



CENTRAL COAST COUNCIL

DEVELOPMENT SUPPORT SPECIAL COMMITTEE

# Minutes

of Meeting

30 May 2011

Minutes subject to confirmation at  
a meeting of the Development Support Special Committee to be held on  
Tuesday 14 June 2011

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**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, 30 May 2011 commencing at 6.00pm**

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**Members attendance**

Cr Jan Bonde (Mayor)  
Cr John Deacon  
Cr Phillip Viney

Cr Tony van Rooyen (Deputy Mayor)  
Cr Amanda Diprose  
Ms Sandra Ayton

**Members apologies**

Nil

**Employees attendance**

Director Development & Regulatory Services (Mr Michael Stretton)  
Land Use Planning Group Leader (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**

**23/2011 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 28 March 2011 have already been circulated. The minutes are required to be confirmed for their accuracy.

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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 Viney moved and Cr Deacon seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 28 March 2011 be confirmed.”

Carried unanimously

## **MAYOR'S COMMUNICATIONS**

### **24/2011 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 Diprose seconded, “That the Mayor's report be received.”

Carried unanimously

## **PECUNIARY INTEREST DECLARATIONS**

### **25/2011 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.”

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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**

##### **26/2011 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**

##### **27/2011 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.”

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## OPEN REPORTS

### 28/2011      **Automotive recycling business at 1 Kilowatt Court, Ulverstone** **Application No. DA210334**

The Director Development & Regulatory Services reported as follows:

‘The Town Planner has prepared the following report:

<i>“ DEVELOPMENT APPLICATION NO.:</i>	DA210334
<i>APPLICANT:</i>	Ben Hamilton
<i>LOCATION:</i>	1 Kilowatt Court, Ulverstone
<i>ZONING:</i>	Industrial Zone
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	7 May 2011
<i>REPRESENTATIONS EXPIRY DATE:</i>	21 May 2011
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	8 June 2011
<i>DECISION DUE:</i>	30 May 2011

#### *PURPOSE*

The purpose of this report is to consider an application for an automotive recycling business at 1 Kilowatt Court, Ulverstone and to consider one representation made in response to the application.

#### *BACKGROUND*

A copy of the application is provided at Annexure 1. Annexure 2 is a location plan. The property at 1 Kilowatt Court extends from Industrial Drive to the end of the cul-de-sac. The automotive recycling business would utilise only a small portion (approximately 3,000m<sup>2</sup>) to the north of this lot.

#### *DISCUSSION*

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

CLAUSE	ASSESSMENT AND COMMENT
OBJECTIVES FOR PLANNING	
2.0 – Objectives for Planning	<p>Complies.</p> <p>The proposal is consistent with the Objectives for Planning, particularly 2.1(a), (i) and (j), which are as follows:</p> <ul style="list-style-type: none"> <li><i>(a) Residential, commercial, industrial and community facilities are to be concentrated in the existing urban areas.</i></li> <li><i>(i) The environmental qualities of the coastal and river systems are to be protected.</i></li> <li><i>(j) Development of land and its use is to be carried out in a way so as to minimise environmental harm.</i></li> </ul>
ZONE STANDARDS (INDUSTRIAL ZONE)	
10.1 – Zone Purpose	<p>Complies by condition.</p> <p>The purpose of the zone is to provide space for uses that may have off-site impacts and to focus such uses within the existing industrial areas, whilst ensuring that development is attractively designed and well presented.</p> <p>Provided the development is adequately landscaped and screened the development is capable of complying. The proposal indicates a landscaped area at the front of the lot and in front of the building. Condition 2 of the draft Permit at Annexure 3 requires visual screening from the highway along the southern boundary.</p>

10.2.1 – Use table	<p>Complies.</p> <p>The proposal is a discretionary use that is consistent with the Zone Purpose statement.</p>
USE STANDARDS	
10.3.1 – Emissions	<p>Complies by condition.</p> <p>The Environmental Management Plan (EMP) prepared by the proponents for the development outlines the types of potentially polluting activities occurring on site. The EMP includes measures that will be adopted to manage such risks. In addition, Conditions 14–23 of the draft Permit at Annexure 3 apply additional controls relating to the emission of pollutants that have the potential to cause environmental harm.</p>
DEVELOPMENT STANDARDS	
10.4.3 A1 – Maximum height	<p>Complies.</p> <p>The building is under the maximum height of 15m (proposed height is less than 6m).</p>
10.4.3 A2 – Boundary setbacks	<p>Complies.</p> <p>Complies with front setback (proposed is 12m, required is 10m or greater).</p> <p>Complies with side setback (proposed is 2m to the edge of the site, required is 0m or greater).</p>
10.4.3 A3 and P3 – Building Façade	<p>Complies by condition.</p> <p>The building façade is taken to be the easterly wall. Proposed is a door and a window which does not comply with the Acceptable Solution’s 30% glass or feature panel requirement.</p> <p>Accordingly, the proposal must be assessed against the Performance Criteria.</p>

	<p>The site does not have a large frontage onto Kilowatt Court and so the building's façade is not as apparent from the street. Therefore, its impact on the streetscape is minimal. With appropriate landscaping in front of it, the building will adequately complement the streetscape. Condition 5 of the draft Permit at Annexure 3 requires the establishment and ongoing maintenance of landscaped areas.</p>
10.4.3 A5 - Site coverage	<p>Complies.</p> <p>No figures provided but it has been calculated that site coverage is around 5% of the lot, which is well within the 60% site coverage maximum.</p>
10.4.3 A6 - Storage areas	<p>Complies by condition.</p> <p>The proposed storage areas are over 25m from the frontage (required is 10m or greater).</p> <p>Condition 2 of the draft Permit at Annexure 3 requires a 3m screening hedge or similar in order to visually screen the site from the highway. This will assist in the screening of stored items.</p>
10.4.3 A7 and P7 - Front fences	<p>Complies by condition.</p> <p>The proposed front fence is a 3m gate set back 3m from the frontage. The Acceptable Solution requires that the height of a front fence be 1.2m or less.</p> <p>Accordingly, the proposal must be assessed against the Performance Criteria.</p> <p>The frontage fence and gates are approximately 8m wide. The effect on the streetscape character is mitigated as the gates would be open during business hours. Furthermore, the minimal width of the frontage means that the overall effect on the streetscape is minimal. The proposal complies with the Performance Criteria.</p>



10.4.3 A8 – Side fences	<p>Complies.</p> <p>The proposed side and rear fences are 2.1m. The requirement is 2.1m or less.</p>
10.4.4 A1 – Access and services.	<p>Complies by condition.</p> <p>Access and stormwater matters are addressed by permit conditions on recommendation of the Council’s Environmental Engineer.</p> <p>Sewerage and town water matters are a matter for Cradle Mountain Water and are to be dealt with at the building application stage.</p> <p>Telecommunications and electricity to be addressed by service provider.</p>
10.4.5 A1 – Landscaping protection	<p>Complies.</p> <p>30% of the frontage is proposed as landscaping (required is 30% or greater). Condition 5 of the draft Permit at Annexure 3 requires the ongoing maintenance of the landscaped areas.</p>
10.4.6 – Delivery areas	<p>Complies.</p> <p>A sufficient amount of space is available on the site for the loading and unloading of goods.</p>
10.4.7 – Refuse storage	<p>Complies by condition.</p> <p>Condition 3 of the draft Permit at Annexure 3 requires refuse to be stored further than 10m from the frontage and be invisible from public areas. There is sufficient space on the site to comply with this condition.</p>

RELEVANT SCHEDULES	
Schedule 11 – Car parking	<p>Complies.</p> <p>The site plan indicates 17 car parking spaces but could accommodate more if necessary. The written accompaniment indicates that 20 spaces are available. The required amount is one per employee plus one for every 150m<sup>2</sup> of site area. This equates to approximately 15 spaces.</p>
Schedule 12 – Signs	<p>Complies by condition.</p> <p>A roof sign is proposed but the details of that sign are not provided. In accordance with the Scheme requirements, Condition 4 of the draft Permit at Annexure 3 requires that the sign not project above the roof line, that it not exceed 30% of the area of that part of the roof, it not be animated or illuminated and that there be only one such sign.</p>

*CONSULTATION*

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

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

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 dated 21 May 2011, a copy of which is attached at Annexure 4. Each matter is addressed in the same order it is raised:

MATTER RAISED	RESPONSE
Bunding around the workshop not specified.	Condition 14 of the draft Permit requires bunding for both the proposed workshop and recycle station which complies with the relevant Australian Standard and the Building Code of Australia. It is considered that compliance with such standards would sufficiently address this concern.
Surface covering where vehicles are to be stored.	<p>The proposal indicates that vehicles will be inspected, drained and dismantled in the workshop which will be fully sealed and bunded. Additionally, all engine oils/fluids/lubricants (etc.) will be stored in the recycle station, which is also fully sealed and bunded. However, the application does not state that vehicles will be stored on a non-pervious surface with bunding. Rather, once they are drained and plugged, vehicles will be stored on gravelled areas as nominated on the site plan. Spill containment devices (drip pans) are proposed to be utilised to collect any spillage whilst vehicles are stored in these locations. Additionally, the proponent has indicated that spill control equipment will be utilised on site to clean up any spillages that may occur.</p> <p>It is considered that the proposal demonstrates sufficient management controls to prevent polluting liquids from being directed into the Council's stormwater system. Condition 19 of the draft Permit has also been recommended to further address this concern.</p>
Planning Scheme compliance issues.	The matters raised in the representation have been adequately addressed in the application assessment.

*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.

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*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 on the draft Permit at Annexure 3.’

The report is supported.”

The 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 Application No. DA210334 for an automotive recycling business at 1 Kilowatt Court, Ulverstone is approved subject to conditions and notes listed on the draft Permit at Annexure 3 (a copy being appended to and forming part of the minutes).”

Carried unanimously

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**Closure**

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

CONFIRMED THIS                      DAY OF    , 2011.

**Chairperson**

(ms:jar)

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## 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