

DATE OF DETERMINATION	23 February 2024
DATE OF PANEL DECISION	23 February 2024
DATE OF PANEL BRIEFING	20 February 2024
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, David Crofts and Tony McNamara
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 6 February 2024.

MATTER DETERMINED

PPSNTH-216 – Port Macquarie-Hastings – DA 2023.259.1– Lot 400 DP 1208753 and Lot 3 DP 1293093, College Drive, Thrumster – Staged Multi Dwelling Housing and Strata Subdivision (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 listed at item 8 in Schedule 1.

Development application

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 determined to approve the application for the reasons outlined in the Council Assessment Report.

In determining to approve the Application, the Panel notes:

- The proposed subdivision and residential development is permissible with consent under the Port Macquarie-Hastings LEP 2011 and is generally consistent with the relevant zone objectives
- The site is suitable for the proposed development as it has manageable constraints, for which appropriate conditions have been imposed, including
 - Impacts on adjoining conservation areas have been adequately addressed and offset plantings identified. Local endemic species will be used as far as possible
 - Final fill level will be above the flood planning level
 - Reconfiguration of the school (speed limit) zone on College Drive adjacent the site
- The Rural Fire Service has reviewed the proposal and all recommended conditions have been imposed for management of bushfire risk
- The perimeter fire trail will also serve as a publicly accessible walking track
- Traffic impacts are manageable
- The site is capable of being adequately serviced
- Appropriate conditions have been imposed to preserve the provisions of the Sovereign Hills VPA pending satisfactory resolution of an alternative site for the 'charge lands' as set out in the VPA

The nature of the development will make a positive contribution to the diversity of housing stock in the Port Macquarie/Thrumster area. The Panel also notes the style of the development may attract older residents and encourages the Applicant to also consider a proportion of dwellings in the estate to be constructed as adaptable dwellings.

In addition, the Panel noted the increasing use of electric vehicles and that consideration should also be given to the installation of appropriate conduits, to enable the future installation of electric vehicle charging facilities within the development site.

Having considered all relevant issues, the Panel concluded the development is in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Amend Condition A1 – Approved plans and supporting documentation, to remove ‘/documents’ in the first sentence under the table
- Amend Condition A13 – Bonds, to remove the words ‘subdivision certificate’ in the second paragraph
- Amend Condition B5 to read as follows:
B5. Landscaping plans
Prior to release of the Construction Certificate submission of an amended landscape plan to the Principal Certifier. The plans shall include:
 - 4 *Eucalyptus robusta* (Swamp Mahogany) located at the perimeter of the development with connection to the adjoining environmental land. The offset plantings are to be provided at, or prior to, the stage of the development that involves removal of the existing *Eucalyptus robusta* (Swamp Mahogany).
 - Deletion of exotic species and replacement with endemic native species where possible.
 - An entry treatment at the Chancellors Drive end of the fire trail to better differentiate the public and private domain and provide a sense of territoriality.
 - Deletion of the Bangalow Palms from the communal swimming pool area and replacement with suitable alternative species for shade but not likely to create such significant maintenance issues, if possible.

Condition Reason: To positively contribute to the aesthetics and biodiversity of the area, and to better differentiate the public and private domain.

- Amend Condition B14, by inserting the words ‘or fire trail’ at the end of the first sentence
- Insert new Condition D8, which reads as follows:
D8. Survey of finished levels
At the set of the ground floor slab for each dwelling, survey confirmation shall be provided to the Principal Certifier that the building will achieve the following minimum floor levels in accordance with Council’s Flood Policy:
 - (a) Non-habitable areas - at or above 2.61m AHD;
 - (b) Habitable areas - at or above 4.53m AHD.

Condition reason: To protect public health and safety and building assets.

- Delete Condition E12 - Survey of finished levels and renumber the remaining conditions accordingly


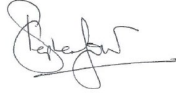
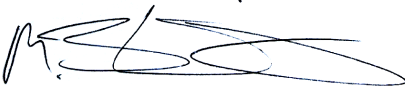


CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submissions made during public exhibition. The Panel notes that issues of concern included:

- Traffic

- Flooding

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	 David Crofts
 Tony McNamara	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-216 – Port Macquarie-Hastings – DA 2023.259.1
2	PROPOSED DEVELOPMENT	Staged Multi Dwelling Housing and Strata Subdivision
3	STREET ADDRESS	Lot 400 DP 1208753 and Lot 3 DP 1293093, College Drive, Thrumster
4	APPLICANT/OWNER	Hopkins Consultants Pty Ltd PM Land Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 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: Sovereign Hills Estate Planning Agreement and The Area 13 Environmental Land Management Planning Agreement Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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: 6 February 2024 Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Applicant Briefing: 2 August 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow and Michael Wright <u>Council assessment staff</u>: Chris Gardiner and Dan Croft <u>Department staff</u>: Carolyn Hunt, Louisa Agyare and Lisa Ellis Site Inspection: 16 October 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow and Michael Wright, David Crofts and Tony McNamara <u>Council assessment staff</u>: Chris Gardiner and Dan Croft <u>Applicant representatives</u>: Melissah Osland, Michael Mowle and Paul Zvirzdinas Final briefing to discuss Council's recommendation: 20 February 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Tony McNamara and David Crofts

		<ul style="list-style-type: none">○ <u>Council assessment staff:</u> Chris Gardiner and Dan Croft○ <u>Applicant representatives:</u> Melissah Osland, Michael Mowle, Paul Zvirzdinas and Trent Kelly○ <u>Department staff:</u> Carolyn Hunt and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report