



CENTRAL COAST COUNCIL

DEVELOPMENT SUPPORT SPECIAL COMMITTEE

Minutes

of Meeting

25 October 2010

Minutes subject to confirmation at
a meeting of the Development Support Special Committee to be held on
8 November 2010

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, 25 October 2010 commencing at 6.05pm

Members attendance

Cr Jan Bonde (Acting Mayor)
Cr Philip Viney
Ms Sandra Ayton

Cr John Deacon
Cr Tony van Rooyen

Councillors attendance

Cr Amanda Diprose

Employees attendance

Director Development & Regulatory Services (Mr Michael Stretton)
Town Planner (Mr Thomas Reilly)

Public Attendance

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

CONFIRMATION OF MINUTES OF THE COMMITTEE

35/2010 Confirmation of minutes

The Director Development & Regulatory Services reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 11 October 2010 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.”

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- Cr van Rooyen moved and Cr Viney seconded, "That the minutes of the previous meeting of the Development Support Special Committee held on 11 October 2010 be confirmed."

Carried unanimously

MAYOR'S COMMUNICATIONS

36/2010 Mayor's communications

The Acting 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 Diprose moved and Cr Viney seconded, "That the Acting Mayor's report be received."

Carried unanimously

PECUNIARY INTEREST DECLARATIONS

37/2010 Pecuniary interest declarations

The Acting 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 Director Development & Regulatory Services 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.

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

38/2010 Adjournment of meeting

The Acting 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 Acting Mayor resumed the meeting.

DEPUTATIONS

39/2010 Deputations

The Director Development & Regulatory Services reported as follows:

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

OPEN REPORTS

40/2010 Dwelling at 6 Debbie Court, Ulverstone – Application No. DA210092

The Director Development & Regulatory Services reported as follows:

“The Town Planner has prepared the following report:

DEVELOPMENT APPLICATION No.: DA210092
APPLICANT: Andrew Richardson
LOCATION: 6 Debbie Court, Ulverstone
ZONING: Residential Zone
PLANNING INSTRUMENT: *Central Coast Planning Scheme 2005* (the Scheme)
ADVERTISED: 29 September 2010
REPRESENTATIONS EXPIRY DATE: 13 October 2010
REPRESENTATIONS RECEIVED: One
42-DAY EXPIRY DATE: 3 November 2010
DECISION DUE: Prior to 3 November 2010

PURPOSE

The purpose of this report is to consider an application for a dwelling requiring a variation to the side and rear boundary setback (Planning Scheme Section 6.3.3 A4 & P4).

BACKGROUND

A copy of the application is provided at Annexure 1. Annexure 2 is a location plan. Annexure 3 is a contour plan.

DISCUSSION

The following table is an assessment of the relevant Scheme provisions:

CLAUSE	ASSESSMENT AND COMMENT
6.4.3 A1 – maximum height	Complies. At the highest point from natural ground level the dwelling is 7.5m (required is 8m or less).
6.4.3 A2 – site coverage	Complies. Site coverage is 36% (required is 45% or less).
6.4.3 A3 – entrance visibility	Complies. Proposed distance to entrance is 11m (required is 50m or less).

6.4.3 A4 – boundary setbacks	<p>Non-compliant.</p> <p>The proposed set back from the southern boundary is 1.95m. Required is ½ height of wall at relevant point measured from natural ground level. The wall height is 4.2m – therefore, the required set back is 2.1m.</p> <p>The proposed rear set back is 4.01m (the required set back is 4.5m or greater).</p>
6.4.3 P4 – corresponding performance criteria	<p>Complies.</p> <p>Where a site has an irregular shape or unsuitable topography a lesser setback can be considered [6.4.3 P4 (c) and (d)]. While it is at the lesser end of the scale, the topography and shape of the lot present a level of difficulty in meeting the Scheme’s setback standards. Therefore, it is considered that there is scope, albeit limited, to consider minor variations to the building setbacks.</p> <p>The shading diagrams (see Annexure 3) demonstrate that the proposed building would shade less than a 6m building set back 3m from the side boundary. Therefore, it complies with the unreasonable shading provision.</p> <p>Windows along the southern wall that overlook the property to the south are minimal and are not likely to cause an unreasonable loss of privacy.</p> <p>There is only one storey of the dwelling above street level so streetscape character is unlikely to be negatively affected. The setback itself has no significant effect on streetscape character.</p> <p>As neither of the relaxations sought are significant and as there is technical compliance with the unreasonable shading definition this development complies with the standard.</p>
6.4.3 A9 – garage setbacks (where under same roof)	<p>Complies.</p> <p>Proposed setback is 3.9 (required is 0m or greater).</p>

6.4.3 A16 – north facing living areas	Complies. Living room is north facing.
6.4.3 A17 & A18 – fencing	Condition. In order to maintain visibility of the front door from the street, front fencing will need to be semi-transparent. A permit condition to this effect is proposed.
6.4.4 A1 – access and services	Condition. Condition on proposed permit as per Engineering Services and Cradle Mountain Water requirements.
RELEVANT SCHEDULES	
Car Parking	Complies. The development requires a total of two on-site parking spaces. The proposal allows for at least three.

CONSULTATION

In accordance with s.57(3) of the *Land Use Planning and Approvals Act 1993*:

- a site notice was posted; and
- an advertisement was placed in the Public Notices section of The Advocate newspaper.

The application was referred to the Council's Planning and Assessment Team and Cradle Mountain Water. Any relevant comments received from the Planning and Assessment Team are included in the recommendation of the application.

One representation was received dated 1 October 2010, a copy of which is attached at Annexure 4. Each matter is addressed in the same order it is raised:

MATTER RAISED	RESPONSE
Impact on frontage area of adjoining site	The frontage area of the adjoining property is small. The proposed building will have an

in terms of property value.	impact on the solar access of this area but the development complies with the unreasonable shading provisions. Property values are not a relevant consideration.
Proximity of dwellings.	The distance between this building and the proposed building to the south is approximately 5m. This is not unusual in a residential setting.
Site limitations not significant enough to warrant relaxation of rule.	As the contour plan shows, the site slopes down and away from the street steeply for the first 10m into the site and then it flattens out a little as it continues sloping down towards the rear. The slope is sufficiently limiting to warrant a minor relaxation of the acceptable solution. The relaxation sought is 150mm and is not significant considering there is compliance with the unreasonable shading definition.
Expectation that setbacks are maintained.	The Planning Scheme allows for setbacks to be reduced where they may impose unreasonable limitations on individuals. Therefore, there is equally an expectation that setbacks are reduced where it is reasonable and where the planning scheme allows.

IMPACT ON RESOURCES

This report has no impact on resources other than the usual resources in assessment of the application and preparation of a report. Additional resources required in the event of an appeal are unknown.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

The Shape of the Place

- Adopt an integrated approach to land use planning

The Environment and Sustainable Infrastructure

- Contribute to a safe and healthy environment

The proposal is consistent with these strategies and key actions.

CONCLUSION

The proposed development complies with all the relevant Acceptable Solutions and Performance Criteria of the Scheme.

Recommendation

It is recommended that the application is approved, with the conditions and notes listed below:

General

- 1 The development must be substantially in accordance with the application for this permit unless modified by a condition of this permit;
- 2 The ground floor must have a finished floor level of RL6.0;
- 3 Any front fence must be visually transparent or designed in such a way as to allow visual surveillance from the street;

Engineering

- 4 Excavation or building work must not be undertaken over the Council stormwater infrastructure or drainage easement without the written approval of the Council's Director Engineering Services;
- 5 A new standard 3.6m-wide vehicle access will be constructed by the Council, in accordance with Standard Drawing SD-1003 Urban Roads – Typical Vehicle Crossing (copy to be enclosed with the permit), at no cost to the property owner;
- 6 Any other new access or driveway must be completed in accordance with Standard Drawing SD-1003 Urban Roads – Typical Vehicle Crossing (copy to be enclosed with the permit), noting that any work associated with the road, kerb crossover or footpath infrastructure will be undertaken by the Council at the property owner's cost, unless alternative arrangements are approved by the Council's Director Engineering Services, or his representative;

Cradle Mountain Water (CMW)

- 7 All water and sewerage infrastructure extensions or upgrades (including all associated costs) required to service the development shall be at the expense of the developer;

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- 8 Any damages caused to the existing CMW infrastructure during the construction period is to be repaired and reinstated at the expense of the developer and shall be to the satisfaction of the Coordinator Development and Assessment;
 - 9 The development shall be connected to the water supply main from an individual suitably-sized water supply connection for domestic supply (and fire fighting supply if required) designed by the developer (or the developer's agent) in accordance with WSAA Standards, the requirements of Tasmania Fire Service (if applicable) and to the satisfaction of CMW;
 - 10 The development is to have an independent sewerage service connected to CMW's sewerage main; and
 - 11 All connections to (and associated work with CMW assets) must be carried out by CMW staff by a "Private Works Request" at the expense of the developer. A "Private Works Request" is to be made to the CMW by the developer at least 21-days prior to the connection being required.

Notes:

- A This permit expires two years from the date the permit is signed 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. Substantial commencement is the lodgement of a building permit application;
- B Building and plumbing permits are required for the proposed development. A copy of this planning permit should be given to your building surveyor;
- C The Council allows one 6m-wide or two completely separate 3.6m-wide vehicle accesses to a lot within the road reserve;
- D The property owner should contact the Council's Environmental Engineer in respect to the installation of the new standard 3.6m-wide vehicle access;
- E A Road Reserve Permit must be issued by the Council's Public Safety Officer, or his representative, prior to any works or activity being undertaken within the road reservation. Application forms are

available from the Council's Engineering Services Department, and a fee applies;

- F Any works associated with existing footpaths, kerb & channel, roads, nature strips, stormwater infrastructure or other Council services will be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Engineering Services, or his representative; and
- G Any damage or disturbance to footpaths, kerb & channel, roads, nature strips, stormwater infrastructure or existing services must be rectified, noting that this work will be undertaken by the Council at the owner's/developer's/applicant's expense, unless alternative arrangements are approved by the Council's Director Engineering Services, or his representative.'

The report is supported. Copies of the Annexures referred to in the Town Planner's report have been circulated to all Councillors."

- Cr Deacon moved and Cr Viney seconded, "That Application No. DA210092 for a dwelling at 6 Debbie Court, Ulverstone be approved, subject to the following conditions and notes:

General

- 1 The development must be substantially in accordance with the application for this permit unless modified by a condition of this permit;
- 2 The ground floor must have a finished floor level of RL6.0;
- 3 Any front fence must be visually transparent or designed in such a way as to allow visual surveillance from the street;

Engineering

- 4 Excavation or building work must not be undertaken over the Council stormwater infrastructure or drainage easement without the written approval of the Council's Director Engineering Services;
- 5 A new standard 3.6m-wide vehicle access will be constructed by the Council, in accordance with Standard Drawing SD-1003 Urban Roads – Typical Vehicle Crossing (copy to be enclosed with the permit), at no cost to the property owner;
- 6 Any other new access or driveway must be completed in accordance with Standard Drawing SD-1003 Urban Roads – Typical Vehicle Crossing (copy to be enclosed with the permit), noting that any work associated with the road, kerb crossover or

footpath infrastructure will be undertaken by the Council at the property owner's cost, unless alternative arrangements are approved by the Council's Director Engineering Services, or his representative;

Cradle Mountain Water (CMW)

- 7 All water and sewerage infrastructure extensions or upgrades (including all associated costs) required to service the development shall be at the expense of the developer;
- 8 Any damages caused to the existing CMW infrastructure during the construction period is to be repaired and reinstated at the expense of the developer and shall be to the satisfaction of the Coordinator Development and Assessment;
- 9 The development shall be connected to the water supply main from an individual suitably-sized water supply connection for domestic supply (and fire fighting supply if required) designed by the developer (or the developer's agent) in accordance with WSAA Standards, the requirements of Tasmania Fire Service (if applicable) and to the satisfaction of CMW;
- 10 The development is to have an independent sewerage service connected to CMW's sewerage main; and
- 11 All connections to (and associated work with CMW assets) must be carried out by CMW staff by a 'Private Works Request' at the expense of the developer. A 'Private Works Request' is to be made to the CMW by the developer at least 21-days prior to the connection being required;

Notes:

- A This permit expires two years from the date the permit is signed 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. Substantial commencement is the lodgement of a building permit application;
- B Building and plumbing permits are required for the proposed development. A copy of this planning permit should be given to your building surveyor;
- C The Council allows one 6m-wide or two completely separate 3.6m-wide vehicle accesses to a lot within the road reserve;
- D The property owner should contact the Council's Environmental Engineer in respect to the installation of the new standard 3.6m-wide vehicle access;

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- E A Road Reserve Permit must be issued by the Council's Public Safety Officer, or his representative, prior to any works or activity being undertaken within the road reservation. Application forms are available from the Council's Engineering Services Department, and a fee applies;
 - F Any works associated with existing footpaths, kerb & channel, roads, nature strips, stormwater infrastructure or other Council services will be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Engineering Services, or his representative; and
 - G Any damage or disturbance to footpaths, kerb & channel, roads, nature strips, stormwater infrastructure or existing services must be rectified, noting that this work will be undertaken by the Council at the owner's/developer's/applicant's expense, unless alternative arrangements are approved by the Council's Director Engineering Services, or his representative."

Carried unanimously

Closure

There being no further business, the Acting Mayor declared the meeting closed at 6.15pm.

CONFIRMED THIS DAY OF , 2010.

Chairperson

(ms:jar)

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.

Sandra Ayton
GENERAL MANAGER