

NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Clarence Valley Council (Maclean offices) on 18 November 2015 at 3.30 pm

Panel Members: Garry West (Chair), Pamela Westing, John Griffin.

Apologies: None Declarations of Interest: Cr Williamson & Cr Craig

Declarations: Non-pecuniary interest - Council is the owner of the land on which the development is to be carried out, and Council is a party to an agreement relating to the development.

Determination and Statement of Reasons

2015NTH003 – CLARENCE VALLEY – DA2015/0037 [Centenary Drive Maclean] as described in Schedule 1.

Date of meeting: 18 November 2015

Decision: The panel determined to defer the final determination of the development application as described in Schedule 1 requesting the Applicant to prepare and submit a detailed plan of access and egress to Short Street, Maclean. The plan must:

- (a) Demonstrate how access for a 19m long semi-trailer can be provided while mitigating the risk for patrons of the Maclean Bowling Club when entering or leaving the Club from the adjacent carpark;
- (b) Provide a revised car parking layout that shows access and egress onto Short Street while giving consideration to (a) above; and
- (c) Detail the location of the rights of way required to facilitate legal access from Short Street to the supermarket development.

This plan will then become an 'approved plan' under condition 1 of the development consent.

The final decision to be made by electronic determination.

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:

Historical uses of the site indicate there is little to no potential for the site to be contaminated therefore the provisions of SEPP 55 are not required. The proposed supermarket will not conflict with the provisions of SEPP 71 – Coastal Policy.

The panel considered the assessment of those matters in the Council Assessment Report, and subject to the requirement for a plan relating to access and egress the panel indicated they were minded to give approval.

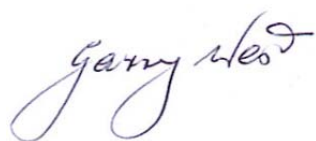
The principal reason for the panel decision was that the proposed development meets the goals set out in the Lower Clarence Retail Strategy adopted by Council. Other reasons for the panel decision were:

- (a) A supermarket of the size proposed would assist in providing additional shopping opportunity integrated within the main CBD area of Maclean;
- (b) Overall, public parking spaces will be increased as a result of the development;
- (c) Flooding impacts have been satisfactorily addressed in the proposed conditions; and
- (d) The location will not impact on the heritage values of the Maclean township.

Conditions: The panel adopts the Council Assessment Report, and notes the recommended conditions, as amended at the meeting. Following conditions were amended at the meeting: C4 to clarify the vehicle type/size that is permitted to access the site; C8 was changed to refer to wall articulation rather than wall alignment; C22 to additionally refer to RMS requirements, permitting the deletion of draft C37; C28 modified to better describe what deficiencies require rectification; C35 to clarify lighting requirements in public areas; and permitting the deletion of draft C70; C62 to adopt flood control protection utilising an engineered flood barrier system; C85 to set the NSW EPA Industrial Noise Policy as the noise criteria.

Final approved conditions are in Schedule 2.

Panel members:



Garry West (Chair)



Pamela Westing



John Griffin

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SCHEDULE 1

1	JRPP Reference – LGA – Council Reference: 2015NTH003 – CLARENCE VALLEY – DA2015/0037
2	Proposed development: Supermarket, liquor outlet, car parking and subdivision of land. NOTE: This application is reliant on approval of a planning proposal which has been lodged concurrently.
3	Street address: Centenary Drive Maclean
4	Applicant: Wakefield Planning Owners: <ul style="list-style-type: none"> • Metcash Food and grocery Pty Ltd (lot 102 DP1189229 – Centenary Drive car park site) • Chums Investments Pty Ltd (lot 1 DP433991 number 1 Argyle street; lots 1 & 2 DP796925 No. 1 Morven Street; lot 1 DP119832 No 3 Morven St) • Clarence Valley Council (lot 103 DP1189229, part of Cameron park and part car park)
5	Type of Regional development: CIV >\$5Million, Council Interest
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (State and Regional Development) 2011 • Clarence Valley Local Environmental Plan 2011 • Clarence Valley Council Business Zones Development Control Plan 2011 • 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 5 November 2015 Written submissions during public exhibition: 40 Verbal submissions at the panel meeting: Support- 3; Against- 3; On behalf of the applicant- 1 Submission by Applicant proposing changes to draft conditions. Submissions by the following Council staff in attendance at the meeting: Cheryl Sisson, Development Services Coordinator; Des Schroder, Director, Environment, Planning & Community; Ian Dodd, Development Engineer; Alan Downton, Senior Building Surveyor.
8	Meetings and site inspections by the panel: Site Inspection & Briefing Meeting: 18 November 2015 Determination Meeting: 18 November 2015 (Deferred)
9	Council recommendation: Approval
10	Draft conditions: Contained in Assessment Report, as amended at the meeting.