

<b>DATE OF DETERMINATION</b>	20 February 2019
<b>PANEL MEMBERS</b>	Garry West (Chair), Pamela Westing and Stephen Gow
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	David Wright declared a conflict of interest as he has had many contacts and discussions with the applicant over a lengthy period of time.  Nathan Willis, Sharon Cadwallader and Eoin Johnston declared a conflict of duties due to their involvement with this matter as councilors of Ballina Shire Council

Papers circulated electronically between 15 February 2019 and 20 February 2019.

#### **MATTER DETERMINED**

2017NTH014 – Ballina – DA 2017/244 at The Coast Road SKENNARS HEAD (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

##### **SEPP1 Objection**

The Panel has considered the Applicant's request to vary the minimum lot size development standard of clause 11(2)(b) of the Ballina Local Environmental Plan 1987 to permit the creation of allotment 347 as a public reserve.

The Panel is satisfied that the Applicant's request adequately addresses the matters to be demonstrated by the Applicant under SEPP1 and only relates to Lot 347 and concurrence from the Department of Planning and Environment has been provided.

##### **Reasons for Approval of the development application**

- Deletion of deferred commencement conditions and insertion of amended conditions relating to the revised Wetland Rehabilitation and Monitoring Plan, Inter Urban Break and Wildlife Corridor Linkage, Freshwater Wetland EEC Offset Site, and Coastal Buffer Dedication into the body of the conditions.
- Amendment to the condition relating to the Inter Urban Break and Wildlife Corridor Linkage. The Developer is no longer responsible for preparing a Wildlife Corridor Restoration Plan for Stage 2. The Plan is now only required to relate to Lot 5 DP 1225206.
- The Freshwater Wetland EEC Offset condition has been amended to provide the Developer with the option of nominating an appropriate offset site (to the satisfaction of Council) within 5km of

the development site, or provide funding for the restoration of the equivalent specified area of degraded coastal EEC native vegetation communities on Council managed land.

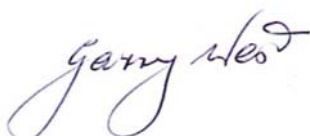


- Amendments to conditions relating to the dedication of the Coastal Buffer (Lot 347) in line with the Applicant's commitment to dedicate this land to Council free of cost.
- Deletion of redundant conditions and minor changes to numerous conditions for reasons of consistency and sequencing of the development.
- The proposal is consistent with the objectives of the Act and is considered to be in the public interest.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Wildlife corridor offset;
- Dedication of buffer land to Council;
- Size and location of the neighbourhood centre; and
- Medium density impacts

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and supplementary report that no new issues requiring assessment were raised during the public meeting. The Panel notes that these issues have been addressed by appropriate conditions that have been imposed following further discussions between Council and the Applicant.

PANEL MEMBERS	
 Garry West (Chair)	 Pamela Westing
 Stephen Gow	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017NTH014 – Ballina – DA 2017/244
2	PROPOSED DEVELOPMENT	To undertake the first stage of a residential subdivision comprising of 229 residential lots, 6 super lots, 1 lot associated with drainage functions, 1 lot for a sewer pumping station, 5 public reserves lots, and 1 residual lot. The proposed subdivision, to be carried out in stages, will involve the construction of a new access to The Coast Road incorporating the Sharpes Beach Car Park Access junction with a roundabout and facilitating connection into Headlands Drive. The subdivision also proposes extensive earthworks across the site, utilities augmentation, stormwater management and drainage, vegetation removal and associated works
3	STREET ADDRESS	Lot 6 in DP 1225206, The Coast Road SKENNARS HEAD
4	APPLICANT OWNER	Intrapac Skennars Head Pty Ltd c/o Elton Consulting Peter Stewart and Ruth Stewart
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million (DA lodged prior to 1 March 2018)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No 1 – Development Standards</li> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No 71 – Coastal Protection</li> <li>State Environmental Planning Policy (Coastal Management) 2018</li> <li>State Environmental Planning Policy No 14 – Coastal Wetlands</li> <li>State Environmental Planning Policy No 26 – Littoral Rainforests</li> <li>State Environmental Planning Policy No 62 – Sustainable Aquaculture</li> <li>State Environmental Planning Policy (Rural Lands) 2008</li> <li>Ballina Local Environmental Plan 2012</li> <li>Ballina Local Environmental Plan 1987</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Ballina Development Control Plan 2012</li> <li>S 94 Open Space and Community Facilities Contributions Plan 2016</li> <li>Ballina Shire Roads Contributions Plan</li> <li>Section 64: Sewer Servicing, Water Supply, Rous Water</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 28 November 2018</li> <li>Written submissions during public exhibition: 114</li> <li>Verbal submissions at the public meeting on 12 December 2019: <ul style="list-style-type: none"> <li>Object – Christine Fry, Steve Hohnen and Stephen Totterman</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ Council assessment officer – Michael Tully, Consultant Planner SJB Planning and Peter Drew, Senior Town Planner Ballina Shire Council</li> <li>○ On behalf of the applicant – Jenny Rudolph, Elton Consulting; Blake Jarman, Ecological Australia; Blake Stevens, Knobel Consulting and Bill Knobel, Intrapac.</li> </ul> <ul style="list-style-type: none"> <li>● Supplementary Council Assessment Report: 15 February 2019</li> </ul>
<b>8</b>	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>● Site inspection on 12 December 2018</li> <li>● Final briefing to discuss council's recommendation, 12 December 2018 at 2:30 pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry West (Chair), Pamela Westing and Stephen Gow</li> <li>○ <u>Council assessment staff</u>: Matthew Wood, Group Manager Development &amp; Environmental Health; Peter Drew, Senior Town Planner; Ian Gaskell, Environmental Scientist; Richard Jerome, Development Engineer; David Kelly, Manager Infrastructure Planning; and Michael Tully, Consultant Planner SJB Planning.</li> </ul> </li> <li>● Panel meeting at 4pm on Wednesday, 12 December 2018</li> <li>● Papers were circulated electronically between Friday 15 February 2019 and 20 February 2019.</li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the supplementary council assessment report