

DETERMINATION AND STATEMENT OF REASONS
NORTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Wednesday 16 May 2018
PANEL MEMBERS	Garry West (Chair), Stephen Gow, John Griffin, Phil Betts, Glenn Inglis
APOLOGIES	Pamela Westing
DECLARATIONS OF INTEREST	John Griffin declared that he is Secretary of an RSL Sub-Branch in Queensland which is not affiliated with NSW RSL Lifecare which is a public company.

Public meeting held at Tamworth Regional Council, 437 Peel Street Tamworth on 16 May 2018, opened at 10.30am and closed at 10.47am.

MATTER DETERMINED

2017NTH023 – Tamworth – DA2018-0142 at 372 Moore Creek Road North Tamworth (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 4.16 (previously 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 were:

- State Environmental Planning Policy No.44 – Koala Habitat Protection; the site does not contain core koala habitat.
- State Environmental Planning Policy No.55 – Remediation of Land; the site has no history of potentially contaminating uses.
- State Environmental Planning Policy Housing for Seniors or People with a Disability; the application complies with the relevant provisions and complies with the relevant guidelines of the Seniors Living Policy.
- The safety of the Moore Creek Road and Browns Lane intersection was considered to be satisfactorily resolved by the construction of a roundabout in the 2018/19 financial year and the anticipated speed reduction from 80km/h to 60km/h.
- Department Primary Industries – Water issued General Terms of Approval for work proposed within 40 metres of a natural drainage line.
- The subject site is situated in an area identified in the New England-North West Regional Plan 2036 for future residential development and is considered to be in the public interest.

CONDITIONS

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

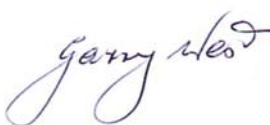




- **New Condition 14 (vii)** clarifying the requirement in regard to perimeter fencing to read as follows:

Design details (including colour scheme) of the perimeter street fencing on Moore Creek Road and Browns Lane shall be provided to Council.

- **New Condition 29** (all conditions following will be re-numbered) in regard to the BASIX Certificate to read as follows:

Pursuant to Section 97A(2) of the Environmental Planning & Assessment Regulation 2000, all the commitments listed in the relevant BASIX Certificate for the development shall be fulfilled at the milestones listed.

- **Amendment** of roman numeral in condition 81 (82 after renumbering) from (v) to (iv).

PANEL MEMBERS	
 Garry West (Chair)	 Stephen Gow
 John Griffin	 Phil Betts
 Glenn Inglis	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017NTH023 – Tamworth – DA2018-0142
2	PROPOSED DEVELOPMENT	Demolition of an existing dwelling and construction of a seniors living development containing 57 self contained dwellings, aged care facility and a community centre.
3	STREET ADDRESS	372 Moore Creek Road NORTH TAMWORTH NSW 2340 (Lot 1 DP 868365)
4	APPLICANT/OWNER	TSA Management Pty Ltd/ Mr Peter Wighton and Mrs Cathy Wighton
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy – Housing for Seniors or People with a Disability 2004 ○ State Environmental Planning Policy No.44 – Koala Habitat Protection ○ State Environmental Planning Policy No.55 – Remediation of Land 2007 ○ SEPP BASIX 2004 ○ Tamworth Local Environmental Plan 2010 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Tamworth Development Control Plan 2010 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 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 <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: 2 May 2018 • Council Memo dated 15 May 2018 re the BASIX Certificate • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – NIL ○ Object – NIL ○ On behalf of the applicant – Andrew Swain
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 16 May 2018 • Final briefing meeting to discuss council's recommendation, 16 May 2018, [time]. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry West (Chair), Stephen Gow, John Griffin, Phil Betts, Glenn Inglis ○ <u>Council assessment staff</u>: Ross Briggs; Acting Director, Planning and Compliance; Sam Lobsey; Acting Manager, Development Assessment; Brendan Moran, Manager Transport & Assets; and Nathan Morgan; Senior Development & Infrastructure Engineer.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report and as amended at the meeting