

DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	3 November 2021
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway, Stephen Gow, David Crofts and Tony McNamara
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Paul Mitchell declared a non-significant interest for the record, as the noise report included in the development application package was prepared by a former employee of a company of which Mr Mitchell was the CEO. It has been several years since the author of the report was in his employ.</p> <p>Tony McNamara noted for the record that he is a member of the Parish Finance Council of St Agnes Catholic Church. The Church owns several of the units in the Port Home Zone Development which fronts the upgraded Hastings River Drive.</p> <p>The Panel considered this and was satisfied that these declarations did not constitute conflict of interests that should preclude Mr Mitchell's and Mr McNamara's involvement.</p>

Papers circulated electronically on 20 October 2021.

MATTER DETERMINED

PPSNTH-75 – Port Macquarie-Hastings Council – DA2020-1081 at 176 Hastings River Drive, Port Macquarie – upgrades to Hastings River 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 and the matters observed at site inspections 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/refuse the application for the following reasons:

1. The proposal is a permissible use in the R1 and B5 zones and satisfies the relevant provisions of all applicable SEPPs.

2. The proposal will significantly improve traffic flows and safety along Hastings River Drive, including during most flood events and will improve access to important areas or facilities including Port Macquarie town centre, the ocean beaches and the airport. As such, the proposal will have substantial social and economic benefits.
3. The proposal's impacts on the natural and built environments will be acceptable and in some cases positive. It will improve drainage and lessen traffic noise. While a number of environmental and cultural assets will be affected including Koala habitat, wetlands and two heritage items, the proposed avoidance and compensation measures satisfactorily mitigate potential impacts.
4. The design process for the proposal involved extensive community consultation, with provision having been made for relocation/alteration of some affected private infrastructure such as existing roadside advertising. No objections were received by Council in response to the notification of the development application under its Community Participation Plan.
5. For the reasons given above approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Insert the following as Condition B(7)

A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Development Planning section prior to the issue of a construction approval. The plan must include:



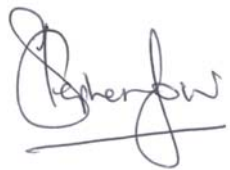
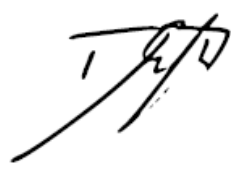

- a) Location, numbers, type and supply of plant species, with reference to Australian Standards, with a preference for local native species;
- b) Details of the proposed growing medium, including soil depth and type, planting procedure and maintenance, including a landscape specification;
- c) Inclusion of trees, shrubs and ground cover in the front setback and road reserve fronting the proposed north-eastern carparking area;
- d) Sympathetic landscaping should be undertaken by a landscaping professional with heritage experience around the proposed new carpark within the curtilage of Hamilton House (Former School) and The Manor House. Appropriate cottage garden plantings should be utilised where appropriate; and
- e) At minimum, a single layer of trees should be maintained along Hastings River Drive in front of the locally listed Hamilton House (Former School) and The Manor House. Any trees to be removed in this area for the road widening should be confined to the second layer of trees close to the road;
- f) The commemorative planting for Seth Jones should be relocated out of the proposed carpark area to another section of the site prior to works commencing.

- Insert the following as Condition B(8):

Prior to issue of the construction approval, a scale drawing and photographic archival recording for the post and rail fence associated with the Hamilton House (Former School) should be undertaken in accordance with the guidelines How to Prepare Archival Records of Heritage Items (Heritage Office (former), 1995, revised 1998).

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Penny Holloway
 Stephen Gow	 David Crofts
 Tony McNamara	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-75 – Port Macquarie-Hastings Council – DA2020-1081
2	PROPOSED DEVELOPMENT	Hastings River Drive road Upgrades including Demolition of dwellings and new carpark (Hamilton Green)
3	STREET ADDRESS	176 Hastings River Drive, Port Macquarie
4	APPLICANT/OWNER	Port Macquarie-Hastings Council
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 (Koala Habitat Protection) 2021 State Environmental Planning Policy (Koala Habitat Protection) 2019 State Environmental Planning Policy No. 55 - Remediation of Land State Environmental Planning Policy (Primary Production and Rural Development) 2019 State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy (Infrastructure) 2007 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 YYYY Planning agreements: Nil

		<ul style="list-style-type: none"> • 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: 20 October 2021 • Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 27 October 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, David Crofts and Tony McNamara ○ <u>Council assessment staff</u>: Patrick Galbraith-Robertson and Dan Croft ○ <u>Department staff</u>: Amanda Moylan and Lisa Foley • Applicant Briefing: 27 October 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, David Crofts and Tony McNamara ○ <u>Council assessment staff</u>: Patrick Galbraith-Robertson and Dan Croft ○ <u>Department staff</u>: Amanda Moylan and Lisa Foley ○ <u>Applicant representatives</u>: Tim Veness <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report