

<b>DATE OF DETERMINATION</b>	18 June 2025
<b>DATE OF PANEL DECISION</b>	17 June 2025
<b>DATE OF PANEL BRIEFING</b>	16 June 2025
<b>PANEL MEMBERS</b>	Dianne Leeson (Chair), Stephen Gow, Michael Wright, Tony McNamara and David Crofts
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 3 June 2025.

#### **MATTER DETERMINED**

PPSNTH-385 – Port Macquarie-Hastings – DA2024 - 668.1 – 171 John Oxley Drive, Port Macquarie – Staged construction of place of public worship, proposed public reserve and extension of Annabella Drive (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 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.

#### **CONDITIONS**

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

- Amend Condition A16 to remove duplicated words ‘whichever occurs first’ in first sentence.
- Amend Condition B5 to read as follows:  
**B5. C018 - Corner splay**  
 The provision of a 3m x 3m splay corner on the south-western corner of proposed development lot 1 as part of the Annabella Drive extension or otherwise agreed to by Port Macquarie-Hastings Council. Details must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Subdivision Works Certificate.  
  
**Condition Reason:** To provide for appropriate and traffic sight distance and to positively contribute to the public domain.
- Update the number of Section C conditions to start at 1
- Amend now Condition C7 (former Condition C12) to read as follows:

## **C7. Acoustic construction requirements**

Before the issue of a Construction Certificate, the certifier must ensure the construction certificate plans and specifications details the following:

1. Certification from the acoustic consultant, that the acoustic performance of the main church auditorium, hall and multipurpose rooms will meet the requirements outlined in "The Point Community Church Acoustic Assessment", prepared by Matrix Thornton, dated 29 March 2025, ref. M24170.01E.
2. The location of all mechanical plant and equipment with certification from the acoustic consultant confirming the operational acoustic performance of the plant and equipment in these locations will not exceed the background noise level (RBL) by 5dB(A) as outlined in "The Point Community Church Acoustic Assessment", prepared by Matrix Thornton, dated 29 March 2025, ref. M24170.01E.

**Condition Reason:** To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

- Amend now Condition C12 (former Condition C17) to insert the words at the end of the condition, 'Consideration should be given to the functionality of locating the accessible parking in front of stacked staff parking spaces and potentially relocating the accessibility spaces closer to the main building entrance.'

- Insert new Condition C13, which reads as follows:

### **C13. Bicycle parking**

The construction certificate plans shall detail the location of bicycle parking within suitably accessible areas of the development that receive passive surveillance.

**Conditions reason:** To ensure alternative means of transport are provided for within the development.

- Insert new Condition C14, which reads as follows:

### **C14. Electric vehicle (EV) infrastructure**

The construction certificate plans shall make provision for electrical conduits to facilitate future electric vehicle charging stations within the car park.

**Condition reason:** To encourage and facilitate electric vehicles use in the development.

- Update the number of Section G conditions to start at 1

- Insert new Condition G6, which reads as follows:

### **G6. E011 - Stop work if aboriginal objects discovered**

Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.

**Condition Reason:** To protect culturally significant places and items.

- Insert new Condition G7, which reads as follows:

### **G7. Imported fill certification**

The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). For any fill imported to site certification is to be provided to Council demonstrating that the fill is either VENM or ENM.

**Condition Reason:** To protect public health and safety.

- Delete Condition H6 and renumber the remaining conditions in this section accordingly
- Amend Condition J2 to insert new part b, which reads as follows:
  - b. Illumination of the signage shall be regulated by a continuously operating control device which automatically adjusts the brightness of the light to reflect the surrounding ambient lighting conditions such that traffic safety and neighbourhood amenity is maintained.

- Amend Condition J9 to read as follows:

**J9. Use of cafe**

The cafe within the main church building foyer shall only be used by staff and for service of attendees of the facility, and not external users. The cafe shall not be operated or leased as an independent business.

**Condition reason:** To ensure sufficient off-street parking is provided to service the development and the operation of the café is ancillary to the approved land use.

- Insert new Condition J10, which reads as follows:

**J.10 Future use**

Any new or further uses on the site will require separate development consent.



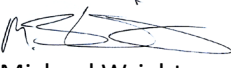

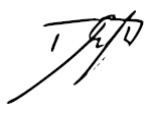
**Condition reason:** Ensure the development is undertaken in accordance with the approval and to re-enforce further development consent requirements.

## CONSIDERATION OF COMMUNITY VIEWS

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

- Amenity impact of large concrete building and parking adjoining residential dwellings
- Traffic congestion
- Noise impacts
- Site not suitable and not suitable to a residential zone rather industrial zone
- Impact upon house prices
- Ensure obligations of planning agreement are fulfilled

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-385 – Port Macquarie-Hastings – DA2024 - 668.1
2	PROPOSED DEVELOPMENT	Staged construction of place of public worship, proposed public reserve and extension of Annabella Drive
3	STREET ADDRESS	171 John Oxley Drive, Port Macquarie
4	APPLICANT/OWNER	King and Campbell Pty Ltd The Point Community Church Incorporated
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>State Environmental Planning Policy (Industry and Employment) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Primary Production) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Port Macquarie-Hastings Local Environmental Plan 2011</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Port Macquarie-Hastings Development Control Plan 2013</li> </ul> </li> <li>Planning agreements: South Lindfield Urban Release Area Planning Agreement (dated 16 January 2019) between Port Macquarie-Hastings Council and the landowners</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 3 June 2025</li> <li>Written submissions during public exhibition: 2</li> <li>Total number of unique submissions received by way of objection: 2</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 21 January 2025 <ul style="list-style-type: none"> <li><u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Tony McNamara and David Crofts</li> <li><u>Council assessment staff</u>: Ben Roberts and Dan Croft</li> <li><u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> <li>Applicant Briefing: 16 June 2025 <ul style="list-style-type: none"> <li><u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Tony McNamara and David Crofts</li> <li><u>Applicant representatives</u>: Ross Hinton, Nigel Swift, Tony Thorne and David Matthews</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Ben Roberts, Melissa Watkins and Tracy Sharp</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova</li> <li>• Final briefing to discuss Council's recommendation: 16 June 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Tony McNamara and David Crofts</li> <li>○ <u>Council assessment staff</u>: Ben Roberts, Melissa Watkins and Tracy Sharp</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report