

DETERMINATION AND STATEMENT OF REASONS

WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Monday 2 March 2020
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Stuart McDonald, Allan Renike
APOLOGIES	Andrew Hutton
DECLARATIONS OF INTEREST	<p>Russell Turner declared a conflict of interest as he owns a property in Pearl Court which adjoins Emerald Street.</p> <p>Andrew Hutton declared a conflict of interest as panel member Sandra Hutton is his wife. To avoid any perceived conflict of interest, he withdrew from participation on the panel.</p>

Public meeting held at Orange Council Chambers, Corner Lords Place and Byng Street, Orange on 2 March 2020, opened at 12.05pm and closed at 3.30pm.

MATTER DETERMINED

PPSWES-16 – Orange City Council – DA 305/2019(1) at Lot 99 DP 1234441 – Emerald Street, Orange – Multi Dwelling Housing (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.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Development application

The panel determined to approve the development application pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel unanimously approved the development for the following reasons:

1. The proposed development, subject to the imposition of the conditions imposed by the Panel, is consistent with the State Environmental Planning Policy Affordable Rental Housing 2009 (SEPP ARH), Orange Local Environmental Plan 2011 and generally consistent with the design provisions contained in Orange Development Control Plan 2004.
2. The proposed development meets the standards that cannot be used to refuse consent for in-fill affordable housing under the SEPP ARH.
3. The proposed development, subject to the design changes required by the Deferred Commencement Condition, will be compatible with the character of the local area.
4. The Panel acknowledges the demand for affordable rental housing in the Orange local government area and considers that the proposed development will assist in meeting this demand.
5. The site is well located and connected to local services, particularly the North Orange Shopping Centre and medical facilities.

6. The proposed development, subject to the conditions of consent, will not have unacceptable impacts on the amenity of the surrounding residential area or on the local road network.

CONDITIONS

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

- **New condition to read as follows:**

Deferred Commencement Condition 1

The proposed development being redesigned to reduce the number of dwellings to 18 by the deletion of unit 17. Associated with this reduction in dwelling numbers, the proposed shared waste facility is to be relocated to the western side of the Access Road 1 and unit 16 is to be redesigned with the public street frontage presented to the site.

- **Condition 7 is amended to read as follows:**

The payment of \$186,752.70 is to be made to Council in accordance with Section 7.11 of the Act and the Orange Development Contributions Plan 2017 (Waratah Contributions Area) towards the provision of the following public facilities:

<i>Open Space and Recreation</i>	<i>Seven x 1 bedroom dwellings @ \$1,679.88 plus Twelve x 2 bedrooms dwellings @ \$2,300.72 less One standard lot @ \$3,876.55</i>	<i>\$35,631.25</i>
<i>Community and Cultural</i>	<i>Seven x 1 bedroom dwellings @ \$492.97 plus Twelve x 2 bedrooms dwellings @ \$667.20 less One standard lot @ \$1,124.17</i>	<i>\$10,333.02</i>
<i>Roads and Traffic Management</i>	<i>Seven x 1 bedroom dwellings @ \$2,503.22 plus Twelve x 2 bedrooms dwellings @ \$3,129.04 less One standard lot @ \$5,116.91</i>	<i>\$49,954.11</i>
<i>Local Area Facilities</i>	<i>Seven x 1 bedroom dwellings @ \$4,078.09 plus Twelve x 2 bedrooms dwellings @ \$5,519.42 less One standard lot @ \$9,299.84</i>	<i>\$85,479.84</i>
<i>Plan Preparation & Administration</i>	<i>Seven x 1 bedroom dwellings @ \$255.45 plus Twelve x 2 bedrooms dwellings @ \$345.74 less One standard lot @ \$582.53</i>	<i>\$5,354.50</i>
TOTAL:		\$186,752.70

The contribution will be indexed quarterly in accordance with the Orange Development Contributions Plan 2017 (Waratah Contributions Area). This Plan can be inspected at the Orange Civic Centre, Byng Street, Orange.

The contribution will be modified subject to the outcome of design amendments associated with the deferred commencement condition.

- **Condition 8 is amended to read as follows:**

An amended landscape plan shall be submitted to and approved by Council's Manager City Presentation prior to issue of a construction certificate, including the following amendments:

- *An additional 6 trees with minimum 70L container size at planting and mature height of 10-15m*
- *A low water use turf species*
- *Additional and substantial screen plantings including trees adjacent to the relocated shared waste facility*
- *Relocation of the shared mail box adjacent to original proposed Unit 17*

- **Condition 9 amended to read as follows:**
Detailed plans of the shared waste facility shall be provided to Council for approval, prior to issue of a construction certificate. The waste facility shall have a wall height of 1.2m and be designed to provide for improved circulation and access for contractor collection. The floor of the facility shall be painted green, red and yellow to designate bin placement, with yellow bins nearest the eastern site boundary, red bins in the centre, and green bins adjacent the internal road.

- **Condition 15 amended to read as follows:**
*Payment of contributions for water, sewer and drainage works is required to be made at the contribution rate applicable at the time that the payment is made. The contributions are based on 12 x two bedroom dwellings and 7 x one bedroom dwellings (the existing allotment has a credit for a single 3 bedroom dwelling which will be applied at the time of payment). A Certificate of Compliance, from Orange City Council in accordance with the Water Management Act 2000, will be issued upon payment of the contributions.
This Certificate of Compliance is to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
The contribution will be modified subject to the outcome of design amendments associated with the deferred commencement condition.*

- **Condition 23 amended to read as follows:**
All construction/demolition work on the site is to be carried out between the hours of 7.00 am and 6.00 pm Monday to Friday inclusive, and 7.00 am to 5.00 pm Saturdays. Written approval must be obtained from the General Manager of Orange City Council to vary these hours.

- **Condition 30 amended to read as follows:**
Landscaping shall be installed in accordance with the approved and amended landscaping plan, and permanently maintained to the satisfaction of Council's Manager City Presentation.

- **New condition 30(a) to read as follows:**
Fencing to a height of 1.8m shall be provided to the site perimeter excluding the site frontage and northern boundary. Fencing to the northern boundary shall comprise 1.5m high timber hardwood palings.

- **Condition 32 amended to read as follows:**
The proponent shall submit to Council for approval a plan of management including schedule of activities and commitments relating to site management by a registered community housing provider. The plan of management shall include:
 - *Complaints handling procedure, including responding to complainants*
 - *Installation and monitoring of CCTV.*

- **Condition 41 amended to read as follows:**
The site shall be managed by a registered community housing provider in accordance with the schedule of management commitments required by Condition 32.





- **Condition 43 amended to read as follows:**
Collection of waste shall be in accordance with the private service agreement with a waste contractor required by Condition 33.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Impact on character of the local area
- Social impact
- Traffic and parking issues
- Safety and security
- Impact of waste management storage area

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and amendments to conditions of consent in the determination.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Stuart McDonald	 Allan Renike

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-16 – Orange City Council – DA 305/2019(1)
2	PROPOSED DEVELOPMENT	Multi Dwelling Housing (In-fill Affordable Housing)
3	STREET ADDRESS	Lot 99 DP 1234441 – Emerald Street, Orange
4	APPLICANT/OWNER	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"> Environmental planning instruments: <ul style="list-style-type: none"> Orange Local Environmental Plan 2011 SEPP (State and Regional Development) 2011 SEPP No.70 – Affordable Housing (Revised Schemes) SEPP (Affordable Rental Housing) 2009 SEPP No. 55 Remediation of Land Draft Remediation of Land SEPP Draft Orange Local Environmental Plan 2011 (Amendment 24) EPAR 2000 (Regs. 92, 93, 94, 97A) 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: 7 November 2019 Written submissions during public exhibition: 267 Submissions after exhibition period and prior to assessment being finalised: 2 Submissions received after assessment finalized and prior to council meeting: 85 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – Wendy Mason, Holly Manning In objection – Jeff Wilkie, Harry Smith, Sunila Kumar, Joy Johnstone On behalf of the applicant – Matthew Ward, David Walker, Justin Canterlow (on behalf of Katherine Woolley), David Standley, Sarah Priestly
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: Monday 2 March 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Stuart McDonald and Allan Renike <u>Council assessment staff</u>: Summer Commins Final briefing to discuss council's recommendation, Monday 2 March 2020, 11.30am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Stuart McDonald and Allan Renike <u>Council assessment staff</u>: Summer Commins

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report