

WESTERN JOINT REGIONAL PLANNING PANEL

Meeting held at Bathurst Council on 12 July 2016 at 12.00pm

Panel Members: Gordon Kirkby (chair), Ruth Fagan, Mark Grayson and Gary Rush

Apologies: Nil - Declarations of Interest: David Sherley declared non-pecuniary interest in the development on the basis that, in his role as General Manager of Bathurst Regional Council, he had conducted negotiations with the Applicant with respect to acquisition of land to be occupied by a Council flood levee. He did not participate in the meeting or determination.

Determination and Statement of Reasons

2016WES001- Bathurst - 2016/0030 - Residential Aged Care Facility - 105 Stanley Street, Bathurst as described in Schedule 1.

Date of determination: 12 July 2016

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:

In making the decision the panel considered the following EPI's

SEPP (State and Regional Development) 2011
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP 33 (Hazardous and Offensive Developments)
SEPP 55 (Remediation of Land)
SEPP 64 (Advertising Signage)
SEPP (Infrastructure)
Bathurst Regional Local Environmental Plan 2005
Draft Bathurst Regional Local Environmental Plan 2014
Bathurst Regional Comprehensive Development Control Plan

The Panel did not find that the development was inconsistent with any of these EPI's.

The Development Application was referred to the NSW Police Force. The NSW Police did not raise any impediment to the granting of consent.

The Council received one submissions from an adjoining childcare business objecting to particular aspects of the proposal. Issues raised in the submission centred around the potential impact of the proposed development on stormwater drainage from the childcare site. Other issues raised included the relative height of the building and potential overlooking and overshadowing of the childcare centre by the proposed development.

The Council held a discussion forum with the applicant and the adjoining owner to discuss these issues and the applicant provided further information to Council to address the concerns.

There were no registered speakers at the Panel meeting.

Prior to the meeting, the proponent requested that the recommended Condition 9 be amended to require the submission of a Site Audit Statement prior to the issue of an Occupation Certificate rather than prior to Construction Certificate as proposed by Council. The Council advised that given the potential extent of contamination on the site and based on technical advice received by Council, it did not support the proposed amendment. At the meeting the Chair gave leave for the proponent to clarify its reasons for the request. The key concern was that construction on the site should be able to commence where no contamination was identified. Council advised that the wording of the consent enabled this. The Panel concurred with Council's advice.

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The Panel generally adopts the assessment of the development contained in the Council's Assessment Report and resolved to approve the Development Application subject to conditions contained in the amended conditions of consent subject to the following amendments:

Condition 45 is to be amended to require that, as part of the required subdivision to consolidate the lots at the site, an easement be placed on title to facilitate the drainage of stormwater from the adjoining childcare site.

Conditions: The development application was approved subject to the conditions attached to the Council Assessment Report as amended at the meeting. The Panel amended Condition 45 to include the requirement for an easement to be put on the title of the land to enable the drainage of stormwater from the adjoining childcare site.

The panel adopts the Council Assessment Report, and the notes in the recommended Conditions of Approval, as the reasons for imposition of the conditions

Panel members:

 Gordon Kirkby (chair)	 Ruth Fagan	 Mark Grayson
 Gary Rush		

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2016WES001- Bathurst - 2016/0030
2	Proposed development: Residential Aged Care Facility
3	Street address: 105 Stanley Street, Bathurst
4	Applicant/Owner: Opal Aged Care/Principal HealthCare Finance Pty Ltd
5	Type of Regional development: Capital Investment Value > \$20M
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy No.55 – Remediation of Land • State Environmental Planning Policy No.64 - Advertising and Signage • Bathurst Regional Local Environmental Plan 2014 • Bathurst Development Control Plan 2014 • 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, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council Assessment Report Dated: 10 June 2016 Written submissions during public exhibition: 1 Verbal submissions at the panel meeting: Nil
8	Meetings and site inspections by the panel: Site Visit 12 July 2016
9	Council recommendation: Approval
10	Draft conditions: Attached to council assessment report. Condition 45 modified by the Panel.