
PRESENT

Members:

Paul Drake
Robert Hussey
Clinton Tink

Other Attendees:

Dan Croft
Patrick Galbraith-Robertson
David Troemel

The meeting opened at 2.10pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 26 April 2018 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA2017 - 780.1 SHOP TOP HOUSING - LOT 1 DP 536032, NO. 4 HASTINGS RIVER DRIVE, PORT MACQUARIE

Speakers:

Tony McVeagh (objector)
Wayne Ellis (applicant)

CONSENSUS:

That DA 2017 – 380.1 for shop top housing at Lot 1, DP 536032, No. 4 Hastings River Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions as amended:

Add condition B(26) to state:

B(26) Prior to release of the Construction Certificate, an amended landscape plan is to be submitted to the Principal Certifying Authority. The landscape plan is to be prepared by a suitably qualified landscape architect and have regard for the approved building design and the suitability of the proposed vegetation species within the nominated space(s). The landscape plan will form part of the approved plans.

06 SECTION 4.55 MODIFICATION DA2010 - 577.4 - MODIFICATION TO SUBDIVISION LOT LAYOUT INCLUDING ADDITION OF ONE (1) TORRENS TITLE LOT - LOT 2 DP 1231106, NO. 72 LORNE ROAD, KENDALL

Speakers:

Michael Mowle (applicant)
Geraldine Haigh (applicant)

CONSENSUS:

The Panel was unable to reach a consensus.

For: Paul Drake and Clinton Tink

That Section 4.55 modification to DA 2010 – 577 for a modification to subdivision layout including addition of one (1) torrens title lot at Lot 2, DP 1231106, No. 72 Lorne Road, Kendall, be determined by granting the modified consent subject to the recommended conditions as amended:

Add Condition B(9) to state:

B(9) Prior to release of the Construction Certificate, a plan is to be submitted to Council showing a dwelling envelope on proposed Lot 7 that is capable of being above the 1:100 year flood level applicable to the site. The dwelling envelope is to be of a suitable size to accommodate a standard size dwelling. The plan is also to show the location of any drainage swale and also an area capable of containing an onsite waste management system for a standard size dwelling. ³

Amend Condition E(20) to state:

E(20) (DE195) Prior to the issue of the Subdivision Certificate, a positive covenant must be created under Section 88E of the Conveyancing Act 1919, burdening the owners of affected lots with the requirement to ensure the ongoing maintenance of the existing overland flowpath through the site. The terms of the 88E instrument with positive covenant must include, but not be limited to, the following:

- a) The proprietor of the property shall be responsible for maintaining and keeping clear the overland flowpath.
- b) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the overland flowpath; and recover the costs of any such works from the proprietor.
- c) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the overland flowpath, or failure to clean, maintain and repair the overland flowpath.
- d) Restricting construction on Lot 7 to have a finished floor level at or above 12.5 m AHD.³

Robert Hussey disagreed with the majority decision for the following reasons:

1. Concerned that a significant part of the site is shown within the major flood storage area and the site contains an overland flow path, which is to be re-aligned with a profile of depth up to a metre and width of six metres and receive a discharge from 2 x 600mm diameter pipes, resulting in a likely unsafe velocity in the channel (ie V x D ratio exceeding 0.4m²/second).
2. The proposal does not overlay properly the various easements to demonstrate that a suitable dwelling and ancillary buildings can be safely erected.

07 GENERAL BUSINESS

Stormwater assessment process.

The meeting closed at 4.00pm.