

DATE OF DETERMINATION	Wednesday, 3 April 2019
PANEL MEMBERS	Garry West (Chair), Pamela Westing, Stephen Gow, Paul Drake and Robert Hussey
APOLOGIES	None
DECLARATIONS OF INTEREST	None <i>(must include reason for declaration and whether the member participated or not)</i>

Public meeting held at Port Macquarie-Hastings Council on 3 April 2019, opened at 1.01pm and closed at 1.15pm.

MATTER DETERMINED

2017NTH017 – Port Macquarie-Hastings Council – DA2017-675.1 at Lot 1 DP 1087368 and Lot 2 DP 1172154 Thrumster Street, Thrumster (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.

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

- Stormwater management issues associated with the proposed subdivision have been adequately addressed.
- While Council relied upon advice from the NSW Rural Fire Service in relation to emergency access requirements and a secondary vehicular access was deemed unnecessary by that agency, to promote consistency with similar developments and provide for other cases where emergency access is required, a condition is included to require a second access point be provided prior to Stage 6 of the development.
- The site is considered suitable for the proposed subdivision and subsequent development and will not result in significant adverse social, environmental or economic impacts.

CONDITIONS

The development application was approved subject to the conditions in the Council Supplementary Assessment Report with the following amendment.

- Condition 23 was amended to reference there is more than one road connection to John Oxley Drive by changing 'connection' to 'connections'.

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:

- Suitability of road infrastructure for additional traffic
- Flooding
- Rights of existing residents
- Singular access point will be a risk during a bushfire event
- Inconsistency with Area 13 Koala Plan of Management

- Impacts of construction activities

The Panel considers that concerns raised by the community have been adequately addressed in the assessment reports and that no new issues requiring assessment were raised during the second public meeting.

PANEL MEMBERS	
Garry West (Chair) 	Pamela Westing 
Stephen Gow 	Paul Drake 
Robert Hussey 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017NTH017 – Port Macquarie-Hastings Council – DA2017-675.1
2	PROPOSED DEVELOPMENT	504 Lot Torrens Title Subdivision
3	STREET ADDRESS	Lot 1 DP 1087368 and Lot 2 DP 1172154 Thrumster Street, Thrumster
4	APPLICANT OWNER	MJM Consulting Engineers Port Macquarie-Hastings Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: - o State Environmental Planning Policy No 14 – Coastal Wetlands - o State Environmental Planning Policy No 44 – Koala Habitat Protection - o State Environmental Planning Policy No 55 – Remediation of Land - o State Environmental Planning Policy No 62 – Sustainable Aquaculture - o State Environmental Planning Policy (Infrastructure) 2007 - o State Environmental Planning Policy (Rural Lands) 2008 - o State Environmental Planning Policy (State and Regional Development) 2011 - o State Environmental Planning Policy (Coastal Management) 2018 - o Port Macquarie-Hastings Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: - o Port Macquarie-Hastings 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	• Council assessment report: 5 February 2019 • Written submissions during public exhibition: three (3) • Verbal submissions at the public meeting on 20 February 2019: - o In objection – Lachlan Tiller, Shiloh Tiller and Darren Elliot - o Council assessment officer – Chris Gardiner - o On behalf of the applicant – Michael McFetters, MJM Consultants • Council addendum assessment report: 13 March 2019 • Verbal submissions at the public meeting on 3 April 2019: - o In support – NIL - o In objection – NIL - o Council assessment officer – Chris Gardiner - o On behalf of the applicant – NIL
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection on 20 February 2019 • Final briefing to discuss council's recommendation, 20 February 2019. Attendees: - o <u>Panel members</u>: Garry West (Chair), Pamela Westing, Stephen Gow, Paul Drake and Robert Hussey - o <u>Council assessment staff</u>: Chris Gardiner, Development Assessment Planner; Grant Burge, Development Engineer and Dan Croft, Group Manager Development Assessment
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council addendum assessment report