

NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held electronically from Friday 23 January to Tuesday 27 January 2015

Panel Members: Garry West, John Griffin, Pamela Westing, Cr Liz Campbell and Robert Pitt

Apologies: None Declarations of Interest: NIL

Determination and Statement of Reasons

2014NTH022 - DA2014/183 – Nambucca Shire Council – Residential Aged Care Facility [Upper Warrell Creek Road, Macksville] as described in Schedule 1.

Date of determination: Friday 30 January 2015

Decision:

The panel determined to approve the development application as described in Schedule A pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The panel adopted the assessment of those matters in the Council Assessment Report.

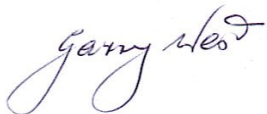




The principal reason for the panel decision was that the proposed development complies with the relevant legislation and local policies ensuring that the public interest is maintained.

Other reasons for the panel decision were:

- (a) achieves the objectives of the Environmental Planning and Assessment Act 1979
- (b) complies with provision of all relevant Environmental Planning Instruments
- (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Practices in that :
 - (i) it provides housing needs of varying types suitable for the particular community
 - (ii) provides for a transport service for residents given that the proposed development is more than 400m from facilities and services
- (d) The minor variation to the maximum building height under Clause 4.6 of the Nambucca Local Government Plan is accepted given to the building form integrating with the land form.
- (e) There is no significant impact on threatened species, populations or ecological communities or their inhabitants.

Conditions: The development application was approved subject to the conditions in the Schedule of Draft Conditions of the Council Assessment.

Panel members:

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|  Garry West(Chair) |  John Griffin |  Pamela Westing |
|  Liz Campbell |  Robert Pitt | |

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SCHEDULE 1

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| 1 | JRPP Reference – LGA- Council Reference: 2014NTH022 - DA2014/183 – Nambucca Shire Council |
| 2 | Proposed development: Residential Aged Care Facility) |
| 3 | Street address: Upper Warrell Creek Road, Macksville Lots 1 & 2 DP 377306, Lot 3 DP 241032, Lots 1 & 5 DP 248870 |
| 4 | Applicant: Hill Lockart Architects Owner: Nambucca Valley Care Limited |
| 5 | Type of Regional development: Capital Investment Value >\$20M |
| 6 | Relevant mandatory considerations <ul style="list-style-type: none"> • Nambucca Local Environmental Plan 2010 • SEPP 44 - Koala Habitat Protection • State Environmental Planning Policy No 55 - Remediation of Land • State Environmental Planning Policy No 62 - Sustainable Aquaculture • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • Nambucca Development Control Plan 2010 • 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 EPA Act or EPA Regulation. • The public interest. |
| 7 | Material considered by the panel: Council Assessment Report dated 06 January 2015 Written submissions during public exhibition: None |
| 8 | Meetings and site inspections by the panel: Site visit: NIL; Panel Meeting: [Electronic Determination] |
| 9 | Council recommendation: That the Northern Joint Regional Planning Panel as the consent authority, pursuant Section 80 of the <i>Environmental Planning and Assessment Act 1979</i> , grant consent for Development Application 2014/183 for a residential care facility at Lots 1 & 2 DP 377306, Lot 3 DP 241032, Lots 1 & 5 DP 248870, subject to the schedule of conditions outlined in attachment 1 of this report. |
| 10 | Draft conditions: as attached to assessment report |