

DETERMINATION AND STATEMENT OF REASONS
NORTHERN REGIONAL PLANNING PANEL

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 12.16pm and closed at 1pm.

MATTER DETERMINED

2018NTH019 – Port Macquarie-Hastings Council – DA2018 - 654.1 at 99 William Street, Port Macquarie – Multi storey commercial and retail building (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

The Panel has considered the Applicant's request pursuant to cl4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP) to vary the development standard contained in clause 4.3 – Height of Buildings. (A building height variation of 1.0m to 20m is requested)

As required under cl. 4.6(4) of the LEP:

The Panel is satisfied that the Applicant's request adequately addresses that matters to be demonstrated by the Applicant under Clause 4.6(3), namely that:

- compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case;
- there are sufficient environmental planning grounds to justify contravening the development standard.

Other Reasons for the Decision

- The proposed development will allow integration of the building with the existing Port Central building and will complete a missing section of the CBD that has laid unused for some time.
- The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment.
- Council Staff are satisfied that the development will create no adverse impact on the adjoining heritage site, St Thomas Church.
- The adjacent roads have the capacity to cater for the increased traffic volumes.
- The Panel amended a condition to minimise the potential conflict between vehicles and pedestrians at the access and egress points of the driveway and accessing the future basement car parking and vehicles using the loading dock.

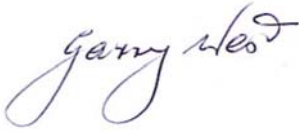




CONDITIONS

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

- A11 was amended to delete the designation that parking on levels B01 & B02 be for staff parking only.
- B18. The preamble and closing sentences were changed to refer to 'documents' in lieu of 'plans'; and the penultimate bullet point was deleted and replaced by:
"Additional best practice safety measures in relation to the vehicle access driveway between Murray Street and Hay Street, immediately adjacent to the northern boundary of the site, to minimise potential conflicts between passenger vehicles, service vehicles and pedestrians at the points of access and egress from the driveway and to and from the proposed vehicle access and egress to parking level B02."
- B23 was amended to "... show additional secure bicycle parking for the public (not just staff)"
- D26 was amended to only refer to AS2601 and delete the edition date.

CONSIDERATION OF COMMUNITY VIEWS

No written submissions were received.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018NTH019 – Port Macquarie-Hastings Council – DA2018 - 654.1
2	PROPOSED DEVELOPMENT	Multi storey commercial and retail building
3	STREET ADDRESS	99 William Street, Port Macquarie
4	APPLICANT OWNER	Hopkins Consultants Pty Ltd Port Macquarie-Hastings Council (Lot 1 DP1012667) & Gowing Bros Ltd (Lot 100 DP 855100)
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 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 (Infrastructure) 2007

		<ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Coastal Management) 2018 ○ Port Macquarie-Hastings Local Environmental Plan 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: April 2019 • Written submissions during public exhibition: nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – NIL ○ In objection – NIL ○ Council assessment officer – Clinton Tink ○ On behalf of the applicant – Andrew Lister, Senior Town Planner, Hopkins Consultants Pty Ltd
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 3 April 2019 at 9.45am • Final briefing to discuss council's recommendation, 3 April 2019, 10.45am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry West (Chair), Pamela Westing, Stephen Gow, Paul Drake and Robert Hussey ○ <u>Council assessment staff</u>: Clinton Tink, Development Assessment Planner; Grant Burge, Development Engineer, Caroline Horan, Development Engineer and Dan Croft, Group Manager Development Assessment
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report, as amended at the meeting