



CENTRAL COAST COUNCIL

DEVELOPMENT SUPPORT SPECIAL COMMITTEE

Minutes

of Meeting

26 April 2010

Minutes subject to confirmation at
a meeting of the Development Support Special Committee to be held on
10 May 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, 26 April 2010 commencing at 6.00pm

Members attendance

Cr Mike Downie (Mayor)
Cr John Deacon
Cr Philip Viney

Cr Jan Bonde
Cr Tony van Rooyen
Ms Sandra Ayton

Employees attendance

Director Development & Regulatory Services (Mr Michael Stretton)

Public Attendance

One member of the public attended during the course of the meeting

CONFIRMATION OF MINUTES OF THE COMMITTEE

16/2010 Confirmation of minutes

The Land Use Planning Group Leader reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 22 February 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.”

- Cr Deacon moved and Cr Viney seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 22 February 2010 be confirmed.”

Carried unanimously

MAYOR'S COMMUNICATIONS

17/2010 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 Bonde moved and Cr Viney seconded, “That the Mayor's report be received.”

Carried unanimously

PECUNIARY INTEREST DECLARATIONS

18/2010 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 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.

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

19/2010 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

20/2010 Deputations

The 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

21/2010 Residential outbuilding (shed) – Variation to gross aggregate floor area at 22 Kings Parade, Ulverstone – Application No. DEV2009.121

The Director Development & Regulatory Services reported as follows:

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

<i>DEVELOPMENT APPLICATION No.:</i>	DEV2009.121
<i>APPLICANT:</i>	P Murray
<i>LOCATION:</i>	22 Kings Parade, Ulverstone

<i>ZONING:</i>	Residential
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	27 March 2010
<i>REPRESENTATIONS EXPIRY DATE:</i>	14 April 2010
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	4 May 2010
<i>DECISION DUE:</i>	4 May 2010

PURPOSE

The purpose of this report is to consider an application for a residential shed development at 22 Kings Parade, Ulverstone. The proposed development was subject to a discretionary planning application and one representation was received in respect of the application.

BACKGROUND

Annexure 1 is a copy of the application. Annexure 2 is a location plan.

The subject property at 22 Kings Parade is zoned Residential under the Scheme and there is an existing house on the property. The application seeks approval for the development of a 7m x 12m (84m²) shed (garage) at the rear of the property.

A discretionary planning application was required on the basis that the proposed development exceeds the permitted aggregate gross floor area for an outbuilding as prescribed by the Scheme.

DISCUSSION

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

CLAUSE	ASSESSMENT AND COMMENT
2.0 Objectives for Planning 2.1(a)	Complies. The proposal is associated with an existing residential use within an established residential area.
6.1 Residential Zone Purpose	Complies. The proposed development is consistent with the

	purpose of the Residential Zone.
6.2.1 Zone Table of Use	<p>Complies.</p> <p>The proposed shed will be part of the residential use of the land. Residential use is a permitted use within the Residential Zone.</p>
6.4.3 Building design and siting	<p>The Scheme prescribes specific development standards for outbuildings with respect to floor area, building height, and setbacks from boundaries.</p> <p>Floor Area</p> <p>Does not comply with a permitted status.</p> <p>The Scheme allows for a permitted aggregate gross floor area of residential outbuildings not exceeding 85m². This aggregate gross floor area therefore includes the floor area of any existing outbuildings.</p> <p>In this case there is an existing outbuilding of approximately 18m² on the property. Subsequently the floor area of this existing building combined with the floor area of the proposed shed (84m²) exceeds the permitted aggregate gross floor area threshold of 85m² prescribed by the Scheme. (It is also noted that there is another small garden shed existing to the rear of the property with a floor area of approximately 3m², however a residential shed of this size is exempt from requiring a planning permit and therefore not considered in the aggregate gross floor area of outbuildings on the site.)</p> <p>As the proposed development does not comply with the permitted floor area standards for outbuildings, a discretionary planning application is required. The Scheme prescribes a number of Performance Criteria detailing the considerations and circumstances under which an outbuilding</p>

	<p>exceeding a gross aggregate floor area of 85m² can be considered.</p> <p>These Performance Criteria (as detailed under clause 6.4.3 P11 of the Scheme), and subsequent comments in respect of the proposed development are provided as below.</p> <p>An outbuilding may exceed the permitted aggregate gross floor area if:</p> <p><i>(a) the aggregate gross floor area does not exceed that of the associated dwelling unit;</i></p> <p>Complies. The aggregate gross floor area does not exceed that of the house on the property.</p> <p><i>(b) the maximum building height does not exceed 5m;</i></p> <p>Complies. The proposed shed height (approx. 3.34m to the apex) does not exceed 5m.</p> <p><i>(c) their colour and design complement the associated dwelling unit; and</i></p> <p>This can be included as a condition to a planning permit to ensure compliance with this provision.</p> <p><i>(d) there is no unreasonable shading of, or unreasonable loss of privacy to, adjoining properties.</i></p> <p>The proposed shed complies with all permitted setbacks and outbuilding height requirements provided by the Scheme (discussed further below under the headings "Building Height" and "Setbacks").</p> <p>Furthermore the proposed development will be setback approximately 4.9m from the rear (southern) boundary. On the eastern (side) boundary, the adjoining property at 20 Kings Parade has a large wall built to the boundary serving as a garage (shed) wall on that property.</p> <p>Based on the above assessment it is considered the proposed development will not result in an unreasonable level of shading, or unreasonable</p>
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	<p>loss of privacy to adjoining properties.</p>
	<p>Building Height</p> <p>Complies with a permitted status.</p> <p>The Scheme prescribes a maximum permitted building height not exceeding 4.5m. The proposed shed height is approximately 3.34m to the apex.</p>
	<p>Setbacks to Boundaries</p> <p>Complies with a permitted status.</p> <p>The proposed shed complies with the permitted setbacks for front, side and rear boundaries. With respect to side and rear boundary setbacks, the shed is to be sited along the eastern (side) boundary of the property and approximately 4.9m from the rear (southern) boundary.</p> <p>It is worth noting that the Scheme allows for an outbuilding with a wall height not exceeding 2.7m to be built up to side and rear boundaries as a permitted development.</p> <p>The wall height of the shed which is the subject of this application is 2.7m.</p>
6.4.4 Building access and services	<p>Complies with a permitted status.</p> <p>The site already has appropriate road access, water, sewerage, stormwater, electricity and telecommunications connections.</p> <p>With respect to access, no new vehicular access, or change to the existing access (which is via Lovett Street) is proposed as part of this application.</p>

CONSULTATION

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

- a site notice was posted;

- letters to adjoining owners were sent;
- 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. Any relevant comments received from the Planning and Assessment Team are included in the recommendation of the application.

One representation was received in respect of this application, a copy of which is at Annexure 3.

The representation is considered in more detail in the following section.

REPRESENTATION

One representation was received in objection to the proposed shed development. The representation was from an adjoining owner of 7/1 Lovett Street, which is to the rear of the subject property. The grounds for objection largely relate to the size and dimensions of the shed, the potential use of the shed for non-residential purposes, and safety concerns regarding the access to/from the property onto Lovett Street.

The main points of the representation are summarised in the following Table.

ISSUES	CONSIDERATIONS
<p>Size and dimensions of the shed Suggests that the shed size and dimensions are too large and too high for a residential backyard.</p>	<p>The proposed development is for a shed with a floor area of approximately 84m². An outbuilding of this size would normally have a permitted status under the Scheme with respect to floor area as the Scheme allows up to 85m² of aggregate gross floor area for outbuildings. In this instance another (existing) outbuilding is located on the property (with a floor area of approx 18m²) which, when combined with the floor area of the proposed shed, exceeds the permitted 85m² aggregate gross floor area threshold specified by the Scheme. Subsequently a discretionary planning application was triggered.</p> <p>In all other respects the proposed shed qualify as a permitted development, and complies with all outbuilding height and</p>

	<p>setback requirements.</p> <p>It is considered that the proposed shed is of an appropriate size and dimensions for a residential area.</p>
<p>Use of the shed for non-residential purposes Raises concerns that the shed will be used for purposes such as car restorations which will cause undue noise to adjoining properties and occupants.</p>	<p>The shed will be associated with the residential use of the land and the planning permit will be conditioned to ensure that it is only used for residential purposes.</p>
<p>Access Raises safety concerns as to the access of the property onto Lovett Street.</p>	<p>The property has an existing vehicular access onto Lovett Street.</p> <p>No new vehicular access, or change to the existing access is proposed as part of this application.</p>

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

A discretionary planning application was triggered on the basis that the floor area of the proposed shed combined with the floor area of an existing outbuilding on the property exceeds the permitted gross aggregate floor area for outbuildings prescribed by the Scheme. In all other respects it would qualify as a permitted development.

The issues raised in the representation are considered to have insufficient merit in this case to warrant a refusal of the application.

RECOMMENDATION

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

General

- 1 The development must be in accordance with the plans and other information submitted as part of the application for this permit, unless otherwise modified by a condition of this permit;
- 2 The shed must only be used for purposes incidental to the residential use of the land;
- 3 The colour and design of the shed must complement the associated dwelling unit;

Engineering

- 4 The developer shall rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services, noting that this work will be done by the Council at the developer's expense and to the satisfaction of the Council's Director Engineering Services, unless alternative arrangements are approved by the Council.

Please note:

- A This permit expires two years from this date unless the development has been substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time. Substantial commencement will be considered to be the lodgement of a building permit application.

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- B Any works undertaken within the road reservation require a Road Reserve Permit to be issued prior to the commencement of construction. An application form can be obtained from the Council's Engineering Services Department. A fee applies.
 - C Any works associated with existing kerb and channel, footpaths, roads or existing Council services will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.
 - D Please contact the Council's Engineering Services Department if you wish to discuss or arrange any infrastructure work requirements.
 - E Building and plumbing permits are required for the proposed development '

The report is supported."

The Director Development & Regulatory 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 Deacon moved and Cr Bonde seconded, "That the residential outbuilding (shed) – variation to gross aggregate floor area at 22 Kings Parade, Ulverstone – Application No. DEV2009.121 be approved subject to the following conditions:

General

- 1 The development must be in accordance with the plans and other information submitted as part of the application for this permit, unless otherwise modified by a condition of this permit;
- 2 The shed must only be used for purposes incidental to the residential use of the land;
- 3 The colour and design of the shed must complement the associated dwelling unit;

Engineering

- 4 The developer shall rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services, noting that this work will be done by the Council at the developer's expense and to the satisfaction of the Council's Director Engineering Services, unless alternative arrangements are approved by the Council.

Please note:

- A This permit expires two years from this date unless the development has been substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time. Substantial commencement will be considered to be the lodgement of a building permit application.
- B Any works undertaken within the road reservation require a Road Reserve Permit to be issued prior to the commencement of construction. An application form can be obtained from the Council's Engineering Services Department. A fee applies.
- C Any works associated with existing kerb and channel, footpaths, roads or existing Council services will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.
- D Please contact the Council's Engineering Services Department if you wish to discuss or arrange any infrastructure work requirements.
- E Building and plumbing permits are required for the proposed development."

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 6.05pm.

CONFIRMED THIS DAY OF , 2010.

Chairperson

(ms:kaa)

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