



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

19 FEBRUARY 2015 AT 2.00PM

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 12 February 2015
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 17 February 2015.

A handwritten signature in black ink that reads "Glenn Handford".

Glenn Handford
GENERAL MANAGER

GREAT LAKES COUNCIL

Council endorsed *Great Lakes 2030* on 25 June 2013 incorporating a vision supported by four key directions identified by the community. This Plan is Council's primary forward planning document that aligns our community's vision with a clear strategic direction for the Great Lakes' long term future.

VISION

a unique and sustainably managed environment balanced with quality lifestyle opportunities created through appropriate development, infrastructure and services

KEY DIRECTIONS & OBJECTIVES

<p>Key Direction 1 Our environment</p>	<p>Objectives</p> <ul style="list-style-type: none"> • Protect and maintain the natural environment so it is healthy and diverse • Ensure that development is sensitive to our natural environment • Prepare for the impact of sea level rise and climate change • Sustainably manage our waste
<p>Key Direction 2 Strong local economies</p>	<p>Objectives</p> <ul style="list-style-type: none"> • Promote the Great Lakes as an area that is attractive for residents and visitors • Establish and maintain a supportive business environment that encourages job opportunities • Provide transport infrastructure that meets current and future needs
<p>Key Direction 3 Vibrant and connected communities</p>	<p>Objectives</p> <ul style="list-style-type: none"> • Provide the right places and spaces • Plan for sustainable growth and development • Increase and improve access to education for all ages • Encourage a positive and supportive place for young people to thrive • Develop and support healthy and safe communities • Build on the character of our local communities and promote the connection between them
<p>Key Direction 4 Local leadership</p>	<p>Objectives</p> <ul style="list-style-type: none"> • Deliver Council services which are effective and efficient • Strengthen community participation • Represent the community's interests through regional leadership

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 should 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?

TABLE OF CONTENTS

CONSIDERATION OF OFFICERS' REPORTS: 1

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES..... 1

- 1 PES - DA203-2015 - Proposed Large Shed at 18 Rosewood St Bulahdelah..... 1
- 2 PES - DA 216/2015 - Dwelling - 51 First Ridge Road, Smiths Lake..... 25

CONSIDERATION OF OFFICERS' REPORTS:

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

1 PES - DA203-2015 - Proposed Large Shed at 18 Rosewood St Bulahdelah

Index: DA 203/2015 & PK 25455

Author: Development Assessment Planner - Stephen Andrews

DCU Meeting: 19 February 2015

DETAILS:

Date Received: 20 November 2014

Applicant: L Barry C/- Coastplan Group

Owner: W & L Barry

Land: Lot 210 DP822663, 18 Rosewood Street Bulahdelah

Area: 1.596 ha

Property Key: 25455

Zoning: RU 5 Village Zone, GLLEP 2014

SUMMARY OF REPORT:

- Development Application lodged seeking consent for the erection of a large shed for use as a transport depot for the owner's business vehicles and equipment.
- Application notified to neighbouring property owners in accordance with Council's Policy and one submission was received.
- Proposed development generally considered to be consistent with the various relevant planning controls with the exception of the height, scale and location of the proposed building.

SUMMARY OF RECOMMENDATION:

That the Development Application be approved by way of a Deferred Commencement Consent, subject to conditions.

FINANCIAL/RESOURCE IMPLICATIONS:

Cost of defending any appeal against Council's decision.

POLICY IMPLICATIONS:

The location of the proposed large shed is considered to be inconsistent with the desired residential character of the village, as expressed in Development Control Plan 2014. Approval would therefore establish as undesirable precedent for similar development in the village.

LEGAL IMPLICATIONS:

A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court requiring legal representation.

DA 332/2007 - Development consent was refused on 22 October 2013 for the subdivision of the site into 13 residential lots as the development did not satisfactorily address stormwater quality issues.

DA 203/2015 - The subject development application was submitted 20 November 2014 and is the subject of this assessment report. Preliminary assessment of the application disclosed several issues that were raised with the owner's planning consultant. The consultant's response dated 23 December 2013 is attached as Annexure 'B' to this report.

PROPOSAL:

To construct a large shed adjacent to the southern lower side of the existing access road that enters from Rosewood Street. The shed will be used as a transport depot for the owner's vehicles associated with his business as a butcher shop in Bulahdelah. Current arrangements for the storage of the vehicles will be unavailable soon and alternative accommodation is required. The applicant indicates that the subject site provides the opportunity to build the shed for the proposed purpose as well as provide accommodation for the storage of items associated with the future development of the site with a dwelling house. The shed will accommodate the butchers' delivery van, a cool room trailer, an 8m x 5m trailer, a 4WD Hilux Utility, spares and parts for equipment used in the butcher shop, a tractor, a caravan, quad bikes and motor bikes.

The shed has overall dimensions of 22.2m x 8.0m with an overall height of 4.672m and will be located a minimum of 4.5m from the Rosewood Street alignment. The location for the shed will be filled to depth of up to 1.0 metre (with a 2:1 batter extending 2.0 metres beyond the shed) so as to achieve a level platform on which to build the shed. The resultant height of the shed will be approximately 5.2 metres (taking into account the proposed filling). The location for the shed will require the removal of four (4) trees.

The use will only be operated by the owner and generally during normal hours other than when the owner drives the butcher's delivery van or 4WD Hilux to his business at about 5.00am each morning. The owner operates a butcher's shop in Bulahdelah that provides meat to the local area and also delivers to restaurants, festivals, events and other outlets in the surrounding area, including Taree, Forster and Tuncurry.

A 20kl water storage tank will be located to the eastern end of the shed to collect roof water.

Plans of the development are attached as Annexure A.

SITE DESCRIPTION:

The site is located on the south eastern corner of the Ann and Rosewood Streets intersection. The topography of the site rises from its frontage to Ann Street to a low ridge, then falls towards its rear boundary with Dee Street. Vehicular access to the site is from Rosewood Street approximately 70.0 metres south of the road intersection and south of the low ridge on the site. At the point of entry to the site the road to Rosewood Street changes from sealed surface to a gravel track that winds its way down Rosewood Street, serving other residential properties.

The site is developed with a small Colorbond shed accessible from the internal access track. The site has been cleared in the past, has a managed understorey, with native trees scattered over the site.

REPORT:

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

a) ***The provisions of any environmental planning instrument; any proposed instrument that is or has been the subject of public consultation and which have been notified to the consent authority; any DCP; any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F; any matters prescribed by the regulations; any coastal zone management plan that apply to the development application on the subject land.***

Environmental Planning and Assessment Act 1979 (EPAA 1979)

The subject site is mapped as bush fire prone and in accordance with Section 79BA of the EPAA 1979 the application is to be assessed having regard to the provisions of the publication 'Planning for Bushfire Protection 2006'. In this regard the application and submitted bushfire assessment were referred to the Rural Fire Service (RFS). The RFS support the proposed development subject to conditions that are included in this report's recommendation.

Great Lakes Local Environmental Plan 2014 (GLLEP 2014)

The following consideration addresses the relevant provisions of the Plan and the response from the owner's planning consultant, is contained in Annexure 'B'.

Part 1.2 -Aims of the Plan

The relevant aims of the Plan are to protect and enhance the environmental, scenic and landscaped assets of the area and to facilitate the orderly and sustainable economic development of land. The proposed development is generally considered to be consistent with these aims however the siting of the proposed large shed 4.5 metres from the boundary with Rosewood Street, together with its scale and height, is considered inappropriate having regard to the desired residential character of this locality, the aims of the Plan and the provisions of the various planning controls, as will be discussed in this report.

Part 2 - Land use table

The site is located in a RU5 Village zone and the proposed development is permissible in the zone with development consent. The relevant objectives of the zone are to provide for a range of land uses, services and facilities that are associated with a rural village and to enable non-residential development that does not prejudice the established land use pattern within the village. The proposed use is considered to be consistent with the relevant objectives of the zone however the siting of the proposed shed 4.5 metres from the boundary with Rosewood Street, together with its scale and height, is considered inappropriate having regard to the established land use pattern and the desired residential character of the rural village. The proposed shed could be located further within the large site, with direct access off the existing access track, thereby reducing its dominant presentation to the street and serving its desired purpose for the owner.

Part 4 - Principal development standards

This Part identifies various numerical development standards for proposed development. The relevant development standards are:

- 4.3 Height of building - The relevant objectives of the standard are to ensure the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality. Although the overall height of the proposed shed is less than the maximum of 8.5 metres (at approximately 5.2 metres - taking into account the proposed filling) its location, scale and appearance of the shed is considered inappropriate having regard to the desired residential character of the rural village (ref. RU5 Village zone - Part 2 above) and its presentation/contribution to the streetscape. The shed could be located further within the large site, with direct access off the existing access track thereby reducing its dominant presentation to the street and serving its desired purpose for the owner.

- 4.4 Floor space ratio - The relevant objectives of the standard are to ensure the scale of proposed development is compatible with the existing environmental character of the locality. The maximum floor space ratio for the RU5 Village zone is 0.4:1.00 and in this regard the proposed development is numerically compliant however the location, height, scale and appearance of the building is considered inappropriate having regard to the existing and desired environmental character of the rural village (ref. RU5 Village zone - Part 2 above) and its presentation/contribution to the streetscape. The shed could be located further within the large site, with direct access off the existing access track thereby reducing its dominant presentation to the street and serving its desired purpose for the owner.

Part 7 - Additional local provisions

- 7.1 Acid sulfate soils - The objective of the clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage. The Acid Sulphate Soils Planning Map identifies the site as class 5 land. The requirements of the Class 5 category apply to works within 500 metres of Classes 1,2,3 or 4 that would lower the water table in those classes below 1 metre Australian Height Datum. The proposed building is within 500 metres of an adjoining class 1 and 2 (ie. approx. 100 metres) however given the elevation of the site and the minor nature of proposed ground disturbance it is unlikely that there will be any impact on the water table in the adjoining classes. Accordingly, the proposed development is considered to be consistent with the objective of the clause.
- 7.2 Earthworks - The objective of this provision is to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses and features of the surrounding land. The proposed development includes limited excavation and filling works on the site. Issues of soil erosion, sedimentation and drainage impacts will be managed during and after construction and appropriate conditions could be included in a favourable determination of this application. Accordingly, the proposed development will be consistent with the objective of this clause.
- 7.5 Stormwater Management - The objective of this clause is to minimise the environmental impacts of stormwater on the site and adjoining properties, native bushland, groundwater, wetlands and receiving waters. Roof water from the proposed shed will be collected in a 20kl water storage tank to the eastern end of the building for re-use on site. Overflow from the storage tank should be directed to a rubble/dissipation trench to ensure satisfactory treatment. This requirement is included as a condition in this report's recommendation. Accordingly, proposed stormwater management will be consistent with the objective of the clause.
- 7.21 Essential services - This clause requires that development consent must not be granted to development unless the Council is satisfied that essential services (ie. water, electricity, sewage, stormwater drainage and road access) are available or that adequate arrangements have been made to make them available. The proposed development has access to all relevant necessary services.

Development Control Plan No.2014 (DCP 2014)

The aims of the Plan are to ensure good quality, sustainable development outcomes that maintain a high level of environmental amenity. The Plan is designed to allow flexibility in the application of its controls where strict compliance is considered unreasonable or unnecessary provided the relevant objectives of the Plan have been achieved.

The relevant provisions of the Plan are discussed as follows and the owner's planning consultant's response is contained in Annexure 'B'.

Part 3 - Character Statements - The village of Bulahdelah is recognised in Part 3.2.2 of the Plan as an 'inland village' the desired future character of which is derived from the existing development. The location, height and appearance of the proposed development is not considered to be consistent with the desired future character of the village having regard to the building's presentation/contribution to the streetscape and the locality. The Plan discourages large bulky buildings with elongated roof forms, similar to that proposed. The shed could be located a minimum distance of 20 metres from the Rosewood Street boundary, on this large site, following the same contours as those for the subject building and maintaining direct access off the existing site access track thereby reducing its dominant presentation to the street and serving its desired purpose for the owner.

Part 4 Environmental Considerations

- 4.1 Ecological Impacts The proposed development will have limited ecological impacts on the land and is considered to be consistent with the Plan's objectives under Part 4.1. Equally, the recommended relocation of the development is considered to be consistent the relevant objectives of the Plan.
4. Bush Fire The RFS have recommended conditions that should apply in respect the issue of bush fire. Accordingly, the proposed development is considered to be consistent with the Plan's objectives under Part 4.7.

Part 5 Single Dwellings, Dual Occupancies, Villas and Townhouses

This Part applies to residential development in a variety of residential zones, including the subject RU5 Village zone. The provisions of this Part also apply to ancillary structures associated with residential development and should be considered given the likely future development of the site with a dwelling house, as advised by the owner's planning consultant.

- 5.4 General Building Design - The objective of the controls relating to building design seek to encourage a high quality design outcome that responds to the environment. The proposed building design is not consistent with the controls specified in this Part in that its built form is not articulated into massing elements with a maximum overall length of 12.0 metres (proposed building is uniform in shape with a length of 22.2 metres). The proposed outcome contributes to the unsuitable appearance of the building in its presentation and contribution to the desired residential streetscape. The controls encourage a minimum setback of 6.0 metres from the street boundary for garages and carports. Given the scale and height of the proposed garaging consideration should be given to an increase in the minimum setback. A minimum distance of 20 metres from the Rosewood Street boundary can be achieved, on this large site, following the same contours as those for the subject proposed building and maintaining direct access off the existing site access track.
- 5.5.2 Front Setback Controls (in Residential and Village zones) - The minimum setback control for garages and carports and open parking spaces is 6.0 metres. On corner allotments, as is the case with the subject site, a minimum setback of 3.0 metres is encouraged for the secondary frontage. Given the scale and height of the proposed garaging consideration should be given to a setback in excess of the minimum. A minimum distance of 20 metres from the Rosewood Street boundary can be achieved, on this large site, following the same contours as those for the subject proposed building and maintaining direct access off the existing site access track.
- 5.6 Building Heights - The objective of this Part is to provide additional guidance in applying the maximum height controls under Part 4.3 of GLLEP 2014 and to maintain a low scale building form that responds to the topography of the site so as to avoid buildings that dominate the streetscape. As discussed previously, the height and scale of the proposed building, in its siting with respect to Rosewood Street, is considered inappropriate having regard to the desired residential character of the rural village (ref. GLLEP 2014 - RU5 Village zone - Part 2 above) and the building's contribution/presentation to the streetscape. A minimum distance of 20 metres from the Rosewood Street boundary can be achieved, on this large site, following the same contours as those for the subject proposed building and maintaining direct access off the existing site access track.

Part 10 Car Parking, Alternative and Active Transport

Notwithstanding the semantics concerning vehicle types, this Part is considered to apply to the proposed development in that the building will be used to garage the owner's various vehicles. The relevant objective seeks to integrate vehicle parking facilities into a development without compromising the street character. As discussed previously, the height, scale and position of the proposed shed for the accommodation of the owner's vehicles is considered inappropriate having regard to the desired character of the residential streetscape. A minimum distance of 20 metres from the Rosewood Street boundary can be achieved on this large site, following the same contours as those for the subject proposed building and maintaining direct access off the existing site access track.

Great Lakes Council Erosion and Sediment Control Policy

The aim of this policy is to minimise erosion and sedimentation in catchments, resulting from the disturbance of the soil surface associated with building works, changes in land use and urban development, the installation of services and road construction and maintenance. This is to ensure that potential pollutants are not directed to natural and artificial water bodies.

The construction works associated with the proposed development will be managed to ensure that erosion and sediment control measures comply with the aims and requirements of the Policy thereby protecting the water quality of neighbouring natural and artificial water bodies. Appropriate conditions of consent are recommended.

b) 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 location of the proposed shed is considered contextually inappropriate having regard to its height, scale, built form and its presentation/contribution to the desired residential streetscape.

Site Design and Internal Layout

Given the inappropriate location of the proposed shed alternative locations on the large site are available. The internal layout of the building provides required accommodation for the owner's vehicles.

Views

The proposed development will not unreasonably impact on views and outlooks from neighbouring properties.

Privacy (Aural and Visual)

The proposed development will not unreasonably impact on the privacy relationship with neighbouring development. Given the nature of the vehicles to be accommodated the transport depot use will operate similar to that of a residential development. Appropriate conditions are included in this report's recommendation that addressed potential noise.

Overshadowing

The proposed development will not create unreasonable overshadowing of neighbouring properties.

Visual Impact

The location, height and scale of the proposed development will detract from the desired residential streetscape as discussed previously under the headings *Great Lakes Local Environmental Plan 2014* and *Development Control Plan 2014*.

Access, Transport and Traffic

Existing access to and on the site is considered satisfactory and will allow safe forward entry and exit. No significant traffic conflicts will arise from the proposed use.

Flora and Fauna

The proposed and the recommended development will not have any significant ecological impacts.

Cumulative Impacts

The proposed development if supported would detract from the desired residential streetscape and establish an undesirable precedent for further development in the village.

c) The Suitability of the Site for the Development

Whilst the site is generally considered suitable for the proposed development, the height, scale and location of the proposed shed is considered inappropriate, as discussed above under the headings *Great Lakes Local Environmental Plan 2014* and *Development Control Plan 2014*.

Alternative locations are available on this large site.

d) Any Submissions Made in Accordance with the Act or Regulations

The application was notified to neighbouring property owners in accordance with Council's Policy and one (1) submission was received. The neighbour, who owns two properties in Rosewood Street, considers that their submission should count as two (2) objections. The submission refers to the following issues:

1. Adverse impact on existing residential amenity - The neighbour is concerned that the existing quiet residential area will be affected by truck movements, increase in on-street parking, commercial/industrial use associated with the owner's butcher shop business. It is suggested that the proposed use be located in an existing industrial area of Bulahdelah

Comment: Given the low scale nature of the proposed use and subject to relocation of the proposed building (as recommended), the concerns of the neighbour are not supported. Vehicle movements will be similar to that of a residential property and the proposed building and site will accommodate all vehicles, thereby avoiding the possibility of on-street parking. It is considered reasonable that the owner can accommodate his vehicles on this large site and the proposed transport depot use is permissible with consent in the Village zone, as discussed under the earlier heading *Great Lakes Local Environmental Plan 2014 - Part 2 - Land Use Table*.

2. Existing street tree impacted by truck movements - The neighbour submits that existing truck movements to/from the site have physically impacted on the existing street tree near the entry to the subject site resulting in the falling of branches and damaging their vehicle's tyres.

Comment: Heavy equipment associated with the previous site works may have resulted in the damage referred to by the neighbour. Given the nature and type of vehicles to be accommodated in the proposed building and the clearances to existing street trees, it is unlikely that further tree damage will occur.

3. The proposed commercial use of the site will impact on the sacred aboriginal graves on the land to the west of the site. The neighbour advises that if the application is approved then this issue will be raised with the Aboriginal Land Council.

Comment: The land referred to by the neighbour is located to the opposite side of Rosewood Street and to the west of the site, known as 19 Rosewood Street. The proposed building will be located approximately 70.0 metres from that land. The subject development application was notified to the custodians of that adjacent land, the Karuah Local Aboriginal Land Council and no objection has been received. Having regard to the nature of the proposed use, the siting of the proposed building will not adversely impact on the significance of that aboriginal land.

4. Property values will be affected.

Comment: Property value is not a planning consideration under Section 79C of the EPAA1979 and therefore no further comment is made.

e) The Public Interest

Whilst the site is generally considered suitable for the proposed development, the height, scale and location of the proposed shed is considered inappropriate, as discussed above under the headings *Great Lakes Local Environmental Plan 2014* and *Development Control Plan 2014*. Alternative locations are available on this large site. Accordingly, approval of the proposed development would not be in the public interest.

CONCLUSION:

The proposed development is generally considered to be satisfactory however the height, location and scale of the proposed building is not appropriate having regard to the desired character of the residential streetscape, as discussed under the earlier headings of *Great Lakes Local Environmental Plan 2014* and *Development Control Plan 2014*. Alternative locations are available on this large site. The proposed building could be located a minimum distance of 20 metres from the Rosewood Street boundary, following the same contours as those for the subject proposed building and maintaining direct access off the existing site access track. This location is more secluded from public view. The consultant's submission in respect to the building setback is not supported.

Accordingly, the application is recommended for approval by way of a deferred commencement development consent, the condition of deferred commencement being that the proposed building being sited a minimum of 20.0 metres from the Rosewood Street boundary and to the southern side of the site's internal access track.

RECOMMENDATION:

It is recommended that DA 203/2015 for the erection of a building for use as a transport depot on Lot 210 DP882668, 18 Rosewood Street, Bulahdelah be approved by way of a Deferred Commencement Development Consent subject to compliance with the following terms and conditions:

In accordance with Section 80(3) of the *Environmental Planning and Assessment Act, 1979*, this is a deferred commencement consent. The consent will not operate until evidence, as specified in the following deferred commencement condition has been submitted to and approved by the consent authority and written notice given under Section 100(4)(b) of the *Environmental Planning and Assessment Regulation 2000* that the deferred commencement condition has been satisfied and the date from which the consent operates:

a) Revised plans locating the proposed building a minimum of 20.0 metres from the Rosewood Street boundary of the site on contours similar to that proposed and to the southern side of the site's internal access track.

Reason: To ensure that the proposed building does not detract from the desired residential character of the streetscape.

Evidence required to satisfy the above deferred commencement condition must, in accordance with Clause 95(3) of the *Environmental Planning and Assessment Regulation 2000*, be submitted to Council within ninety (90) days of the date of this consent.

Under Section 80A of the Environmental Planning and Assessment Act 1979, the following conditions will apply, following written notice given under Section 100(4)(b) of Environmental Planning and Assessment Regulation 2000 and subject to any further conditions reasonably arising from compliance to the terms of the deferred commencement condition.

GENERAL CONDITIONS

1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
To be advised			

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Reason: Information and to ensure compliance.

2. Compliance with Building Code of Australia

All building work must be carried out in accordance with the requirements of the *Building Code of Australia* as in force on the date the application for the relevant construction certificate or complying development certificate was made.

Reason: Prescribed condition under the *Environmental Planning & Assessment Regulation 2000*.

3. Transport Depot - Vehicles & Equipment Accommodated

The transport depot shall accommodate the following owner's vehicles and equipment:

- The butcher's delivery van
- A cool room trailer
- An 8m x 5m trailer
- A 4WD Hilux Utility
- A tractor
- A caravan
- Quad bikes and motor bikes
- Spares and parts for equipment used in the butcher shop

Reason: To ensure that the use operates in accordance with the approval as a transport depot.

4. Water and Utilities

Where the rear or most distant part of the building is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard AS 2419.1– 2005 'Fire Hydrant Installations'. Locations of fire hydrants are to be delineated by blue pavement markers offset 150mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located. Alternatively, an onsite 20,000 litre water supply for fire fighting purposes shall be provided in accordance with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Reason: The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire.

5. Electrical Services

Electricity services are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Reason: The intent of measures is to locate electricity so as not to contribute to the risk of fire to a building.

6. Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Reason: To ensure that any proposed landscaping does not contribute to the threat posed by a bush fire.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of any Construction Certificate:

7. Structural details

Prior to the issue of a construction certificate, structural drawings prepared by a suitably qualified and experienced structural engineer must be submitted to and approved by the certifying authority. The plans must include details for:

- 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.

Reason: To ensure structural stability and safety.

8. Details of fill and batter

Prior to the issue of a construction certificate, plans and specifications detailing slopes on the fill batter of not more than 2:1, together with suitable plantings to stabilise the batter must be submitted to and approved by the certifying authority.

Reason: To ensure the structure integrity of the batter.

9. Erosion and sediment control plan

Prior to the issue of a construction certificate, an erosion and sediment control plan prepared by a suitably qualified person in accordance with “*The Blue Book – Managing Urban Stormwater (MUS): Soils and Construction*” (Landcom) must be submitted to and approved by the certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices including catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins.

Reason: To protect the environment from the effects of erosion and sedimentation.

10. MidCoast Water approval

Prior to the issue of a construction certificate, a Certificate of compliance from MidCoast Water, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development, must be submitted to the certifying authority.

Reason: To ensure suitable water and sewage disposal is provided to the development.

11. Stormwater disposal on-site - submission of design details

Prior to the issue of a construction certificate, plans and specifications detailing the stormwater management for the site must be submitted to and approved by the certifying authority. The stormwater disposal system must be designed in accordance with *Australian Standard AS/NZS 3500.3: Plumbing and drainage – Stormwater drainage* and the point of disposal for stormwater tank shall be to a rubble/dissipation trench.

Reason: To ensure adequate provision is made for stormwater drainage from the proposed building to meet Council's water quality objectives.

12. S94 contributions

Prior to the issue of a construction certificate, a monetary contribution must be paid to Council in accordance with Section 94 of the *Environmental Planning and Assessment Act 1979*. The services and facilities for which the contributions are levied and the respective amounts payable under each of the relevant plans are set out in the following table:

Code	Contributions Plan	Facility	quantity	unit		rate		amount
GLW-07	Great Lakes Wide	Headquarters Building	\$55,440	\$1 non res	@	\$0.001	=	\$55.44
					Total		=	\$55.44

Contribution rates are subject to indexation. The rates shown above are applicable until 30 June following the date of consent. Payment made after 30 June will be at the indexed rates applicable at that time.

The Contributions Plan and the Standard Schedule for Section 94 Plans may be viewed on Council's web site or at Council's offices at Breese Parade, Forster.

Reason: Statutory requirement to be paid towards the provision or improvement of facilities and services.

13. Long Service Levy

Prior to the issue of a construction certificate, a Long Service Levy must be paid to the Long Service Payments Corporation. The amount payable is currently based on 0.35% of the cost of the work. This is a State Government levy and is subject to change.

These payments may be made at Council's Customer Service Centres. Cheques must be made payable to Great Lakes Council.

Reason: Statutory requirement

14. Bond required to guarantee against damage to public land

Prior to the issue of a construction certificate, a Damage Bond Application form together with payment of a bond in the amount of \$2000 and an administration fee of \$310.50 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) once all works, including landscaping, driveway construction, turfing, etc, have been completed, and
- b) following issue of an occupation certificate by the certifying authority.

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

Reason: Protection of public assets.

15. Driveway levels application

Prior to the issue of a construction certificate, a Driveway Levels Application must be submitted to Council for approval. A Driveway Levels Application Form must be completed and submitted to Council together with the application fee and all required plans and specifications.

Driveways must be constructed by a qualified/licensed contractor at no cost to Council in accordance with the driveway levels and construction standards issued by Council and the following requirements:

- a) The existing driveway is to be bitumen sealed from the edge of the bitumen road (that is Rosewood Street) to the front property line of the allotment.
- b) No change to the existing driveway levels will be required.

Reason: To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

PRIOR TO THE COMMENCEMENT OF ANY WORK ASSOCIATED WITH THIS CONSENT

The following conditions must be satisfied prior to the commencement of any building construction work:

16. Construction certificate required

Prior to the commencement of any building construction work (including excavation), a construction certificate must be issued by a certifying authority.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 6591 7222.

Reason: Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

17. Notification of commencement and appointment of principal certifying authority

Prior to the commencement of any building construction work (including excavation), the person having the benefit of the development consent must appoint a principal certifying authority and give at least two (2) day's notice to Council, in writing, of the persons intention to commence construction work.

Reason: Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

18. Site access

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 excavation or building works and be maintained throughout construction.

Reason: To ensure public health and safety during the construction of the development.

19. Erosion & sediment measures in accordance with approved plans

Prior to the commencement of work, erosion and sediment controls must be installed in accordance with the approved erosion and sediment control plan and must be maintained for the duration of the project.

Reason: To protect the environment from the effects of erosion and sedimentation.

20. Pollution prevention sign

Council's "PREVENT POLLUTION" sign must be erected and maintained in a prominent position at the frontage of the property so that it is clearly visible to the public for the duration of construction work.

Council's PREVENT POLLUTION sign can be purchased at Council's Customer Enquiry Counter at the Forster, Tea Gardens and Stroud administration buildings.

Reason: To increase industry and community awareness of developer's obligations to prevent pollution and to assist in ensuring compliance with the statutory provisions of the Protection of the Environment Operations Act 1997.

21. Toilet facilities - unsewered areas

Prior to the commencement of work, toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a toilet connected to an accredited sewage management system approved by the Council.

Reason: To maintain the public health and the natural environment.

22. Site construction sign

Prior to the commencement of work, a sign or signs must be erected in a prominent position at the frontage to the site.

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: Prescribed condition under the *Environmental Planning and Assessment Regulation 2000*.

23. Waste management plan

Prior to the commencement of work, a waste management plan prepared in accordance with the requirements of Council's Waste Management Policy must be submitted to and approved by the certifying authority.

Reason: To ensure adequate and appropriate management of waste and recycling.

24. Building set-out

Prior to the commencement of work a registered surveyor shall peg out the approved building location on site.

Reason: To ensure that the proposed building is located in the approved position on site.

CONDITIONS TO BE SATISFIED DURING DEVELOPMENT WORK

The following conditions must be complied with during any development work:

25. Construction times

Construction and/or demolition works, including deliveries on or to the site must not unreasonably interfere with the amenity of the neighbourhood and must occur only in accordance with the following:

Monday to Friday, from 7 am to 6 pm.

Saturday, from 8 am to 1 pm.

No construction and/or demolition work, including deliveries are to take place on Sundays or Public Holidays.

Reason: To maintain amenity during construction of the development.

26. Construction dust suppression

All necessary works must be undertaken to control dust pollution from the site. These works must include, but are not limited to:

- a) restricting topsoil removal;
- b) regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion);
- c) alter or cease construction work during periods of high wind;

- d) erect green or black shade cloth mesh or similar products, 1.8m high around the perimeter of the site and around every level of the building under construction.

Reason: To maintain amenity during construction of the development.

27. Builders rubbish to be contained on site

All builders rubbish is to be contained on the site in a suitable waste bin/enclosure. Building materials must be delivered directly onto the property. Footpaths, road reserves and public reserves must be maintained clear of rubbish, building materials and other items at all times.

Reason: To ensure that materials and waste do not adversely affect traffic or pedestrian safety and amenity.

28. No filling around trees

No soil or fill material is to be placed within the dripline of a tree or to cause changes in the surface level.

Reason: To maintain the health of the tree.

29. Tree clearing

Only those trees within the development footprint are approved for removal.

There shall be no removal of any trees for bushfire protection (APZ) purposes as the land exists in a state that meets APZ requirements. All trees other than those approved for removal on the land shall be protected and managed in accordance with the Native Vegetation Act 2003 and other relevant statutory controls.

Reason: To ensure that tree clearing is appropriately minimised and managed.

30. Procedure for the removal of approved trees

During the physical removal of the approved trees, the following shall be adopted at all times:

- Tree clearing personnel shall inspect the crown, foliage and trunks of trees that require removal immediately prior to any felling to investigate the presence of koalas. If a koala is detected, the tree and no other surrounding trees shall be cleared until the animal has dispersed of its own free will from the area.
- Removal of approved trees shall be conducted using directional felling, dismantling or other suitably sensitive technique in a manner that protects trees that are not approved for removal on the land.
- Removal of approved trees shall be conducted in a manner that avoids the movement of machinery in the root zones of trees that are not approved for removal on the land

Reason: To ensure that tree clearing is appropriately managed.

31. Management of felled trees and other vegetation

Trees approved for removal shall be commercially re-used (logs), used in site landscaping (as edging or cover for terrestrial fauna) or retained and utilised by the occupier of the lot for the purpose of fuel for internal wood combustion heaters or stoves. No felled vegetation shall be windrowed (heaped) and pile-burnt, except with the permission of the NSW Rural Fire Service.

Reason: To protect neighbouring landholdings from nuisance smoke and risks of accidental wild-fire ignition.

32. Protection of trees that are to be retained on the land

The construction of the shed shall be conducted in a manner that avoids impact, harm or removal trees that are to be retained (ie. those trees not approved in this consent for removal) and stockpiles, machinery and equipment shall not be used or placed in the root zones of trees that are to be retained. Landform modification (cut/ fill) shall not occur in the root zones of trees that are to be retained.

Reason: To ensure appropriate tree protection during construction.

33. Protection of off-site habitats

There shall be no modification or disturbance of any trees or native vegetation outside the bounds of the subject land for any purpose.

Reason: To protect trees and other vegetation on adjoining landholdings.

34. Maintenance of sediment and erosion control measures

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

Reason: To protect the environment from the effects of erosion and sedimentation.

35. Burning of felled trees prohibited

The burning of trees and vegetation felled during clearing of the site is not permitted. Where possible, vegetation is to be mulched and reused on the site.

Reason: To maintain amenity and environmental protection.

36. Compliance with waste management plan

During construction of the development, waste disposal must be carried out in accordance with the approved waste management plan.

Reason: To ensure waste is minimised and recovered for recycling where possible.

37. Aboriginal heritage

This consent does not authorise the harming of an Aboriginal object or place. Under the National Parks and Wildlife Act 1974, it is the responsibility of all persons to ensure that harm does not occur to an Aboriginal object or place. If an Aboriginal object is found, whilst undertaking development work, all work must stop and the NSW Office of Environment and Heritage notified. All directions of the Office of Environment and Heritage must be complied with at all times.

Reason: To protect Aboriginal heritage.

38. Asset Protection Zones

At the commencement of building works and in perpetuity the property around the building to a distance of 26 metres or to the property boundary, whichever is the lesser, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Reason: The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

39. Vibrating compaction rollers

Vibrating compaction rollers must not be used unless a report prepared by a qualified geotechnical engineer has been submitted to and approved by the certifying authority which demonstrates that such use will not result in adverse structural impacts to adjoining properties.

Reason: To avoid damage to adjoining properties from vibration impacts.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions must be satisfied prior to any occupation or use of the building:

40. Works to be completed

The building/structure or part thereof must not be occupied or used until an interim occupation/final occupation certificate has been issued in respect of the building or part.

Reason: To ensure compliance with the development consent and statutory requirements.

41. Rainwater tank

Prior to the issue of a final occupation certificate, rainwater tank/tank-stand installations must be structurally sound and in accordance with manufacturers details. Overflow from the tank must be connected to the existing stormwater system, or disposed of in a manner that does not cause nuisance to neighbouring properties or degradation of land.

Reason: To ensure rainwater tanks stands are structurally adequate and overflow from the tank is discharged in a proper manner that protects adjoining properties.

42. Property access roads

Prior to the issue of a final occupation certificate, property access roads must comply with section 4.1.3(2) of *'Planning for Bush Fire Protection 2006'*.

Reason: To provide safe access to/from the public road system for occupants and fire fighters during a bush fire.

43. Sealed driveway in accordance with approved Driveways Level Application

Prior to the issue of a final occupation certificate, a driveway must be constructed from the edge of the road formation to the property boundary in accordance with the approved Driveway Levels Application. Written confirmation from Council must be obtained stating that the constructed driveway is to Councils' satisfaction.

Reason: To ensure suitable vehicular access to the development.

ONGOING USE

The following conditions must be satisfied during the ongoing use of the development:

44. Building not to be used for residential occupation

The building must not be used for any form of residential occupation.

Reason: To protect the amenity of adjoining premises.

45. Hours of operation

The hours of operation of the transport depot shall generally be between 8.00am and 4.00pm daily with the exception of the owner leaving for work on or after 5.00am daily.

Any alteration to the above hours of operation will require the further consent of Council.

Reason: To protect the amenity of adjoining premises.

46. Noise

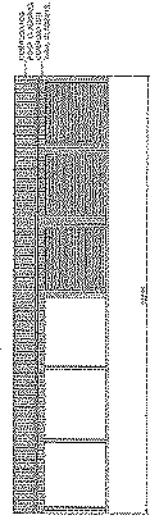
Noise associated with the transport depot use including all associated mechanical plant and equipment must not be a source of "offensive noise" at the nearest affected premises:

"offensive noise" is defined under the *Protection of the Environment Operations Act 1997* as noise:

- a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulation.

Reason: To maintain reasonable acoustic amenity to neighbouring properties.

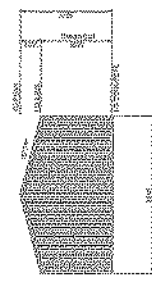
THIS DOCUMENT IS THE PROPERTY OF THE PROJECT OWNER AND IS TO BE USED ONLY FOR THE PROJECT AND NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE PROJECT OWNER. THE PROJECT OWNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE PROJECT OWNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.



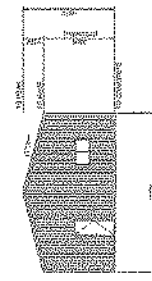
1. FRONT EXTERIOR ELEVATION
SCALE: 1:50



2. SIDEWALL EXTERIOR ELEVATION
SCALE: 1:50



3. REAR EXTERIOR ELEVATION
SCALE: 1:50



4. ENDWALL EXTERIOR ELEVATION
SCALE: 1:50

NO.	REVISIONS	DATE
1	ISSUED FOR PERMIT	20/11/2014
2	REVISED PER COMMENTS	20/11/2014
3	REVISED PER COMMENTS	20/11/2014
4	REVISED PER COMMENTS	20/11/2014
5	REVISED PER COMMENTS	20/11/2014
6	REVISED PER COMMENTS	20/11/2014
7	REVISED PER COMMENTS	20/11/2014
8	REVISED PER COMMENTS	20/11/2014
9	REVISED PER COMMENTS	20/11/2014
10	REVISED PER COMMENTS	20/11/2014

STABLE BUILDING BY CONTRACTOR
STABLEMASTER AUST. PTY LTD
 02 4994 9034
WAYNE AND LOUISE BARRY
 18 ROSEWOOD ST
 BULAHDELAH NSW

DRAWN FOR	FEHS
CHECKED BY	TM
DATE	20/11/2014
JOB NO	STM21-0520
SHEET	6 OF 6

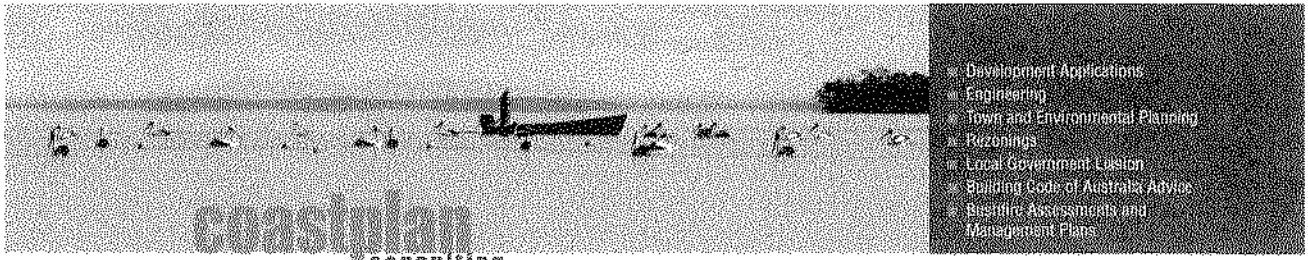
NORTHERN CONSULTING
 CONSULTANTS
 50 FORD STREET
 CULLINGBOY NSW 2111
 TEL: 02 9725 0800
 FAX: 02 9725 0801
 EMAIL: ncn@northernconsulting.com.au
 WWW: www.northernconsulting.com.au

fairdinkum
 SHEDS

FAIRDINKUM
 SHEDS

Mr Timothy Roy Keeler BE MRBAUS RPECC
 Registered Professional Engineer 2588820
 Signature: *[Signature]*
 Date: 20/11/14
 Registered on the NPREG in the areas of practice of Civil & Structural Engineers Professional Engineers Register

B: Consultant's Submission in response



Suite 4, 11 Manning St
TUNCURRY NSW 2428

PO Box 568
FORSTER NSW 2428

Phone: 02) 6555 2178
Fax: 02) 6555 2741

23 December 2014

Great Lakes Council
PO Box 450
FORSTER NSW 2428

Attention: Steve Andrews

Our Ref: 14039

Dear Steve,

RE: DA 203/2015: PROPOSED SHED/TRANSPORT DEPOT – 18 ROSEWOOD STREET,
BULAHDELAH

I refer to your emails dated 12 December and 16 December 2014 in relation to the above matter.

With regard to these matters, please find the following information.

Rural Fire Service Comments

The Rural Fire Service Requirements can be incorporated into the proposal and the following is provided in relation to each point.

- Asset Protection Zones as provided in the advice can be provided. The vegetation on the site is currently maintained to a standard that would meet the specifications on an Inner Protection Area.
- The tank collecting roof water has been upgraded to a 20,000 litre water tank.
- Electricity and other services can be provided to meet the requirements of Planning for Bush Fire Protection 2006 if they are required.
- The existing property access road generally meets the requirements of the clause and includes areas which would allow a fire tanker to turn around.
- Any landscaping can be undertaken to meet the requirements of Planning for Bush Fire Protection 2006.

Operating Hours/Noise

The proposed development does not involve access by trucks or other heavy machinery which would generate significant noise levels. The vehicles parked in the shed are generally no larger than domestic vehicles and trailers which are on roadways during unrestricted times, and the noise of the vehicles entering and exiting the property are no greater than the noise of vehicles entering and exiting residential properties throughout the village. The vehicles that are used for business purposes and which make up the 'transport depot' component of the development are the butcher's delivery van, coolroom trailer and 4WD Hilux. The shed is only for parking and garaging of these vehicles and is not utilised for vehicle repair or servicing.

The owner drives the butcher's van or 4WD Hilux from the premises at approximately 5am each morning to the butcher shop and will leave from the premises at this time when a dwelling is constructed on the land in the near future. The other vehicle and coolroom trailer are not utilised



each day and are only collected from the site as required, such as when the coolroom is hired for meat storage at large events, or is utilised for additional storage space at the shop during peak periods. The coolroom trailer is not used for meat storage when parked at the shed and would not be operated through the night. A single vehicle movement would occur at 5am, with a return trip no later than 6pm when the owner returns. Additional trips throughout the day would generally be limited to no more than 2 other trips (leave and return) but could expand to 6-8 trips at peak times, with these trips being generated only between 8am and 4pm. It should be noted that these activities currently occur in a shed in another part of the village adjacent to residential properties with no noise issues being experienced.

When the owner constructs a house on the site, additional trips will be generated by normal domestic activities.

Site Levelling for Shed

The proposed shed is located on a sloping part of the site. Through on-site observation, and looking at contours from previous survey, it is apparent that up to 1 metre of fill will be required at the rear of the shed. The fill will be battered at a gradient of 2:1 and will extend a maximum of 2 metres at the rear of the shed. This detail has been added to the plan.

Rosewood Street Setback

It is appreciated that Rosewood Street is technically a street, but is not formed as a typical residential street and is a narrow sealed roadway for the section between Anne Street and the site entrance. Beyond this point, and adjacent to the proposed development, the road is limited to a narrow gravel access road which serves one property (17 Rosewood Street) and is largely treed which limits views of the proposed development and there is no street frontage evident. The setback of the street is not typical and given the grade of the road, limited properties with access and environmental constraints of constructing a road, it appears unlikely that this street would ever be constructed to provide a proper residential frontage for any part of this property.

The application of controls within 5.5.2 of Great Lakes DCP 2014 would suggest that required setbacks would be 6 metres (for the primary setback) and 3 metres (for the secondary setback). The subject site has four road frontages (formed and unformed) and no frontage of the site really dominates as a primary frontage.

The plans have been amended to provide a 4.5m setback from the site boundary with the unformed Rosewood Street. It is considered that this setback is appropriate in this instance as:

- The setback is greater than the secondary road frontage requirement.
- The orientation of access to the shed is not from the street and a 6 metre setback for stacked vehicles and manoeuvring is unnecessary.
- The road is unformed and the shed is screened from public viewpoints.
- There is a low likelihood that the road will ever be formed to a regular residential frontage where greater setback may be necessary.
- Relocation of the shed further from the Rosewood Street frontage would require the removal of an additional tree on the site.

The owners' future plans will involve construction of a dwelling on the land and use of the land for their home. The ridge top enjoys quite expansive views of the river and farmland to the south and location of the shed centrally in the property would impact on the quality of views available on the land.

Business Operations

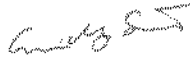
The owners operate a butchers shop in Bulahdelah that provides meat to the local area and also delivers meat to restaurants, etc. in other areas, including Taree, Forster and Tuncurry. The business has delivery vehicles which are used to deliver meat to these businesses. The business also provides large meat quantities to festivals and events which requires large volumes of meat and on-site storage. This meat is delivered in a coolroom trailer to those events, where the trailer is

parked and the meat used as required at the events. The business also has spare parts and equipment for machinery which would be stored in the shed and available if required in the shop or elsewhere. Currently the owner stores these vehicles and equipment in another shed within Bulahdelah, however the owner has advised that this shed will no longer be available to rent and the activity needs to be relocated.

The owner purchased this large property to build their family home, but the large space is also suitable for these storage activities.

Please feel free to contact me if you need to discuss these issues further.

Yours faithfully



GAVIN MABERLY-SMITH
Coastplan Group Pty Ltd
email: gavin@coastplan.com.au

2 PES - DA 216/2015 - Dwelling - 51 First Ridge Road, Smiths Lake

Index: DA 216/2015 & PK 33797

Author: District Building Surveyor - David Underwood

DCU Meeting: 19 February 2015

DETAILS:

Date Received: 28 November 2014

Applicant: Mr D and Mrs E Smith

Owner: Mr D and Mrs E Smith

Land: Lot 17 DP 1078030, 51 First Ridge Road, Smiths Lake

Area: 888.2m²

Property Key: 33797

Zoning: RU5 Village under GLLEP 2014

SUMMARY OF REPORT:

Following lodgement of the Development Application a letter was sent to the applicant raising concerns regarding non-compliances with Great Lakes Development Control Plan. The issues of concern related to overall building height, floor height relative to ground level, and design not responding to the natural sloping topography of the site.

The building designer, on the applicant's behalf, provided written justification in support of the non-compliances. Whilst written justification was provided, it is not considered that the justification has addressed the objectives of the DCP and therefore the development application is recommended for refusal.

SUMMARY OF RECOMMENDATION:

That Development Application No. 216/2015, for a proposed Three Storey Dwelling located at Lot 17 DP 1078030, 51 First Ridge Road, Smiths Lake be refused on the following grounds:

- 1) The design of the proposed dwelling fails to respond to the topography of the site and as a result will dominate the surrounding properties and the landscape setting.
- 2) The development has the potential to set an undesirable precedent and is therefore considered to be not in the public's best interest.
- 3) The proposed development fails to meet the objectives or numeric requirements of Section 5.6 "Building Heights" of Great Lakes Development Control Plan, which state *"To maintain a low scale building form which responds to the topography of the site to avoid buildings dominating the streetscape or landscape setting"*.
- 4) The proposed development fails to meet the objectives of Great Lakes Local Environmental Plan 2014, which aim *"To ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality"*.

FINANCIAL/RESOURCE IMPLICATIONS:

A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court with inherent cost implications.

POLICY IMPLICATIONS:

Nil.

LEGAL IMPLICATIONS:

A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court with inherent cost implications.

LIST OF ANNEXURES:

A: Site Plan and Elevations.

LIST OF ATTACHMENTS:

Nil.

SUBJECT SITE AND LOCALITY:



BACKGROUND:

- 28 November 2014 Development Application lodged.
- 3 December 2014 Development Application neighbour notified and referred to internal departments.
- 4 December 2014 Site inspection undertaken.
- 8 December 2014 Further information letter sent to applicant requesting amended plans.
- 11 December 2014 Letter of justification submitted from designer in support of proposal.

PROPOSAL:

The Development Application is for a Three Storey Dwelling having external wall finishes being of a combination of light-weight cladding to the upper levels and masonry to lower level, with a 'Colorbond' roof. The two upper levels consist of habitable floor areas, with the lower level consisting of a large garage area.

SITE DESCRIPTION:

The site is steeply sloping with the grades falling away from front to rear. The site has a scattering of established trees primarily being of Eucalypt type species.

REPORT:

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

- a) *The provisions of any environmental planning instrument; any proposed instrument that is or has been the subject of public consultation and which have been notified to the consent authority; any DCP; any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F; any matters prescribed by the regulations; any coastal zone management plan that apply to the development application on the subject land.***

Great Lakes Local Environmental Plan 2014 (GLLEP 2014)

Under GLLEP 2014 the development site is zoned RU5 Village. Mapping indicates that there is a 0.4:1 Floor Space Ratio (FSR) requirement and a maximum height for dwellings of 8.5m. The objectives of the RU5 zone are:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To provide for a range of land uses, services and facilities that are associated with a coastal village.
- To enable non-residential development that does not prejudice the established land use pattern within the village.

Single dwellings are permitted with the consent of Council. The proposed dwelling results in a compliant FSR requirement being 0.25:1; however a close examination of the ridge heights relative to the site contours indicates that the ridge height is a maximum of 8.6 metres and therefore non-compliant. Given that the objectives of the LEP aim *"to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality"*, it is considered that the variation of 100mm is not supported. In addition, given the design of the development is not sympathetic to the site constraints, it is felt that the objectives of the LEP have not been met.

State Environmental Planning Policy

State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71) applies to all land within the coastal zone as defined in the *Coastal Protection Act 1979*, and accordingly applies to the subject site to the extent of requiring Council to consider the matters listed in Clause 8 of the Policy. In this regard, the proposal is considered acceptable in relation to the scenic qualities of the coast, as it will not be highly visible from the lake. However its design is not considered suitable for the context of the surrounding area, as there is potential for detrimental impacts to be imposed on neighbouring properties.

Great Lakes Development Control Plan

Assessment of the proposed development with regard to the requirements and objectives of the DCP have resulted in the following non-compliances and associated concerns:

1) Setbacks

5.5.1 Objectives

- *To ensure residential buildings have sufficient separation to provide privacy, solar access, landscaping opportunities and amenity for occupants.*

5.5.2.5 Side and Rear Setback Controls

Comments:

The eastern side proposed setback is 1.7 metres, and as the wall height is 6.7m, the calculation results in a required setback of 1.725 metres. As the variation to Council's DCP is for a minor 25mm non-compliance, there are no issues raised with this variation being supported.

2) 5.6 Building Heights

Objectives

- *To provide additional guidance in applying the maximum height of buildings as shown in the Great Lakes LEP Height of Buildings Maps.*
- *To maintain a low scale building form which responds to the topography of the site to avoid buildings dominating the streetscape or landscape setting.*

Height controls

1. *The maximum height permitted may not be achievable in all instances due to site limitations.*
2. *The floor level of the upper most habitable floor, including decks or verandahs, is to be no more than 5.1m above ground level on sites with slopes greater than 1:6.*
3. *The exposed sub-floor of any building should be minimised wherever possible.*
4. *Where a development may impinge upon significant views, solar access, privacy or a streetscape, Council may require height profiles to be erected prior to notification or exhibition.*

Comments:

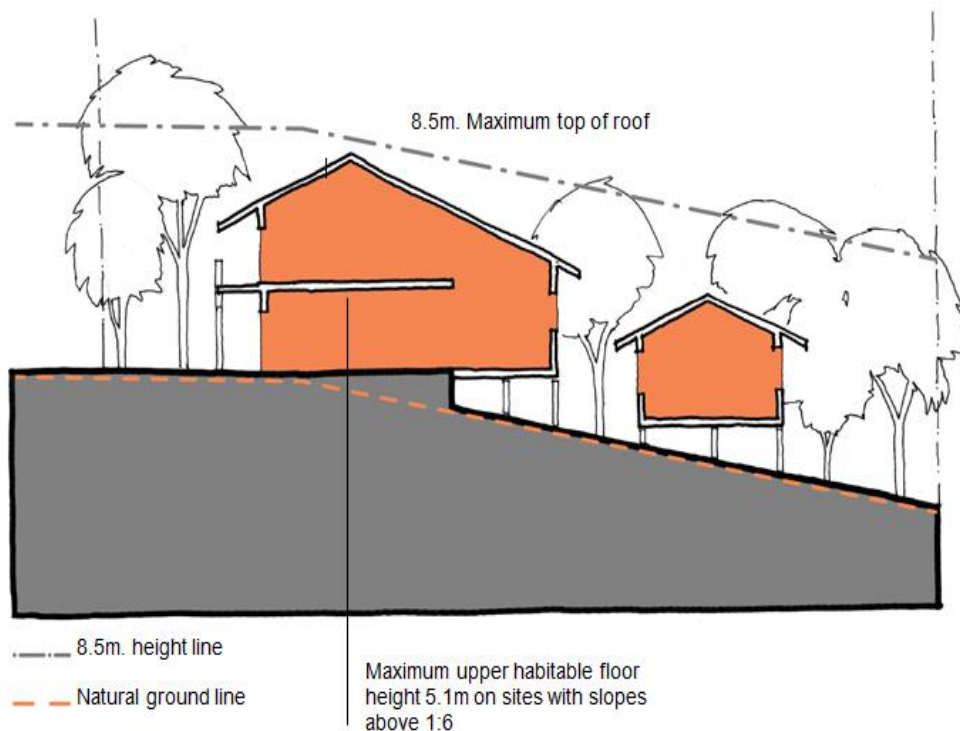
- 1) By utilising the site plan and contours it was determined that the maximum ridge height would be 8.6 metres, which is a non-compliance of 100mm from the DCP requirement of 8.5 metres. Given that this control is both a DCP and LEP requirement, for a two storey dwelling in a village area; it is therefore considered that a variation of 100mm would not be supported.
- 2) As the site has a slope in excess of 1:6, and as the height of the upper most rear verandah is approximately 6.3 metres above ground level, the development does not comply with the maximum 5.1 metre height control relating to floor level height above ground level.

Over half of the left side elevation, (as referenced on plans) and the entire rear elevation, is non-compliant with the 5.1 metre maximum floor height control. The objectives of the DCP which aim *"To maintain a low scale building form which responds to the topography of the site to avoid buildings dominating the streetscape or landscape setting"* is not considered to have been taken into account when designing the proposed development.

The impact of this non-compliance results in the left side elevation and the rear elevation being dominate over the surrounding landscape. Whilst the adjoining sites are currently vacant, the approval of this design will only reinforce to the public Council's acceptance of elevated floor heights. This may then result in surrounding designs which will also try and maximise floor heights so as to not be dominated by the surrounding development.

The building designer has interpreted the slope calculation component of the DCP controls in isolation by only relating to the footprint of the building. However, to ensure the control meets the overriding objectives the slope of the site, in its entirety, needs to be considered and assessed in terms of how the building relates to the topography of the site and the surrounding landscape setting.

Furthermore, the image below from the DCP illustrates where a sloping site must consider the floor height requirements, so as to guarantee the proposal not only responds to the natural topography of the site, but also ensures that the development will not dominate and overlook the surrounding properties.



3) 5.7 Cut and Fill

Objectives

- *To maintain the open character derived from the spaces and landscaping between buildings and the street.*

Controls

- *Visually exposed retaining walls and terraces shall not exceed 0.6m in height on the street frontage and 1.2m in all other areas.*
- *Cut and fill involving benched areas for landscaping shall be restricted to a maximum 25m² per dwelling.*

Comments:

The design requires excavation to a depth of approximately 2.5 metres maximum for the garage. This excavation will not be visible from the street or adjoining sites given that it will be retained within the existing foot print of the dwelling by the garage wall.

This extent of excavation, to allow for the ground floor level garage, reinforces the issue of the design not responding to the topography of the site. Whilst it is acknowledged that excavation on steeply sloping sites is difficult to avoid, when a four car garage is being proposed, on a site with a steep fall and width of approximately 19 metres, it is difficult to justify a variation.

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

Context and Setting

It is not considered that the design of the proposal compliments the natural or built environment of the locality. Since the inception of Great Lakes DCP, in April 2014, several developments have been constructed along First Ridge Road, none of which have had the impact on privacy, overlooking or dominance on surrounding sites, which this proposed dwelling would have.

Site Design and Internal Layout

The designer has provided a letter of justification where he indicated that the customers brief included the requirement for a garage large enough to house his hobby of having more than one vehicle. The justification also stated that the owner is an avid car enthusiast and the placing of a four car garage at the front of the residence could not be justified under the DCP guidelines.

The difficulty in achieving a four car garage on this residential site is both the topography and the size of the site. Whilst locating the garage underneath a two storey dwelling does reduce the impact of a large detached shed/garage in a residential area, it does result in the design of the dwelling being dictated by the garage instead of designing to the site constraints.

Views

It is not considered that the proposed development would have a detrimental impact on the views of surrounding properties, given the orientation of the view and as the site is located along a ridgeline.

Privacy (Aural and Visual)

It is acknowledged that on sloping sites in residential areas there is often an element of overlooking and impact on privacy. In this instance the design of the dwelling is not considered to have taken into account the privacy of the adjoining properties, as it is difficult to maintain privacy when the floor level height is in excess of 6 metres above ground level.

Overshadowing

As the site runs north to south, and as the southern side of the dwelling faces the street frontage, it is considered that the shadow cast will pose minimal impact on the living and private open space areas of the adjoining sites.

Visual Impact

When viewing the proposed rear and left side elevation from an adjoining site, the development looks more consistent with a residential flat building, having the two storeys above garage. The "*low scale which responds to the topography*" objectives from the DCP are not consistent with this development, which results in a negative visual impact when viewed from surrounding properties.

Access, Transport and Traffic

The application was referred to Council's Transport Assets Section who have advised that they have no issues with the proposed development, subject to conditions being imposed in the development consent.

Utilities

Access, Water, Sewer, Electricity and Telephone are available to the allotment.

Drainage

The subject site has a drainage easement at the rear of the site therefore compliant stormwater disposal, through a rain garden filtration system, will be achieved.

Flora and Fauna

The application was referred to Council's Natural Systems Section who have commented as follows:

The application was referred to Council's Natural Systems Section who have commented as follows:

It is recommended that one (1) additional tree in the undeveloped portions of the lot be retained and protected within statutory conditions of consent. Subject to ecological conditions being imposed it is considered that the development application can be positively determined from an ecological perspective.

Climate Change

The proposed development is not impacted by Climate Change or Sea Level Rise implications.

Cumulative Impacts

Approval of the proposed dwelling will make it difficult in the future for Council to refuse developments which have not been designed for the site constraints, and as a result have a detrimental impact on the surrounding locality. Smiths Lake does have a range of varying development within its village; however now with the current DCP guidelines there are clearer controls which assist designers in ensuring both the streetscape and surrounding properties are considered. It should also be noted that this area of First Ridge Road is predominately vacant, being a later release stage of the subdivision, with a minimum of three vacant lots either side of the proposed site. Therefore, approval of the proposed development has the potential to set a precedent for the surrounding vacant sites.

c) The Suitability of the Site for the Development

The site is located in a bushfire prone area and as such will be required to comply with the relevant bushfire protection requirements under Planning for Bushfire Protection 2006, and the relevant Australian Standards.

d) Any Submissions Made in Accordance with the Act or Regulations

The application was notified to adjoining owners in accordance with Council's Policy and no submissions were received. It should be noted that the developer of the subdivision, at time of notification, still owned the surrounding affected sites. It is therefore considered difficult in this scenario to gauge the accurate opinion of surrounding property owners as the adjoining sites are not individually owned.

e) The Public Interest

In view of the potential negative impacts on surrounding properties, and as the development has the potential to set an undesirable precedent, it is considered that the proposal is not in the public's best interest.

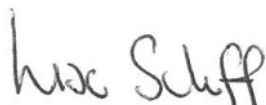
CONCLUSION:

The Development Control requirements aim to ensure future developments achieve a desired outcome for the streetscape and surrounding properties. When designs don't meet either the DCP numeric requirements or objectives it generally indicates that a development has not been considerate of the site constraints or the surrounding environment. It is therefore concluded that the proposed development application be refused.

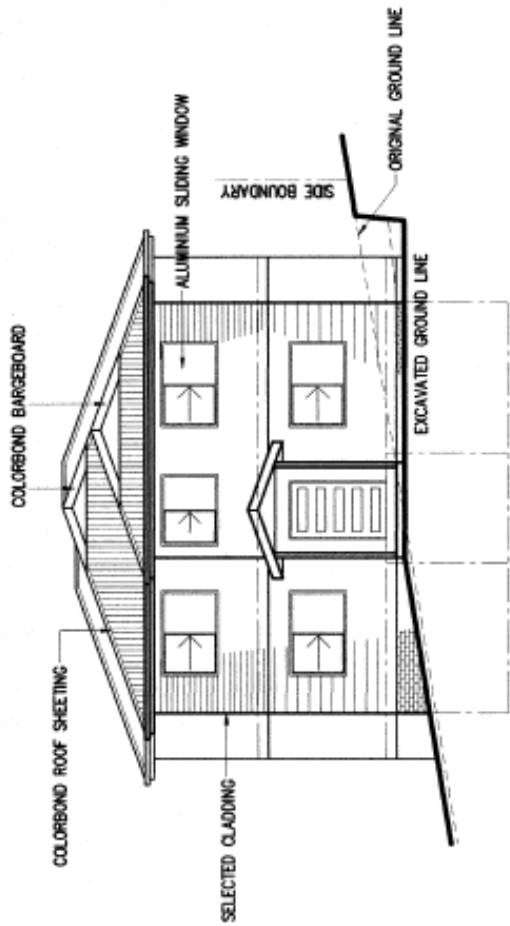
RECOMMENDATION:

That Development Application No. 216/2015, for a proposed Three Storey Dwelling located at Lot 17 DP 1078030, 51 First Ridge Road, Smiths Lake be refused on the following grounds:

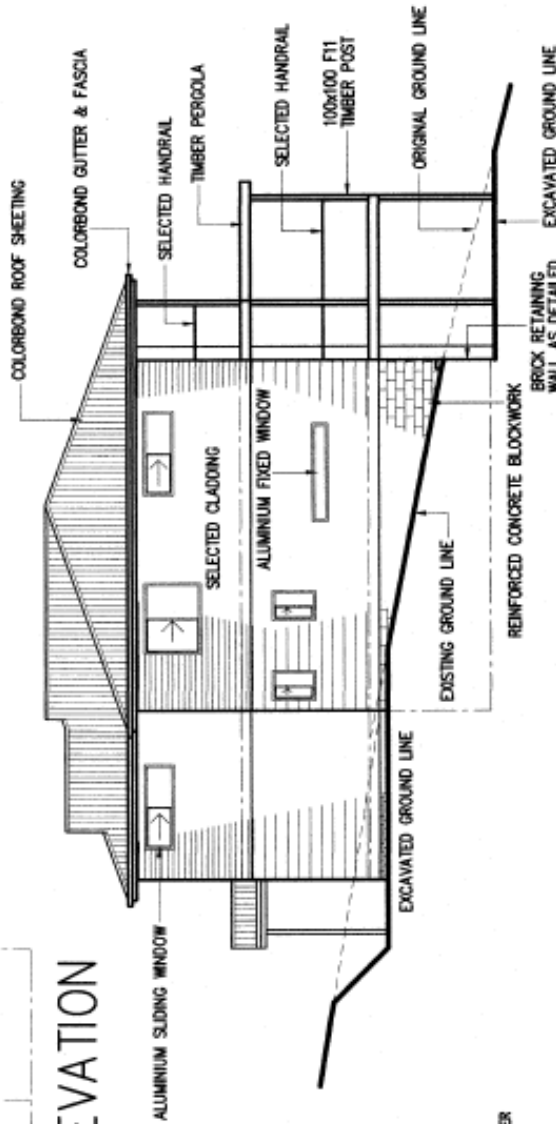
- 1) The design of the proposed dwelling fails to respond to the topography of the site, and as a result will dominate the surrounding properties and the landscape setting.
- 2) The development has the potential to set an undesirable precedent, and is therefore considered to be not in the public's best interest.
- 3) The proposed development fails to meet the objectives or numeric requirements of Section 5.6 "Building Heights" of Great Lakes Development Control Plan, which states *"To maintain a low scale building form which responds to the topography of the site to avoid buildings dominating the streetscape or landscape setting"*.
- 4) The proposed development fails to meet the objectives of Great Lakes Local Environmental Plan 2014, which aim *"To ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality"*.



Lisa Schiff
Director
Planning and Environmental Services



FRONT ELEVATION



RIGHT SIDE ELEVATION

BASIC COMMENTS

- WATER
- SHOWERHEADS TO HAVE MIN 3 STAR RATING (27.5 BUT $\leq 8L/MIN$)
- TOILET FLUSHING SYSTEMS TO HAVE MIN 4 STAR RATING
- BATHROOM BASIN & KITCHEN TAPS TO HAVE MIN 4 STAR RATING
- 5,000 LITRE MIN CAPACITY RAINWATER TANK TO BE INSTALLED
- CONSTRUCTION AND INSTALLATION MUST BE IN ACCORDANCE WITH ALL APPLICABLE REGULATORY AUTHORITIES
- MIN 153mm² OF ROOF AREA TO DRAIN TO RAINWATER TANK
- RAINWATER TANK MUST BE CONNECTED TO ALL TOILETS, THE LAUNDRY & HOT WATER SERVICE TAP & AT LEAST ONE OUTDOOR TAP.
- THERMAL COMFORT
- SUSPENDED FLOOR TO BE INSULATED WITH AN R-VALUE OF AT LEAST R0.80.
- SUSPENDED FLOOR ABOVE GARAGE—NO INSULATION.
- EXTERNAL CLAD STUDWORK INSULATED WITH AN R-VALUE OF AT LEAST R1.50.
- ROOF TO HAVE ALUMINUM FOIL SANDING-BLANKET MIN 35 THICK WITH INSULATION TO PLAN CEILING.
- ROOF COLOR TO BE MEDIUM ENERGY
- HOT WATER SYSTEM TO BE GAS INSTANTANEOUS WITH 4.5 STAR RATING.
- BEDROOM AREAS ARE NOT TO INCORPORATE ANY ACTIVE HEATING SYSTEM.
- BEDROOMS TO BE FITTED WITH CEILING FANS FOR COOLING.
- LIVING AREAS ARE TO INCORPORATE A 2.5 HP REVERSE CYCLE AIR CONDITIONER
- COOLING AND HEATING SYSTEM 1-PHASE ENERGY RATING 3.5 STAR.
- BATHROOMS & LAUNDRY TO HAVE EXHAUST FAN DUCTED TO WALL OR CEILING MANUALLY OPERATED ON & OFF.
- KITCHEN HOODS TO HAVE EXHAUST FAN DUCTED TO WALL OR CEILING MANUALLY OPERATED ON & OFF.
- COOKTOP & OVEN TO BE ELECTRIC.
- REFRIGERATOR SPACE TO BE 'WELL VENTILATED' AS PER THE 'BASIC' DEFINITIONS.
- THERE MUST BE AN OUTDOOR CLOTHES DRYING LINE.

PIPER PLANS

PACIFIC PALMS 0418 428099
ondre@piper360bigpond.com

PROPOSED NEW RESIDENCE

FOR: D & E SMITH

AT: No 51 FIRST RIDGE ROAD SMITHS LAKE

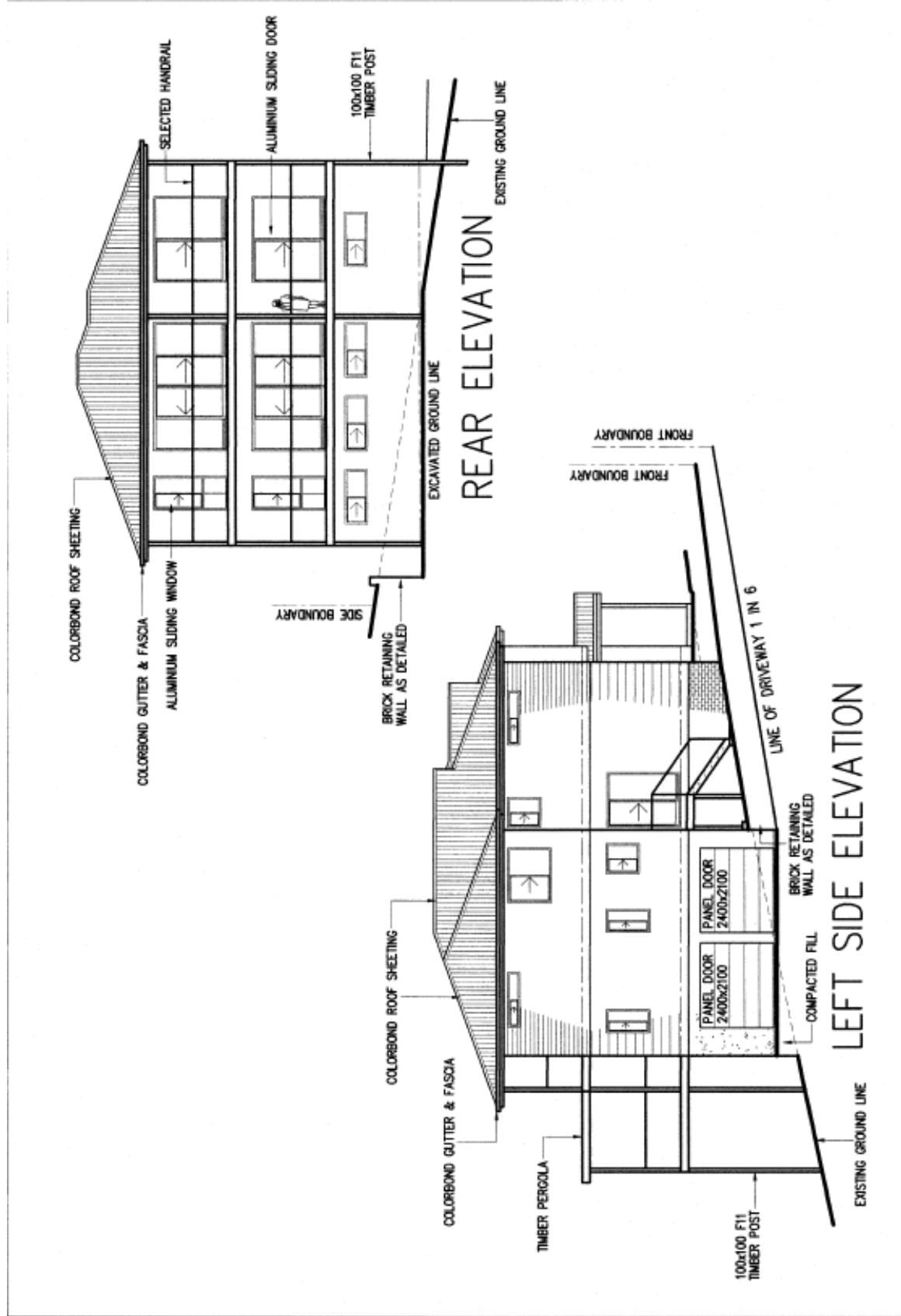
DRAWN: PIPER

DATE: NOV 14

SCALE: 1:100

SHT. No: 5

OF 14



DRAWN: PIPER
 DATE: NOV 14
 SCALE: 1:100
 SHEET: 6 OF 14

PROPOSED NEW RESIDENCE
 FOR: D & E SMITH
 AT: No 51 FIRST RIDGE ROAD SMITHS LAKE

PIPER PLANS
 PACIFIC PALMS 0418 428099
 andrew.piper@bigpond.com