

DATE OF DETERMINATION	Tuesday 10 April 2018
PANEL MEMBERS	Garry West (Chair), Pamela Westing, Stephen Gow, Paul Drake, 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 Chambers 17 Burrawan Street Port Macquarie on 10 April 2018, opened at 11am and closed at 11.55am.

MATTER DETERMINED

2018NTH003 – Port Macquarie Hastings – DA2015-600.3 at 18 John Oxley Drive Port Macquarie (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.55 (previously section 96) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

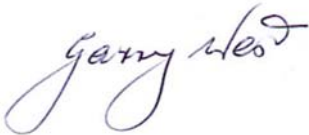

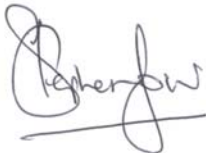


The reasons for the decision of the Panel were:

- SEPP 44 – Koala Habitat Protection; A KPOM was approved as part of the original development approval and conditions remain to ensure the development is carried out in a manner consistent with the KPOM;
- SEPP 64 – Advertising and Signage: The proposed development includes signage that is consistent with the relevant clauses;
- The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change and will not result in detrimental increases in the potential flood affection other development or properties;
- The proposal includes an increased setback, which would improve acoustic privacy;
- Screen landscaping and an acoustic barrier 3m high is proposed between the building wall and the adjoining Sienna Grange residential development, to reduce visual impact;
- Traffic Control Signals have been conditioned to be constructed at the access driveway and the applicant has provided a copy of the signed agreement with the RMS; and

- Whilst the modification includes a reduction in the proposed number of parking spaces from 523 to 457, this still remains in excess of the required spaces.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS	
 <p>Garry West (Chair)</p>	 <p>Pamela Westing</p>
 <p>Stephen Gow</p>	 <p>Paul Drake</p>
 <p>Robert Hussey</p>	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018NTH003 – Port Macquarie Hastings – DA2015-600.3
2	PROPOSED DEVELOPMENT	Modification to Hardware and Building Supplies and Bulky Goods Premises.
3	STREET ADDRESS	18 John Oxley Drive, Port Macquarie
4	APPLICANT/OWNER	CVC Mezzanine Finance Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <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.64 – Advertising and Signage State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 Port Macquarie Hastings Local Environmental Plans 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Council assessment report: 27 March 2018 Written submissions during public exhibition: nil Written Submission from Ms Sara Thompson provided to the Panel by Council opposed to the development. Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Nil On behalf of the applicant – Chris Condon (Owner); Tony Thorne King & Campbell
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 10 April 2018 Final briefing meeting to discuss council's recommendation, 10 April 2018. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Garry West (Chair), Pamela Westing, Stephen Gow, Paul Drake, Robert Hussey <u>Council assessment staff</u>: Chris Gardiner, Development Assessment Planner; Grant Burge, Development Engineer and Clint Tink, Acting Manager, Development Control.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report