
PRESENT

Members:

Paul Drake
Dan Croft
David Troemel

Other Attendees:

Clinton Tink
Ben Roberts
Chris Gardiner

The meeting opened at 2.00pm.

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 28 October 2015 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA2015 - 0592 CHANGE OF USE - DWELLINGS TO TOURIST AND VISITOR ACCOMMODATION AT LOTS 460, 461, 470, 471, 500 & 501 DP 1194670, 16A, 16B, 19A, 19B, 20A & 20B PORTSIDE CRESCENT, PORT MACQUARIE

The Chair tabled additional submissions from Peter and Mary Lawrence, Cathy Nance and Ian Whitehead.

Speakers:

Michelle Love (o)
Dawn Maynard (o)
Suzzane Fischer(o)
Cathy Nance (o)
Ted Nance (o)
Cassandra Shafer (o)
Peter Lawrence (o)
Mary Lawrence (o)
Peter Chapman (applicant)

CONSENSUS:

That the application be refused for the following reasons:

1. **79C (a) (i)**. Inconsistent with intent of definition of *Tourist and Holiday Accommodation* in that the identified types within the genre of the definition are all holistic and not fragmented as is this case. Although not prohibited by the definition the fragmented development of buildings designed for traditional residential purposes, and not being interrelated, means the proposal (as applied for) was not designed as such a facility and as a result could not be assessed as such a facility. I am of the opinion it cannot now be comprehensively assessed as a *tourist and holiday accommodation* facility. Thus the ability of the LEP to accept the development under the definition is tenuous.
2. **79C (b)**. The adverse social effects in evidence from the past 12 months of illegal activity being highly detrimental to local residential amenity.
3. **79C (c)**. The unsuitability of the three sites to perform as one facility. A lack of nexus between the three buildings to render the site unsuitable for a well-managed facility.
4. **79C (d)**. The extent and range of submissions objecting to the proposal and the validity of those objections.
5. **79C (e)**. It is contrary to the wider public interest because ad hoc medium/large scale, unmanageable tourist accommodation facilities are inappropriate in any residential area and especially a residential area where residential amenity is of high priority and thus should have greater weight in the determination.

06 DA2014 - 0506.3 SECTION 96 MODIFICATION TO ALFRESCO AREA AS PART OF DUAL OCCUPANCY AT LOT 48 DP 1040148, NO. 8 THE PENINSULA, PORT MACQUARIE

Speakers:

Peter Bastable (o)

Michelle Love (applicant)

CONSENSUS:

1. That DA 2014 - 0506.3 for a Section 96 modification to the alfresco area as part of a dual occupancy at Lot 48, DP 1040148, No. 8 The Peninsula, Port Macquarie, be determined by refusing consent for the following reasons.
 - a) The application has not demonstrated that the proposed modifications are of minimal environmental impact in accordance with Section 96(1A)(a) of the Environmental Planning and Assessment Act 1979.
 - b) The development is inconsistent with the side setback provisions and objectives of Development Control Plan 2013.
 - c) The development would result in unacceptable bulk and scale for a low density residential area.
 - d) Approval of the application would create an undesirable precedent for building to boundaries in a residential area and is not in the public interest.
2. That the matter be referred to the Regulatory Services Section for follow up action.

07 DA2015 - 0527 ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 37 DP 231816, NO 29 MATTHEW FLINDERS DRIVE, PORT MACQUARIE

Speakers:

Roberts Smallwood (applicant)

CONSENSUS:

That DA 2015 - 0527 for alterations and additions to dwelling including clause 4.6 variation to clause 4.3 (Height of Buildings) of Port Macquarie Hastings Local Environmental Plan 2011 at Lot 37, DP 231816, No. 29 Matthew Flinders Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Delete condition B4

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- 08 DA2015 - 0648 ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6
OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDING) UNDER PORT
MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 385
DP 236950, 15 VENDUL CRESCENT, PORT MACQUARIE**
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CONSENSUS:

That it be recommended to Council that DA2015 - 0648 for additions to dwelling including Clause 4.6 objection to Clause 4.3 (Height of Buildings) under the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 385, DP 236950, No. 15 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

- 09 DA2015 - 630 ALTERATIONS AND ADDITIONS TO DWELLING, SECONDARY
DWELLING, HOME BUSINESS INCLUDING CLAUSE 4.6 VARIATION TO
CLAUSE 4.3 (HEIGHT OF BUILDINGS) UNDER THE PORT MACQUARIE-
HASTINGS LOCAL ENVIRONMENTAL PLAN 2015 - LOT 15 SEC K DP 25923,
CHEPANA STREET LAKE CATHIE**
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Speakers:

Kristen O'Brien (o)

Simone Lake (applicant)

CONSENSUS:

That the application be deferred to allow the applicant an opportunity to amend plans to address overshadowing and view impact issues.

- 10 GENERAL BUSINESS**
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Nil.

The meeting closed at 4.05pm.