

## DETERMINATION AND STATEMENT OF REASONS

### WESTERN JOINT REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	28 November 2017
<b>PANEL MEMBERS</b>	Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	<p>Paul Devery, Bill West, Judi Smith</p> <p>Declared an interest in the DA for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The subject land is owned by Council and is under contract to be sold to the developer</li> <li>2. The Council, of which the Mayor and Deputy Mayor are members, resolved to authorise the General Manager to sign the development application signifying owner's consent</li> <li>3. Paul Devery as General Manager, I signed the application as owner in accordance with the Council resolution referred to above.</li> </ol>

Electronic meeting held between 13 November 2017 and 28 November 2017.

#### MATTER DETERMINED

2017WES002 - Cowra – DA73-2017 - Seniors Living Development - Yarrabilly Estate at Irrigation Way  
Murrumbidgee - Lot 4 DP 1234806 and Lot 21 DP 1198372 (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 were:

- The panel were satisfied that all the relevant documents have been provided and the panel were satisfied with the conditions and recommend approval.
- The panel were satisfied that the Council's assessment deals adequately with the matter for consideration under S79C of the Act and support the Application's approval as per the recommendation and the draft conditions. The panel also support the amendment to Condition 18 to include specific reference to Clause (3) of the MOU between Council and the Cowra Pistol Club regarding developer contributions to upgrade the club to a Full Safety Range prior to the release of a subdivision certificate.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following change to add more detail, from the MOU, in Condition 18 in relation to the Pistol Club.

**18.** Prior to the issue of a Construction Certificate for subdivision works, evidence is to be

supplied to Council which reflects the Memorandum of Understanding (MOU) between the Cowra Council and the Cowra Pistol Club dated 2012.

*The MOU states: “(3) Require a developer contribution equivalent to the cost of any works necessary to convert*

*the Pistol Range to a Full Safety Range prior to the release of any Subdivision Certificate for residential development OR set aside funds to convert the Pistol Range to a Full Safety Range.”*

The MOU includes details of appropriate measures to mitigate the impacts of the development on the existing Pistol Club located adjacent to the development. The mitigation measures shall be approved by NSW Police. All mitigation works will be designed, constructed under the supervision of and be certified for adequacy by an appropriately qualified and practising professional/s and in consultation with the Cowra Pistol Club. All required measures/works will be completed prior to any work commencing on the development site. The cost of all mitigation measures/works including any development approvals necessary will be paid for by the applicant/developer

To progress CLEP 2012, the Cowra Pistol Club and Council entered into a Memorandum of Understanding (MOU) on 11 September 2011 (Attachment D.). The MOU agreement states, amongst other things the following:

*“(3) Require a developer contribution equivalent to the cost of any works necessary to convert the Pistol Range to a Full Safety Range prior to the release of any Subdivision Certificate for residential development OR set aside funds to convert the Pistol Range to a Full Safety Range.”*

Under the MOU Definitions, the following information is provided:

*“Unless otherwise specified all references to the Safety Zone shall mean the area beyond the fenced area of the Pistol Range that is downrange from the firing points and within the danger area template as prescribed by the NSW Police Firearms Registry.*

*Unless otherwise specified all references to a Full Safety Range shall mean a Limited Danger Area (LDA) or No Danger Area (NDA) range as defined by the NSW Police Firearms Registry.”*

The applicant has held a number of pre-lodgement meetings with Council prior to submitting the application.

The application is referred to the WJRPP under Schedule 4A Development for which regional panels may be authorized to exercise consent authority functions of councils (clause 4(b) and (d)) of the Act as the capital investment value of the project is over \$5 million and Council is.

PANEL MEMBERS



Gordon Kirkby (Chair)



Ruth Fagan



Mark Grayson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017WES002 - Cowra – DA73-2017
2	PROPOSED DEVELOPMENT	Seniors Living Development - Yarrabilly Estate.
3	STREET ADDRESS	Irrigation Way Murrumbidgee - Lot 4 DP 1234806 and Lot 21 DP 1198372
4	APPLICANT/OWNER	Fraish Consulting
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
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 (Housing for Seniors or People with a Disability 2004)</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>Cowra Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: Cowra Development Control Plan 2014</li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil [or enter the clauses if relevant]</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: 7 November 2017</li> <li>Written submissions during public exhibition: 1</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Nil
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report