

NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Port Macquarie Council on 21 October 2015 at 3.30pm

Panel Members: Garry West (Chair), Pamela Westing, John Griffin and Paul Drake

Apologies: Matt Rogers Declarations of Interest: NIL

Determination and Statement of Reasons

2015NTH006 – Port Macquarie – DA2015 - 0015 [Lot 7 DP 876001, Kingfisher Road, Port Macquarie] as described in Schedule 1.

Date of determination: 21 October 2015

Decision:

The panel determined by majority to approve (Paul Drake opposed and requested his name be recorded) the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

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.

Reasons for the panel decision (majority):

SEPP 55 – the subject land is not identified as being potentially contaminated and is suitable for the intended use. SEPP 44 – the site consists of areas of potential koala habitat. A draft KPoM was assessed and considered satisfactory. SEPP (Affordable Rental Housing) 2009 – the development is considered in-fill affordable housing for the purposes of the SEPP. The proposal is permissible within the zoning.

The panel adopted the assessment of those matters in the Council Assessment Report.

The principal reason for the panel decision was that the proposed development is in the public interest with provision of a new University in the immediate vicinity; residents are restricted to persons attending or enrolled at a local educational establishment with maximum occupancy limited to one person per unit. Other reasons for the panel decision were:

- 1) Traffic is considered capable of compliance as a result of conditions imposed;
- 2) Parking provisions whilst considered inadequate, the Affordable Rental Housing SEPP indicates this cannot be used as a basis for refusal. The owner is to encourage public transport options;
- 3) Privacy fencing is required between the site and residential properties to the north;
- 4) The site will have an on-site residential manager together with a “resident advisor” in each block to provide site management and site security;
- 5) Ecological issues have been addressed through the preparation of a Koala Plan of Management (KPoM). Conditions have been adopted to ensure the development is carried out in accordance with the KPoM, together with the offsite offset requirements and an annual monitoring report;
- 6) Connectivity to the University / Major Innes Road is conditioned to be a shared pedestrian / cycleway.

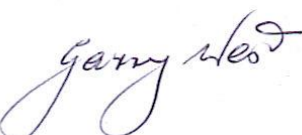



Reasons for the opposition (minority):

1. An overdevelopment of the site leading to adverse impacts, particularly in relation to population density on-site. [S79C (b)].
2. Potential adverse impacts on adjoining neighbours to north. [S79C (b)(d) & (e)].
3. A number of non-compliances with PMH DCP. [S79C (a) (iii)].
4. Non-compliance with height standard. [S79C (a) (i)]. Not convinced that the tests for varying the height standard have been passed.
5. Inability of the tree/koala habitat off-set provisions for Tiffens Lane to be effective in circumstances of this case. [S79C (a) (iv)].
6. Lack of detail relating to connectivity to CSU campus and shopping to west. [S79C (d) (e)].

Conditions: The development application was approved subject to the schedule of conditions as submitted at the determination meeting and as further amended at the meeting. Several draft conditions were amended by Council as a result of discussions with the Applicant prior to the determination meeting. Condition (26) was amended at the meeting to provide for a wider shared pedestrian / cycleway between the University and Major Innes Road. Approved conditions are attached as Schedule 2.

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Panel members:

 Garry West (Chair)	 Pamela Westing	 John Griffin
 Paul Drake		

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SCHEDULE 1

1	JRPP Reference – LGA – Council Reference: 2015NTH006 – Port Macquarie - DA2015 - 0015
2	Proposed development: Student accommodation
3	Street address: Lot 7 DP 876001, Kingfisher Road, Port Macquarie
4	Applicant: Chase Port Developments Owner: Watling Haulage Pty Ltd
5	Type of Regional development: CIV>\$5 Million – private infrastructure and community facilities
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • State Environmental Planning Policy No. 44 – Koala Habitat Protection • State Environmental Planning Policy No.55 – Remediation of Land • State Environmental Planning Policy No. 62 – Sustainable Aquaculture • State Environmental Planning Policy No. 64 – Advertising and Signage • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Affordable Rental Housing) 2009 • State Environmental Planning Policy (State and Regional Development) 2011 • Planning for Bushfire Protection 2006 • Port Macquarie-Hastings Local Environmental Plan 2011 • Port Macquarie-Hastings Development Control Plan 2013 • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated 15 October 2015 Written submissions during public exhibition: 4 Schedule of Agreed Amendments to Draft Conditions of Consent presented at the meeting Verbal submissions at the panel meeting: Support- None; Against- Richard Norman; On behalf of the applicant- Michele Chapman, Director, All About Planning; Anthony & Bret Elias, Chase Port Developments; Oleg Sannikov, TEF Consulting P/L; Amanda Quinn, CSU Campus Development Manager; On behalf of Council – Fiona Tierney, Development Assessment Planner; David Troemel, Coordinator, Development Engineering.
8	Meetings and site inspections by the panel: Wednesday 21 October 2015
9	Council recommendation: Approve
10	Draft conditions: As per the Schedule submitted at the meeting and further amended by the panel.