance of doubt, in addition to those trees shown on the submitted plans to be retained, tree 16 (*Cedrus Deodara*) must also be retained and the amended design must accommodate the retention of these trees.
- Preparation of an amended clause 4.6 variation request that adequately addresses the jurisdictional requirements of the clause.

To assist the applicant in appropriately addressing the redesign requirements, detailed liaison with Council's appointed independent town planner, Andrew Crump, Council's heritage advisor, David Scobie, and Council's technical services staff is recommended.

In resolving to defer determination of this matter, the Panel considers that the project architects have responded appropriately to the heritage advisor's comments regarding the Stage 1 multi dwelling housing proposed in Dalton Street. It is important in the Panel's view that its redesign requirements resulting from the heritage advisor's comments contained in Annexure G of the assessment report also be embraced by the project architects. This will help ensure that the RFB proposed for the site presents as an fine exemplar for future higher density housing in the City of Orange.

The Panel requests that the required amended DA details outlined above be submitted to Council no later than 28 February 2023. The amended DA is to be publicly notified, following which a revised assessment report is to be prepared and submitted to the Panel Secretariat within 2 weeks of the public notification period concluding.

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

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Stephen Leathley	 Allan Renike

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-135 – Orange - DA98/2022
2	PROPOSED DEVELOPMENT	<p>Development comprises two stages:</p> <ul style="list-style-type: none"> • Stage 1: Multi dwelling housing (17 townhouses) and Torrens title subdivision (3 lots) • Stage 2: Residential flat building (63 apartments) and recreation area (public park)
3	STREET ADDRESS	103 Prince Street, Orange
4	APPLICANT/OWNER	MAAS Group Properties 103 Prince Pty Limited (Applicant) Orange City Council (Owner)
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 (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) ○ State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development ○ Orange Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Orange Development Control Plan 2004 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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: 24 October 2022 • Application includes Clause 4.6 request seeking an exception to Orange LEP 2011 Clause 4.3 – Height of Buildings (building height standard) • Written submissions during public exhibition: 9 • Verbal submissions at the public briefing meeting: <ul style="list-style-type: none"> ○ Frances Kinghorne, John Della and obo Christine Marmara, Gloria Murray ○ Council assessment officer – Andrew Crump (consultant) ○ On behalf of the applicant – Michael Noonan, John Streeter, Helen Saunders, Phil Williams,

		<ul style="list-style-type: none"> • Total number of unique submissions received by way of objection: 9
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing and site visit: 21 June 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown and Allan Renike ○ <u>Council staff</u>: Christopher Brown, Paul Johnson, Nigel Hobden, David Scobie, Sophie Currenti and Andrew Crump (Consultant) ○ <u>DPE</u>: Sung Pak • Public Briefing: 15 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Stephen Leathley and Allan Renike ○ <u>Council assessment staff</u>: Andrew Crump (Consultant) ○ <u>Applicant representatives</u>: Michael Noonan, John Streeter, Helen Saunders, Phil Williams, Steve Guy ○ <u>DPE</u>: Sung Pak • Final briefing to discuss recommendation: 15 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Stephen Leathley and Allan Renike ○ <u>Council assessment staff</u>: Andrew Crump (Consultant) ○ <u>DPE</u>: Sung Pak
9	COUNCIL RECOMMENDATION	Deferral
10	DRAFT CONDITIONS	N/A