

**DETERMINATION AND STATEMENT OF REASONS**  
NORTHERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Thursday, 20 June 2019
<b>PANEL MEMBERS</b>	Garry West (Chair), Pam Westing, Stephen Gow, David Wright and Nathan Willis
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None <i>(must include reason for declaration and whether the member participated or not)</i>

Public meeting held at Lennox Head Cultural and Community Centre on 20 June 2019, opened at 10.30am and closed at 10.40am.

**MATTER DETERMINED**

2019NTH012 – Ballina – 2017/447 at 5 Snapper Drive, Lennox Head – new commercial building (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 determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

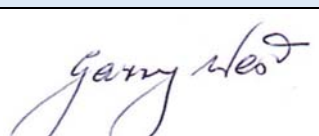
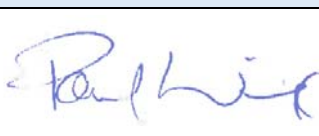
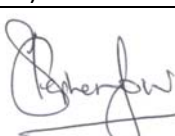
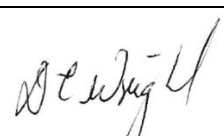
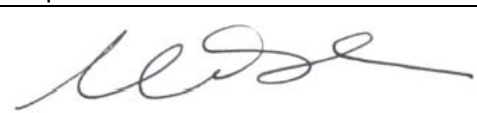
- The proposed GFA of the development will remain below the maximum area of retail floor space;
- The amended development will provide a surplus of 24 car parking spaces; and
- The amended development will result in an overall reduction in site coverage.

**CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report.

**CONSIDERATION OF COMMUNITY VIEWS**

No submissions were made in relation to this modification application.

<b>PANEL MEMBERS</b>	
Garry West (Chair) 	 Pam Westing
 Stephen Gow	 David Wright
 Nathan Willis	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019NTH012 – Ballina – 2017/447
2	PROPOSED DEVELOPMENT	<p>The proposed modification seeks to amend the architectural design plans for the shopping centre. The key amendments proposed are:</p> <ul style="list-style-type: none"> <li>• Amend plans to reflect the deletion of Shop 5 from the northwest corner and the amendments to the northern and southern mezzanine level within the main centre mall.</li> <li>• Amend plans to reflect the adjustment to parking layout and provision of additional spaces.</li> <li>• Amend plans to reflect fencing on the boundary in lieu of retaining walls on the northern and north eastern boundaries.</li> <li>• Amend plans to include amended online pick-up area in the car park.</li> <li>• Amend the configuration of the ground floor retail tenancies and amenities area.</li> <li>• Amend plans to reflect the reconfiguration to the plant and waste rooms.</li> <li>• Amend Condition 9 (a) and (b) to provide that the development site accesses and sight distances are designed to comply AS2890.</li> </ul>
3	STREET ADDRESS	5 Snapper Drive, Lennox Head
4	APPLICANT/OWNER	Damian Chapelle (Newton Denny Chapelle) on behalf of Clarence Property Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy No 64 – Advertising and Signage</li> <li>○ State Environmental Planning Policy (Coastal Management) 2018</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ Ballina Local Environment Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Ballina Development Control Plan 2012</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 5 June 2019</li> <li>• Written submissions during public exhibition: Nil</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – NIL</li> <li>○ In objection – NIL</li> <li>○ Council assessment officer – Peter Drew</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ On behalf of the applicant – NIL</li> </ul>
<b>8</b>	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection: 20 June 2019 and Final briefing to discuss council's recommendation, 20 June 2019, 9.30am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry West (Chair), Pam Westing, Stephen Gow, David Wright and Nathan Willis</li> <li>○ <u>Council assessment staff</u>: Peter Drew, Saxon Irvine, Andrew Smith and Patrick Knight (all Ballina Shire Council)</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report