

NORTHERN JOINT REGIONAL PLANNING PANEL

STATEMENT OF REASONS **for decision under the *Environmental Planning and Assessment Act 1979*** **(NSW)**

The Northern Joint Regional Planning Panel provides the following Statement of Reasons for its decision under section 80 of the *Environmental Planning and Assessment Act 1979* (NSW)(the Act) to:

Grant consent to the development application except for the 15 residential lots and associated roads 15 and 16, within Stage E, subject to conditions.

for:

Staged 346 Lot Residential Subdivision Plus Residue and Associated Works at Lot 2, DP 1119830 Alexandra Drive, Nambucca Heads (DA2012/011) (2012NTH009)

made by:

Joe Saliba, Nambucca Gardens Estate

type of regional development:

Development within the coastal zone for the purposes of subdivision of the following kind:

- (b) subdivision of land for residential purposes into more than 100 lots, if the land:
 - (i) is not in the metropolitan coastal zone, or
 - (ii) is wholly or partly in a sensitive coastal location.

A. Background

1. JRPP meeting

Northern Joint Regional Planning Panel meeting held:

Tuesday 5 August 2014 at Nambucca Shire Council, 44 Princess Street, Macksville at 11:30 am.

Panel Members present:

Garry West

Pamela Westing

John Griffin

Cr Liz Campbell

Robert Pitt

Council staff in attendance:

Peter Chapman, independent assessment officer

Paul Guy, Manager Development & Environment

Keith Williams, Manager Technical Services

Apologies:

None

Declarations of Interest:

None

2. JRPP as consent authority

Pursuant to s 23G(1) of the Act, the Northern Joint Planning Panel (the Panel), which covers the Nambucca Shire Council's area, was constituted by the Minister.

The functions of the Panel include any of a council's functions as a consent authority as are conferred upon it by an environmental planning instrument [s 23G(2)(a) of the Act], which in this case is the *State Environment Planning Policy (State and Regional Development) 2011*.

Schedule 4A of the Act sets out development for which joint regional planning panels may be authorised to exercise consent authority functions of councils.

3. Procedural background

A briefing meeting was held with council on 18 October 2013.

A site visit was undertaken by Garry West, John Griffin, Pamela Westing and Robert Pitt on 18 October 2013.

A final briefing meeting was held with council on 5 August 2014.

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

- Environmental Planning and Assessment Act 1979
- Nambucca Local Environmental Plan 2010
- SEPP 71 Coastal Protection
- SEPP 55 Contaminated Land
- Nambucca Development Control Plan 2010

The Panel in making its decision gave consideration to the relevant aims of SEPP 71(cl 8 (a); the suitability of development given its type, location and design and its relationship with the surrounding area (cl 8 (d); the scenic qualities of the New South Wales coast, and means to protect and improve these qualities (cl 8 (f); measures to conserve animals (within the meaning of the *Threatened Species Conservation Act 1995*) and plants (within the meaning of that Act) and their habitats (cl 8 (g);

measures to conserve fish (within the meaning of Part 7A of the *Fisheries Management Act 1994*) and marine vegetation (within the meaning of that Part), and their habitats (cl 8 (h)); existing wildlife corridors and the impact of development on these corridors (cl 8 (i)); the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards (cl 8 (j)); measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals (cl 8 (l)); likely impacts of development on the water quality of coastal waterbodies (cl 8 (m)); the cumulative impacts of the proposed development on the environment, and measures to ensure that water and energy usage by the proposed development is efficient (cl 8 (p) (i) and (ii)).

The Panel was provided with 146 submissions made in accordance with the Act or the regulations, 146 of which objected to the proposal. In making the decision, the Panel considered all of those submissions.

In making the decision, the Panel also considered the following material:

1. Council's Assessment Report on the application dated 25 June 2014.
2. Statement of Environmental Effects dated January 2012; Addendum Statement of Environmental Effects, 1,2 & 3 dated July 2012 and Plans

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 5 August 2014

1. submissions addressing the Panel against the application:
Ms Leanne Boatfield- on behalf of 'Families Against Road Traffic'
2. submissions addressing the Panel in favour the application:
NIL

C1. Findings on material questions of fact by the majority

The Panel has carefully considered all of the material referred to in Section B above.

(a) Environmental planning instruments. The Panel has considered each of the environmental planning instruments referred to in Section B above.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to each of the environmental planning instruments referred to in Section B above.

(b) Development control plan. The Panel has considered the Nambucca Development Control Plan 2010 referred to in Section B above.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to the Development Control Plan.

(c) Likely environmental impacts on the natural environment. In relation to the likely environmental impacts of the development on the natural environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the natural environment.

(d) Likely environmental impacts of the development on the built environment. In relation to the likely environmental impacts of the development on the built environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the built environment.

(e) Likely social and economic impacts. In relation to the likely social and economic impacts of the development in the locality, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely social and economic impacts of the development.

(f) Other likely impacts. In relation to the ecological impact, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the ecological impacts of the development.

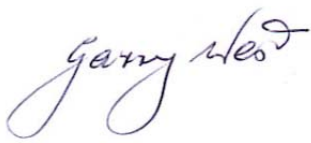
(g) Suitability of site. Based on a consideration of all of the material set out in Section B above and given the Panel's findings in this Section C, the Panel's finding is that the site is suitable for the proposed development.

(h) Public Interest. Based on a consideration of all of the material set out in Section B above and given the Panel's findings in this Section C, the Panel's finding is that granting consent to the development application is in the public interest.

D1. Why the decision of the majority was made

In light of the Panel's findings in Section C1 above, the majority of the Panel decided to grant consent to the development application, subject to the conditions recommended by Council in its Assessment Report.

1. The proposal will not have an impact on the natural scenic quality of the surrounding area.
2. The proposal will not have an impact on the amenity of the coastal foreshore through any significant overshadowing or loss of views from a public place.
3. The proposal is not located in a visually prominent area and will not affect the ecological values of the area.
4. By not approving the 15 residential lots and associated roads 15 and 16 in Stage E the decision recognises the aboriginal heritage impacts.



Garry West (chair)



Pamela Westing



John Griffin



Cr Liz Campbell



Robert Pitt