

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 noon and closed at 12.15pm

MATTER DETERMINED

2018NTH021 – Port Macquarie-Hastings Council – 2018 - 834.1 at 11 Ellis Parade, Port Macquarie – Additions to Educational Establishment (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

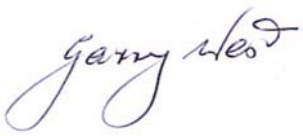




- SEPP 44 – Koala Habitat Protection: A Koala Plan of Management has been prepared and has been approved by the Department of Planning & Environment.
- SEPP 55 – Remediation of Land: The proposed site is within a temporary buffer of the Kingfisher Road Waste Transfer Station (previous land fill site). Monitoring has been undertaken to assess the status of landfill gas. Specialist consultants advised that the potential risk is low/negligible. The report, referenced in the conditions advises the strategy to be undertaken both prior to the commencement of building work together with ongoing monitoring requirements as a condition.
- The development will contribute only a minor proportion of the background growth to John Oxley Drive and Major Innes Road.
- The Flora and Fauna Assessment concluded the impacts on biodiversity values are limited to potential indirect impacts on adjacent areas of vegetation and fauna habitat.
- The land is mapped as being bushfire prone and the NSW Rural Fire Service recommendations have been imposed by way of conditions of consent.

CONDITIONS

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

CONSIDERATION OF COMMUNITY VIEWS

No submissions were received.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018NTH021 – Port Macquarie-Hastings Council – 2018 - 834.1
2	PROPOSED DEVELOPMENT	Additions to Educational Establishment
3	STREET ADDRESS	11 Ellis Parade, Port Macquarie
4	APPLICANT/OWNER	Charles Sturt University CARE King & Campbell Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Crown 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 No. 64 – Advertising and Signage ○ State Environmental Planning Policy (Coastal Management) 2018 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 ○ 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 Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil

		<ul style="list-style-type: none"> • 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: 20 March 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 – Patrick Galbraith-Robertson ○ On behalf of the applicant – Scott Marchant – King & Campbell Pty Ltd
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 3 April 2019 at 9am • Final briefing to discuss council's recommendation, 3 April 2019, at 10.40am 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>: Patrick Galbraith-Robertson, 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