

<b>DATE OF DETERMINATION</b>	Wednesday, 4 December 2019
<b>PANEL MEMBERS</b>	Garry West (Chair), Pamela Westing, Stephen Gow, Paul Drake and Robert Hussey
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Port Macquarie Hastings Council on 4 December 2019, opened at 10am and closed at 10.34am.

#### **MATTER DETERMINED**

PPSNTH-8 – Port Macquarie-Hastings – 2019 - 546 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 the meeting and the matters observed at the site inspection 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**

- SEPP 44 – Koala Habitat Protection. The KPoM considered the loss of vegetation associated with the campus expansion including the loss of trees to be removed as part of Stage 2B. The requirements the KPoM have been addressed.
- SEPP 55 – Remediation of Land. An Environmental Site Investigation was undertaken over the whole CSU land holding in 2013. The investigation concluded that the land is suitable for use as a university campus. Having considered a report on current conditions on the Stage 2A building and the location of the Stage 2B building it is felt the requirements of the SEPP have been satisfactorily addressed.
- The Stage 2B building and associated works are permissible with consent.
- Whilst the Stage2B development will add to the traffic impact in the area both the Applicant and Council undertook traffic studies. Council stated its intentions to stage the design and construction of the necessary road upgrade works in the precinct over the coming years.
- Notwithstanding the above, the Panel was concerned that the potential for traffic leaving the development site to travel to the north may be constrained without a sheltered turning lane/bay. Having regard to the fact the development is Crown development and no representative of the Applicant was present, the Panel agreed to include the following note in this Determination:
  - “The traffic merge in respect of the egress from the development site onto Major Innes Drive should be reviewed with regard to the incorporation of a right turn holding bay into the intersection design so as to improve road safety in the vicinity of the site. The Panel also noted an interim solution could be a requirement for left turn only for all traffic egressing the new road from the proposed car park onto Major Innes Drive.”
- The Panel notes the undertaking by the Applicant to construct a missing link of the 2.5m wide concrete pedestrian and cycle path consistent with Council’s proposed John Oxley Drive Concept Upgrade Plan.

- The proposed recommendations outlined in the Blackash Bushfire Assessment report have been conditioned.

## CONDITIONS



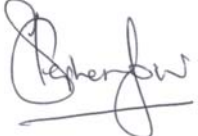


The development application was approved subject to the conditions in the council assessment report.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Loss of five isolated paddock trees (approved previously) and associated loss of potential habitat for critically endangered bird species.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-8 – Port Macquarie-Hastings – 2019 - 546
2	PROPOSED DEVELOPMENT	Additions to educational establishment (Stage 2B Charles Sturt University campus)
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"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No 44 – Koala Habitat Protection</li> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy No 62 – Sustainable Aquaculture</li> <li>State Environmental Planning Policy No 64 – Advertising and Signage</li> <li>State Environmental Planning Policy (Coastal Management) 2018</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Educational Establishment and Childcare Facilities) 2017</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Primary Production and Rural Development) 2019</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: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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: 19 November 2019</li> <li>Written submissions during public exhibition: one (1)</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>In support – None</li> <li>In objection – Sue Proust, Conservation Officer, Hastings Birdwatchers</li> <li>Council assessment officer – Pat Galbraith-Robertson</li> <li>On behalf of the applicant – Scott Marchant, King &amp; Campbell</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection: 4 December 2019 and final briefing at 9am <ul style="list-style-type: none"> <li>Panel members: Garry West (Chair), Pamela Westing, Stephen Gow, Paul Drake and Robert Hussey</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Council assessment staff</u>: Pat Galbraith-Robertson, Caroline Horan, Development Engineer and Dan Croft, Group Manager Development Assessment.</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report