

DATE OF DETERMINATION	8 April 2021
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown, Russell Turner, Allan Renike
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 29 March 2021.

MATTER DETERMINED

PPSWES-57 – Orange – DA494/2020(1) at 6 Lysterfield Road, Orange for a health facility (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.

In doing so, it considered that recommended Condition (1) required amendment to require compliance with the submitted Materials and Colours Board to ensure that the proposed external expression of the proposed buildings complied with the submitted details.

The panel also considered that Condition (29) required amendment to prevent construction/demolition work on the site during Sundays and Public Holidays in order to protect the amenity of the locality.

The Panel commended Council assessment staff on a thorough and comprehensive assessment report.

CONDITIONS

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

- Condition (1) amended to read as follows:
The development must be carried out in accordance with:
(a) Architectural plans prepared by pdt architects:

Drawing	Rev	Date
A 00-01	1	28.07.20
A 01-02	1	28.07.20
A 01-03		
A 01-04	7	07.10.20
A 01-51	6	28.07.20
A 01-52	6	28.07.20
A 01-53	7	07.10.20

A 01-54	1	28.07.20
A 01-55	1	28.07.20
A 01-56	2	07.10.20
A 06-01	1	28.07.20
A 06-02	1	28.07.20
A 06-03	1	28.07.20
A 06-04	1	28.07.20
A 06-05	2	07.10.20
A 06-06	2	07.10.20
A 07-01	1	07.10.20

Landscape Plan by sala4D, numbered L-01, and dated 15/10/2020






- (b) statements of environmental effects, materials and colours sample board, and other similar associated documents that form part of the approval

as amended in accordance with any conditions of this consent.

- Condition (29) 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 CEO of Orange City Council to vary these hours.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered one written submission made during public exhibition and notes that issue of concern in relation to security. The panel considers that the concern raised in the submission has been adequately addressed in the assessment report.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	 Russell Turner
 Allan Renike	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-57 – Orange – DA494/2020/(1)
2	PROPOSED DEVELOPMENT	Construction of a new health services facility, involving four (4) new buildings, to be used for residential treatment for drug and alcohol problems, including withdrawal support, therapy, and mental health management. Treatment programs run between 6-12 weeks. The proposal involves 29 beds, and associated facilities including bathrooms, dining room, consultation rooms, nurses station, laundry etc. A group home is currently being run on the site for drug and alcohol rehabilitation, and it is proposed to run the facilities together.
3	STREET ADDRESS	6 Lysterfield Road, Orange
4	APPLICANT/OWNER	Edward Zarnow / Lives Lived Well
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"> ◦ State Environmental Planning Policy (State and Regional Development) 2011 ◦ State Environmental Planning Policy Infrastructure 2007 ◦ State Environmental Planning Policy 55 - Remediation of Land ◦ Orange Local Environmental Plan 2011 • Draft environmental planning instruments: State Environmental Planning Policy Draft Remediation of Land • Development control plans: <ul style="list-style-type: none"> ◦ Shiralee Development Control Plan 2015 • 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: 29 March 2021 • Elected Council submission: 7 April 2021 • Written submissions during public exhibition: 2 • Unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 24 February 2021 <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Russell Turner, Allan Renike ◦ <u>Council assessment staff</u>: Kelly Walker, Mark Hodges • Site inspection: 9 - 11 March 2021 <ul style="list-style-type: none"> ◦ <u>Panel member (9 March 2021)</u>: Sandra Hutton ◦ <u>Panel members (11 March 2021)</u>: Garry Fielding (Chair), Graham Brown, Allan Renike, Russell Turner ◦ <u>Council assessment staff</u>: Kelly Walker, Mark Hodges • Final briefing to discuss council's recommendation: 8 April 2021 <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Russell Turner, Allan Renike ◦ <u>Council assessment staff</u>: Kelly Walker, Mark Hodges

		o <u>Applicant representatives:</u> Edward Zarnow
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report