



CENTRAL COAST COUNCIL

DEVELOPMENT SUPPORT SPECIAL COMMITTEE

Minutes

of Meeting

26 October 2009

Minutes subject to confirmation at
a meeting of the Development Support Special Committee to be held on
Monday, 9 November 2009

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 October 2009 commencing at 6.00pm

Members attendance

Cr Mike Downie (Mayor)
Cr Terry McKenna

Cr Ken Haines
Cr Tony van Rooyen

Members apology/s

Cr Jan Bonde
Ms Sandra Ayton

Employees attendance

Director Development & Regulatory Services (Mr Michael Stretton)
Planning Officer (Mrs Merrilyn Knowles)

CONFIRMATION OF MINUTES OF THE COMMITTEE

39/2009 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 12 October 2009 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 McKenna moved and Cr Haines seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 12 October 2009 be confirmed.”

Carried unanimously

MAYOR'S COMMUNICATIONS

40/2009 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 Van Rooyen moved and Cr McKenna seconded, “That the Mayor's report be received.”

Carried unanimously

PECUNIARY INTEREST DECLARATIONS

41/2009 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

42/2009 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

43/2009 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

44/2009 Residential dwelling – variation to side setback 10 Holliview Way, Ulverstone – Application No. DEV2009.49

The Director Development & Regulatory Services reported as follows:

“The Planner Officer has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DEV2009.49
<i>APPLICANT:</i>	Jordan Bonde
<i>LOCATION:</i>	10 Holliview Way, Ulverstone

Zoning: Residential Zone
PLANNING INSTRUMENT: Central Coast Planning Scheme 2005 (the Scheme)
ADVERTISED: 26 September 2009
REPRESENTATIONS EXPIRY DATE: 10 October 2009
Representations received: One
42-day expiry date: 30 October 2009
DECISION DUE: 30 October 2009

PURPOSE

The purpose of this report is to make a determination on an application for a residential dwelling with a variation to the side setback and the merits of the objection received.

BACKGROUND

A copy of the application is appended as Annexure 1. A location plan is appended as Annexure 2.

DISCUSSION

The proposal is evaluated against the relevant provisions of the Scheme as follows:

CLAUSE	DETAIL AND COMMENT (WHERE REQUIRED)
2.0 Objectives for Planning 2.1(a)	Complies. Proposal is consistent in that it is a residential development located within the existing urban area.
6.1 Zone Purpose	Complies. The purpose of the zone is to provide residential use or development that accommodates a range of dwelling types.
6.2.1 Use Table	Complies. Permitted use.
6.3.3A1 Building Design and Siting	Does not comply. The Acceptable Solution includes an 8m building

	<p>height limit and a maximum wall height not exceeding 4m within 2m of a side boundary, or a minimum side boundary setback of half the height of a wall where the wall height is greater than 4m.</p> <p>The side setback on the western side of the property is 1.5m and the wall height is 5m sloping down to 4m.</p> <p>Therefore the side setback under the Scheme should be 2.5m.</p> <p>As the Acceptable Solution cannot be met then the Performance Criteria needs to be addressed.</p> <p>Under the Performance Criteria residential buildings must:</p> <ul style="list-style-type: none"> (i) not cause unreasonable shading or loss of privacy to, adjoining properties used for residential purposes; (ii) have a design that is reasonably in keeping with streetscape character; and (iii) for residential building not exceed a maximum building height of 10m. <p>Unreasonable shading means shading of an adjoining lot between the hours of 10.00am and 3.00pm on 21 June that would be greater than caused by a building on the lot that complies with the relevant Acceptable Solutions of the Scheme.</p> <p>A shading diagram (Annexure 3) shows that any overshadowing of the property at 9 Holliview Way would only occur at 10.00am and would be minor.</p> <p>The shading diagram also indicates that the impact of the proposed development would be no greater than if the development was built to the relevant acceptable solutions for height and setback.</p> <p>The part of the development closest to the side boundary contains two bedrooms with windows. These are not generally classified as principal living areas and any impact on privacy would be no different than if the development were made to comply with the setback requirement.</p> <p>The development is under the maximum height of 10m, with the highest point being 6.5m from natural ground level.</p>
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6.3.3A2-A12	Complies.
6.3.4 Building Access and Services	Complies. The lot is connected to all the required services – road, water, reticulated sewage, reticulated stormwater, telecommunications and electricity.
Road and Rail	Not applicable.
Attenuation	Not applicable.
Bushfire	Not applicable.
Contaminated Land	Not applicable.
Land Stability	Not applicable.
Coastal and Riparian	Not applicable.
Heritage	Not applicable.
Multiple Dwellings	Not applicable.
Home Occupation	Not applicable.
Car Parking	Complies. Two carparking spaces are required and three have been provided.
Signs	Not applicable.
Telecommunications	Not applicable.
Ulverstone Wharf	Not applicable.

OBJECTIVES OF THE LAND USE PLANNING AND APPROVALS ACT 1993

The proposed development is consistent with the objectives of the *Land Use Planning and Approvals Act* (the Act), which are:

- “(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
- (c) to encourage public involvement in resource management and planning; and
- (d) to facilitate economic development in accordance with the

objectives set out in paragraphs (a), (b) and (c); and

- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.”

The proposed development accords with the requirements of relevant State Policies.

CONSULTATION

The application was subjected to the required 14-day public scrutiny process required by s.57 of the Act. 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 and Cradle Mountain Water. All relevant comments received from the Planning and Assessment Team and Cradle Mountain Water are included in the recommendation of the application.

REPRESENTATION

One representation was received within the prescribed time from the neighbour on the western side (9 Holliview Way, Ulverstone).

The representation is appended as Annexure 4.

The representor is currently residing in Queensland and did not have an opportunity to view the plans but has lodged an objection to any part of a residential dwelling being closer to their boundary than is required in the Scheme: it does not identify any specific concerns to the development.

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
- . Conserve the physical environment in a way that ensures we have a healthy and attractive community
- . Encourage a creative approach to new development

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment

CONCLUSION

The only discretionary component of this application is the wall height. The shading diagram at Annexure 3 demonstrates that there will be no unacceptable overshadowing caused to the representor's property by the development and provides for adequate privacy, separation, open space and sunlight.

The representation has insufficient merit to warrant refusal of the application. The proposed development complies with the all other relevant Acceptable Solutions and Performance Criteria of the Scheme.

RECOMMENDATION

It is recommended that the application for a residential dwelling at 10 Holliview Way, Ulverstone, be approved subject to the following conditions:

General

- 1 The development must be sited in accordance with the site plan and Drawing Nos. JB-736-82, JB-736-83, JB-736-86 & JB-736-87 drawn by Wood Drafting and dated 27.4.09;

Engineering

- 2 The developer must rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of Council's Director Engineering Services at the owner's/developer's expense.

And that the applicant be further requested to 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 (e.g. driveway construction) 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 Engineering Services Department. A fee applies.
- C Building and plumbing permits are required for the proposed development. A copy of this planning permit should be given to your building surveyor.'

The report is supported.”

The Director Development & Regulatory Services reported as follows:

“Copies of the annexures referred to in the Planning Officer's report have been circulated to all members.”

- Cr McKenna moved and Cr Van Rooyen seconded, “That Application No. DEV2009.49 for a residential dwelling at 10 Holliview Way, Ulverstone, be approved subject to the following conditions:

General

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- C Building and plumbing permits are required for the proposed development. A copy of this planning permit should be given to your building surveyor.”

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 6.09pm.

CONFIRMED THIS DAY OF , 2009.

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.

Michael Stretton
ACTING GENERAL MANAGER