



DETERMINATION AND STATEMENT OF REASONS

WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	22/10/2024
DATE OF PANEL DECISION	20/10/2024
DATE OF PANEL MEETING	15 October 2024
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown, Donna Rygate, Allan Renike
APOLOGIES	Nil
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 15 October 2024, opened at 10am and closed at 10:45am.
Papers circulated electronically on 8 October 2024.

MATTER DETERMINED

PPSWES-225 - DA 480/2024(1) – ORANGE – 60 WITTON PLACE ORANGE 2800

Construction and operation of a Seniors Housing (Hostel) (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, listed at item 8 in Schedule 1.

Application to vary a development standard:

Following consideration of a written request from the applicant, made under cl 4.6 of the Orange Local Environmental Plan 2011 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- a) compliance with cl. 84 (b) of the Housing SEPP (2021) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard as it maintains consistency with the Objects of the *Environmental Planning and Assessment Act 1979*.

Development application

The Panel determined to grant Deferred Development Consent to 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

1. The Panel determined to uphold the Clause 4.6 variation request in respect of Site frontage under cl. 84 (b) of the Housing SEPP (2021) for the reasons outlined in the Council Assessment Report.
2. The Panel determined to grant consent to the development proposal for the reasons outlined in the Council Assessment Report but, in doing so, the Panel considered that the granting of consent should occur under section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, incorporating two Deferred Commencement Conditions, as follows:
 - a. A requirement for the preparation of an Operational Management Plan that appropriately incorporates measures to meet the social needs of the hostel's residents, which must be informed by the preparation of a social needs assessment report in respect of the proposed hostel development addressing the social needs of the hostel's residents and

how these needs are to be satisfied by the hostel's development and management.. The Panel considered that while the proposed development has considerable planning merit, the material accompanying the DA did not adequately address the social needs of the hostel's residents whilst living in the hostel accommodation. The requirement for a social needs assessment report and an associated Operational Management Plan is directed at addressing this deficiency.

- b. The registering of a 25m wide easement on the title of Lot 2 DP701331, being land located to the immediate west of the subject site, for the purposes of an Asset Protection Zone (APZ) serving the seniors housing (hostel) development. The Panel notes that the applicant and the owner of Lot 2 DP701331 have entered into a Deed of Acquisition in respect of the easement. Having regard to the consent authority's responsibility to consider the suitability of the site for the proposed development under section 4.15(c) of the Act, the Panel considers that the easement should be registered prior to the consent becoming operative.

CONDITIONS

The Development Application was granted Deferred Development Consent under the terms and for the reasons outlined above. The operative conditions of the consent are principally in accordance with the revised set of conditions attached, including the addition of Conditions 27A & 73A, *together with minor edits to other conditions*, and Condition 73B *Operational Management Plan*.

CONSIDERATION OF COMMUNITY VIEWS

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:

- Density, zoning and character
- Car parking, access and traffic
- Infrastructure, sewer, waste, stormwater
- Landscaping and buffers
- Characterisation of development
- Solar access
- Privacy
- Acoustic and vibration
- Deviations from Ploughmans Concept Plan (DCP 2004)
- Inconsistencies with Housing Strategy
- Land use conflict
- Security
- Bin Collection on eastern boundary
- Increased risk of crime
- Building setbacks

The Panel considers that concerns raised by the community were adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues an amended Transport Assessment and an amended Noise and Vibration Assessment, have been carried out in relation to parking, landscaping and acoustic privacy concerns. Appropriate conditions have been imposed addressing waste disposal and landscaping, and amended landscape plans were submitted. As outlined during the public meeting, the provision of 43 on-site car parking spaces as proposed substantially exceeds the non-discretionary development standards under SEPP (Housing) 2021 applying to the proposed development. Also, regarding the issue of reticulated water pressure raised during the public meeting, Condition 17 *Water & Sewer Servicing Strategy* addresses this matter.

PANEL MEMBERS



Garry Fielding (Chair)



Donna Rygate



Graham Brown



Allan Renike

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-225 - DA 480/2024(1) – ORANGE
2	PROPOSED DEVELOPMENT	Construction and operation of a Seniors Housing (Hostel) development comprising 99 seniors hostel rooms (as amended) and construction of a private road / shared accessway, including site preparation works, bulk earthworks, site infrastructure and common resident facilities.
3	STREET ADDRESS	60 WITTON PLACE ORANGE 2800
4	APPLICANT/OWNER	Ryan Pittman/ BZ Capital Pty. Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> ○ <i>State Environmental Planning Policy (Industry and Employment) 2021</i> ○ <i>State Environmental Planning Policy (Planning Systems) 2021</i> ○ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ○ <i>State Environmental Planning Policy (Housing) 2021</i> ○ <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> ○ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> ○ <i>Orange Local Environmental Plan 2011</i> • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ <i>Orange Development Control Plan 2011</i> • 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 • 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: 4 October 2024 • Clause 4.6 Variation to Development Standard – Site Frontage • Written submissions during public exhibition: 32 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Greg Toner, George Limbers, Luke McArdle ○ Council assessment officer - Paul Johnston ○ On behalf of the applicant –Ryan Pittman, Lew Short • Total number of unique submissions received by way of objection: 32
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Applicant Briefing: 10/9/2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Feilding (Chair), Donna Rygate, Allan Renike ○ <u>Applicant representatives</u>: Ryan Pittman, Tom Goode, Bradley Wahl, Lew Short, Andrew Crump • Final briefing to discuss council's recommendation: 15/10/2024

		<ul style="list-style-type: none">○ <u>Panel members</u>: Garry Feilding (Chair), Graham Brown, Donna Rygate, Allan Renike○ <u>Council assessment staff</u>: Paul Johnston
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report