

DATE OF DETERMINATION	25 July 2024
DATE OF PANEL DECISION	25 July 2024
DATE OF PANEL BRIEFING	23 July 2024
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow and Kim Johnston
APOLOGIES	Michael Wright
DECLARATIONS OF INTEREST	John Coulton, Catherine Egan and Geoff Smith all declared a conflict of duties as all are Councillors and Council is the landowner. They did not participate in the meeting.

Papers circulated electronically on 9 July 2024.

MATTER DETERMINED

PPSNTH-287 – Gwydir – DA 48/2023 – 33-35 Maitland Street and 39 Cunningham Street, Bingara – To construct a new Public Administration Building complex on the land, including part-retention of the former memorial hall facade and demolition of the dwelling at 39 Cunningham Street (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 listed at item 8 in Schedule 1.

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 approve the application for the reasons outlined in the Council Assessment Report - Amended (dated 16 July 2024).

The Panel was satisfied:

- The site is suitable for the proposed development given it is permissible in the zone and is currently being used for a Council administration building
- Appropriate provision is made for necessary services and infrastructure including stormwater, services access and car parking
- The provision of modern Council and community facilities will provide community benefit and enhanced staff conditions
- The proposed development retains the existing streetscape character of Maitland Street and generally meets the objectives of the Bingara Town Strategy
- Impacts can be satisfactorily mitigated through imposition of conditions

The Panel was satisfied the proposed development is in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions attached to the Council Assessment Report – Amended (dated 16 July 2024) and amended on 22 July 2024, with the following further amendments:

- Amend Condition 1 to correct the date of the Amended Statement of Environmental Effects as 03 July 2024
- Insert new Condition 34, which reads as follows:

34. Unexpected Contaminants Found During Demolition or Construction

If contamination is unexpectedly found during works, all work should cease and the consent authority and the Environmental Protection Authority (EPA) should be notified as soon as possible and consider if a Remediation Action Plan (RAP), or amendment to an approved RAP, is required.




Reason: To ensure any unanticipated contamination is appropriately dealt with and renumber the remaining conditions accordingly.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the one written submission made during public exhibition. The Panel notes that issues of concern included:

- Proposed use of the Right of Way over Lot 1 in DP 209422

The Panel considers that concern raised by the community has been adequately addressed in the Council Assessment Report- Amended (dated 16 July 2024). The Panel notes that the proposed use of the right of way has been removed from the Application as amended.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Kim Johnston	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-287 – Gwydir – DA48/2023
2	PROPOSED DEVELOPMENT	To construct a new Public Administration Building complex on the land, including part-retention of the former memorial hall façade and demolition of the dwelling at 39 Cunningham Street
3	STREET ADDRESS	33-35 Maitland Street and 39 Cunningham Street, Bingara (being Lot 20, Section 38, DP758111, Lot 1 DP87721 and Lot A DP 156384)
4	APPLICANT/OWNER	Peter Swan (Revolution Town Planning) on behalf of Gwydir Shire Council Gwydir Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related 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 (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Planning Systems) 2021 Gwydir Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: Nil Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: dated 7 May 2024 Supplementary reports received: 16 May 2024, 20 May 2024, 3 July 2024 Council Assessment Report – Amended: dated 16 July 2024 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Applicant Briefing: 21 May 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow and Kim Johnston <u>Applicant representatives</u>: Peter Swan <u>Council assessment staff</u>: Patsy Cox <u>Independent Consultant Planner</u>: Angus Witherby <u>Department staff</u>: Carolyn Hunt and Lisa Ellis Council briefing to discuss Council's recommendation: 21 May 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow and Kim Johnston <u>Council assessment staff</u>: Patsy Cox <u>Independent Consultant Planner</u>: Angus Witherby <u>Department staff</u>: Carolyn Hunt and Lisa Ellis Final briefing to discuss Council's recommendation: 23 July 2024

		<ul style="list-style-type: none">○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow and Kim Johnston○ <u>Council assessment staff</u>: Patsy Cox, Colin Cuell, Will Johnson Samara Tritton○ <u>Independent Consultant Planner</u>: Angus Witherby○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report – Amended (dated 16 July 2024) and amended conditions received 22 July 2024