

DETERMINATION AND STATEMENT OF REASONS

NORTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Tuesday 10 April 2018
PANEL MEMBERS	Garry West (Chair), Pamela Westing, Stephen Gow, Paul Drake, Robert Hussey
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Port Macquarie-Hastings Council Chambers 17 Burrawan Street Port Macquarie on 10 April 2018, opened at 11.45am and closed at 1.15pm

MATTER DETERMINED

2017NTH020 – Port Macquarie-Hastings - DA2017 - 800.1 at 2 Waugh Street, Wauchope (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 unanimously approved the applicant's request to vary the height standard in Clause 4.3 of the Port Macquarie-Hastings LEP 2011. The Panel considered the applicant's submission had demonstrated the matters required by Clause 4.6 and the objectives of the height standard will be met notwithstanding the variation.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979*.

The decision to approve the development was 4 to 1 in favour. Paul Drake opposed the resolution to approve.

REASONS FOR THE DECISION

The reasons for the decision of the Panel to approve the Clause 4.6 variation were:

- The Panel has considered the Applicant's request to vary the development standards contained in the Port Macquarie-Hastings Local Environmental Plan 2011 Clause 4.3 relating to height of buildings. The Panel notes the standard height limit applying to the site is 8.5m and the maximum overall height of the proposal is 12.28m at the eastern elevation of the building.
- The Panel is satisfied that the request has adequately addressed the matters in the clause to be demonstrated.
- The Panel considered the proposed development is in the public interest as it is consistent with the objectives that of the height standard and the relevant zone objectives.
- The Panel considers there are sufficient environmental planning grounds to justify contravention of the development standard and considers compliance with the standard would be unreasonable and unnecessary as the circumstances of this case are:

- The area of variation is centrally located within the building structure;
- The site slopes and this means that part of the building is higher than it would normally appear as it needs to be built up to ensure access;
- The building will not overshadow neighbouring residential development;
- The floor space ratio of the proposal is 0.45:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.

Further reasons for the decision of the Panel to grant approval were:

- The completed project will not increase traffic generation or parking requirements;
- Construction is scheduled during school holidays and any impacts created by movements of construction vehicles can be addressed by a Construction Traffic Management Plan that has been conditioned;
- Detailed s.68 application has been conditioned to address issues associated with both sewer and stormwater;
- Whilst Building B006 which is planned for demolition is listed as an item of local heritage significance, and it is not listed in the State Heritage Register. In addition, the Heritage report indicates the building has been considerably altered both externally and internally and retention would necessitate undue difficulty in management of the playground programming and supervision. It is further noted Block 6 will be archivally recorded prior to demolition or relocation.

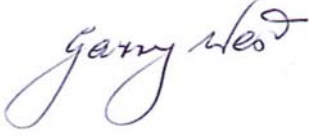

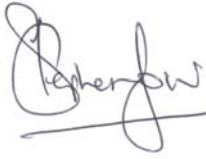


Paul Drake disagreed with the majority decision for the following reasons:

1. Fails to comply with Clause 5.10 of the PMHC LEP 2011 as it does not conserve the heritage significance of Block 6 and the site as:
 - Adequate land area exists as alternative sites especially after demolition of the demountables;
 - As an item of local historical significance, the subject building should have determining weight because
 - Its role in Wauchope history;
 - Its timber construction has greater importance in Wauchope because of its synergy with timber / lumber heritage;
 - Its recognition in the State Inventory;
 - Changes to the façade of the subject building are superficial.
 - Recording historical significance would not be sufficient in circumstances of this case based on the original Burra Charter;
 - Is inconsistent with the purpose and spirit of the State Heritage Report, in the use of the following catch phrases – “good example”, “important item in the social and historical development of Wauchope”
2. Fails to provide adequate parking on-site for teachers and administration staff;
3. Difficulties in playground management are a product of the ad hoc layout of the additional buildings throughout the site;
4. Uncertainty of impact of contamination.

CONDITIONS

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

- Condition B (4) (B050) was amended to remove the requirement for “fill materials” to be validated as part of the remediation reporting of the contaminated soils and is now B (6); and
- New Condition E (5) to be added to require the applicant to ensure any fill imported is either Virgin Excavated Natural Material or Excavated Natural Material.

PANEL MEMBERS	
 <p>Garry West (Chair)</p>	 <p>Pamela Westing</p>
 <p>Stephen Gow</p>	 <p>Paul Drake</p>
 <p>Robert Hussey</p>	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017NTH020 – Port Macquarie-Hastings – DA2017-800.1
2	PROPOSED DEVELOPMENT	Alterations and Additions to Educational Establishment including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) under the Port Macquarie-Hastings Local Environmental Plan 2011.
3	STREET ADDRESS	2 Waugh Street, 31 Campbell Street, Mackay Street & 2 Johnstone WAUCHOPE
4	APPLICANT/OWNER	Conrad Gargett
5	TYPE OF REGIONAL DEVELOPMENT	Crown development 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.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 (State and Regional Development) 2011 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 Port Macquarie Hastings Local Environmental Plans 2011 Development Control Plan 2013 Draft environmental planning instruments: NIL Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Port Macquarie Hastings Development Control Plan 2013 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92 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 <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 received 3 April 2018 Written submissions during public exhibition: 4 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Jean Hegarty, President, Wauchope District Historical Society; Jeanette Rainbow, Treasurer, Wauchope District Historical Society. On behalf of the applicant - Patrick Daly, Project Manager; Patricia Redmond, Lead Project Architect and Lisa Wrightson, Town Planner
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 10 April 2018 Final briefing meeting to discuss council's recommendation, 10 April 2018. Attendees:

		<ul style="list-style-type: none">○ <u>Panel members</u>: Garry West (Chair), Pamela Westing, Stephen Gow, Paul Drake, Robert Hussey○ <u>Council assessment staff</u>: Fiona Tierney, Development Assessment Planner; Grant Burge, Development Engineer; Clint Tink, Acting Manager Development Control.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report and amended at the meeting