

DETERMINATION AND STATEMENT OF REASONS

NORTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	24 January 2018
PANEL MEMBERS	Garry West (Chair), Pam Westing, Stephen Gow, Jason Kingsley, Jim Simmons
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Meeting held on Wednesday 24 January 2018 at Clarence Valley Council Chambers, 2 Prince St, Grafton, public meeting opened at 9:00am and closed at 9.25am.

MATTER DETERMINED

2017NTH006 – Clarence Valley – DA2017/0173 at 201 Queen Street GRAFTON (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 and the matters observed at site inspections 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 reasons for the decision of the Panel to approve the Clause 4.6 variation were:

- The Panel considered the Applicant's request to vary the development standard contained in the Clarence Valley Local Environmental Plan 2011 relating to the height of buildings;
- The Panel is satisfied that the request has adequately addressed the matters to be demonstrated by the Applicant under Clause 4.6(3);
- The Panel considers the impact of the development on the open space of adjoining residences on mid winter afternoons would be similar to the impact of a development complying with the LEP building height standard, therefore compliance with the standard would be unreasonable and unnecessary;
- The highest point of the development does not negatively impact on the landmark quality of the hotel;
- The privacy of the dwellings located in Queen Street has been maintained and no direct overlooking of the adjoining residential dwellings will occur through the placement of appropriate screening.

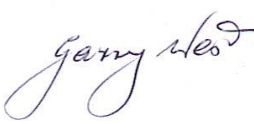




Other reasons for the decision to support the development were:

- The development is unlikely to result in any unreasonable risk or impact on Queen Street (a classified road) because the development will be accessed from Arthur Street;
- Formal line-marking of on-street parking spaces in Arthur Street has been conditioned together with a safety assessment to identify a suitable location for a pedestrian refuge along Arthur Street;
- The development provides for the retention and adaptive reuse of the existing heritage listed Albion Hotel;
- The Public interest and benefit of providing additional medical facilities in the area to service the needs of the community will result in economic benefits through flow-on effects.

CONDITIONS

The development application was approved subject to the advices and conditions in Schedule 2 of Council's Assessment Report (Addendum) of 10 January 2018 with the following amendment to the advices;

- Any excess car parking credits not taken up by this development are extinguished. That is, no further car parking credits can be attributed to any further development on the site.

PANEL MEMBERS	
 Garry West (Chair)	 Pam Westing
 Stephen Gow	 Jason Kingsley
 Jim Simmons	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017NTH006 – Clarence Valley – DA2017/0173
2	PROPOSED DEVELOPMENT	Health Services Facility (Private Hospital and Medical Centre)
3	STREET ADDRESS	201 Queen Street and 174 Arthur Street, Grafton
4	APPLICANT/OWNER	John Wolfe; Jane Wolfe and Grafton Orthopaedics Property Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 64 – Advertising and Signage ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas ○ Clarence Valley Local Environment Plan 2011 • Draft environmental planning instruments: Draft State Environmental Planning Policy (Infrastructure) 2007, Draft State Environmental Planning Policy No 64 – Advertising and Signage • Development control plans: <ul style="list-style-type: none"> ○ Clarence Valley Council Residential Zones Development Control Plan 2011 ○ Clarence Valley Estuary Management Plan • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000: Nil • Coastal zone management plan: Nil • 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 Environmental Planning and Assessment Act 1979 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 Memo re Cl.4.6 Variation Request: 22 January 2018 • Addendum Council Assessment Report: 10 January 2018 • Council assessment report: 14 November 2017 • Clause 4.6 Variation request to vary development standards dated 22 January 2018 • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – NIL ○ Object – NIL ○ On behalf of the applicant – Catriona Tatum, Senior Town Planner – Planit Consulting and Mark Fowler, Health Services Projects.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Public meeting 29 November 2017 – Deferred. • Site inspection and briefing meeting 29 November 2017 • Final briefing meeting to discuss council's recommendation, 24 January 2018 at 8:30 am. Attendees: <ul style="list-style-type: none"> ○ Panel members: Garry West (Chair), Pam Westing, Stephen Gow, Jason Kingsley, Jim Simmons ○ Council assessment staff: Carmen Landers
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report (addendum) and amended with an advice regarding car parking credits.