
Minutes of an ordinary meeting of the Development Support Special Committee held in the Council Chamber of the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 16 October 2006 commencing at 4.00 pm

Members attendance

Cr Mike Downie (Mayor)
Cr Warren Barker
Mrs Kathy Schaefer

Cr Brian Robertson (Deputy Mayor)
Cr Ken Haines

Member Apology

Cr Tony van Rooyen

Employees attendance

Director Planning & Environment (Mr Jeff McNamara)
Acting Planning Services Manager (Mr Shane Warren)
Town Planner (Mr Mark McIver)

Media attendance

There was no media attendance.

Public attendance

No members of the public attended during the course of the meeting.

CONFIRMATION OF MINUTES OF THE COMMITTEE

42/2006 Confirmation of minutes

The Executive Services Manager reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 21 August 2006 have already been circulated. The minutes are required to be confirmed for their accuracy.

The *Local Government (Meeting Procedures) Regulations 2005* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

- Cr Haines moved and Cr Barker seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 21 August 2006 be confirmed.”

Carried unanimously

MAYOR’S COMMUNICATIONS

43/2006 Mayor’s communications

The Mayor reported as follows:

“Under the terms of appointments of the Development Support Special Committee, it acts in agreed circumstances as if it were the Council and, accordingly, as a planning authority under the *Land Use Planning and Approvals Act 1993*.

Members are reminded that the *Local Government (Meeting Procedures) Regulations 2005* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.

In the event that items listed for consideration are referred, under the terms of the Committee’s appointment, to the Council (e.g. any matter the Committee cannot determine unanimously), or if the Committee is unable to make a determination within the relevant statutory time limit, such items will be referred to a meeting of the Council for a decision.”

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- “Cr Robertson moved and Cr Barker seconded, “That the Mayor’s report be received.”

Carried unanimously

PECUNIARY INTEREST DECLARATIONS

44/2006 Pecuniary interest declarations

The Mayor reported as follows:

“Members are requested to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.”

The Acting Planning Services Manager reported as follows:

“The *Local Government Act 1993* provides that a member must not participate at any meeting of a special committee in any discussion, nor vote on any matter, in respect of which the members has an interest or is aware or ought to be aware that a close associate has an interest.

Members are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a councillor must declare any interest in a matter before any discussion on that matter commences.

All interests declared will be recorded in the minutes at the commencement of the matter to which they relate.”

No interests were declared at this time.

ADJOURNMENT OF MEETING

45/2006 Adjournment of meeting

The Mayor reported as follows:

“In order to effectively consider the reports before this meeting of the Committee it is appropriate that I adjourn the meeting to enable the related documents to be

workshopped prior to resumption of the meeting and formal resolution of the agenda items.”

The workshop having been concluded, the Mayor resumed the meeting.

DEPUTATIONS

46/2006 Deputations

The Acting Planning Services Manager reported as follows:

“No requests for deputations to address the meeting or to make statements or deliver reports have been made.”

OPEN REPORTS

47/2006 House (single dwelling) - Exemption from the Development Standards - side setback at 13 Water Street, Ulverstone Application No. DEV2006.36

The Director Planning & Environment reported as follows:

“The Acting Planning Services Manager has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DEV2006.36
<i>OWNER:</i>	J Brandsema
<i>LOCATION:</i>	13 Water Street, Ulverstone
<i>ZONING:</i>	Residential (RA) - Closed
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	25 September 2006
<i>REPRESENTATIONS EXPIRY DATE:</i>	9 October 2006
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	1 November 2006
<i>DECISION DUE:</i>	16 October 2006

PURPOSE

A representation has been received in opposition to a discretionary planning permit application at 13 Water Street. The discretion being applied for relates

to an exemption component for the lateral side boundary setback of the house. The proposal is to enable a house to be located at 900mm from the western boundary of the lot when the development standard requires 1500mm.

A site plan is attached as Appendix 1/5. This also includes a sun path diagram.

BACKGROUND

The site previously contained a single storey dwelling constructed in 1920. This was purchased by the current owners approximately 12 months ago and due to disrepair the house was demolished earlier this year. The block is located on the northern side of Water Street and is one of eight blocks of similar shape and size generally situated opposite Strickland Avenue.

A location plan of the proposal is attached as Appendix 2/5 which indicates the previous footprint of the house at 13 Water Street.

DISCUSSION

Notwithstanding the setback waiver the proposal is to re-develop a house on the property. The block is 12.16 metres wide and due to the narrowness of the lot the design of the new house is constrained by the required 1500mm setback from each side boundary. The proposed house also has a second storey component which at the peak of the gable is approximately 9 metres high. The higher section is located on the northern half of the house.

Elevation details are attached as Appendix 3/5.

Under the Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme) there exists an ability to exempt an application from one or more development standards if the Council is of the opinion that enforcement of the requirement would be impracticable, unreasonable or inequitable and not of sufficient importance in respect of the objectives of the Scheme to warrant enforcement.

In this location the eight blocks previously mentioned all contain buildings on narrow blocks that wouldn't necessarily comply with today's setback requirements. The location plan verifies this aspect.

Previous applications for similar setback exemptions have taken into consideration such matters as solar orientation, proximity of adjacent

buildings in other ownership, comparable developments in the vicinity and the dimensions of the block, etc.

CONSULTATION

The application was subjected to the required 14-day public scrutiny process required by s.57 of the *Land Use Planning Approvals Act 1993*. This requires advertising of the development by a notice on site and also by a notice placed once in a daily local newspaper. Correspondence to the adjoining owners inviting them to view the application was also undertaken.

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. No comments were received from the Planning and Assessment Team that couldn't be included in the final determination of the application.

Representation

One representation was received during the 14-day period. This was from the owners of the house at 11 Water Street which is situated immediately to the west of the subject property.

A copy of the representation is attached as Appendix 4/5.

The reasons submitted in opposition to the proposal can be summarised into two points.

Point 1 - The roof will overshadow the property and make it harder to sell in the future.

Comments - Traditionally any comments on property values need to be substantiated by a supplementary valuation. Nothing has been forwarded for consideration from the objectors. There is also an inference that seems the location of the proposed house closer to the boundary will affect their amenity. This is difficult to substantiate considering the previous house at 13 Water Street was located on the boundary.

Point 2 - The wall and roof heights affect the sunlight entering the house and cause dampness in the bedrooms.

Comments - A site assessment indicates that 11 Water Street has only one window on the affected elevation. This window is visible on the attached site photographs.

However it is acknowledged that any building located on 13 Water Street of either one or two storeys will have some effect on 11 Water Street and this shading will alter depending on the time of day and the month of the year. The degree of detriment is too subjective to comment on without careful analysis of shadow diagrams, existing floor plans, adjoining uses of rooms, etc.

Attached as Appendix 5/5 are photographs of the subject property in its vacant state in relation to neighbouring homes.

IMPACT ON RESOURCES

This report has no impact on resources.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2004-2009 includes the following objectives:

- Meet our statutory and regulatory obligations
- Plan for and develop a sustainable community
- Create a municipal area that is productive and socially and aesthetically attractive.

CONCLUSION

The application has received an assessment against the relevant provisions of the Planning Scheme. There is one element of discretion to consider and the impact of this on the amenity of the two immediate neighbours has been carefully considered.

Recommendation

That the setback provisions of the Central Coast S.46 Planning Scheme No. 1 of 1993 are deemed to be unreasonable in this case to warrant enforcement, in that the setback of the building is unlikely to adversely impact adjoining properties; and further, that the representation be deemed not to have sufficient merit on planning grounds to justify refusal of the application and that the application be approved subject to the following condition:

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- 1 The development must be substantially constructed in the same scale and form as the details submitted with this application - reference plans - dp drafting dated February 2006;

and that the applicant be further advised that:

- A a Building Application and subsequent Permit is required prior to construction works commencing; and
- B this Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced.'

The report is supported.”

The Acting Planning Services Manager reported as follows:

“Copies of the annexures referred to in the Acting Planning Services Manager report have been circulated to all members.”

■ Cr Barker moved and Cr Haines seconded, “That the setback provisions of the Central Coast S.46 Planning Scheme No. 1 of 1993 are deemed to be unreasonable in this case to warrant enforcement, in that the setback of the building is unlikely to adversely impact adjoining properties; and further, that the representation be deemed not to have sufficient merit on planning grounds to justify refusal of the application and that Application No. DEV2006.36 be approved subject to the following condition:

- 1 The development must be substantially constructed in the same scale and form as the details submitted with this application - reference plans - dp drafting dated February 2006;

and that the applicant be further advised that:

- A a Building Application and subsequent Permit is required prior to construction works commencing; and
- B this Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced.”

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 4.15 pm.

CONFIRMED THIS DAY OF , 2006.

Chairperson

(mm:mk)

QUALIFIED PERSON'S ADVICE

The *Local Government Act 1993* provides (in part) as follows:

- . A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

- . A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

I therefore certify that with respect to all advice, information or recommendation provided to the Development Support Special Committee within these minutes:

- (i) the advice, information or recommendation was given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and

- (ii) where any advice was directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Katherine Schaefer
GENERAL MANAGER