
PRESENT

Members:

Paul Drake
Robert Hussey
Clinton Tink

Other Attendees:

Dan Croft
Fiona Tierney
David Troemel

The meeting opened at 2:05pm.

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 9 May 2018 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA2018 - 139.1 FENCE - LOT 9 DP 20480, NO 15 ILLAROO ROAD, LAKE CATHIE

Speakers:

Margaret Fraser Martin (objector)

Scott Marchant (applicant)

CONSENSUS:

That DA2018 – 139.1 for a fence at Lot 9, DP20480, No.15 Illaroo Road, Lake Cathie, be determined by granting consent subject to the recommended conditions.

06 DA2018 - 115.1 CHANGE OF USE FROM PANEL BEATER WORKSHOP TO RECREATION FACILITY (INDOOR) - LOT 2 DP 3749, NO. 148 NANCY BIRD WALTON DRIVE, KEW

Speakers:

Peter Newman (objector)
Donna Clarke (objector)
Julie Bellamy (applicant)

The Panel was unable to reach a consensus.

For: Paul Drake and Robert Hussey

That DA 2018 – 115.1 for a change of use from panel beater workshop to a recreation facility (Indoor) at Lot 2, DP 3749, No. 148 Nancy Bird Walton Drive, Kew, be refused for the following reasons:

1. 4.15(1)(a)(i) - The plans and Statement of Environmental Effects are deficient and inadequate.
4.15(1)(a)(iii) – None compliance with Port Macquarie Hastings Development Control Plan 2013 as follows:
 - 1) 2.5.3.3 lack of parking and onsite manoeuvrability.
 - 2) 2.5.3.2 inefficient driveway access to the rear subject site and questionable transition into downslope.
 - 3) 2.5.3.15/16 unacceptable reliance on existing parking/access arrangements, alternative parking is designed and allocated to other occupancies on overall site and the proposal is not a dance studio as assessed in terms of parking.
2. 4.15C(1)(b) The development creates adverse impacts on adjacent property in terms of the following:
 - 1) Unacceptable noise impacts on adjoining residential motel.
 - 2) Reliance on closing of facing doors at peak times is not policeable.
 - 3) No internal acoustic mitigating features.
 - 4) The proposed limits on dB levels is not policeable.
 - 5) Fails to meet zone objectives.
3. 4.15C(1)(c) The site is unsuitable for the following reasons:
 - 1) Given the location at the rear, poor access for clients.
 - 2) Given front parking is legally unavailable.
 - 3) Alternate premises are available at the front (vacant coffee shop) more suitable for 6 patrons.
 - 4) The 230m² floor space will encourage an increase in numbers.
4. The development is not in the public interest due to adjoining conflicting uses.
5. The site is not suitable for the development.
6. The acoustic assessment was inadequate.

Against: Clinton Tink disagreed with the majority decision on the basis that the determination of the development application should be deferred to allow the applicant time to respond to the issues listed above.

07 GENERAL BUSINESS

07.01 ITEM 7 - 9 MAY 2018

Robert Hussey tabled a letter providing further comment on Item 7 of the DAP agenda dated 9 May 2018, assessment process, conditions and current practices. A copy of the letter was also attached to the relevant Development Application file.

The meeting closed at 3:30pm.