

DATE OF DETERMINATION	7 September 2021
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway, Heather Warton, David Crofts and Tony McNamara
APOLOGIES	Stephen Gow
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 24 August 2021.

MATTER DETERMINED

PPSNTH-89 – Port Macquarie Hastings – DA2021-175 at 99 Boundary Street, Port Macquarie – upgrade to Port Macquarie Airport (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 the application for the following reasons:

1. The proposal is a permissible use in all applicable zones with the exception of the E2 zone but in that case existing use rights apply to the works concerned.
2. The proposal is an appropriate use of the existing and long-standing airport site and will improve operational efficiency and safety.
3. The presence of an upgraded airport will be socially and economically beneficial for Port Macquarie and the surrounding district.
4. The proposal, including the broad suite of incorporated safeguards, will have no material adverse impacts on the natural or built environments. In this respect it is relevant to record that the Panel added conditions expressly requiring compliance with all avoidance and mitigation measures given in the EIS.
5. The Panel noted that the Council's assessment report contained contradictory recommendations about determination of the application (ie both approval and refusal) but this was clarified in subsequent correspondence which confirmed that the correct recommendation was for approval.
6. For the reasons given above, approval of the application is in the public interest.




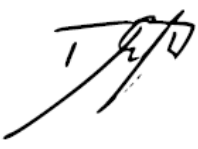

CONDITIONS

The development application was approved subject to the conditions attached to the Council Memorandum dated 3 September 2021, which includes the following changes requested by the Panel:

- In Part A, Condition 3 to be deleted
- In Part A, Condition 6 to be amended by adding 'for the Tree Removal Zone' after 'The Vegetation Management Plan'
- In Part A, Condition 7 to be inserted
- In Part B, Condition 4, 5 and 6 to be deleted
- In Part C, Condition 2, 3, 4 and 5 to be inserted

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
 Heather Warton	 David Crofts
 Tony McNamara	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-89 – Port Macquarie Hastings – DA2021-175
2	PROPOSED DEVELOPMENT	Staged Port Macquarie Airport upgrade including new parallel taxiway, vegetation clearing, vegetation conservation cropping and pavement rehabilitation
3	STREET ADDRESS	99 Boundary Street, Port Macquarie
4	APPLICANT/OWNER	Port Macquarie-Hastings Council
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 (Koala Habitat Protection) 2019 State Environmental Planning Policy (Koala Habitat Protection) 2020 State Environmental Planning Policy (Koala Habitat Protection) 2021 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"> Development Control Plan 2013 Planning agreements: Nil 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: 17 August 2021 Council supplementary assessment memo: 24 August 2021 Council memorandum: 3 September 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: 25 August 2021

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Heather Warton, 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 <ul style="list-style-type: none"> • Applicant Briefing: 25 August 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Heather Warton, 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>: Tony Thorne, Kylie Moore, Stephen Mizzi, Peter Allen and Ashley Grummitt <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 memorandum of 3 September 2021