



NOTICE OF MEETING

Notice is hereby given that a meeting of the

DEVELOPMENT CONTROL UNIT

will be held at the Council Chambers, Breese Parade, Forster on

1 OCTOBER 2009 AT 2PM

The order of the business will be as detailed below (subject to variation by Council)

1. Apologies
2. Declarations of Pecuniary & Non-Pecuniary Conflicts of Interest
3. Confirmation of the Minutes from previously held meetings:
DCU 24 September 2009
4. Consideration of Officers' Reports:
Director Planning & Environmental Services
5. Late Business
6. Close of Meeting

* **NB** If a Councillor wants to call in any Application for determination by Full Council, they must notify the General Manager's Secretary of the Item by 12.00 noon on Tuesday 2.

Keith O'Leary
General Manager

GREAT LAKES COUNCIL

COUNCIL STRATEGIC DIRECTION

Council has adopted a Vision, Mission and five Strategic Objectives to guide the overall direction of Great Lakes Council.

VISION

Great Lakes.....

A leader in the provision of infrastructure and services which sustain and enhance the natural environment and achieve a quality lifestyle for residents and visitors.

MISSION

Providing governance which is:

- *Effective*
- *Efficient*
- *Socially Just*
- *Transparent*
- *Visionary*

STRATEGIC OBJECTIVES

1. *Natural and Built Environment*

To plan for future growth while ensuring a healthy well managed natural environment.

2. *Community and Social Wellbeing*

To provide opportunities for recreation and culture for all and to foster a safe and caring community.

3. *Economic Development*

To plan for sustainable economic and tourism development.

4. *Infrastructure Management*

To plan and manage infrastructure and assets to meet community needs.

5. *Corporate Governance*

To ensure Council management and practices provide effective, efficient, socially just, transparent and visionary governance. To create long term financial viability while responding to the needs and demands of the community.

The following is extracted from Council's adopted Code of Conduct. The Code applies to Councillors, members of staff and delegates of Council and also includes contractors and volunteers

GREAT LAKES COUNCIL

CODE OF CONDUCT PRINCIPLES AND ETHICAL DECISION MAKING

- **Integrity** – You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.
- **Leadership** – You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of Council. *This means promoting public duty to others in the council and outside, by your own ethical behaviour.*
- **Selflessness** – You have a duty to make decisions solely in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*
- **Objectivity** – You must make decisions solely on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.*
- **Accountability** – You are accountable to the public for your decisions and actions and must consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*
- **Openness** – You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*
- **Honesty** – You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*
- **Respect** – You must treat others with respect at all times. This means not using derogatory terms toward others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.

Ethical Decision Making

Consider the following points when assessing a potential action or decision.

- Is the decision or conduct legal?
- Is it consistent with Council policy, Council's objectives and Council's Code of Conduct?
- What will the outcome be for yourself, your colleagues, Council and other interested parties?
- Does it raise a conflict of interest?
- Do you stand to privately gain or lose at the public expense?
- Can the decision be justified in terms of the public interest?
- Would the decision withstand public scrutiny?

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CONSIDERATION OF OFFICERS' REPORTS:

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

1 PES - Extensions to Existing Dwelling - DA48/2010 - 65 Lake Street, Forster

Index: DA48/2010 & PK 5776
Author: Senior Building Surveyor - Bruce Arkle
DCU Meeting: 1 October 2009

DETAILS:

Date Received: 28 July 2009
Applicant: Ms Murcutt
Owner: As above
Land: Corner Lot 36 Sec 5 DP 21258 No 65 Lake Street, Forster
Area: 448.9m²
Property Key: 5776
Zoning: 2(a) Low Density Residential, GLLEP 1996

SUMMARY OF REPORT:

Application proposes major alterations and additions to an existing dwelling part of which require consideration of a variation to Councils building setback. The plan also proposes the erection of a 1.5m high rendered brick and timber fence along the Hadley Street frontage.

SUMMARY OF RECOMMENDATION:

That the application is approved subject to conditions.

FINANCIAL/RESOURCE IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

LEGAL IMPLICATIONS:

The applicant may appeal a decision of Council.

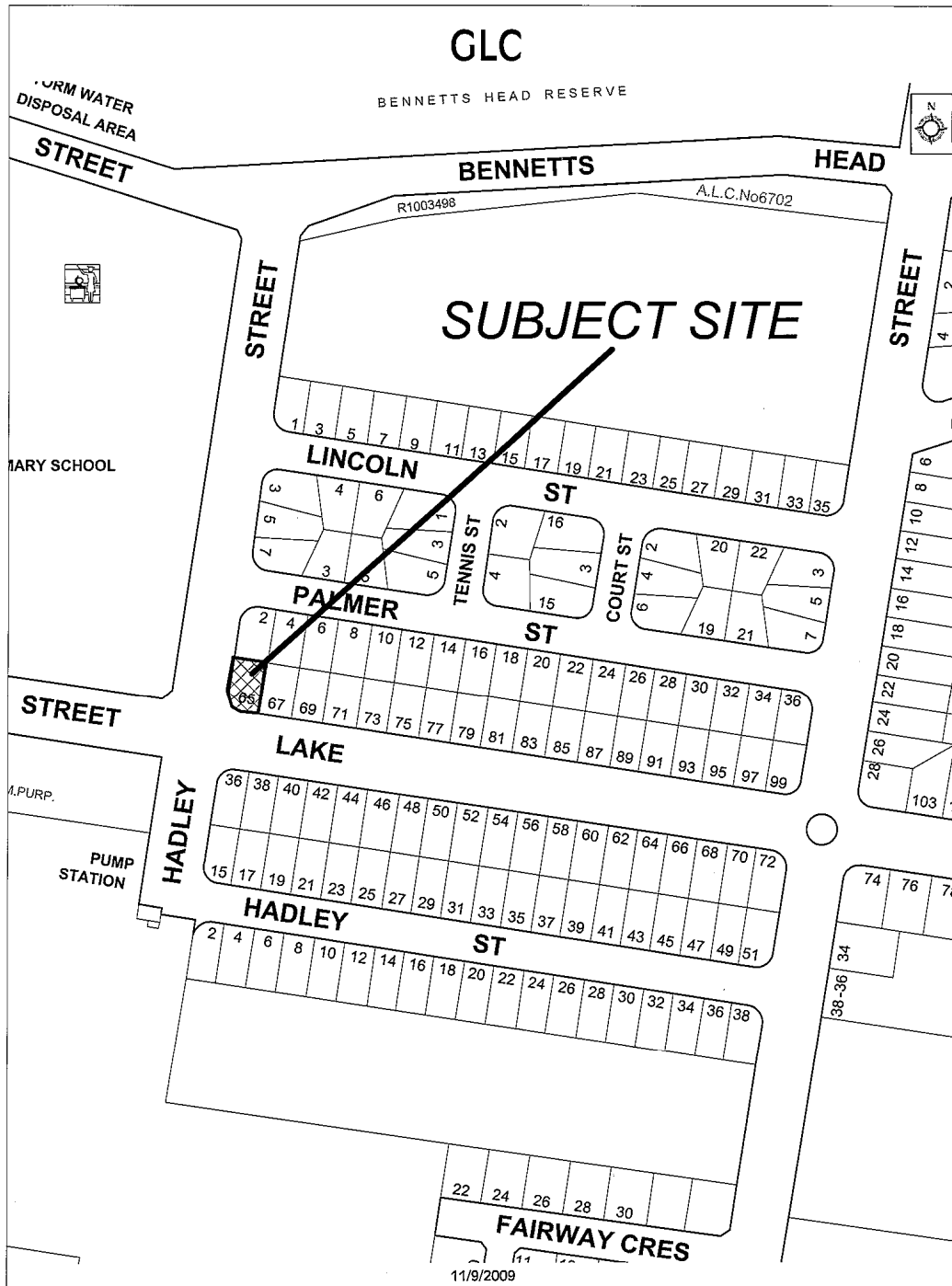
LIST OF ANNEXURES:

A: Site plan and elevations

LIST OF ATTACHMENTS:

Nil.

SUBJECT SITE AND LOCALITY:



11/9/2009
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BACKGROUND:

There is an existing small dwelling on the site. Preliminary discussions were held with the draftsman regarding the need to vary the building line and erect a fence higher than permitted by Council's Exempt and Complying DCP No 28. A statement of effects, submitted in support of the application has addressed both of these matters.

PROPOSAL:

It is proposed to carry out substantial alterations and additions to the existing concrete block home. An additional laundry, bedroom and roofed deck will be provided at the rear of the premises with a garage, enlarged living room and bedroom added to the front of the existing structure. A new low pitched roof will be provided over the altered building. The additions are to provide external walls of harditex cladding, texture coated to match the existing.

Proposed additions are to be set back 5.0m from the Lake Street frontage of the corner allotment 3.8m from the curved corner of the allotment and 4.99m from the Hadley Street frontage.

In addition to the above it is proposed to construct a 1.5m high masonry and timber boundary fence along the Hadley Street frontage. The wall is to provide alternate recessed garden beds, approximately 0.5m wide, backed with rendered brickwork and open timber slats above a rendered brick base.

SITE DESCRIPTION:

The site is a corner allotment at Lake and Hadley Streets. The boundary intersection of the two roads is a large radius curved shape. The site is relatively flat and has been improved by the construction of a concrete block single dwelling of limited size and an attached deck on the northern side of the dwelling.

REPORT:

The following matters listed under Section 79C of the Environmental Planning and Assessment Act, 1979, are relevant in considering this application:

The provisions of any environmental planning instrument; any draft environmental planning instrument that is or was on public exhibition and which have been notified to the consent authority; any DCP; any matters prescribed by the regulations that apply to the Development Application on the subject land

Great Lakes Local Environmental Plan 1996 (GLLEP 1996)

The allotment is zoned 2(a) Low density development. The existing use and proposed alterations and additions appear to be consistent with the objectives of the zone.

State Environmental Planning Policy

The residential site is located within 1 kilometre of the ocean and is therefore within the Coastal protection zone. The site is not located within a *sensitive coastal location* and following consideration of the matters to be taken into account listed within clause 8 of the policy it is considered that the application is compliant with the policy.

NSW Coastal Policy 1997

The 1997 NSW Coastal Policy is a Government Policy, which is a prescribed matter pursuant to Section 79C of the Environmental Planning and Assessment Act 1979. This requires Council to consider the relevant strategic actions of the policy when assessing development applications. It is considered that the proposed development complies with the strategic actions of the policy.

Council Policy

In this instance the applicant has requested a variation to the building line at the intersection of Lake and Hadley Streets. Council's building line register requires a setback of 6m to Hadley Street and 4.5m to this portion of Lake Street.

The variation requested is to permit the addition, a corner of the building, to extend to within 3.8m of a curved boundary forming the intersection between Lake and Hadley Streets. The policy states;

- *In the case of corner blocks, the normal setback shall apply to both streets but may be varied by Council upon receipt of written application. In considering any application for variation the Council shall consider the merits of the case including design of any building, vehicular access, sight distance, effect on adjoining property and the general amenity of the area.*

The curved boundary is not considered to be part of the Hadley or Lake Street setback but a relatively unusual circumstance, common to this locality, but perhaps an older method of achieving good sight distance at road intersections.

In this instance the area between the curved boundary and the curved kerb and gutter is relatively wide and it is considered that the proposed setback to a corner of the building to 3.8m would not restrict sight distance. The design of the building is considered to be reasonable and it appears to have an acceptable impact on the amenity of the area and neighbouring properties.

The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality

Context and Setting

The proposed external finish to the dwelling alteration and addition attempts to match and provide a consistent finish to the building. It is considered that the completed dwelling will provide a simple design of modest floor area that will fit comfortably into the existing built environment within this older portion of Forster.

There appears to be no unreasonable impacts by the proposed dwelling alterations and additions onto adjacent properties or the locality.

Site Design and Internal Layout

The site is relatively small having an area of approximately 450m². The existing dwelling and deck have a combined floor area of 86.65m². The proposal is to have a combined floor area, including the garage, of 169.68m². The floor space ratio is approximately 0.3 : 1 and site coverage approximately 38%. The completed dwelling will provide a modest four bedroom dwelling with a single garage.

The proposal to provide a landscaped fence partly along Hadley Street to 1.5m high is unusual within this locality but is supported in this instance. The fence is to be 1.5m high and provide a compromise between privacy for the occupants and an open nature which, combined with a rendered brick and timber finish, could enhance the existing streetscape. It should be said that the decision to support fencing to this height along a street frontage is also influenced by the recently introduced NSW Housing Code SEPP Exempt and Complying Code.

Privacy (Aural and Visual)

The dwelling is considered to provide a more than reasonable level of privacy to adjoining properties.

Overshadowing

The building is a single storey dwelling with a low pitched roof on a flat allotment oriented north south. It is unlikely that the proposed dwelling would significantly shade any adjoining premises.

Utilities

All necessary utilities are available to this development site.

Any Submissions Made in Accordance with the Act or Regulations

The application was notified to adjoining owners in accordance with Council's Policy. A single submission has been received in the form of objection. The submission referred to the following summarised matters:-

1. The estimated floor space ratio must be near or over 0.5:1.

Comment: *The floor space ratio and site coverage for the proposed completed dwelling is not required to comply with any requirement. In this instance however a FSR of approximately 3:1 and a site coverage of approximately 37% is considered to be more than reasonable.*

2. The southern (front) façade of the building is not in keeping with the streetscape and is very bland lacking aesthetic appeal.

Comment: *The building has been described as having a very simple design. It is considered that the building is reasonable taking into account the existing streetscape along Lake Street and the nature of existing buildings within that existing streetscape.*

3. The proposed additions to the front of the existing dwelling are forward of the remaining existing dwellings, this is not in keeping with the street scope or existing dwellings.

Comment: *The building setback along Lake Street varies considerably. Councils register states that dwellings numbered 41 to 53 should setback 6.0m and the remaining street is to be at 4.5m. The proposal is compliant with the register with the exception of the requested variation to the building line.*

4. The height of the skillion roof can potentially shade the existing bedrooms of the adjoining premises.

Comment: *The allotment and dwelling run with a north south orientation and it is considered very unlikely that the building would prevent areas of the adjoining dwelling, which have been designed to achieve reasonable northern sun, from receiving that sunlight. Bedrooms adjoining the western boundary are naturally going to be shaded from the western sun. Most would agree that this is a positive result. Available sunlight to the adjoining dwelling to the east is considered reasonable.*

5. The proposed front addition is also well within the building line of the front "arc" boundary, this being only 3.8m from the front boundaries of Lake and Hadley Streets. I together with anyone approaching this corner would consider the dwelling as being far to close to the street alignment.

Comment: *The request for a building line variation in this instance, to a corner of the building on an unusually shaped boundary frontage has been dealt with in detail by this report and is considered reasonable.*

6. As one can appreciate, I have raised these concerns as ultimately my home value can be affected by a development of additions of this kind.

Comment: *The value of property is not a matter for consideration under section 79C of the Environmental Planning and Assessment Act.*

The proposal was referred to MidCoast Water who have stamped the plans.

CONCLUSION:

The proposed addition is considered a reasonable alteration and addition to an existing home and is recommended for approval.

RECOMMENDATION:

That development application No. 48/2009 to carry out alterations and additions to an existing dwelling and to erect a fence 1.5m high along the Hadley Street frontage at Lot 36 DP21258 No 65 Lake Street Forster is approved subject to the following conditions.

The following condition/s have been applied to ensure that the development complies with the provisions of the Environmental Planning and Assessment Act and Regulations and Policies of Council:

1. The development being carried out in accordance with the details set out in the Development Application unless otherwise amended by these conditions of consent.
2. The building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority subject to the provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000) to verify compliance with this consent and the standards of construction detailed in the Building Code of Australia, at not less than the following stages prior to proceeding to the subsequent stages of construction:
 - a) Commencement of works.
 - b) Pier holes before they are filled with concrete.
 - c) Footings.
 - d) Steel reinforcement.
 - e) Steel columns/beams.
 - f) Framework including floor, wall and roof framing prior to fixing of internal lining.
 - g) Stormwater drains.
 - h) Wet area flashing prior to covering in.
 - i) Final.

3. Work on any building shall not commence until a Construction Certificate, complying in all respects with the provisions of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Building Code of Australia, has been issued.
4. Development must be completed in accordance with Basix Certificate No A55109 unless otherwise amended prior to the issue of a final Occupation Certificate.
5. It is a condition of approval that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
6. Submission of a Damage Bond Application Form and payment of a bond in the amount of \$1,110.00 payable for the purpose of funding repairs to any damage that may be occasioned to Council assets by activities/works associated with the construction of the development approved by this consent and ensuring Council standards and specifications are complied with. The bond shall be paid to Council prior to the issue of any Construction Certificate that may be issued for any component of the development.

A final inspection will be carried out by Council's responsible officer and the bond (minus the administration fee) will be considered for refund:

1. Once all works, including landscaping, driveway construction, turfing, etc, have been completed; AND
2. Following issue of an Occupation Certificate by the Principal Certifying Authority for the development; or
3. Upon application for the release of the subdivision.

A fee will be deducted from the bond to cover administration costs as follows:

- \$110.00 for developments up to the value of \$400,000.

The Damage Bond is reviewed periodically and therefore the fee and bond amount payable shall be determined from Council's current fees and charges document at the time of lodgement of the Damage Bond.

7. Building work that involves residential building work (within the meaning of the Home Building Act, 1989) must not be carried out unless the principal certifying authority:
 - a) in the case of work to be done by a licensed contractor:
 - i) has been informed in writing of the licensee's name and contractor number; and
 - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act (in relation to insurance policies); or
 - b) in the case of work to be done by any other person:
 - i) has been informed of the person's name and owner-builder permit number; or
 - ii) has been given a declaration, signed by the owner of the land, that states that the market cost of the labour and materials involved in the work does not exceed \$5,000.
8. Structural drawings prepared by a suitably qualified and experienced Structural Engineer being submitted to and approved by the principal certifying authority prior to the issue of a construction certificate. The plans shall detail:
 - a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas.
 - b) Footings of the proposed structure.
 - c) Structural steel beams/columns.

Where it is proposed to use driven timber piles as part of any building footing system, the following certification from a professional engineer shall be provided prior to a footing inspection:

- i) The durability class (and/or chemical treatment grade) of all piles used within the footing system; and
 - ii) That the driven piles have achieved the required bearing capacity.
9. Toilet facilities are to be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site:
- a) Each toilet provided must be a standard flushing toilet and must be connected to MidCoast Water's sewer; and
 - b) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

10. Public access to the site and building works, materials and equipment on the site is to be restricted, when building work is not in progress or the site is unoccupied.

The public safety provisions must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

11. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS2601-1991 : The Demolition of Structures, as in force 1 July 1993.

All utility services are to be disconnected to the requirements of the relevant authorities.

12. All asbestos waste is to be removed, handled, transported and disposed of in accordance with the requirements of WorkCover.

13. Any asbestos waste shall be delivered to the waste facility in heavy duty sealed polyethylene bags. The bags are to be marked "Caution Asbestos" with letters 40mm high. Forty-eight (48) hours notice must be given to the waste facility prior to disposal.

14. All demolition or excavated material is to be removed from the site and disposed of at an approved or licensed waste facility.

15. The additions to the building are not to be occupied until fully completed in accordance with the approved plans and conditions of development consent.

16. Roof material shall be of a subdued low-reflective colour installed in accordance with the manufacturer's details. The colour of the roofing material is to be approved by Council prior to the issue of any Construction Certificate (unpainted metal, zincalume, white or off-white materials are not acceptable).

17. The external surfaces of dwelling are to be constructed of dark toned, low reflective materials.

18. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:

- a) The name, address and telephone number of the principal certifying authority for the work; and
- b) The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
- c) The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be removed when the work has been completed.

19. Buildings to be set out by a Registered Surveyor to ensure compliance with this consent, and the approved plan/s, and a copy of plan to be supplied to the principal certifying authority prior to the pouring of any concrete slabs / placement of flooring materials.

The following condition/s have been applied to ensure that reasonable levels of health, safety and amenity for the occupants of the building, neighbouring properties and the locality are maintained after the erection of the proposed building:

20. Building materials, sand or waste materials shall not be placed on the footway or road reserve at any time.

The following conditions have been applied to ensure that adequate drainage is provided from the premises and to maintain adequate levels of health and amenity in the locality:

21. Stormwater shall be discharged to the existing stormwater drainage system.
22. External paths and ground surfaces are to be graded and drained away from the building and adjoining premises in such a manner so as not to result in the entry of water into a building or cause a nuisance.

The following condition/s have been applied to ensure compliance with the Building Code of Australia (BCA) and relevant Standards established by the Environmental Planning and Assessment Act 1979 and Regulations:

23. Timber framing members shall comply with the relevant provisions of AS1684 - Residential Timber Framed Construction Code.
24. Install in the building an automatic fire detection and alarm system, complying with the Building Code of Australia, being connected to the mains electrical power supply and having a standby power supply.
25. The proposed building or addition is to be protected from the infestation of termites in accordance with the Building Code of Australia and AS3660. Details of the method of protection are to be specified prior to the issue of a construction certificate. Upon completion of the building work, a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
 - a) the method of protection;
 - b) the date of installation of the system;
 - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - d) the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

The following condition/s have been applied to ensure compliance with Council's Erosion and Sediment Control Policy:

26. All erosion and sediment control measures undertaken on the site shall be undertaken to conform to the specifications and standards contained in Council's guidelines.
27. An Erosion and Sediment Control Plan (ESCP) shall be prepared by the applicant (or applicant's agent) prior to a construction certificate being issued.
28. Stormwater from roof areas shall be linked to a Council approved stormwater disposal system immediately before placement of any roofing materials.

29. Vehicular access shall be controlled so as to prevent the tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy.
30. The site shall be landscaped with all disturbed ground being stabilised against erosion to Council's satisfaction within 30 days of completion of building works.

2 PES - Timber Deck - DA533/2009 - 2/70 The Southern Parkway, Forster

Index: DA533/2009 & PK34153

Author: Development Assessment Planner - David Koppers

DCU Meeting: 1 October 2009

DETAILS:

Date Received: 22 May 2009

Applicant: C E Breeze

Owner: C E Breeze

Land: Lot 2 SP 75346, 2/70 The Southern Parkway, Forster

Area: 319m²

Property Key: 34153

Zoning: Zone No. 2(a) Low Density Residential GLLEP 1996

SUMMARY OF REPORT:

- The owner of the subject site constructed a timber deck without development consent.
- The owner submitted a development application to gain development consent and to 'legalise' the use of the timber deck.
- The application was notified to adjoining property owners under Council's Notification Policy. One objection was received.

SUMMARY OF RECOMMENDATION:

- The development application be approved subject to conditions of consent.
- A Penalty Infringement Notice be issued for carrying out development without consent.

FINANCIAL/RESOURCE IMPLICATIONS:

- Cost of defending any appeal against Council's decision.

POLICY IMPLICATIONS:

- Compliance with Council Policies

LEGAL IMPLICATIONS:

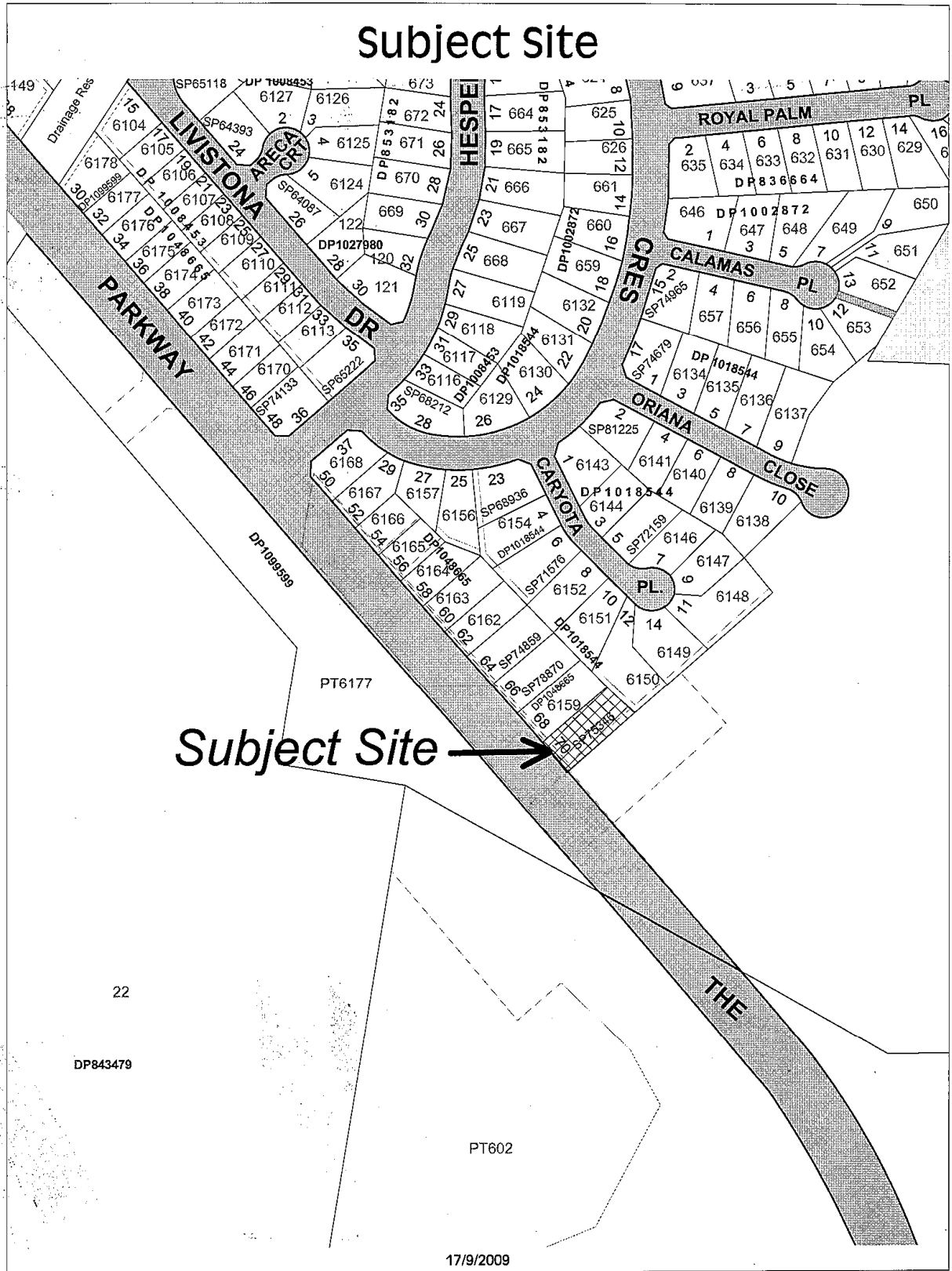
- The applicant has the right to appeal against Council's decision.

LIST OF ANNEXURES:

A: Plans of the development

B: Photos of the development

SUBJECT SITE AND LOCALITY:



17/9/2009

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BACKGROUND:

- Council was informed that the owner of the subject site had erected a timber deck without development consent.
- The owner of the subject land was requested to submit a development application or remove the timber deck.
- The owner has now submitted a development application, which is the subject of this report.

PROPOSAL:

The applicant is seeking development consent for an existing timber deck. The deck is approximately 26m² in size and 300mm off the ground on bearer and joist construction. The timber used is treated pine however this is not permitted in bushfire prone areas and will be required to be replaced by a flame resistant hardwood.

SITE DESCRIPTION:

The site is located at the southern most end of the constructed portion of The Southern Parkway, Forster. The site is predominately level with a very slight gradient running downhill from east to west towards The Southern Parkway. The site is surrounded by low density residential development to both the west and north with native vegetation to the south and east.

The site is currently occupied by an attached dual occupancy development. The deck has been constructed on the eastern side of Unit 2 within an area of private open space. The deck is not visible from adjoining properties.

REPORT:

The following matters listed under Section 79C of the Environmental Planning and Assessment Act, 1979, are relevant in considering this application:

The provisions of any environmental planning instrument; any draft environmental planning instrument that is or was on public exhibition and which have been notified to the consent authority; any DCP; any matters prescribed by the regulations that apply to the Development Application on the subject land

Great Lakes Local Environmental Plan 1996 (GLLEP 1996)

The site is zoned 2(a) Low Density Residential under the provisions of the GLLEP 1996 and the erection of a timber deck is considered permissible with consent (although not actually listed) as it is ancillary to the use of the site for multiple dwellings.

The relevant objectives for the zone are to restrict development which:

- (i) is compatible with a low density residential environment, and
- (iii) is unlikely to adversely affect the amenity of residential development within the zone.

The development is consistent with the zone objectives as it is compatible with the surrounding low density area and will not adversely affect the local amenity due to the location and size of the deck which is not visible from adjoining properties.

State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)

SEPP 71 applies to all land within the coastal zone as defined in the Coastal Protection Act and accordingly applies to the subject site to the extent of requiring Council to consider the matters listed in Clause 8 of the policy. The proposal is considered to be consistent with the relevant objectives of the policy.

NSW Coastal Policy 1997

The 1997 NSW Coastal Policy is a government policy which is a prescribed matter pursuant to Section 79C of the Environmental Planning and Assessment Act 1979. This requires Council to consider the relevant strategic actions of the Policy when considering Development Applications. There are no specific provisions of the policy that apply to this development. The proposal is considered to be satisfactory in regard to this policy.

The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality

Context and Setting

Due to the size and location of the timber deck there are no impacts on the context and setting in the immediate locality.

Privacy (Aural and Visual)

The location and height of the deck in an area of private open space does not result in any additional privacy impacts from the existing dwelling onto adjoining properties.

Overshadowing

As the deck is only 300mm above the finished ground level of the site and there are no roof structures being erected, there is no potential for overshadowing.

Visual Impact

The deck is not visible from any adjoining properties, therefore there are no visual impacts associated with the development.

Drainage

The deck does not increase the area of non permeable surfacing at the site, and therefore it is considered that there will be no net increase in overland stormwater flows to what is currently experienced.

Structural Adequacy

As the development commenced without development consent it was not possible for the relevant mandatory inspections to occur to certify the structural adequacy of the deck. As part of the assessment of this application the applicant was required to submit a report of structural adequacy from a certified structural engineer. This information has been provided and certified that the structure complies with all relevant codes and standards.

Council's Building Branch have not requested a Building Certificate for the works in order to certify the structural adequacy. It should be noted that this development application does not, and can not retrospectively certify building works.

Strata Plan Amendments

As the timber deck will not be altering the roof profile of the building and is within an area designated as private open space for Unit 2, there are no requirements to have the existing strata plan amended. This has been confirmed by the strata managers in their letter dated 29 June 2009.

The Suitability of Site for the Development

The site is classified as being bushfire prone land. The application was referred to the NSW Rural Fire Service (RFS) for comment. The RFS raised no objection to the development subject to relevant conditions of consent. One of these conditions requires the replacement of all treated pine for fire resistant hardwood.

There are no other noted site constraints which require assessment.

Any Submissions Made in Accordance with the Act or Regulations

The application was notified to adjoining owners in accordance with Council's Notification Policy and one submission was received. The submission referred to the following issues:-

1. Deck appears attached to common property and therefore has consequences for the Owners Corporation

Comment: *As verified by the strata manager, the deck does not impact on common property. The Owners Corporation has consented to the lodgement of the development application.*

2. Impact of deck on restricting termite inspection/treatment.

Comment: *The applicant will be required to make any amendments/modifications necessary to ensure compliance with the Building Code of Australia. This includes provisions to allow for termite inspection and treatment.*

3. Deck is located within a Bushfire Prone area.

Comment: *The site is located within a Bushfire Prone area and is why the application was referred to the RFS who had no objection to the application subject to conditions of consent which will ensure the deck is compliant with Planning for Bushfire Protection 2006 and AS 3959-1999, and therefore not pose a fire threat.*

4. Drainage problems associated with the deck.

Comment: *The deck is designed with gaps between the floor boards which allow rainwater to pass through the structure. This therefore does not increase the amount of impermeable surfacing of the site and will not negatively impact the existing drainage regime of the site.*

The Public Interest

The public interest has been considered throughout the assessment of this application and the approval of this application is not considered to be against the public interest.

CONCLUSION:

The proposal satisfies the relevant matters for consideration as specified by s79C of the Environmental Planning and Assessment Act 1979 and is therefore recommended for approval, subject to conditions of consent.

However, as the timber deck had been constructed without development consent, it is recommended that a penalty infringement notice be issued.

RECOMMENDATION:

- A: That a Penalty Infringement Notice be issued on the owner of the premises for carrying out building work without the prior approval of Council.

- B: It is recommended that DA 533/2009 which proposes a timber deck on Lot 2 SP 75346 – 2/70 The Southern Parkway, FORSTER, NSW be approved subject to the attached conditions:

The following condition/s have been applied to ensure that the development complies with the provisions of the Environmental Planning and Assessment Act and Regulations and Policies of Council:

1. The development must be in accordance with the STAMPED PLANS the application form and on any supporting information received with the application, except as may be amended by the following conditions and as may be shown in red on the attached plans.
2. Work on any building shall not commence until a Construction Certificate, complying in all respects with the provisions of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Building Code of Australia, has been issued.
3. It is a condition of approval that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. The building works are to be inspected during construction, by the principal certifying authority (or other suitably qualified person on behalf of the principal certifying authority subject to the provisions of the Environmental Planning and Assessment Act 1979 and Regulation 2000) to verify compliance with this consent and the standards of construction detailed in the Building Code of Australia. Inspections shall be carried out as required by Section 162A of the EP&A Regulation 2000.
5. The applicant shall provide details with the construction certificate as to how termite barriers are to be provided and maintained along the existing building.
6. Compliance with the following conditions imposed by the NSW Rural Fire Service under Section 79BA of the Environmental Planning and Assessment Act 1979:
 - a) At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service document 'Standards for asset protection zones'.
 - b) To aid in fire fighting activities, unobstructed pedestrians access to the rear of the property shall be provided and maintained at all times.
 - c) Construction of the deck will be to Level 2 Construction as outlined in AS 3959-1999.

Details are to be submitted from an appropriately qualified person demonstrating compliance with the above conditions, prior to the issue of the Construction Certificate.

7. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
 - a) The name, address and telephone number of the principal certifying authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c) The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be removed when the work has been completed.

3 PES - Applications by Council - DA102/2010 - Resource Recovery and Waste Management Facility - Lot 127 Pacific Highway, Bulahdelah

Index: DA102/2010 & PK36590

Author: Development Assessment Planner – Joanne Dunkerley

DCU Meeting: 1 October 2009

DETAILS:

Date Received: 27 August 2009

Applicant: Alan Taylor & Associates

Owner: Great Lakes Council

Land: Lot 23 DP 1089772 Pacific Highway, Bulahdelah

Area: 2.021 Ha

Property Key: 36590

Zoning: 1(a) - Rural, GLLEP 1996

SUMMARY OF REPORT:

Applications lodged for or on behalf of Council, are required to be reported to Council to determine whether the application can be assessed by Council Officers or by external consultants.

SUMMARY OF RECOMMENDATION:

That the information be noted and that the application be assessed by Council staff.

FINANCIAL/RESOURCE IMPLICATIONS:

Should Council resolve to have the application assessed by a Consultant, this will result in a financial cost to Council.

POLICY IMPLICATIONS:

Nil

LEGAL IMPLICATIONS:

Nil

LIST OF ANNEXURES:

Nil

LIST OF ATTACHMENTS:

Nil

PROPOSAL:

The application proposes the construction of a 'resource recovery and waste transfer station' to handle waste generated from the local area. The waste transfer station is to replace the current Bulahdelah Landfill, which has almost reached capacity and is projected to cater for 1000 tonnes of putrescible waste per annum.

The proposal includes the construction of a single storey 150m² building containing a 'tip shop', office and staff facilities together with a 7m high x 33.5m long x 25.5m wide awning over the collecting and sorting area. The area immediately surrounding the structure will be used for stockpiling of green-waste as well as for stormwater detention ponds and onsite sewerage management whilst the remainder of the site will remain in its vegetated state.

REPORT:

Council's 'Applications by Council' Policy states:

"Council is to be advised by Information Report to an Ordinary Meeting or Development Control Unit (DCU) meeting, as soon as practicable after lodgement, of all applications either lodged by Council, co-jointly with Council or on behalf of Council. All such application are to be clearly notified as applications made by, or on behalf of Council.

Where an application confers a substantial commercial benefit to Council, the application is to be assessed by independent consultants unless Council resolves to be assess the application internally and states the reason for this decision within the resolution.

Where an application has the potential to impact significantly on the environment, the application is to be assessed by independent consultants unless Council resolves to assess the application internally and states the reasons for this decision within the resolution".

It is to be noted that this application is subject to assessment under Section 79C of the Environmental Planning and Assessment Act 1979 and if the application is supported, changes to the proposal may be made by imposing conditions of consent.

CONCLUSION:

It is considered that DA-102/2010 does not confer a substantial commercial benefit to Council and does not have the potential to impact significantly on the environment.

RECOMMENDATION:

It is recommended that the information be noted and that the application be assessed by Council staff.

G J HANDFORD
Director Planning & Environmental Services