

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 (JRPP) 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 subject to conditions

For:

Demolition of Dwelling, Construction of Residential Flat Building (79 units) partially used for Affordable Rental Housing and Strata Subdivision

JRPP Reference: 2013NTH026 – Council Reference: DA2013-0730

Made by:

Nigel Swift Architects Pty Ltd

Type of regional development:

The proposal is for affordable housing and has a Capital Investment Value of over \$5 million.

A. Background

1. JRPP meeting

Northern Joint Regional Planning Panel meeting held:

Date: Wednesday 16 April 2014

Time: 12.00pm

Location: Port Macquarie Hastings Council Corner of Lord & Burrawan Streets,
Port Macquarie

Panel Members present:

Garry West – chair

Pamela Westing – panel member

John Griffin – panel member

Matt Rogers – panel member

Council staff in attendance:

Clinton Tink

Apologies:

Paul Drake – panel member

Declarations of Interest: Nil

2. JRPP as consent authority

Pursuant to s 23G(1) of the Act, the Northern Joint Planning Panel (the Panel), which covers the Port Macquarie-Hastings Council 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 [s23G(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 site visit was undertaken by Garry West, Pamela Westing, John Griffin, and Matt Rogers 16 April 2014.

A final briefing meeting was held with council on site on 16 April 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

s.79C (1) Matters for consideration—general

(a)(i) the provisions of the following environmental planning instruments:

- State Environmental Planning Policy 44 - Koala Habitat Protection (SEPP 44)
- SEPP 55 – Remediation of Land
- SEPP 62 – Sustainable Aquaculture
- SEPP 65 – Design Quality of Residential Flat Development
- SEPP Affordable Rental Housing 2009
- SEPP Building Sustainability Index: BASIX 2004
- SEPP Infrastructure 2007

- SEPP State and Regional Development 2011
- Port Macquarie-Hastings Local Environmental Plan 2011

(a)(iii) the provisions of the following development control plan:

- Port Macquarie-Hastings Development Control Plan 2013

(a)(iv) any matters prescribed by the Regulations:

- Demolition of buildings AS 2601 – Clause 92

Demolition of the existing buildings on the site is capable of compliance with this Australian Standard and is recommended to be conditioned.

- Fire Safety and other considerations

Fire safety can be addressed through the construction certificate process.

The Panel was provided with 5 submissions of objection relating to the proposal made in accordance with the Act or the regulations. 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 received on 2 April 2014.
2. Statement of Environmental Effects prepared by All About Planning, dated November 2013.
3. Traffic Report prepared by TTM Consulting Group Pty Ltd, dated 3 December 2013.
4. Architectural plans prepared by Swift Architects Pty Ltd

In making the decision, the Panel also considered the following oral submissions made at the meeting of the Panel on 16 April 2014:

1. Submissions addressing the Panels with Objections:

Ms Sandra Treeves

2. The following representatives of the Applicant attended and addressed the Panel in favour:

Gary Allen & Mark Devereux – Owners

Nigel Swift – Nigel Swift Architects Pty Ltd

C. Findings on material questions of fact

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

(a) *Environmental planning instruments.* The Panel has noted each of the environmental planning instruments referred to in Section B and Council's assessment of those instruments.

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.

(b) *Development control plan.* The Panel has noted the Port Macquarie-Hastings Development Control Plan 2013 referred to in Section B and Council's assessment of the DA under this DCP.

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 in Council's Assessment Report.

(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 in Council's Assessment Report.

(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 in Council's Assessment Report.

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

(g) Public Interest. Based on a consideration of all of the material set out in Section B 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.

D. Why the decision was made

In light of the Panel's findings in Section C, the Panel unanimously decided to grant consent to the development application, subject to the conditions recommended by Council in its Assessment Report for the following reasons:

1. The development provides an increase in affordable housing and an increase in the mix of accommodation meeting the needs of medical and university students.
2. Development will create an overall positive economic impact as the area transitions to an education / medical precinct.
3. Negative environmental issues have been resolved through the design review process and appropriate conditions.
4. Traffic issues are not directly attributable solely to this development and will require separate attention by the Council.



JRPP member (chair)



JRPP member



JRPP member



JRPP member