

DATE OF DETERMINATION	20 April 2020
PANEL MEMBERS	Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Paul Drake and Robert Hussey
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically between 14 April 2020 and 20 April 2020.

MATTER DETERMINED

PPSNTH-3 – Port Macquarie-Hastings Council – DA2019-481.1 at 211 High St, Wauchope – aged care facility (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 and the matters observed at site inspections 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 Port Macquarie-Hastings Local Environmental Plan 2011 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (Height of Building standard) 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 Building standard) of the LEP and the objectives for development in the R1 General Residential zone; and
- c) the concurrence of the Secretary can be 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 proposed development will provide a beneficial service to the community
- The site is suitable for the proposed development
- The proposal adequately satisfies the relevant planning controls
- The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments, including amenity of adjacent and nearby residential premises, or the operation of the local road system.

CONDITIONS

The development application was approved subject to the conditions provided by Port Macquarie-Hastings Council on Thursday, 8 April 2020, with the following amendments:


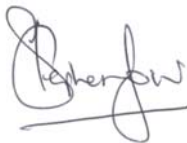



- E(3) After “certification” add “by an appropriately qualified geologist or geo-chemist”.
- E(17) Add after “appropriately qualified” “engineer and town planner” both of whom will be needed for the specified compliance sign-offs.
- In the reasons at the end please amend the public interest discussion so that it is in the positive rather than negative, as follows “the development is considered to be in the public interest”.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Loss of privacy
- Potential for noise pollution
- Insufficient car parking proposed
- Inadequate footpath connections

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and/or by conditions and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Stephen Gow
 Penny Holloway	 Paul Drake
 Robert Hussey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-3 – Port Macquarie-Hastings Council – DA2019-481.1
2	PROPOSED DEVELOPMENT	Staged Residential Aged Care Facility
3	STREET ADDRESS	211 High St, Wauchope
4	APPLICANT OWNER	Bundaleer Care Services Ltd Horizon Beach Development Corp Pty
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 (Koala Habitat Protection) 2019 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Port Macquarie-Hastings Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Port Macquarie-Hastings Council Development Control Plan 2013 • 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: 3 March 2020 • Clause 4.6 request to vary Building Height standard: July 2019 • Written submissions during public exhibition: one (1) • Verbal submissions at the public meeting on 19 March 2020: <ul style="list-style-type: none"> ○ In objection – Tony Haydon ○ On behalf of the applicant – Michelle Love, Anthony Kelly, Ian Chegwiddden and Louise Roberts
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council’s recommendation, 19 March 2020, 1pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Paul Drake and Robert Hussey ○ <u>Council assessment staff</u>: Chris Gardiner, Dan Croft and Grant Burge • Papers were circulated electronically between 14 April 2020 and 20 April 2020
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Amended set provided by Council on 8 April 2020