
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, 29 October 2007 commencing at 6.00pm

Members attendance

Cr Mike Downie (Mayor)
Cr Warren Barker
Cr Tony van Rooyen

Cr Brian Robertson (Deputy Mayor)
Cr Ken Haines
Mrs Kathy Schaefer

Employees attendance

Acting Director Development Services (Mr Michael Stretton)
Land Use Planning Group Leader (Mr Shane Warren)

Public Attendance

One

CONFIRMATION OF MINUTES OF THE COMMITTEE

73/2007 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 8 October 2007 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 Robertson moved and Cr Haines seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 8 October 2007 be confirmed.”

Carried unanimously

MAYOR'S COMMUNICATIONS

74/2007 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 Robertson seconded, “That the Mayor’s report be received.”

Carried unanimously

PECUNIARY INTEREST DECLARATIONS

75/2007 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

76/2007 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

77/2007 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

78/2007 Three-lot subdivision at 4 & 6 Marion Street, Ulverstone Application No. SUB2007.23

The Land Use Planning Group Leader reported as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	SUB2007.23
<i>APPLICANT:</i>	G Deegan
<i>LOCATION:</i>	4 & 6 Marion Street, Ulverstone
<i>ZONING:</i>	Residential (RA) – Closed
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	3 October 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	17 October 2007
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	7 November 2007
<i>DECISION DUE:</i>	6 November 2007

PURPOSE

The purpose of this report is to consider the merits of the representation received in objection to a discretionary planning application for a three-lot subdivision at 4 & 6 Marion Street, Ulverstone, as well as to consider, as a matter of course, the compliance of the development against the provisions of the Planning Scheme.

A copy of the application documentation is attached as Annexure 1.

BACKGROUND

On 26 September 2007 an application was received at the Council for subdivision of two existing lots to create an extra lot (three lot subdivision).

A location plan is attached as Annexure 2.

This report will consider:

- 1 the compliance of the application with the relevant objectives, provisions and development standards of the Scheme;
- 2 the specific intent of the Residential (RA) – Closed Zone; and
- 3 the merits of the representation received.

DISCUSSION

The subject site is within the Ulverstone township. The proposal is for the rear ends of the two existing lots to be subdivided off to create a new title, and reduce the size of the existing two titles. The properties share boundaries with other residential lots. The property to the rear is currently subject to an application to be before Council at the 19 November 2007 meeting.

Plans of the proposed subdivision can be found with the application documentation in Annexure 1.

- 1 the compliance of the application with the relevant objectives, provisions and development standards of the Scheme;*

The relevant objectives, provisions and development standards of the Scheme are summarised and addressed in the following table:

CLAUSE	DETAIL	PROPOSAL
General Provisions		

3.9.2	Relevant sections for discussion which are not covered elsewhere in report:	
	(b) the requirements of the State Coastal Policy.	Complies- within existing settlement.
	(e) existing site features, adjoining land, streetscape/landscape, natural environment, isolation/separation from other lands.	Complies.
	(f) adequate infrastructure.	Complies and/or standard condition.
	(g) impact on adjoining land.	Impact to be as per usual residential area impacts.
Objectives (relevant sections only)		
5.1.1(a)	Orderly settlement and management of population...	The proposed subdivision is within an established town.
5.1.1(b)	Proper use and development of land....	The proposal complies with the development standards.
5.1.1(e)	Provision of adequate space for both active and passive recreation.	Standard condition.
5.1.1(g)	Controlled economic use and/or expansion of municipal services and facilities.	The proposed subdivision is within an existing serviced area. The developer is required to upgrade the services to service the lot.
5.1.1(k)	Prevention of spasmodic and premature subdivision of land which (particularly in urban and urban fringe areas) jeopardise or tend to delay the ultimate logical and economic development of land.	As per 5.1.1(a) & 5.1.1(b).
Subdivision Standards (Schedule 8, Table S8)		

A2 & A3	Minimum lot size of 550m ² and minimum frontage of 18m. Note to Table S8: These figures may be amended to a minimum area of 370m ² and a minimum frontage of 9m respectively if the lot is occupied by a dwelling unit of satisfactorily structural and/or habitation standards.	Complies.
A5	Minimum diameter of circle to be contained within boundaries: 18m.	Complies.
A6	Minimum distance from centre of circle to road alignment: 18m.	Complies.
A7	Minimum width of right-of-way or access strip to rear lot: 3.6m.	Complies.

Note: a copy of the full Table S8 is provided as Annexure 3.

2 *the specific intent of the Residential (RA) - Closed zone*

The Residential (RA) - Closed Zone is "intended to accommodate dwelling units primarily on the basis of one dwelling unit per lot, but providing for other forms of housing allowing innovation and higher densities under controlled conditions".

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. The Planning and Assessment team provided standard conditions to guide the assessment and recommendation.

Representation

One representation was received within the 14-day advertising period.

A copy of the representation is provided as Annexure 4.

The following table provides a summary of the issues raised in the representation:

#	Issue	Response
1	Not against development, just against the right of way access down the side of 8 Marion Street.	The right of way complies with the Planning Scheme requirements.
2	Extra traffic from possible future development and the lack of privacy this will create.	The right of way complies with the Planning Scheme requirements. This application is for the subdivision, not future development.
3	Impact on previously approved developments at 8 Marion Street.	A planning permit (DEV2006.45) granted approval for an exemption to the setback requirements at 8 Marion Street. The file shows that the exemption was supported as it was in line with the existing building.
4	Alternative driveway location proposed.	Noted. It is unclear as to whether there is enough land between the two houses to provide for an access. In addition, this would only relocate the claimed privacy issue.

IMPACT ON RESOURCES

This report has no extraordinary impact on resources than could be expected at this stage of the process. It is noted that if there is an appeal to the Council's decision, there will be additional impacts on the Council's resources.

CORPORATE COMPLIANCE

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

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

CONCLUSION

The land is zoned Residential (RA) – Closed, which provides for more intensive uses of the land, as proposed in this subdivision.

It is noted that the proposal pushes the Scheme requirements and interpretations to the limits, particularly in regard to Table S8, references A2, A3 & A7. Subdivision in this zone is always Discretionary, and therefore if these requests were inappropriate in relation to the remainder of the Scheme, the proposal could be refused. However, the proposed subdivision complies with all sections of the Scheme, including the strategic objectives of the Scheme. Nothing has been identified that can justify a recommendation refusing the subdivision.

Recommendation

That the representation be deemed to have insufficient merit on planning grounds to warrant refusal of the application and that Application No. SUB2007.23 be approved subject to the following conditions and restrictions:

- 1 The Final Plan must be substantially the same as the submitted plan (Plan of Subdivision for J.N & M.E McGuiness – F.R. 74742/4, 4 Marion Street, Ulverstone; D.M. Castle & S.K Shegog – F.R. 74742/5, 6 Marion Street, Ulverstone) unless modified by any subsequent Permit condition;
- 2 When the Final Plan is submitted for sealing, payment of cash in lieu of the provision of land for Public Open Space is to be made, equal to 5% of the unimproved value of lot 3 as determined by a registered land valuer;
- 3 The subdivider shall:
 - (a) Provide a water supply connection and meter to the new lot;
 - (b) Provide a sewer connection point to the new lot;
 - (c) Provide an underground stormwater connection point to each lot;

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- (d) Connect existing dwellings to the new stormwater system;
 - (e) Provide sealed vehicular accesses in accordance with the Council's Standard Drawing SD-1003;
 - (f) Relocate (where necessary) house connection drains and services to within and along respective lot boundaries;
 - (g) Provide (where necessary) water supply and drainage easements;
 - (h) Ensure that all solid / inert waste material generated from the demolition work that requires disposal to a Council facility is deposited at the Central Coast Resource Recovery Centre. Access Fees Apply;
 - (i) Ensure that all putrescible waste, hazardous waste or non solid/inert waste material, including asbestos or asbestos cement sheet, generated from the demolition work is appropriately packaged, transported and disposed of at a secure landfill;
 - (j) Submit for Council approval, engineering design drawings (including supporting documentation, calculations etc) for all infrastructure constructed as part of the development that is to become an asset of the Council. Construction must not commence until the design drawings are approved;
 - (k) Organise a separate Aurora Energy and Telstra connection to the new lot;
- 4 The provision, upgrading or extension of water, sewer and drainage services to service the development shall be to the satisfaction of the Council's Director Assets and Engineering. All costs shall be borne by the subdivider;
- 5 Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services to be rectified to the satisfaction of Council's Director Assets and Engineering;
- 6 The Final Plan must be endorsed to show any area that cannot be serviced by existing or new reticulated sewer, stormwater or water;

and that the applicant be further requested to note:

- A This Permit is based on information and particulars set out in Development Application SUB2007.23. Any variation may require a further application for planning approval by the Council;

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- B The Permit expires two years from the date 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;
 - C In relation to Condition 3(i), the Dulverton Regional Landfill is an example of such a site;
 - D In regards to conditions 3(c) & 4, a new stormwater main will need to be constructed to service the subdivision and existing dwellings. The stormwater main will need to be connected to the existing open drain that runs through the adjoining property at the rear. Approval for this work will be required from the owner of the property. Also, the Council may require this main to be upsized, and will contribute to the cost of upsizing the main accordingly;
 - E Any works associated with the connection to the existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developer's 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 developer's 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;
 - H Please contact the Council's Assets and Engineering Division to discuss any infrastructure work requirements, organise a road permit or arrange any works;
 - I A Council Gravity Sewer Main crosses the rear boundary of 6 Marion Street to service 8 Marion Street; and
 - J Where survey pegs are disturbed during construction a remark is to be undertaken by the registered surveyor.'

The report is supported.”

The Land Use Planning Group Leader reported as follows:

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

■ Cr Van Rooyen moved and Cr Haines seconded, “That the representation be deemed to have insufficient merit on planning grounds to warrant refusal of the application and that Application No. SUB2007.23 be approved subject to the following conditions and restrictions:

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- 1 The Final Plan must be substantially the same as the submitted plan (Plan of Subdivision for J.N & M.E McGuiness – F.R. 74742/4, 4 Marion Street, Ulverstone; D.M. Castle & S.K Shegog – F.R. 74742/5, 6 Marion Street, Ulverstone) unless modified by any subsequent Permit condition;
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 - (a) Provide a water supply connection and meter to the new lot;
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 - (c) Provide an underground stormwater connection point to each lot;
 - (d) Connect existing dwellings to the new stormwater system;
 - (e) Provide sealed vehicular accesses in accordance with the Council’s Standard Drawing SD-1003;
 - (f) Relocate (where necessary) house connection drains and services to within and along respective lot boundaries;
 - (g) Provide (where necessary) water supply and drainage easements;
 - (h) Ensure that all solid / inert waste material generated from the demolition work that requires disposal to a Council facility is deposited at the Central Coast Resource Recovery Centre. Access Fees Apply;
 - (i) Ensure that all putrescible waste, hazardous waste or non solid/inert waste material, including asbestos or asbestos cement sheet, generated from the demolition work is appropriately packaged, transported and disposed o at a secure landfill;
 - (j) Submit for Council approval, engineering design drawings (including supporting documentation, calculations etc) for all infrastructure constructed as part of the development that is to become an asset of the Council. Construction must not commence until the design drawings are approved;
 - (k) Organise a separate Aurora Energy and Telstra connection to the new lot;
 - 4 The provision, upgrading or extension of water, sewer and drainage services to service the development shall be to the satisfaction of the Council’s Director Assets and Engineering. All costs shall be borne by the subdivider;

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- 5 Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services to be rectified to the satisfaction of Council's Director Assets and Engineering;
- 6 The Final Plan must be endorsed to show any area that cannot be serviced by existing or new reticulated sewer, stormwater or water;

and that the applicant be further requested to note:

- A This Permit is based on information and particulars set out in Development Application SUB2007.23. Any variation may require a further application for planning approval by the Council;
- B The Permit expires two years from the date 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;
- C In relation to Condition 3(i), the Dulverton Regional Landfill is an example of such a site;
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- J Where survey pegs are disturbed during construction a remark is to be undertaken by the registered surveyor."

Carried unanimously

Closure

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

CONFIRMED THIS DAY OF , 2007.

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.

Katherine Schaefer
GENERAL MANAGER