

DETERMINATION AND STATEMENT OF REASONS
NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	12 September 2022
DATE OF PANEL DECISION	9 September 2022
PANEL MEMBERS	Paul Mitchell (Chair), Stephen Gow, Penny Holloway and Dominic King
APOLOGIES	Daniel Walsh
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 26 August 2022.

MATTER DETERMINED

PPSNTH-168 – Bellingen – DA2022/00086 - 15 Watson St and 4 Rawson St, Bellingen – affordable housing (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 listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Bellingen Local Environmental Plan 2010 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (Height of Buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (Height of Buildings) of the LEP and the objectives for development in the R1 General Residential zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

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

The Panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments, for the reasons set out in Addendum Council Assessment Memorandum No. 2:

- Amend Condition 18 to read as follows:

That the proponent provide the principal certifying authority with a clearance certificate from a consultant expert in contamination assessment which certifies that the site is clear of any contamination post demolition. The clearance certificate is to reference the recommendations of the report by Regional Geotechnical Solutions dated 15 July 2022 and incorporate the results of additional sampling (post demolition) of the upper soil profile within the former building footprints.

- Add new condition 18A as follows:



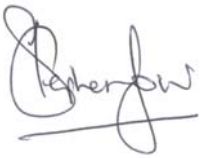

A detailed Construction Noise Management Plan consistent with the requirements as outlined at p.37 of the SEE for the project shall be prepared and provided to the principal certifying authority for approval before work commences.

- Amend Condition 26 to read as follows:

While building work is being carried out the applicant is to ensure that the work is compliant with the approved Construction Noise Management Plan and in particular that any noise does not exceed an LAeq 915min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Penny Holloway
 Stephen Gow	 Dominic King

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-168 – Bellingen – DA2022/00086
2	PROPOSED DEVELOPMENT	Affordable housing project comprising 23 x 1 bedroom units in four separate but linked 2 storey buildings with one level of basement carparking comprising 24 parking spaces
3	STREET ADDRESS	Lot 1 DP 863743 15 Watson Street, Bellingen
4	APPLICANT OWNER	Geolink Consulting Pty Ltd Royal Freemasons Benevolent Institution of NSW
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 (Housing) 2021; State Environmental Planning Policy (Planning Systems) 2021; State Environmental Planning Policy (Resilience and Hazards) 2021; State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; Bellingen Local Environmental Plan 2010. Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Bellingen Shire Development Control Plan 2017 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> 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: 16 August 2022 Clause 4.6 variation request: Clause 4.3 Height of Buildings Addendum Council Assessment Memorandum: 30 August 2022 Addendum Council Assessment Memorandum No. 2: 30 August 2022 Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	Circulation of papers between 26 August 2022 and 9 September 2022
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report