
PRESENT

Members:

Paul Drake
Robert Hussey
Dan Croft

Other Attendees:

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

CONCENSUS

That the Minutes of the Development Assessment Panel Meeting held on 24 April 2019 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

**05 DA2019 - 213.1 DWELLING LOT 144 DP 1230897, NO. 4 SHORE BREAK
CRESCENT, LAKE CATHIE**

CONSENSUS

That DA 2019 - 213.1 for a dwelling at Lot 144, DP 1230897, No. 4 Shore Break Crescent, Lake Cathie, be determined by granting consent subject to the recommended conditions.

**06 DA2018 - 353.1 COMMERCIAL PREMISES AND TOURIST AND VISITOR
ACCOMMODATION WITH CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT
OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT
MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 123
DP 1219042, NO. 17 CLARENCE STREET, PORT MACQUARIE**

Mr David Pensini (applicant) spoke on the item.

The following motion was put to the panel:

That it be recommended to Council that DA2018 - 353.1 for a commercial premises and tourist and visitor accommodation with clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

The Panel was unable to reach consensus

For: Paul Drake and Dan Croft

Against: Robert Hussey

The dissenting recommendation from Robert Hussey was put:

That DA2018 - 353.1 for a commercial premises and tourist and visitor accommodation with clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by refusing consent for the following reason:

1. Insufficient car parking is provided on site. To vary the Development Control Plan (DCP) car parking provisions by 18% has significant implications on parking in the CBD, will lead to an undesirable precedent and undermine the DCP. Council should consider amending the DCP if such variations are to be considered acceptable.

**07 DA2018 - 427.1 DUAL OCCUPANCY AND TORRENS TITLE SUBDIVISION,
BOAT RAMPS AND JETTY AT LOT 7 DP 246284, NO. 14 SIRIUS CLOSE, PORT
MACQUARIE**

Mr Lex Wilke (applicant) spoke on the item.

Resolution as per recommendation subject to the following changes to conditions of consent:

CONSENSUS

That DA2018 - 427.1 for a Dual Occupancy and Torrens Title Subdivision, Boat Ramps and Jetty at Lot 7, DP 246284, No. 14 Sirius Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.

- Amend condition A(9) to read:
The street tree impacted by the driveway shall be removed and replaced with 2 suitable amenity trees of a minimum 100 litre size in accordance with the specifications of Council's Arborist in a position agreed to by Port Macquarie-Hastings Council. The position of the replacement tree shall be clearly shown on the plans accompanying the section 138 application. The new tree shall be cared for and maintained for a period of at least 12 months. If establishment is unsuccessful a new tree of the same species and size shall be planted in a suitable location in front of the property.

- Amend condition B13 to read:
Prior to the issue of a Construction Certificate, a detailed planting plan for the provision One (1) Schedule 2 Koala food tree shall be submitted for the approval of Council's Environmental Services Section. The Plan shall include:
 - a) Location of plantings (to be confirmed with Council);*
 - b) Details of planting and appropriate tree protection;*
 - c) A schedule of care and maintenance for a minimum period of 12 months.**All work shall be carried out by a Council approved contractor at the developer's cost.*

**08 DA2019 - 27.1 PERMANENT GROUP HOME - LOT 31 DP 1190016, NO. 5
MCGILVRAY ROAD, BONNY HILLS**

Mr David Govers (applicant) spoke on the item.

CONSENSUS

That DA 2019 - 27.1 for a Permanent Group Home at Lot 31, DP 1190016, No. 5 McGilvray Road, Bonny Hills, be determined by granting consent subject to the recommended conditions.

09 DA2018 - 641.1 ADDITIONS TO EXISTING BUILDING AND CHANGE OF USE TO COMMERCIAL PREMISES - LOTS 1 & 2 DP 3749 NO.150 NANCY BIRD WALTON DRIVE, KEW

Mr Jurie Beukes (o) and Mr David Pensini (applicant) spoke on the item.

CONSENSUS

That DA 2018 - 641 for additions to existing building and change of use to commercial premises at Lot 1 & 2, DP 3749, No. 150 Nancy Bird Walton Drive, Kew, be determined by granting a deferred commencement with the following deferred commencement requirement being satisfied within six (6) months of the date of determination:

- The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate. A total of 17 spaces are to be provided and the following matters are to be addressed and detailed on the plan:
 - Awning post locations.
 - Redesign entry and exist to provide for a designated ingress at the north of the site and a dedicated egress at the south of the site. The driveway widths are to be of a minimum size permitted by the standard so as to provide maximum opportunity for off street parking.
 - Ampol sign to be removed.
 - Planter boxes to be extended at the northern and southern driveways for the length of adjoining car parking spaces.
 - Northern access driveway to Bay 5 be extended to rear boundary to provide improved access and manoeuvring for Bay 5.
 - Traffic Management Plan be provided for use of the Southern driveway to reflect intermittent usage.

That following the above deferred commencement requirement being satisfied, the consent be operative as recommended with the following change:

- Replace condition F5 with the following:
 - 'Hours of operation of the development are to be restricted as follows:
 - Bays 1 and 2 - Monday to Sunday 8am to 6pm.
 - Bay 4 - Monday to Saturday 8am to 6pm.'

10 GENERAL BUSINESS

Nil.

The meeting closed at 3.23pm.
