

ENVIRONMENTAL SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY 20TH APRIL 2009



11) DEVELOPMENT APPLICATIONS – MARCH 2009
(Director Environmental Services)

RECOMMENDED:

1. That the Report on Development Applications received for March 2009, be noted.

REPORT

The following is a list of Development Applications received during the month of March 2009, totalling \$1,680,181.80.

DA No.	Applicant	Construction	Value (\$)	Address	Report
107/2009	S Toshack & J Ewin	Erection of a Dwelling	\$140,000	20 Oliver Street, Blayney	No
108/2009	S Toshack & G Ewin	Erection of a Dwelling and Shed	\$140,000	7 Vidler Place, Blayney	No
109/2009	S & K Toshack	Erection of a Dwelling and Garage	\$238,000	23 Raphael Street, Blayney	No
110/2009	Phil Gaeta	Erection of a Dwelling	\$400,000	597 Millthorpe Road, Blayney	No
111/2009	C & M Turner	Erection of an Awning	\$4,500	28 Hillside Lane, Forest Reefs	No
112/2009	John Power	Erection of a Laboratory Building	\$120,000	1 Jarman Crescent, Blayney	No
113/2009	Blayney Preschool	Erection of a Shed	\$9,000	17 Lindsay Street, Blayney	No
114/2009	Nestle Purina Petcare	Demolition of Dwelling and Sheds	\$17,000	112 Browns Creek Road, Blayney	No
115/2009	Tony Smith	Extension to Existing Dwelling	\$70,681.80	13 Napier Street, Blayney	No
116/2009	FG & DIA Coleman	Erection of a Dwelling, Garage and Water Tank	\$220,000	1391 Forest Reefs Road, Forest Reefs	No
117/2009	WR & PA King	Erection of a Garage, Workshop and Storage Shed	\$21,000	12 Belubula Street, Carcoar	No
118/2009	BJH & M Cook	Erection of a Dwelling	\$300,000	53 Tooheys Lane, Blayney	No
119/2009	WITHDRAWN				
TOTAL MARCH 2009			\$1,680,181.80		
TOTAL THIS FINANCIAL YEAR			\$17,973,651.90		

It is noted that no Development Applications were submitted to Council seeking a variation of development standards under SEPP1 within this reporting period.

BUDGET IMPLICATIONS

Applications provide processing fees.

POLICY CONSIDERATIONS

Nil effect.

12) DEVELOPMENT APPROVALS – MARCH 2009
(Director Environmental Services)

RECOMMENDED:

1. That the Report on Development Approvals for March 2009 be noted.

REPORT

The following is a list of Development approvals determined during the month of March 2009.

DA No.	Applicant	Construction	Address	Determination Date
203/2007	Craig & Lisa Aubrey	Subdivision of One (1) Lot into Eight (8) Lots	665 Forest Reefs Road, Forest Reefs	10/02/2009
102/2009	Millthorpe & District Historical Society	Construction of Internal Walls and Ceiling to Create Enclosed Display Area Within Existing Museum Building	37 Park Street, Millthorpe	02/03/2009
98/2009	GJ Gardner Homes	Erection of a Dwelling	113 Forest Reefs Road, Millthorpe	03/03/2009
100/2009	Anthony Redfern	Erection of a Garage	8 Bluett Close, Forest Reefs	04/03/2009
94/2009	Dave Cowan Constructions	Erection of a Relocated Dwelling	7 Egbert Street, Neville	04/03/2009
66/2009	Coleman's Earthmoving and Plant Repairs Pty Ltd	Gravel Quarry	140 Kinghams Lane, Millthorpe	10/03/2009
85/2009	Western White Linen	Erection of a Water Tank and a Water Recycling System	190 Marshalls Lane, Blayney	10/03/2009
77/2009	Daniel Clinton	Erection of a Dwelling, Garage/Workshop and Sheds/Stables	301 Lawson Road, Panuara	17/03/2009
69/2009	Blayney Shire Council	Two (2) Lot Subdivision	31 Gerty Street, Blayney	01/04/2009
107/2009	S Toshack & J Ewin	Erection of a Brick Veneer Dwelling	20 Oliver Street, Blayney	01/04/2009
106/2009	C McNab & SL Fisher	Demolition or Removal of Existing Dwelling and Construction of a New Dwelling	218 Junction Reefs Road, Mandurama	06/04/2009
111/2009	CF & MA Turner	Erection of an Awning	28 Hillside Lane, Forest Reefs	06/04/2009

BUDGET IMPLICATIONS

Applications provide processing fees.

POLICY CONSIDERATIONS

Nil effect.

- 13) **DA 173/2007 – ESTABLISHMENT OF A TELECOMMUNICATION COMPOUND INCLUDING THE ERECTION OF AN 80 METRE HIGH STEEL ANGLE TOWER AND ERECTION OF AN EQUIPMENT HUT**
(Senior Town Planner)

RECOMMENDED:

1. That the Report on DA 173/2007 – Establishment of a Telecommunication Compound including the erection of an 80 metre high steel angle tower and the erection of an equipment hut be received and noted.

REPORT

At the August 2008, Ordinary Council Meeting held on the 11th August 2008, it was resolved by Council that:

That the Director of Environmental Services be granted Delegated Authority to determined Development Application 173/2007. Following negotiation of appropriate conditions with the applicant the Crown. (Braddon/Williams).

Please find attached a copy of the report presented at the August Ordinary Council Meeting.

On the 5th February 2009, Council issued development consent for the establishment of a telecommunication compound including the erection of an 80 metre high steel angle tower and the erection of an equipment hut, subject to conditions of consent. Please find attached a copy of the development consent.

It is noted that an application for a Construction Certificate was lodged in Council on the 12th March 2009 and is currently being assessed.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

14) **REVIEW OF POLICY - ERECTION OF GARAGES, CARPORTS AND DOMESTIC SHEDS WITHIN THE 2(v) VILLAGE OR URBAN ZONES**
(Director Environmental Services)

RECOMMENDED:

1. That the Amended Erection of Garages, Carports and Domestic Sheds Policy be endorsed in principle and placed on public exhibition for a period of twenty-eight (28) days and a further report be submitted to Council detailing any submissions received over this period.
2. That Council delegate authority to the Director Environmental Services to determine DA117/2009, Erection of a Garage, Workshop and Storage Shed, 12 Belubula Street, Carcoar.

REPORT

Council adopted the current Erection of Garages, Carports and Domestic Sheds Policy at the August 2007 Council meeting.

This policy is intended as a guideline for the erection of garages and carports within Blayney Shire Council's Village or Urban Zones. In assessing development proposals, Council has regard to the provisions of the Environmental Planning and Assessment Act, 1979; how the development conforms with the provisions of this Policy; and how it satisfies the objectives and principles of other relevant legislation and planning controls.

In recent times Council has seen the erection of garages within the 2(v) Village or Urban Zones which are considered to dominate the streetscape as they are being built in front of the main building line of dwellings, which has a negative effect on Blayney Shire's villages and their urban character. In order to ensure the quality of the Shire's villages are maintained it was considered necessary to introduce a policy which guides the erection of garages and carports within Blayney Shire Council's Village or Urban Zones.

The maximum size and requirements of garages, carports and domestic sheds within the 2(v) Village or Urban Zones are listed as:

- a. The eave height of the proposed shed be no higher than two point seven (2.7) metres from ground level.
- b. The ridge height of the proposed shed be no higher than four point two (4.2) metres from ground level.
- c. The floor area of all sheds (attached or detached to the dwelling) shall be limited to a maximum area of 84m² per allotment or assessment.
- d. All sheet metal sheds be constructed out of colorbond material (or galvanised iron in Heritage Conservation Areas).
- e. The use and colour scheme of the proposed shed be submitted at the time of lodgement of the development application.
- f. Consideration may be given to vary these specifications if appropriate justification is provided with the development application.

Since its adoption the policy has been effective in providing guidance for applicants and staff in relation to development proposals. However, it has become evident that

in heritage conservation areas and on heritage listed properties, the maximum requirements listed as a, b or c (above) are not necessarily consistent with the existing buildings on the allotment and/or the design principals required to address heritage issues.

It is suggested that where these requirements are varied due to design principles being engaged to address heritage issues and, in the opinion of the Director Environmental Services, the construction of the garage or carport does not negatively impact upon the urban character by visually dominating the streetscape, the Director Environmental Services may vary those requirements.

To allow this variation an additional draft clause has been added to the attached policy for consideration.

As further evidence to this situation, DA117/2009, Erection of a Garage, Workshop and Storage Shed, 12 Belubula Street, Carcoar has been received by Council. This application was developed by the applicant following onsite meetings with Council's Heritage Advisor and Director Environmental Services. Other than the variances required to suitably address the location within the Heritage Conservation Area, the application is routine and would not come before Council. It is suggested that in this instance it would be appropriate that Council delegate authority to the Director Environmental Services to determine DA117/2009, Erection of a Garage, Workshop and Storage Shed, 12 Belubula Street, Carcoar.

As such the above recommendations are presented for Council's consideration.

SUPPORTING DOCUMENTATION

- Amended policy for the erection of garages, carports and domestic sheds within the 2(v) Village or Urban Zones.
- Site Plan and elevations DA 117/2009 – 12 Belubula Street, Carcoar.
- Heritage Advisor's Report.

POLICY IMPLICATIONS

Policy review in relation to the erection of garages, carports and domestic sheds within Blayney Shire Council's village areas (2(v) Village or Urban Zones).

BUDGET IMPLICATIONS

Nil effect

**15) DA 104/2009 – ERECTION OF A CARPORT – 44 ADELAIDE STREET
BLAYNEY**

(Trainee Environmental Health and Building Surveyor)

RECOMMENDED:

1. That Council grant consent to Development Application No. 104/2009 for the erection of a carport at 44 Adelaide Street, Blayney, subject to the conditions contained in the attached Schedule "A".

REPORT

Applicant: J & W Hayden
Owner: J & W Hayden
Application No: 104/2009
Zone: 2 (v) Urban or Village
Date Received: 16 February 2009
Assessment No: 583-00000-5
Property: Lot 1 DP900422 – 44 Adelaide Street, Blayney.
Proposed Development: Erection of a carport

Council has received Development Application 104/2009 for the erection of a carport at 44 Adelaide Street, Blayney.

The proposed carport is 5.5 X 7.5m (41.25m²) with a 2.7m eave height and is located near the northern boundary of the allotment. The proposed development varies from Council's *Garage and Carport and Domestic Sheds in Village or Urban Zones Policy*. Existing shed on property = 90m², proposed carport = 41.25m². Policy states *maximum area of all sheds (attached or detached to the dwelling) shall be limited to a maximum area of 84m² per allotment or assessment.*

Section 79C Assessment:**(a)(i) the provision of any environmental planning instrument**

State Environmental Planning Policy's (SEPP)

SEPP No.	DESCRIPTION	COMMENT
No. 1	Development Standards	Not applicable
No. 4	Development without consent. and Miscellaneous Exempt and Complying Development	Not applicable
No. 6	Number of Storeys in a Building	Not applicable
No. 8	Surplus Public Land	Not applicable
No. 9	Group Homes.	Not applicable
No. 11	Traffic Generating Developments.	Not applicable
No. 15	Rural Landsharing Communities	Not applicable
No. 16	Tertiary Institutions	Not applicable
No. 21	Caravan Parks	Not applicable
No. 22	Shops and Commercial Premises.	Not applicable
No. 30	Intensive Agriculture	Not applicable
No. 32	Urban Consolidation (Redevelopment of Urban Land).	Not applicable
No. 33	Hazardous & Offensive Development	Not applicable
No. 34	Major Employment Generating Industrial Development	Not applicable

No. 35	Maintenance Dredging of Tidal Waterways	Not applicable
No. 36	Manufactured Home Estates	Not applicable
No. 37	Continued Mines & Extractive Industries.	Not applicable
No. 44	Koala Habitat Protection	Not applicable
No. 45	Permissibility of Mining	Not applicable
No. 48	Major Putrescible Landfill Sites.	Not applicable
No. 50	Canal Estate Development	Not applicable
No. 55	Remediation of Land	Not applicable
No. 64	Advertising and Signage	Not applicable
No. 65	Design and Quality of Residential Flat Development	Not applicable
ARTC Rail Infrastructure	ARTC Rail Infrastructure 2004	Not applicable
Seniors Living	Seniors Living 2004	Not applicable
BASIX	(Building Sustainability Index: BASIX) 2004	Not applicable
Major Projects	SEPP (Major Projects) 2005	Not applicable
Rural Lands	SEPP (Rural Lands) 2008	Not applicable
Exempt and Complying Development	SEPP (Exempt and Complying Development Codes) 2008	Not applicable

Regional Environmental Plan (REP)

None relevant

Local Environmental Plan (LEP)

The subject land is zoned 2 (v) Urban or Village under the provisions of the *Blayney Local Environmental Plan 1998*. The erection of a carport within the zone is permissible, subject to the consent of Council in accordance with the provisions of the *Blayney Local Environmental Plan 1998*.

Zone Objectives

The objective of this zone is to promote development in existing towns and villages in a manner which is compatible with their urban function.

The proposed development is permissible within the subject land, and is considered compatible with the existing urban function.

Permissibility

The proposed development is permissible with the development consent of Council under the *Blayney Local Environment Plan 1998*.

(a) (ii) the provision of any draft environmental planning instrument

There are no known draft environmental planning instruments applicable to the subject land.

(a) (iii) any development control plans

There are no Development Control Plans applicable to the subject land; however, Council's *Garage and Carport and Domestic Sheds in Village of Urban Zones Policy* applies to the subject application. Justification from the applicant was required as the proposed development varied from Council's policy.

'The floor area of all sheds (attached or detached to the dwelling) shall be limited to a maximum area of 84m² per allotment or assessment.' The proposed carport varies from Council's policy in that the total floor area exceeds the maximum allowable area of 84m². The applicant demonstrated in the submitted justification that the proposed development is for parking and is to minimise slipping in inclement weather.

(a) (iv) any matters prescribed by the regulations

Clause 92 of the Environmental Planning and Assessment Act 2000 prescribes certain matters that must be considered by Council in determining a development application. There are no relevant prescribed matters that would apply to this proposal.

(b) the likely impacts of the development

Context and Setting

The subject land is located in a 2 (v) Urban or Village zone and has an existing dwelling, verandah and a steel shed on the subject site. The surrounding land use is characterised by residential development.

Access, Transport and Traffic

Access to the subject site is via Adelaide Street, which is full width bitumen sealed with kerb and gutter and grassed footpaths. The proposed development is intended to be used for vehicular storage. Existing vehicle access to the proposed area is considered satisfactory.

Utilities

The subject site has existing services connected to the allotment; however, the proposed carport does not propose any electricity, water or effluent disposal due to the intended use for vehicle storage. The stormwater will be diverted to the existing drainage line.

Heritage

European Heritage

There are no known heritage items on the subject site. It is noted that the existing dwelling house on the subject land is an Item of Interest under Council's *Built Heritage Study 1991*. Adjoining the subject site is "The Croft House" – 40 Adelaide Street, Blayney which is a listed Heritage Item in Schedule 2 of the *Blayney Local Environment Plan 1998*. The proposed development was referred to Council's Heritage Advisor for comment, the application was considered generally appropriate.

Aboriginal Heritage

There are no items of Aboriginal heritage located on the subject land

Other Land Resources

The subject site is a residential allotment, with an existing dwelling and steel shed.

Water, Air, Soil & Microclimate

The proposed development is not likely to cause any adverse impacts in terms of water, air, soil or microclimate.

Flora & Fauna

The proposed development will have no adverse impacts on the flora and fauna communities on the subject site.

Waste

Any waste generated from the construction of the proposed development will be removed from the subject site after the completion of works.

Noise and Vibration

The proposed development will not increase the noise or vibration in the locality, due to the nature of the development and its intended use as a carport.

Natural Hazards

There are no known natural hazards on the subject site.

Technological Hazards

Council has no records or evidence to suggest that the site may be contaminated and it is unlikely that the subject land would be subject to any form of land contamination.

Safety, Security & Crime Prevention

The proposed development addresses the principles of safety, security and crime prevention through the design of the carport by portraying a sense of ownership, respect and territorial responsibility under the principles of CPTED.

Social & Economic Impact on the locality

The proposed development is unlikely to generate negative social or economic impacts on the locality, due to the nature of the development and its intended use as a carport.

Construction

The development involves the construction of a carport, which is to be built in accordance with the Building Code of Australia.

Site Design and Internal Design

The site design of the proposed development is considered generally appropriate. The proposed carport is to be located on the northern side of the existing dwelling, and will be behind the building line.

Cumulative Impacts

It is considered unlikely that any cumulative impacts will be experienced as a result of the proposed development.

The suitability of the site for the development

It is considered that the subject site is suitable for the proposed development.

(c) any submissions made in accordance with this Act or the regulations

The development application was referred to adjoining land owners on the 17th February 2009, for comment in accordance with Council's *Public Notification of Development Application Policy*. No submissions were received.

(d) the public interest

The public interest is recognised by Council's consideration of the proposal.

BUDGET IMPLICATIONS

Nil

POLICY CONSIDERATIONS

Development Application 104/2009 is in variance of Council's *Garage and Carport and Domestic Sheds in Village or Urban Zones Policy* for the erection of a carport at 44 Adelaide Street, Blayney.

CONCLUSION

Based on the matters outlined in this report, it is recommended that Council grant consent to Development Application 104/2009 for the erection of a carport, subject to the conditions contained in the attached Schedule "A".

SCHEDULE "A"

1. The determination shall be regarded as being in accordance with the particulars and endorsed plans set out and described in Development Application No. 104/2009 registered in Council's records as of 16/02/2009 except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent of Council.

GENERAL

REASON: To comply with Council's policy and requirements for development.

2. That the external wall/roof cladding be of a colourbond type material, which is of a non-reflective nature.
3. As Principal Certifying Authority, Council will require to inspect the various stages of construction as follows:
 - a. Strip footing/slab etc. when steel is laid prior to pouring concrete.
 - b. Storm Water disposal, prior to covering of pipes.
 - c. Final – when building is completed and painted, in accordance with approved plans and specifications, **prior to occupation.**

It should be noted that if a stage requires a second inspection, due to work being incomplete or wrong, Council may require an additional fee to carry out the work.

STATUTORY**REASON: To comply with Council's statutory requirements.**

4. That all Certificates issued in relation to the development are to be submitted to Council.
5. That the building be constructed and maintained in accordance with the requirements of the Building Code of Australia.
6. That the carport shall not be used for residential occupation, commercial or industrial purposes.

ENVIRONMENTAL**REASON: To comply with Council's statutory requirements.**

7. That the applicant install, prior to the commencement of works, adequate sediment and soil erosion controls in accordance with Council's Erosion and Sediment Control Policy (copy attached).
8. That before the commencement of any work, a sign is to be erected at the front boundary of the land clearly identifying the lot number and names of the owner, builder and licence number and emergency telephone contact numbers.
9. That any damage to Council's footpath, road and other land being restored in accordance with Council's specifications. Contact Council's Works & Services Department.
10. That no materials or machinery to be used in the construction of the building shall be stored or stacked on Council's footpath, nature strip or roadway.

DRAINAGE**REASON: To comply with Council's requirements to ensure the site / buildings are adequately protected from storm water.**

11. That the stormwater be discharged to the street gutter, or stormwater system.

HERITAGE**REASON: To comply with Council's requirement for the impact of the development on the locality.**

12. That the colour finish of the carport match the colour of the existing roof on the existing dwelling house.

16) DA 96/2009 – ERECTION OF A SHED FOR WORKSHOP AND STORAGE PURPOSES – 1 CURTAIN STREET NEWBRIDGE
(Trainee Environmental Health and Building Surveyor)

RECOMMENDATION

1. That Council grant consent to Development Application No. 96/2009 for the erection of a shed for workshop and storage purposes at 1 Curtain Street, Newbridge, subject to the conditions contained in the attached Schedule "A".

REPORT

Applicant:	M & W Bevan
Owner:	M & W Bevan
Application No:	96/2009
Zone:	2 (v) Urban or Village
Date Received:	4 February 2009
Assessment No:	1486-02100-7
Property:	Lot 5 DP798289 – 1 Curtain Street, Newbridge
Proposed Development:	Erection of a shed for workshop and storage purposes.

Council has received Development Application 96/2009 for the erection of a shed for workshop and storage purposes at 1 Curtain Street, Newbridge.

The proposed development has two levels and has a total floor area of 9.99 metres X 9.00 metres (89.91m²) with a 2.4 metre eave height, 6.15 metre ridge height and is located near the southern boundary of the allotment.

The proposed development varies from Council's *Garage and Carport and Domestic Sheds in Village or Urban Zones Policy*. Existing shed on property = 25.67m², proposed shed = 89.91m² and the ridge height is 6.15 metres. Council's policies states *the ridge height of the proposed shed be no higher than four point two (4.2) meters from ground level and that the floor area of all sheds (attached or detached to the dwelling) shall be limited to a maximum area of 84m² per allotment or assessment.*

Section 79C Assessment:

(a)(i) the provision of any environmental planning instrument

State Environmental Planning Policy's (SEPP)

SEPP No.	DESCRIPTION	COMMENT
No. 1	Development Standards	Not applicable
No. 4	Development without consent. and Miscellaneous Exempt and Complying Development	Not applicable
No. 6	Number of Storeys in a Building	Not applicable
No. 8	Surplus Public Land	Not applicable
No. 9	Group Homes.	Not applicable
No. 11	Traffic Generating Developments.	Not applicable
No. 15	Rural Landsharing Communities	Not applicable

No. 16	Tertiary Institutions	Not applicable
No. 21	Caravan Parks	Not applicable
No. 22	Shops and Commercial Premises.	Not applicable
No. 30	Intensive Agriculture	Not applicable
No. 32	Urban Consolidation (Redevelopment of Urban Land).	Not applicable
No. 33	Hazardous & Offensive Development	Not applicable
No. 34	Major Employment Generating Industrial Development	Not applicable
No. 35	Maintenance Dredging of Tidal Waterways	Not applicable
No. 36	Manufactured Home Estates	Not applicable
No. 37	Continued Mines & Extractive Industries.	Not applicable
No. 44	Koala Habitat Protection	Not applicable
No. 45	Permissibility of Mining	Not applicable
No. 48	Major Putrescible Landfill Sites.	Not applicable
No. 50	Canal Estate Development	Not applicable
No. 55	Remediation of Land	Not applicable
No. 64	Advertising and Signage	Not applicable
No. 65	Design and Quality of Residential Flat Development	Not applicable
ARTC Rail Infrastructure	ARTC Rail Infrastructure 2004	Not applicable
Seniors Living	Seniors Living 2004	Not applicable
BASIX	(Building Sustainability Index: BASIX) 2004	Not applicable
Major Projects	SEPP (Major Projects) 2005	Not applicable
Rural Lands	SEPP (Rural Lands) 2008	Not applicable
Exempt and Complying Development	SEPP (Exempt and Complying Development Codes) 2008	Not applicable

Regional Environmental Plan (REP)

None relevant

Local Environmental Plan (LEP)

The subject land is zoned 2 (v) Urban or Village Zone under the provisions of the *Blayney Local Environmental Plan 1998*. The erection of a shed for workshop and storage purposes within the zone is permissible, subject to the consent of Council in accordance with the provisions of the *Blayney Local Environmental Plan 1998*.

Zone Objectives

The objective of this zone is to promote development in existing towns and villages in a manner which is compatible with their urban function.

The proposed development is permissible within the subject land and is considered compatible with the existing urban function.

Permissibility

The proposed development is permissible with the development consent of Council under the *Blayney Local Environment Plan 1998*.

(a)(ii) the provision of any draft environmental planning instrument

There are no known draft environmental planning instruments applicable to the subject land.

(a) (iii) any development control plans

There are no Development Control Plans applicable to the subject land; however, Council's *Garage and Carport and Domestic Sheds in Village of Urban Zones Policy* applies to the subject application. Justification from the applicant was required as the proposed development varied from Council's Policy. Please refer to the attached submitted justification.

'The ridge height of the proposed shed be no higher than four point two (4.2) meters from ground level.'

The applicant states *the block itself is on very low level, in fact the cross street (Campbell Street) is higher than our block the only part of the proposed shed visible from Campbell Street would be part of the roof of the proposed shed.* As such, due to the topography of the land sloping south, the location of the existing shed and existing landscaping along the eastern boundary of the allotment, it is considered that the proposed development will be sheltered from Campbell Street and adjoining landowners. The applicant also indicates that *the reason we opted for a tall shed is that we do not wish to have a sprawling building taking up great part of the block creating a larger footprint on the environment and still satisfies our requirements.*

The floor area of all sheds (attached or detached to the dwelling) shall be limited to a maximum area of 84m² per allotment or assessment.'

The existing shed is located on the northern boundary of the allotment and has a total area of 25.67m² and the proposed development has a total area of 89.91m, which exceeds Council's Policy. The existing shed can be viewed from Campbell Street which shelters the proposed development. The applicant states *that the proposed shed is not intended to be used as a dwelling it is a shed, a workshop catering for William's woodworking and Maria's lead lighting hobbies as well as storage space.*

(a) (iv) any matters prescribed by the regulations

Clause 92 of the Environmental Planning and Assessment Act 2000 prescribes certain matters that must be considered by Council in determining a development application. There are no relevant prescribed matters that would apply to this proposal.

(b) the likely impacts of the development**Context and Setting**

The proposed development is located on a 2(v) Urban or Village Zone and has one (1) existing shed located on the subject land. The surrounding land use is characterised by residential development and vacant land. The subject land adjoins 1(a) General Rural Zone to the south, which appears to be used for the purposes of grazing stock.

Access, Transport and Traffic

Vehicular access is considered unsatisfactory. Curtain Street has no formed kerb/guttering system and no formed bitumen seal access road to the subject land. A standard condition of consent will apply that will require the applicant to construct and create a road within the existing road reserve to half the width of Council's RB1 Bitumen Road Standard.

Utilities

The subject land is not serviced by sewer or stormwater disposal. The proposed development does not propose any effluent disposal due to the intended use of the proposed development for workshop and storage purposes. The stormwater will be diverted to the existing stormwater tank and tank overflow is to be discharged to the existing overland gully.

Electricity is connected to the subject land.

Heritage

European Heritage

There are no known heritage items on the subject site.

Aboriginal Heritage

There are no items of Aboriginal heritage located on the subject land.

Other Land Resources

The subject site is a residential allotment, with an existing shed and rainwater tank. The surrounding land use is characterised by residential development and vacant land. The subject land adjoins 1(a) General Rural Zone to the south, which appears to be used for the purposes of grazing stock.

Water, Air, Soil & Microclimate

The proposed development is not likely to cause any adverse impacts in terms of water, air, soil or microclimate.

Flora & Fauna

The proposed development will have no adverse impacts on the flora and fauna communities on the subject site.

Waste

Any waste generated from the construction of the proposed development will be removed from the subject site after the completion of works. The proposed development does not propose any effluent disposal due to the intended use for workshop and storage purposes.

Noise and Vibration

The proposed development will not increase noise or vibration in the locality, due to the nature of the development for a workshop and storage purposes. Noise and vibration may increase during the construction phase.

Natural Hazards

There are no known natural hazards on the subject land.

Technological Hazards

Council has no records or evidence to suggest that the subject land may be contaminated and it is unlikely that the subject land would be subject to any form of land contamination.

Safety, Security & Crime Prevention

The proposed development addresses the principles of safety, security and crime prevention through the design of the carport by portraying a sense of ownership, respect and territorial responsibility under the principles of CPTED.

Social & Economic Impact on the locality

The proposed development is unlikely to generate negative social or economic impacts in the locality, due to the nature of the development and its intended use as a workshop and storage purposes.

Construction

The development involves the construction of a shed, which is to be built in accordance with the Building Code of Australia.

Site Design and Internal Design

The site design of the proposed development is considered generally appropriate for the intended use of a workshop and storage purposes due to the existing landscaping, built structures and topography of the land.

Cumulative Impacts

It is considered unlikely that any cumulative impacts will be experienced as a result of the proposed development.

The suitability of the site for the development

It is considered that the subject site is suitable for the proposed development.

(c) any submissions made in accordance with this Act or the regulations

The development application was referred to adjoining land owners on the 17th February 2009, for comment in accordance with Council's *Public Notification of Development Application Policy*. No submissions were received.

(d) the public interest

The public interest is recognised by Council's consideration of the proposal.

BUDGET IMPLICATIONS

Nil

POLICY CONSIDERATIONS

Development Application 96/2009 is in variance of Council's *Garage and Carport and Domestic Sheds in Village or Urban Zones Policy* for the erection of a shed for workshop and storage purposes at 1 Curtain Street, Newbridge.

CONCLUSION

Based on the matters outlined in this report, it is recommended that Council grant consent to Development Application 96/2009 for the erection of a shed for workshop and storage purposes, subject to the conditions contained in the attached Schedule "A".

SCHEDULE "A"

CONDITIONS ISSUED WITH DEVELOPMENT APPLICATION 96/2009

1. The determination shall be regarded as being in accordance with the particulars and endorsed plans set out and described in Development Application No. 96/2009 registered in Council's records as of 14/02/2009 except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent of Council.

ACCESS

REASON: To comply with Council's policy and requirements for the provision of access.

2. That access from the road shoulder to the property be constructed to Council's policy standard of bitumen seal, with adequate drainage to be determined by the access location, in consultation with Council.
3. That the applicant construct a road within the existing road reserve to half width of Council's RB1 Bitumen Road Standard.

GENERAL

REASON: To comply with Council's policy requirements for development.

4. That the external wall/roof cladding be of a colourbond type material, which is of a non-reflective nature.
5. That the removal of trees from the site be restricted to the area to be occupied by the building and paved surfaces only, unless further consent is obtained from Council.
6. As Principal Certifying Authority, Council will require to inspect the various stages of construction as follows:
 - a. Strip footing/slab etc. when steel is laid prior to pouring concrete.
 - b. Stormwater drainage before covering.
 - c. Final – when building is completed and painted, in accordance with approved plans and specifications, **prior to occupation.**

It should be noted that if a stage requires a second inspection, due to work being incomplete or wrong, Council may require an additional fee to carry out the work.

STATUTORY

REASON: To comply with Council's statutory requirements.

7. That all Certificates issued in relation to the development are to be submitted to Council.

8. That the building be constructed and maintained in accordance with the requirements of the Building Code of Australia.
9. That an Owner Builder Permit or Home Owners Warranty Insurance be provided to Council prior to the issue of a Construction Certificate.
10. That the shed shall not be used for residential occupation, commercial or industrial purposes.

ENVIRONMENTAL

REASON: To comply with Council's statutory requirements.

11. That the applicant install, prior to the commencement of any works, adequate sediment and soil erosion controls in accordance with Council's sediment and soil erosion controls in accordance with Council's Erosion and Sediment Control Policy (copy attached).

CONSTRUCTION

REASON: To comply with Council's policy and requirements.

12. That before commencement of any work, a sign is to be erected at the front boundary of the land clearly identifying the lot number and names of the owner, builder and licence number and emergency telephone contact numbers.
13. That any damage to Council's footpath, road or other land being restored in accordance with Council's specifications. Contact Council's Works & Services Department.
14. That no material or machinery to be used in the construction of the building shall be stores or stacked on Council's footpath, nature strip or roadway.
15. That there be no burning of waste material, felled trees or other material on the site.
16. That a temporary water closet be provided before the commencement of any site or building work in accordance with Clause 78I of the Environmental Planning and Assessment Regulation 1994.

DRAINAGE

REASON: To comply with Council's requirements to ensure the site/buildings are adequately protected from stormwater.

17. All roofed areas are to be drained and water from those areas conveyed to the stormwater tank on site. Tank overflow is to be discharged to the existing overland gully.
18. That a drainage plan indicating the location of the drainage pipelines be submitted to Council at the time of installation of such pipes.

17) **DRAFT AMENDMENT TO BSC 1 RURAL ROADS S94 CONTRIBUTIONS PLAN**
(Director Environmental Services)

RECOMMENDED:

1. That the draft Contributions Plan, BSC 1 - Rural Roads adopted as Blayney Shire Council Contributions Plan, BSC 1 - Rural Roads in accordance with the requirements of the Environmental Assessment and Planning Act 1979.

REPORT

Further to the December 2008 Council meeting where Council resolved:

08/353) RESOLVED:

1. *That Council adopt the draft Contributions Plan, BSC 1 - Rural Roads and place the Draft Plan on exhibition for public display in accordance with the requirements of the Environmental Assessment and Planning Act 1979.*
2. *That the draft amended Blayney Shire Council 1- Rural Roads contributions figures be advertised, as required by Section 610F of the Local Government Act 1993, as an amendment to the fees detailed in Council's Management Plan, for a period of 28 days and a further report be presented to Council addressing any submissions that are received during this period.*
3. *That a further report be brought to Council detailing submissions received during the exhibition period. (Ferguson/Radburn)*

Draft Contributions Plan, BSC 1 - Rural Roads was placed on exhibition for public display in accordance with the requirements of the Environmental Assessment and Planning Act 1979. The public were given the opportunity to consider this updated and amended version of Council's Section 94 Contributions Plan, BSC 1 Rural Roads.

A subsequent review has been carried out with regard to the one submission received from Mr. Geoffrey Evers of G W Evers Pty Ltd (attached).

Mr. Evers commented as follows, *"My first comment relates to the overall document. It is a very confusing and confused document. The 2002 version of this document was, I believe, written as a "shotgun" coverage of a wide ranging number of minor developments when there was little happening within the Shire. When "concessional lots" were being developed this Plan was acceptable. This edition of the Plan can now be aimed at specific areas that are currently zoned for development. Costs can be more accurately assessed and actual costs can be recovered."*

The remainder of Mr. Evers submission raised several questions in relation to the methodology of the current plan.

Council would be aware that this review is intended as a minor review principally to address inappropriate discounting of the contributions required under the plan and reinstatement of the original method of calculation.

Further it aims to remove the RG 1, Minor Gravel Road Standard to 60kmh - < 25 AADT, as an appropriate road standard and only allow this standard of construction on “rights of way” with an AADT of less than 16 vehicles per day.

Council's Contribution per Development as listed in the Management Plan would be modified as follows:

Rural Roads	Current 2008/2009 Contribution per Development (CPI)	Recommended Contribution per Development
RG1 < 25 AADT	\$1,801	\$5,760
RG2 25 > - 50 AADT	\$1,801	\$6,860
RG3 >50 AADT	\$1,801	\$8,640
RB1 Local Roads	\$1,801	\$11,200

Council's road hierarchy would be modified as follows:

Rural Gravel

RG1 AADT less than 16 vehicles per day – right of way only
Minor Gravel Road Standard to 60kmh

RG2 AADT < 50 vehicles per day
Secondary Gravel Road Standards to 80kmh

RG3 AADT 50 - 100 vehicles per day
Shire Gravel Road Standard.

Rural Bitumen Sealed

RB1 AADT > 100 vehicles per day
Bitumen Road Standard to 80kmh

These proposed changes will allow for a more realistic funding to be accumulated permitting future upgrade of roads on which traffic movements are increasing due to approved development.

In line with the proposed amendment of Council's minimum road standard to RG 2 (Secondary Gravel Road Standard to 80kmh), it is also proposed to amend this clause as follows:

ROADS OF AVERAGE STANDARD LESS THAN RG2 AND NEW ROADS

Where the Council deems that an existing road is of a standard less than Council's RG2 (i.e. less than Secondary Gravel Road Standard to 80kmh) minimum, the road will be deemed a “new road” for the purposes of this plan.

As such, in addition to the Road Improvement Contribution in accordance with this Plan, the developer, pursuant to Section 79(C)(1)(b) and 79(C)(1)(e) of the Environmental Planning and Assessment Act, will need to meet the full

cost of development of this new road to a standard dictated by the traffic volume of the new development.

Should any proposed road gain access from an existing bitumen sealed road, the minimum standard required for new roads is RB1 – Bitumen Road Standard to 80kmh.

The increased minimum road standard will provide an improved level of service with a safer and more efficient road environment for road users, in line with community expectations.

Schedule 1 – List of Roads – has been amended to reflect details of Council's Road System and the current classification of each road.

Council would also be aware that the WBC Strategic Planning position has been filled. Andrew Napier, who is now based at Cabonne Council, shall, as part of the planning review process, undertake a full review of the s94 plans for all WBC Councils in 2009/2010. The base methodology for these plans will be reviewed at that time.

SUPPORTING DOCUMENTATION

Draft 2008 Review, Section 94 Contributions Plan – BSC 1 Rural Roads.

BUDGET IMPLICATIONS

The Section 94 Contributions Plan is the sole source of authority for Council to levy developer contributions for the public services and amenities outlined above. Without a plan in place Council would not have the authority to require developer contributions for these public services and amenities.

Without adopting responsible figures for contributions Council will not collect the required funds to allow for upgrade of road infrastructure under increasing pressure due to approved development.

POLICY CONSIDERATIONS

The Plan is an integral part of the development process and is used as a tool with regard to contributions to Council by developers for the improvement of amenities within the Blayney Shire.

The proposed amendments will alter the Blayney Shire Council Section 94 Contributions Plan with regard to Rural Roads in a manner outlined in the attached draft plan.

18) **DA 70/2009 – SECTION 96 (1A) MODIFICATION OF CONSENT –
SETTING UP MOBILE COFFEE VAN WITH ASSOCIATED SIGN AND
TABLES AND CHAIRS**

(Director Environmental Services)

RECOMMENDED:

1. That Council grant consent to the proposed modification of development consent No. 70/2009 which proposes to modify conditions 4 and 5, as per the modification conditions contained in the attached Schedule “B”.
2. That Council not allow the Carapark Café routine access to mains electricity supply at Heritage Park, unless operating in conjunction with a community event or function.

REPORT

Applicant: Lee Hewitt & Maxine Meek
Owner: Blayney Shire Council
Application No: 70/2009
Zone: 2(v) (Village or Urban Zone)
Date Received: 27th March 2009
Assessment No: 493-0000-4
Property: Lot N DP750380, Heritage Park – 2 Adelaide Street Blayney

Council granted development consent for setting up a mobile coffee van with associated sign and tables and chairs on Lot N DP750380, Heritage Park – 2 Adelaide Street Blayney on the 24th December 2008. A copy of that determination is attached.

The applicant has stated that “Our plan is to operate a professional mobile coffee business around the Blayney Shire”.

Council has received an application to modify the consent by:

- a. **Amending Condition 4** - Amending the location of the Coffee Van and signage when operating from Heritage Park.

The applicant has requested that Council allow this alteration to allow easier placement of the caravan, as it could be reversed into position by a vehicle rather than by hand. Also relocation of the advertising signage will make it more prominent from both directions of travel. It is recommended to amend condition 4 as detailed in attached Schedule “B” to facilitate these changes.

- b. **Amending Condition 5** – Amending the condition to allow for the provision of power from Council infrastructure when operating from Heritage Park.

The applicant has requested that Council allow this alteration to allow for provision of power to the development from Council's mains electricity supply.

The applicant suggests that this could be facilitated “from the power point at the closest BBQ shelter, via an overhead lead resulting in a much safer alternative”.

This proposal does not meet the requirements of AS/NZS 3000:2000 Electrical Installations (known as the Australian/New Zealand Wiring Rules), Section 3.12 Aerial Wiring Systems and therefore can not be approved in the form requested. It is recommended to amend condition 5 as detailed in attached Schedule “B”, which would allow the applicant to be responsible for providing electricity supply to the operation, via mains electrical supply or otherwise. Where mains power is not available, electricity shall still be required to be supplied by way of power generator.

Council's decision to provide power from Council's mains electricity supply is then separated from the conditions of consent associated with this application.

The proposal is considered to be in accordance with the objectives of the zone.

Section 79C (1) assessment:

In determining the application, Council must take into consideration the relevant matters under Section 79(C) (1) of the *Environmental Planning and Assessment Act 1979*. Most matters remain unchanged from those detailed in the original report which is attached.

79C (1)(e) the public interest

The public interest is recognised by Council's consideration of the proposal. It is considered that the modification is within the public interest where Council does not allow the Carapark Café routine access to mains electricity supply at Heritage Park, unless operating in conjunction with a community event or function. The conditions outlined in Schedule “B” allow for the continued operation of the “professional mobile coffee business around the Blayney Shire”.

Should Council otherwise resolve to provide power from Council's mains electricity supply to the development it must consider if it is within the public interest for Council to provide access to this “professional mobile coffee business”.

Council has received quotes for the provision of infrastructure to facilitate the safe provision of power in the location requested (attached). These quotes total \$1,772.45, excluding trenching, and would include supply and installation of underground cable to an outlet at the corner of the car park bay. This outlet would be housed in a steel protective box, mounted on a steel post.

Council must consider if it is within the public interest for Council to expend unbudgeted funds to facilitate this “professional mobile coffee business” request, considering that silent generators are readily available to fulfil electricity supply needs.

The subject land has been assessed under the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, *Blayney Local Environmental Plan 1998* and the relevant codes and policies of Council.

The proposed modification of Development Consent No. 70/2009 which proposes to modify conditions 4 and 5, as per the modification conditions contained in the attached Schedule “B” is permitted in the zone, and it is considered that the proposal satisfies the appropriate planning instrument and is therefore recommended for

approval subject to the conditions on Schedule “B” of this report. It is recommended that Council not allow the Carapark Café routine access to mains electricity supply at Heritage Park, unless operating in conjunction with a community event or function.

BUDGET IMPLICATIONS

The unfunded cost of provision of the infrastructure required to allow power supply as detailed in this report would need to be sourced by a reduction in other operational areas of Council.

POLICY CONSIDERATIONS

Nil effect.

SCHEDULE “B” CONDITIONS ISSUED WITH DEVELOPMENT APPLICATION NO.70/2009 – SECTION 96(1A) MODIFICATION

1. That determination shall be regarded as being in accordance with the particulars and endorsed plans set out and described in Modification Application No.70/2009 registered in Council’s records as of 27th March 2009, except where varied by any or all of the following conditions as part of this modification of that consent. Any additional development not subject to this approval shall require the further consent of Council.
2. This consent is limited for a period of five (5) years from the date of approval 24th December, 2008. Operation of the Mobile Coffee Van shall cease at that time. Prior to this lapsing, the applicant may submit a further Development Application for continual use.

HOURS OF OPERATION

3. The operation must not commence earlier than 6.30am not cease later than 9.00pm on any day.

REASON: So as not to interfere with the reasonable expectation of residents in 2(v) zones to quiet outside these hours.

LOCATION

4. The van, tables and chairs and sign must be located in Heritage Park in accordance with approved diagram no. HP002 attached to this consent. Locations at other venues will be at the discretion of the property owner. Where Blayney Shire Council is the property owner, the applicant must seek approval from Council’s Health and Building Department in each case. The applicant must also seek approval in writing from any community group which may be coordinating an event on Council land prior to operating e.g. sporting event – the sporting body conducting the event.
Where Blayney Shire Council is not the property owner, the approval in writing of the property owner shall be obtained by the applicant prior to operating, and a copy forwarded to Council.

REASON: To ensure that property owners are aware of and consent to the operation, and to ensure that community groups maintain their right

to control events and to fund raise for community purposes at such events.

5. The applicant shall be responsible for providing electricity supply to the operation. Where mains power is not available, electricity shall be supplied by way of power generator. The power generator shall not create noise greater than 5dB(A) above the background noise level at any time.

REASON: To ensure that the equipment has power supply available at all times when in use, and to prevent excessive noise.

6. That the Mobile Coffee Van operation shall comply at all times with Council's "Policy – Temporary and Mobile Food Stalls", except where varied by this consent.

REASON: To ensure that appropriate levels of hygiene and cleanliness are maintained.

7. That the Mobile Coffee Van be presented to Council for inspection, prior to operation of this consent, and then each twelve (12) months from that date. The fee outlined in Council's Management Plan shall be charged on each occasion that the van is inspected.

(End of Schedule "B")