
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, 12 September 2011 commencing at 6.00pm

Members attendance

Cr Jan Bonde (Mayor)
Cr Garry Carpenter
Cr Amanda Diprose
Ms Sandra Ayton

Cr Tony van Rooyen (Deputy Mayor)
Cr John Deacon
Cr Philip Viney

Members apologies

Nil

Employees attendance

Acting Director Development & Regulatory Services (Mr Ian Sansom)

Employees apologies

Nil

Public Attendance

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

CONFIRMATION OF MINUTES OF THE COMMITTEE

35/2011 Confirmation of minutes

The Acting Director Development & Regulatory Services reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 11 July 2011 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 Diprose seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 11 July 2011 be confirmed subject to the reference to Cr Diprose moving the motion at Minute No. 34/2011 being amended to read Cr Deacon.”

Carried unanimously

MAYOR’S COMMUNICATIONS

36/2011 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 Deacon moved and Cr Viney seconded, “That the Mayor’s report be received.”

Carried unanimously

PECUNIARY INTEREST DECLARATIONS

37/2011 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 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

38/2011 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

39/2011 Deputations

The Acting 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

40/2011 **Subdivision – One additional lot at 9 Robertsons Road, 315 Penguin Road and 4 Rockliffs Road, Ulverstone – Application No. DA210285**

The Acting Director Development & Regulatory Services reported as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION No.:</i>	DA210285
<i>APPLICANT:</i>	Mr Alan Dodds
<i>LOCATION:</i>	9 Robertsons Road, 315 Penguin Road and 4 Rockliffs Road, Ulverstone
<i>ZONING:</i>	Rural Living
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Planning Scheme 2005 (the Scheme)</i>
<i>ADVERTISED:</i>	10 August 2011
<i>REPRESENTATIONS EXPIRY DATE:</i>	24 August 2011
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	6 September 2011 (extension of time sought)
<i>DECISION DUE:</i>	12 September 2011

PURPOSE

The purpose of this report is to make a determination on an application for a subdivision of one 1.23ha lot from three existing lots in Rockliffs Road, Ulverstone.

BACKGROUND

It is proposed to subdivide an additional lot from the three existing lots. The new lot would have access to Rockliffs Road, while the lots at 9 Robertsons Road and 315 Penguin Road would have their existing access to Rockliffs Road replaced by access to Robertsons Road and Penguin Road only.

The plan identifies a 40m x 40m area on the south-west side of the lot within which a future dwelling would be located.

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

The site is contained within an area of doubtful land stability: a report from a geotechnical engineer was sought and has been provided.

DISCUSSION

In determining compliance with the relevant provisions of the Scheme, regard is given to:

- . The Objectives for Planning as set out in Part A of the Scheme;
- . The purpose of the Rural Living Zone; and
- . The relevant Acceptable Solutions (AS) and Performance Criteria (PC).

The proposal's performance against the Scheme provisions is outlined as follows:

	PROPOSED	REQUIRED
9.4.1 (A1) (a) Lot size	Compliant. Lot 1: 1.2ha Lot 2: 1.2ha Lot 3: 1.3ha Lot 4: 1.23ha.	1.2ha (min).
9.4.1 (A1) (b) Frontage width	Compliant. Lot 1: 98.9m Lot 2: 139.5m Lot 3: 251m Lot 4: 186.7m.	6m (min).
9.4.1 (A1) (c) Diameter circle	Compliant. Lot 1: 95m Lot 2: 87m Lot 3: 80m Lot 4: 60m.	60m (not more than 60m from frontage).
9.4.1 (A1) (d) Boundary alignment	Compliant.	To satisfy setback requirements:

	Lot 1: 10m (rear) Lot 2: 50m (rear) Lot 3: 70m (rear) Lot 4: N/A.	(a) Frontage: 10m (b) Side: 5m (c) Rear: 10m.
9.4.1 (A2) Services		
(a) Road	Compliant.	(a) Have road access and an access to Municipal Standard Drawings.
(b)	Compliant through condition	(b) Access to Municipal Standard SD-1009.
(c) Wastewater	Compliant through condition.	Capable of an on-site wastewater management system.
(d) Stormwater	Compliant through condition.	Capable of on-site stormwater absorption and disposal.
(e) Telecommunications and electricity	Compliant.	Connection as per: (i) existing for infill; (ii) underground for new estates.
9.4.1 (A3) Rear lots	N/A.	N/A.
9.4.1 (A4) Utilities and natural values	N/A.	N/A.
9.4.1 (A5) Boundary adjustment	N/A.	N/A.
9.4.1 (A6) Building estate	N/A.	N/A.

SCHEDULES –

	PROPOSED	REQUIRED
S1 Application Requirements	Compliant.	
S2 Road and Rail		
• Sight Distance S2.5.1	Non-compliant. West: 200m East: 60m.	115m (based on 60 km/h speed).
• Accesses S1.5.3	Compliant. 1 x two-way access.	1 x two-way access or 2 x one-way accesses.
S4 Bushfire Prone Areas	N/A.	N/A.
S6 Land Stability	Compliant. Provision of a Land Stability report that demonstrates stability and risk are acceptable.	Provision of a Land Stability report that demonstrates: (a) lots have sufficient area to contain a stable building envelope and level of risk is acceptable; (b) roads and infrastructure will not adversely affect land stability.
S11 Car Parking	N/A.	N/A.

ISSUES –

The principal issues concerning the proposed subdivision are:

- (a) land stability;

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- (b) intersection sight distance;
 - (c) public open space contribution;
 - (d) dwelling envelope.

(a) *Land Stability –*

The geotechnical report confirms that the land is mapped by the MRT as containing potential instability from deep seated movement and debris slides.

The report indicates that the potential for deep seated landslides and debris flows is possible with increased site development and/or on-site water mismanagement. It also indicates that an increased risk of rock fall could result.

The report concludes that the degree of risk is classified as Low to Moderate and that the proposed development would not be expected to have any significant effect on land stability provided appropriate design and management measures are implemented. Those measures are:

- 1 Future construction, stormwater and wastewater management should be limited to the south-western portion of the lot and excluded from the steeper slopes of the area east of the site.
- 2 Adequate site drainage is installed capable of reticulating the landslide trigger value of 200mm per day and delivering the water to appropriately designed stormwater absorption areas.
- 3 All domestic wastewater should be treated in an approved wastewater system and distributed as surface or shallow subsurface irrigation across the contour on site.
- 4 Site cutting should be avoided where possible and limited in height where necessary.
- 5 Excavated soil materials should not be used as uncontrolled fill for any construction on site.
- 6 Careful attention should be paid to foundation design and drainage design to further eliminate the potential for foundation movement.
- 7 All earthworks on site must comply with AS 3798-2007 and a sediment and erosion control plan should be implemented on site during and after construction.

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- 8 Recommendations of the Australian Geomechanics Practice Note Guidelines for Landslide Risk Management 2007 Appendix G – Some Guidelines for Hillside Construction, be followed.

These recommendations should be included as conditions on a permit for the development.

(b) Intersection Sight Distance –

The proposed driveway intersection for Lot 4 is adequate to the west but to the east is inadequate by approximately 55m, under Table S2.6.2.

The Environmental Engineer has required that the design be modified to meet the Scheme requirement, unless a Traffic Impact Assessment (TIA) determines an alternative distance is appropriate.

(c) Public open space contribution –

The Council's Public Open Space Policy provides for the taking of a contribution of land or cash-in-lieu for the provision of public open space.

There is no requirement for a contribution of land in the area of the proposed subdivision for the purpose of:

- . providing links with other open spaces and/or provision of recreational trails;
- . preserving significant remnant habitat; or
- . contributing to an identified district or regional open space need.

Consequently a cash-in-lieu contribution should be required. The Policy provides for a 3% contribution for all new lots created in the Rural Living Zone. This should be a condition of a permit for the development.

(d) Dwelling envelope –

The location of the dwelling envelope is consistent with the recommendations of the geotechnical report, being the area of least slope.

To ensure that development does ultimately occur within this area, the building envelope should be included by means of a covenant on the land title.

CONSULTATION

The application was notified for a 14 day statutory period as required under s.57 of the *Land Use Planning and Approvals Act 1993*. Notification involved a notice placed on the site, an advertisement in “The Advocate” newspaper, and letters to adjoining property owners.

One representation was received. The objection is contained in Annexure 3 but is summarised and responded to as follows:

COMMENT	RESPONSE
1 A power line crosses proposed Lot 4 through the building envelope.	This is not a major obstruction. The line could be moved if required for access or safety.
2 A stormwater drain runs through the proposed lot through the building envelope.	It does and the watercourse will be required to be relocated around the dwelling site.
3 A new dwelling on proposed Lot 4 would block views from their house.	There could be some interference with views from surrounding houses caused by a future house but the likely impact is unlikely to be excessive or unreasonable.
4 The development and associated traffic will exacerbate landslip and cause road to be unsafe.	The impact of the development on site stability was addressed in the geotechnical report. The report concluded the risk would be acceptable if appropriate design and management measures were used.
5 Acquisition of domestic water supply from watercourse to the north would contravene S9.4.5 of the Scheme (adverse impacts on wetlands and watercourses).	S9.4.5 A2 of the Scheme does refer to the natural flow of water in a watercourse not being adversely affected. Removal of water from a watercourse could be regarded as having a potentially adverse impact on the water system if that were to occur, but in this case the watercourse is only a depression with intermittent flows. If the

	owners were to take water from the system through a dam for example, they may need to obtain the State Government's approval.
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IMPACT ON RESOURCES

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, and possibly costs associated with an appeal against the Council's determination should one be instituted by the applicant.

CORPORATE COMPLIANCE

The recommendation is consistent with the Central Coast Strategic Plan 2009–2014 in relation to the following strategies and key actions:

The Shape of the Place

- . Adopt an integrated approach to land use planning

A Connected Central Coast

- . Connect the people with services

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

CONCLUSION

The proposal is consistent with the provisions of the Scheme, either directly or through application of appropriate conditions.

The principal constraint to development of the land, and therefore the subdivision, is the stability of the site. The geotechnical report addresses this matter and incorporates numerous design and site management measures that should make the site a low risk for any future slippage of the site and surrounding area.

It is recommended that the application for a new lot at 9 Robertsons Road, 315 Penguin Road and 4 Rockliffs Road, Ulverstone, be approved subject to the conditions contained in the draft Permit contained in Appendix 4.'

The report is supported."

The Acting Director Development & Regulatory Services reported as follows:

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

■ Cr Deacon moved and Cr Viney seconded, “That the application for the subdivision of one additional lot at 9 Robertsons Road, 315 Penguin Road and 4 Rockliffs Road, Ulverstone is approved subject to conditions and notes listed on the draft Permit at Annexure 4 (a copy being appended to and forming part of the minutes).”

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 6.10pm.

CONFIRMED THIS DAY OF , 2011.

Chairperson

(is: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