

DATE OF DETERMINATION	Thursday, 7 December 2017
PANEL MEMBERS	Garry West (Chair), Pamela Westing, Stephen Gow, David Wright and Keith Williams
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic meeting held between 30 November 2017 and 7 December 2017

MATTER DETERMINED

2016NTH029 – Ballina – 2016/660 at Lots 13, 14, 15, 29, 30 & 41 DP 1013485, Pacific Highway, West Ballina (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 listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel supported the Clause 4.6 variation request for the following reasons:

- The Panel considered the Clause 4.6 variation request and Council's assessment and noted the RMS response.
- The primary function of the signage and its height is to ensure good visibility, enabling the travelling public to make any necessary lane changes to access the site safely. The Panel is therefore satisfied that the variation to the standard will result in an improved planning outcome.
- The Panel was satisfied that the Clause 4.6 variation request was well written and that compliance with the standard would be unreasonable in this instance.

The Panel determined to approve the development application for the following reasons:

- The application satisfies the relevant standards as follows:
 - State Environmental Planning Policy No 33 – Hazardous & Offensive Development: the proposed development is not considered to be a potentially hazardous industry.
 - State Environmental Planning Policy No 44 – Koala Habitat Protection: the Koala food tree identified on the site is not considered to be koala habitat.
 - State Environmental Planning Policy (Rural Lands) 2008: the proposal is consistent with the relevant rural planning principles.
 - State Environmental Planning Policy No 55 – Remediation of Land: a stage 1 investigation was conducted and it is considered having regard to the history of the site no further investigation is required.
 - State Environmental Planning Policy 64 – Advertising and Signage: the RMS has provided concurrence for two of the three proposed signs and the consent has been conditioned accordingly
 - State Environmental Planning Policy No 71 – Coastal Protection: it is considered the development will not contravene the aims of the SEPP

- State Environmental Planning Policy (Infrastructure) 2007: the development fronts a classified road and is traffic generating. The RMS has provided concurrence subject to a number of conditions, in particular reducing the number of pylon signs from three to two.



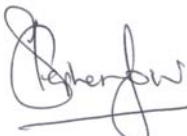
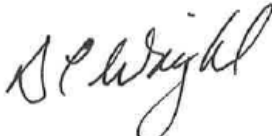
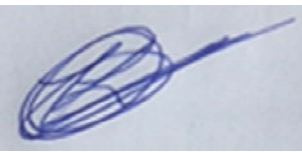
- The site is flood affected and is categorised as “High Flood Risk”. Earthworks are proposed to provide for a flood free pad for the development and complies with the minimum floor level as prescribed in Council’s DCP.
- The EEC’s identified onsite are to be offset and a condition has been adopted requiring a 5:1 offset ratio on adjacent or adjoining land.
- Conditions proposed by the RMS have been adopted to deal with current and future traffic volume growth.
- The land is mapped on Council’s Bush Fire Prone Land Map as being bushfire prone. The proposed development will comply with the minimum requirements for Asset Protection Zones detailed in the NSW Rural Fire Service’s Planning for Bushfire Protection Manual.
- The proposed development complies with the relevant provisions of Ballina LEP 2012 and substantially complies with the relevant provisions of Ballina DCP 2012.
- The proposed development will provide important services to the travelling public and road transport industry, and be of social and economic benefit to the community.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Condition 5 be reworded to refer to NSW Roads and Maritime Services
- Condition 24 be reworded to read as follows:

Internal vehicle access roads must provide safe and efficient transport routes. ~~design will likely lead to confusion for motorists looking to exit the site.~~ Internal design, internal sign posting and delineation must be addressed by the applicant and approved by Council prior to the issue of a Construction Certificate. Any regulatory signs or line marking must be endorsed by the Ballina Local Traffic Committee.

PANEL MEMBERS	
 Garry West (Chair)	 Pamela Westing
 Stephen Gow	 David Wright
 Keith Williams	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016NTH029 – Ballina – 2016/660
2	PROPOSED DEVELOPMENT	Erection of a Highway Service Centre and Associated Uses, Advertising Signage Including One x 13.5m (AHD) and One x 11.5m (AHD) High Structures, Land Filling, Vehicular Access off Pacific and Bruxner Highways, Car Parking and Associated Works
3	STREET ADDRESS	Lots 13, 14, 15, 29, 30 & 41 DP 1013485, Pacific Highway, West Ballina
4	APPLICANT OWNER	BP Australia Pty Ltd RTA C/- Roads and Maritimes Services
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 33 – Hazardous and Offensive Development • State Environmental Planning Policy No 44 – Koala Habitat Protection • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy No 64 – Advertising and Signage • State Environmental Planning Policy No 71 – Coastal Protection • State Environmental Planning Policy (Rural Land) 2008 • State Environmental Planning Policy (State & Regional Development) 2011 • Draft Coastal Management State Environmental Planning Policy • Ballina Local Environmental Plan 2012 • Ballina Development Control Plan 2012 • 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 30 November 2017, and • Council's amendments to conditions
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting on Tuesday, 24 January 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report, as amended.