



CENTRAL COAST COUNCIL

DEVELOPMENT SUPPORT SPECIAL COMMITTEE

# Minutes

of Meeting

23 June 2008

Minutes subject to confirmation at  
a meeting of the Development Support Special Committee to be held on  
14 July 2008



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**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, 23 June 2008 commencing at 6.00pm**

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**Members attendance**

Cr Mike Downie (Mayor)  
Cr Ken Haines  
Cr Tony van Rooyen

Cr Jan Bonde  
Cr Terry McKenna  
Mrs Kathy Schaefer

**Employee attendance**

Director Development Services (Mr Michael Stretton)

**Employee apology**

Acting Land Use Planning Group Leader (Mrs Theresia Williams)

**Public Attendance**

Three

**CONFIRMATION OF MINUTES OF THE COMMITTEE**

**8/2008 Confirmation of minutes**

The Acting Land Use Planning Group Leader reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 14 January 2008 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 Bonde seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 14 January 2008 be confirmed.”

Carried unanimously

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## MAYOR'S COMMUNICATIONS

### 9/2008 Mayor's communications

The Mayor reported as follows:

"Under the terms of appointment 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."

- Cr McKenna moved and Cr Bonde seconded, "That the Mayor's report be received."

Carried unanimously

## PECUNIARY INTEREST DECLARATIONS

### 10/2008 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 Land Use Planning Group Leader 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 member 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 member must declare any interest in a matter before any discussion on that matter commences.

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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**

##### **11/2008      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**

##### **12/2008      Deputations**

The Acting Land Use Planning Group Leader reported as follows:

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

#### **OPEN REPORTS**

##### **13/2008      Residential – Multiple dwellings (variation to setback) at 2A View Street, Ulverstone Application No. DEV2007.126**

The Director Development Services reported as follows:

“The Acting Land Use Planning Group Leader has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DEV2007.126
<i>APPLICANT:</i>	Community Housing Ltd
<i>LOCATION:</i>	2A View Street, Ulverstone
<i>ZONING:</i>	Residential
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	24 May 2008

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<i>REPRESENTATIONS EXPIRY DATE:</i>	7 June 2008
<i>REPRESENTATIONS RECEIVED:</i>	Five
<i>42-DAY EXPIRY DATE:</i>	27 June 2008
<i>DECISION DUE:</i>	23 June 2008

*PURPOSE*

The purpose of this report is to consider whether the variations to the prescribed setbacks perform in accordance with the criterion of P4 in Clause 6.3.3 of the Scheme. It should be noted that this is the only level of discretion conferred on the Council to consider.

*BACKGROUND*

View Street is a small cul-de-sac located on the eastern side of Scurrah Street. It is within an elevated section of Ulverstone in the area generally known as Heazlewoods Hill. The subject lot is an "axe handle" lot, 1193m<sup>2</sup> in area and, discounting the axe handle is almost square in shape.

A location plan is appended as Annexure 1.

During discussion later in this report the location and proximity of the proposed development to adjoining land uses will be explained.

Under the previous planning scheme the "use" as proposed and any variations/exemptions to the "development" standards were subject to the discretion of the Council.

However, the Scheme has a broader definition of Residential. Residential is now defined as meaning the use of land for one or more dwellings providing long term accommodation. Examples are an apartment, conjoined dwelling, dependant persons unit, flat, home occupation, house, shack and multiple dwellings.

These uses all conform to the purpose of the Residential Zone which is to provide for Residential use or development that accommodates a range of dwelling types and densities where full infrastructure services are available, including access to educational, recreational, transport and community services.

In general terms if either of the mentioned residential uses complies with the Acceptable Solutions within the zone then the use or development is Permitted. This provides an opportunity for a developer to conform with the Scheme and obtain a Planning Permit by a reasonably expeditious process under the Land Use Planning and Approvals Act 1993. However, if a variation to an Acceptable Solution is required and is possible, the applicant has the ability to apply for a discretionary planning permit if they contend that the variation to the Acceptable Solution will be able to perform against the criteria indicated.

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The Council may recall that the previous planning scheme had similar clauses in that an application could be made for a variation/exemption based on grounds of unreasonableness, impracticableness and unfairness. The new Scheme provides some measures of performance where deemed appropriate. If no Performance Criteria are indicated the use or development must comply with the Acceptable Solution.

*DISCUSSION*

Other elements of development control within the Scheme are also provided for in the assessment of multiple dwelling developments. These applicable controls are listed in the Multiple Dwellings Schedule and Car Parking Schedule. In this regard the proposed development has been assessed against the Acceptable Solution clauses of both these schedules and no aspect of the proposal requires any consideration of discretion by the Council.

This application, however, has two variations to the Acceptable Solutions within the Residential Zone provisions to consider. These are a variation to the front setback from 4.5 metres to 1.5 metres and a similar variation to the rear setback from 4.5 metres to 1.5 metres. The 1.5 metres is a calculated distance to the roof line (It is observed that the plans indicate a 2 metre setback to the wall). For the purposes of assessment the frontage to a rear lot such as this is the boundary which abuts the access strip. The rear boundary as a consequence is the opposite boundary. From a geographical perspective these are the northern and southern boundaries respectively.

The details of the development are appended as Annexure 2.

The applicant's site plan best illustrates the discretionary elements and the proximity of the development to adjoining boundaries.

The only Performance Criteria to consider for these variations are reproduced from the Scheme as follows:

*P4 Residential (except cluster houses) and Tourist accommodation buildings may have a lesser setback where the AS cannot be satisfied due to:*

- (a) the irregular shape of the lot;*
  - (b) the lot having less than the minimum area or dimensions required by this planning scheme;*
  - (c) unsuitable topography;*
  - (d) the location of Utilities on the lot; or*
  - (e) the location of existing buildings on the lot;*
- if:*
- (i) for a front setback, it is in keeping with the general building alignment and streetscape character; or*

(ii) for other setbacks, if:

- (1) the encroachment is minor or is no closer than any other part of the existing dwelling on the lot; and
- (2) there is no unreasonable shading of, or unreasonable loss of privacy to, adjoining properties.

The discretion can be considered on either one of (a), (b), (c), (d) or (e) in isolation as long as (i) or (ii) can be demonstrated.

The following table is produced with applicable comments on the performance in the adjacent column.

PERFORMANCE CRITERIA	RESPONSE
(a) the irregular shape of the lot;	It is generally recognised that axe handle shaped lots are the exception. It is submitted that this performance criterion has merit.
(b) the lot having less than the minimum area or dimensions required by this planning scheme;	The lot meets the minimum lot size criteria. Therefore this performance criterion does not assist in the merit based assessment.
(c) unsuitable topography;	The lot generally falls from east to west and the units have a east west axis. Excavation of the lot on the eastern side is proposed to ensure that the open space for each unit is on the same plane. The orientation of the units to a north south axis would result in a significant excavation on the eastern side of the lot to achieve a flatter private open space area for each unit. It is submitted that this performance criterion has merit.
(d) the location of Utilities on the lot	There is no infrastructure on the lot to support this performance criterion
(e) the location of existing buildings on the lot;	There are no existing buildings on the lot to support this performance criterion
If:	
(i) For a front setback, it is in keeping with the general	This sub-clause provides opportunity in a conventional street



<p>building alignment and streetscape character; or</p>	<p>frontage if the other house developments are located closer than the required 4.5 metres. This is a possibility in older areas that were developed prior to planning schemes that included setback provisions. In this particular proposal there are no other battle axe lots in the vicinity to determine a pattern of acceptable setbacks. In this instance the houses with addresses onto Scurrah Street to the west have a similar orientation and comparable setbacks on the northern and southern boundaries.</p> <p>A larger scaled site plan is appended as Annexure 3.</p>
<p>(ii) For the rear setback there is no unreasonable shading of, or unreasonable loss of privacy to, adjoining properties</p>	<p>In regards to the rear setback the only properties that could be affected would have to be located on the shady side of the lot. These properties are 81 and 83 Trevor Street respectively. It would be extremely difficult to demonstrate that the location of the development proposed would cause unreasonable shading impacts on these two properties. Similarly it would be difficult to substantiate a claim of any invasion of privacy due to the design of the buildings, in particular the floor plan of Unit 3, the lowered site because of the excavation proposed and the proposed fencing that provides an 1800mm screen.</p>

*CONSULTATION*

The application was subjected to the required 14-day public scrutiny process required by s.57 of the *Land Use Planning and 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. Any relevant comments received from the Planning and Assessment Team are included in the recommendation of the application.

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*Representation*

Five Representations were received within the prescribed time.

The representations are appended as Annexures 4 through to 8.

The issues raised in the representation are detailed as follows and have been numbered for ease of reference:

REP#	CONCERN (PARAPHRASED)	COMMENT
4	(a) overdevelopment of the site.	Development of the site for three dwellings conforms with the Acceptable Solution that permits one dwelling unit for each 350m <sup>2</sup> .
	(b) encroach on privacy.	<p>The representors' house is 15 metres due north of the proposal with a north facing orientation. There is no substance to the claim that their privacy will be diminished by the discretionary aspects of this development. The plans indicate that the nearest unit (Unit 1) only has a narrow living room window that faces north, notwithstanding the mitigating effects of the proposed 1800mm fence, into the backyard of 2 View Street. Other windows facing this direction are either bathroom or bedroom.</p> <p>The higher elevation and any possible loss of privacy is alleviated by the development being excavated slightly into the site to ensure a level private open space area for each dwelling unit is attained.</p>
	(c) traffic safety: (i) shared internal drive; (ii) increased traffic onto View Street; (iii) result in worsening road conditions;	<p>No concerns were raised by Council's qualified Engineering Staff during assessment. Standard conditions were recommended, as part of the normal assessment process, for any approval that may be granted.</p> <p>No evidence to demonstrate a reduction in traffic safety has been provided. The only qualified advice</p>

	(iv) interactions with garage of 5 View Street.	presented is that of Council's Engineering staff.
5	(a) water run off, general services.	It is usual procedure for these details to be assessed and standard conditions imposed.
6	(a) increase in traffic and reduction of resident safety	Refer to Comments for 4c.
7	(a) traffic and safety concerns	Refer to Comments for 4c.
8	(a) overdevelopment	Refer to Comments for 4a.
	(b) traffic impacts	Refer to Comments for 4c.

In summary, the development complies with the discretionary aspects of the planning scheme. The issues raised by the representors are covered by the Scheme and standard conditions, or are not relevant to the legislated assessment.

*IMPACT ON RESOURCES*

This report has no impact on resources notwithstanding the usual resources in assessment of the application and preparation of a report. Additional resourcing of time in the event of a Planning Appeal are unknown.

*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 only aspects of this proposal where the Council has discretion are the front and rear setbacks. The use is permitted subject to this conferment of discretion on two aspects of the development. There are performance criteria available for the Council to consider in exercise of this discretion and these have been submitted and reported on.

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*Recommendation*

It is recommended that the representations are not deemed to have merit in this particular application to warrant refusal and that Application No. DEV2007.126 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the documents submitted with this application by Community Housing Ltd reference project 186 dated 01/04/08 unless otherwise altered by subsequent conditions of this permit;
- 2 The developer upgrading or providing where required an appropriately sized water, stormwater and sewer connection point to the property;
- 3 All run-off from roof and sealed/paved areas is to be adequately contained and collected on site before discharging to the Council stormwater system;
- 4 The external area of the dwelling unit adjacent to its front door must be:
  - (a) provided with artificial lighting operated by a sensor or from within the dwelling unit; and
  - (b) visible from within the dwelling unit while the main front door is closed which may be achieved through:
    - (i) nearby windows;
    - (ii) transparent glass in the main front door or adjoining panels;
    - (iii) a security keyhole viewing device in the main front door;
    - (iv) a security door on the outside of the main front door; or
    - (v) any other manner that is as effective as any of the above; and
- 5 Any damage or disturbance to roads, nature strips or existing services is to be rectified to the satisfaction of Council's Director Assets & Engineering.

and that the applicant be further requested to note:

- A The Permit expires two years from the date of advice of this decision is received unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time.

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- B In regard to condition 2, the Council may require a trench gate and trough at the property boundary. Also additional grates and pits etc will be required for the site development.
  - C Building and Plumbing permits are required for the proposed development.
  - D Sites for multiple dwelling developments are only permitted to have one service connection for water, sewage and stormwater.
  - E Any works associated with the connection to existing (live) Council water, sewer and stormwater services is to be undertaken by the Council at the developers cost unless alternative arrangements are approved.
  - F Any works associated with existing kerb and Channel, footpath or roads will be undertaken by the Council at the developers cost unless alternative arrangements are approved.
  - G Any works undertaken within the Road Reservation requires a Road Permit to be issued prior to the commencement of construction. An application form can be obtained from the Assets and Engineering Department. A fee applies.'

The report is supported.”

The Director Development Services reported as follows:

“The Annexures referred to in the Acting Land Use Planning Group Leader's report have been circulated to all members.”

■ Cr Bonde moved and Cr Haines seconded, “That the representations are deemed to have merit in this particular application to warrant refusal and it is recommended that Application No. DEV2007.126 be refused because overdevelopment of the site with three units and the proposed setbacks would affect the privacy of other adjoining properties in that they do not conform.”

Voting for the motion

(5)

Cr Downie

Cr Bonde

Cr Haines

Cr McKenna

Cr van Rooyen

Voting against the motion

(1)

Mrs Schaefer

Motion

Carried

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The meeting noted at this time that, as the matter could not be determined unanimously, it must accordingly be referred to a meeting of the Council for a decision.

**14/2008 Residential - outbuilding and house extension with variation to side setback  
Application No. DEV2007.127**

The Director Development Services reported as follows:

“The Acting Land Use Planning Group Leader has prepared the following report:

<i>DEVELOPMENT APPLICATION No.:</i>	DEV2007.127
<i>APPLICANT:</i>	A De Puit
<i>LOCATION:</i>	15 Water Street, Ulverstone
<i>ZONING:</i>	Residential
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	28 May 2008
<i>REPRESENTATIONS EXPIRY DATE:</i>	12 June 2008
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	4 July 2008
<i>DECISION DUE:</i>	23 June 2008

*PURPOSE*

The purpose of this report is to consider whether the variations to the prescribed setbacks comply with the performance criterion of P4 in Clause 6.3.3 of the Scheme. It should be noted that this is the only level of discretion for this development.

*BACKGROUND*

This area of Water Street is an established residential area within Ulverstone. It is surrounded by residential lots. Generally, to the north is Bicentennial Park and to the east is the Ulverstone Recreation Ground. The subject lot is a rectangular lot of 490m<sup>2</sup>.

A location plan is appended as Annexure 1.

The Central Coast Planning Scheme 2005 provides that a house extension and garage in this zone is a Permitted Use and does not require advertising if it meets all Acceptable Solutions defined for the development. In this case, the house extension does not meet the side setback Acceptable Solution and must therefore be assessed against the Performance Criteria.

The proposal plans are appended as Annexure 2.

*DISCUSSION*

The proposal complies with all Acceptable Solutions other than the side setback. It must therefore be assessed against the Performance Criteria for applying discretion in relation to the side setback. The table below illustrates the assessment against the relevant planning scheme provisions:

REFERENCE	DETAIL	COMMENT
6.3.3A4	<p>Residential...buildings must be setback at least:</p> <p>(a) 4.5m from the frontage;</p> <p>(b) (not relevant);</p> <p>(c) (not relevant);</p> <p>(d) 1.5m from a side boundary; and</p> <p>(e) 4.5m from the rear boundary.</p> <p>Note: these setbacks are different to those for outbuildings.</p>	<p>(a) Complies.</p> <p>(b) Not relevant. Applies only to rear lots.</p> <p>(c) Not relevant. Applies only to land with a secondary frontage.</p> <p>(d) Does not comply. Must assess under Performance Criteria.</p> <p>(e) Complies.</p> <p>Note: outbuildings can be built right up to the boundary.</p>
6.3.3P4	<p>Residential...may have a lesser setback where the AS cannot be satisfied due to:</p> <p>(a) the irregular shape of the lot;</p> <p>(b) the lot having the minimum area or dimension required by this planning scheme;</p> <p>(c) unsuitable topography;</p> <p>(d) the location of Utilities on the lot; or;</p> <p>(e) the location of existing buildings on the lot;</p> <p>if:</p> <p>(i) (not relevant);</p> <p>(ii) for other setbacks, if;</p>	<p>(a) This is a regular, rectangular lot. Irregular shape is not a reasonable argument for reduced setbacks in this case.</p> <p>(b) The lot has less than the minimum area required by this planning scheme. This argument is reasonable to consider in this case.</p> <p>(c) The lot is relatively flat. This is not a reasonable argument for reduced setbacks in this case.</p> <p>(d) There are no Utilities taking up space on the lot. This is not reasonable to consider in this case.</p> <p>(e) The proposed extension is in line with the existing</p>

	<p>(1) the encroachment is minor or is no closer than any other part of the existing dwelling on the lot; and</p> <p>(2) there is no unreasonable shading of, or unreasonable loss of privacy to, adjoining properties.</p>	<p>house.</p> <p>(i) (relates only to the front setback. Not relevant to this proposal)</p> <p>(ii) "other setbacks" includes the side setback, which is applicable to this application.</p> <p>(1) the encroachment is no closer than any part of the existing dwelling.</p> <p>(2) the plans show that the shading/privacy impacts will be effectively the same as the existing use.</p>
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The proposal is on a lot that is less than the minimum lot size required by this planning scheme and is in line with existing building setbacks. Therefore points (ii)(1)&(2) can be considered.

The proposal meets the performance criteria in relation to P4(b),(d)(ii)(1)&(2) as noted in the table above.

*CONSULTATION*

The application was subjected to the required 14-day public scrutiny process required by s.57 of the *Land Use Planning and 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. Relevant comments received from the Planning and Assessment Team are included in the final recommendation and are either standard recommendations or relate to the proximity of the stormwater main.



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*Representation*

One representation was received within the prescribed time, signed by adjoining landowners.

The representation is appended as Annexure 3.

The issues raised in the representation are detailed as follows and have been numbered for ease of reference:

#	CONCERN (PARAPHRASED)	COMMENT
1	Construction may deviate from the plan as submitted (and may therefore cause additional shading etc)	Any permit issued would require that the development proceed as per the plans submitted. Any deviation from plans would require a request for, and consent from, the Council and anyone who lodged a representation.
2	Request for conditions to be added to any approval granted: (a) no eaves on the eastern or western sides of the addition (as per the plans) (b) outdoor heat exchange unit not to be placed between the extension and the boundary fence to limit noise (c) maintain floor level and skillion roof as per the plans	In relation to a and c, these would be standard conditions—that the construction complies with the plans submitted. It is noted that eaves on the western side would not impact on the representors' property.  In relation to point b, the planning scheme only allows consideration of privacy and overshadowing as part of the discretion to the setback standards.

Whilst the Performance Criteria do not consider general amenity as an assessment criteria, the Purpose of the Residential Zone includes "To achieve a high standard of residential amenity across the range of dwelling types". A condition in relation to the placement of a heat exchange unit could be placed on a permit under this strategic objective.

*IMPACT ON RESOURCES*

This report has no impact on resources notwithstanding the usual resources in assessment of the application and preparation of a report. Additional resourcing of time in the event of a Planning Appeal will be unknown unless it occurs.

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*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 only aspect of this proposal where Council has discretion is the side (eastern) setback as the use is permitted other than that request for discretion. There are performance criteria available for Council to consider in exercise of this discretion and these have been submitted and reported on. The proposal is considered to comply with the relevant performance criteria and is recommended for approval, subject to conditions.

*Recommendation*

It is recommended that the representation is not deemed to have merit in this particular application to warrant refusal and that Application No. DEV2007.127 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the documents submitted with this application labelled as "Wood Drafting, Drawing No. AD-641-61, 63, 64 & 65, dated 03.03.08" unless otherwise altered by subsequent conditions of this permit;
- 2 To limit noise impacts on the neighbours' amenity, an outdoor heat exchange unit (such as a reverse cycle air conditioner) shall not be located between the extension and the eastern property boundary;
- 3 The developer upgrading where necessary the existing stormwater connection point to the property;
- 4 Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services to be rectified to the satisfaction of the Council's Director Assets & Engineering;
- 5 Maintain a minimum clearance of 1m from the nearest edge of any building to the edge of the Council's stormwater main in accordance with Council's Standard Drawing No. SD-5004;
- 6 Footings located in the zone of influence will need to be designed by a practicing Accredited Structural Engineer and founded to a depth at least 300mm below the invert level of the stormwater line or on sound rock. The designing engineer shall also signify, either by note

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on the drawings or by a separate covering letter, that due consideration has been given to the structural stability of the building in the prevailing ground conditions, with regard to:

- (a) the potential effects of a future failure of the stormwater main; and
- (b) a potential requirement to physically access the stormwater pipeline for the purpose of repair or replacement activity which may involve excavation;

and that the applicant be further requested to note:

- A The Permit expires two years from the date of advice of this decision is received unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time.
- B Building and Plumbing permits will be required for the proposed development.
- C A DN225 Council Stormwater Main runs along the shared boundary of 15 Water Street and 16 Dial Street and appears to be located in close proximity of the proposed outbuilding. It is recommended that the applicant contact the Council's Assets & Engineering Department to discuss prior to applying for a Building Permit.
- D The location of existing connection points can be obtained by contacting the Building & Plumbing Department of the Council.
- E Any works associated with the connection to existing (live) Council stormwater system will be undertaken by the Council at the developers cost unless alternative arrangements are approved by the Council.
- F Any works associated with existing kerb and channel, footpath or roads will be undertaken by the Council at the developers cost unless alternative arrangements are approved by the Council.
- G Any works undertaken within the Road Reservation requires a Road Permit to be issued prior to the commencement of construction. An application form can be obtained from the Assets & Engineering Department. A fee applies.
- H Please contact the Council's Assets & Engineering Department if you wish to discuss or arrange any infrastructure works.'

The report is supported."

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The Director Development Services reported as follows:

“Copies of the annexures referred to in the Acting Land Use Planning Group Leader’s report have been circulated to all members.”

■ Cr McKenna moved and Cr Bonde seconded, “That the representation is not deemed to have merit in this particular application to warrant refusal and that Application No. DEV2007.127 be approved subject to the following conditions and restrictions:

- 1 The development generally conforming with the documents submitted with this application labelled as “Wood Drafting, Drawing No. AD-641-61, 63, 64 & 65, dated 03.03.08” unless otherwise altered by subsequent conditions of this permit;
- 2 To limit noise impacts on the neighbours’ amenity, an outdoor heat exchange unit (such as a reverse cycle air conditioner) shall not be located between the extension and the eastern property boundary;
- 3 The developer upgrading where necessary the existing stormwater connection point to the property;
- 4 Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services to be rectified to the satisfaction of the Council’s Director Assets & Engineering;
- 5 Maintain a minimum clearance of 1m from the nearest edge of any building to the edge of the Council’s stormwater main in accordance with Council’s Standard Drawing No. SD-5004;
- 6 Footings located in the zone of influence will need to be designed by a practicing Accredited Structural Engineer and founded to a depth at least 300mm below the invert level of the stormwater line or on sound rock. The designing engineer shall also signify, either by note on the drawings or by a separate covering letter, that due consideration has been given to the structural stability of the building in the prevailing ground conditions, with regard to:
  - (a) the potential effects of a future failure of the stormwater main; and
  - (b) a potential requirement to physically access the stormwater pipeline for the purpose of repair or replacement activity which may involve excavation;

and that the applicant be further requested to note:

- A The Permit expires two years from the date of advice of this decision is received unless the development has been substantially commenced. An extension of time to this period can be granted once only but only if the request is received prior to the expiry of the specified time.
- B Building and Plumbing permits will be required for the proposed development.

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- C A DN225 Council Stormwater Main runs along the shared boundary of 15 Water Street and 16 Dial Street and appears to be located in close proximity of the proposed outbuilding. It is recommended that the applicant contact the Council's Assets & Engineering Department to discuss prior to applying for a Building Permit.
  - D The location of existing connection points can be obtained by contacting the Building & Plumbing Department of the Council.
  - E Any works associated with the connection to existing (live) Council stormwater system will be undertaken by the Council at the developers cost unless alternative arrangements are approved by the Council.
  - F Any works associated with existing kerb and channel, footpath or roads will be undertaken by the Council at the developers cost unless alternative arrangements are approved by the Council.
  - G Any works undertaken within the Road Reservation requires a Road Permit to be issued prior to the commencement of construction. An application form can be obtained from the Assets & Engineering Department. A fee applies.
  - H Please contact the Council's Assets & Engineering Department if you wish to discuss or arrange any infrastructure works."

Carried unanimously

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**Closure**

There being no further business, the Mayor declared the meeting closed at 6.34pm.

CONFIRMED THIS            DAY OF            , 2008.

**Chairperson**

(ms:kaa)

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## 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