EXTRAORDINARY MEETING NOTICE AND AGENDA
MONDAY 4TH JULY, 2016
IN THE COUNCIL CHAMBERS
COMMENCING AT 5:30 PM OR ON THE CONCLUSION
OF THE SERVICES/WORKS/COMMUNITY MEETING

AGENDA

OPENING/ATTENDANCE/APOLOGIES/ELECTION OF
CHAIRPERSON/TIME OF MEETING/MINUTES/CONFLICTS OF
INTEREST

I would like to acknowledge the Traditional Custodians of the land on which we meet
today and pay respect to the Elders both past and present.

ACTING GENERAL MANAGER’S REPORT TO
COUNCIL – PART I

CLAUSE 1 – DEVELOPMENT APPLICATION 2016/6/2 – REVIEW OF
DETERMINATION FOR THE CONSTRUCTION OF A RESIDENTIAL
STORAGE SHED AT NO. 31 PRINCE STREET, FORBES.

At the June Services/Works/Community Committee meeting the Committee recommended:

RECOMMENDATION

That Council approve development Application 2016/6/2 for the proposed steel farmed shed at 31 Prince Street, Forbes subject to Council’s standard conditions. (Cr P Miller/Cr G Falconer)

<table>
<thead>
<tr>
<th>Councillors for: 7</th>
<th>Councillors Against: 0</th>
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<tbody>
<tr>
<td>Cr P Miller, Cr G Miller, Cr B Mattiske, J Nicholson, D Booth, Cr G Falconer and Cr C Roylance</td>
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</table>

At the Council meeting held 16th June, 2016 Council resolved the following:

489 RESOLVED

That Council defer consideration of this matter until the Development Control Plan has been reviewed at the July Services/Works/Community. (Cr G Miller/Cr D Booth)
At the Extraordinary meeting held Wednesday, 29 June, 2016 Council resolved to:

552 RESOLVED

That Council hold an Extraordinary meeting of Council on Monday 4th July, 2016 commencing at 5:30 pm or the conclusion of the Services/Works/Community meeting with the only item on the agenda being the reconsideration of DA 2016/6/2 lodged by Michael Hanley and Family Funeral Directors. (Cr G Falconer/Cr D Booth)

The below report is for review as tabled at the June Services/Works/Community Committee.

**Purpose**

The purpose of this report is to provide Council with the comprehensive consideration and assessment of the following Development Application in accordance with the relevant matters to be considered as outlined under Section 79c of the Environmental Planning and Assessment Act 1979 as amended.

The following Development Applications are placed before Council for determination.

**Development Application: 2016/6/2**

Applicant: Vanrayon P/L T/A Michael Hanley Family Super Fund  
Owner: Vanrayon P/L  
Site: Lot 8, DP 23638, No 31 Prince Street, Forbes  
Proposed Development: Construction of a residential storage shed

**Background**

Council is in receipt of Development Application 2016/6/2 seeking Councils approval for the construction of a storage shed at No. 31 Prince Street.

As part of the assessment process, Council wrote to 4 surrounding land owners regarding the proposal and received no submissions.

Council has previously resolved to refuse a Development Application at the property for the construction of a storage shed under DA 2016/6.
The application was reported to the 17 March 2016 Council meeting, where Council resolved to refuse the application for the following reasons:

i). The proposal does not comply with the objectives or development standards as detailed in Part 5.18 of the Forbes Development Control Plan 2013 in that the development exceeds the maximum ridge height, maximum height to gutter and allowable floor area;

ii). The proposal is not in keeping with the surrounding neighbourhood due to the size, bulk and scale of the development.

A review under section 82A of the Environmental Planning and Assessment Act, 1979 is lodged by the applicant for a review of the determination following the initial refusal by Council. It should be noted that the applicant has not modified the design of the shed previously refused by Council.

**Description of Site**

The subject site is Lot 8, DP 23638 known as No 31 Prince Street, Forbes. The side boundary measures 92.00 metres in length (western) and measures 82.00 metres in length (eastern) and front boundary of 21.00 metres and rear boundary of 15.00 metres. This gives an overall site area of approximately 1359 m².

The proposed site of the storage shed is generally flat.

Existing development to the subject site includes a residential dwelling and 4 bay timber cladded shed measuring 19.00 metres x 4.50 metres with a total area of approximately 85.50m2.

The adjoining development in close proximity includes single dwelling houses and mixed outbuildings, a truck storage depot and funeral home.
Description of Proposal

The application proposes the construction of a 24.0m x 12.0m x 5.558.m high storage shed. The total floor area of the shed is 288m2. The shed is proposed to be located 1.5 metres from the north, east and western property boundaries. The shed will be located approximately 15.00 metres from the existing timber clad outbuilding.

The method of construction for the shed is steel wall and roof framing and the external cladding material and colour is unknown.

The existing vehicular access will be utilised via Prince Street.

Notification

In accordance with Council’s Development Control Plan – Chapter 15 (Public Consultation), 4 surrounding land owners were notified of the application for review of a determination and invited to inspect the plans and associated documents.

SUBMISSIONS

No submissions were received.

Environmental Assessment 79C(1)(a)(i) – Any Environmental Planning Instrument

Local Environmental Plan 2013:

The subject site is zoned R1 - General Residential and the objectives of the site zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage all forms of residential accommodation in appropriate locations.

The use of a storage shed for the storage of residential items ancillary to the main use of the land for a dwelling is permissible with consent within the R1 General Residential zone. The proposed use of the residential storage shed is to store recreational vehicles. Should Council approve the application, conditions should be imposed to prevent the use of the shed for commercial, industrial or residential habitable purposes.

State Environmental Planning Policies (SEPP’s)

The development is consistent with the applicable State Environmental Planning Policies.

Environmental Assessment 79C(1)(a)(ii) – Any Draft Environmental Planning Instruments

Draft State Environmental Planning Polices

There are no draft Environmental Planning Policies applying to the site.

Environmental Assessment 79C(1)(a)(iii) – Any Development Control Plans
Chapter 5 – Urban Residential Development.

Chapter 5, provides objectives and standards to achieve residential development goals. Where the standards cannot be met, the DCP allows Council to make a merit based assessment to determine if the proposal meets the objectives. Where the objectives are met the development is considered to be consistent with the aims of the DCP.

The application has been assessed against the requirements of Chapter 5. The Development Standards from Part 5.18 of Chapter 5 (Garages, Sheds and Outbuildings) have not been achieved. Part 5.18 specifies the following:

**Objectives**

- Garages, sheds and other outbuildings are to be ancillary to the dwelling;
- The height, bulk and scale of garages, sheds and outbuildings are not to cause a significant impact on adjoining properties through overshadowing;
- The garages, sheds and other outbuildings are not to be used for commercial or industrial uses or residential occupation;
- Garages, sheds and other outbuildings are not to impact on the surrounding neighbourhood.

**Standards**

- Have a maximum height to the ridge of 5.5 metres;
- Where the building has a maximum height of 4.0 metres and a maximum height of 3.0 metres to the gutter be located a minimum of 500mm from the side or rear boundary;
- Where the building has a maximum height of 5.5 metres and a maximum height of 4.0 metres to the gutter be located a minimum of 1.5 metres from the side or rear boundary;
- Where rear lane access is available a 1 metre rear boundary setback is required to allow for vehicle manoeuvring;
- The building is to have a total floor area of no greater than 125m².

Chapter 5.18 – Garages, Sheds and Other Outbuildings would need to be considered in relation to the shed.

<table>
<thead>
<tr>
<th>5.18 Garages, Sheds and Other Outbuildings</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Objective (a). Garages, sheds and other outbuildings are to be ancillary to the dwelling</td>
<td>The main use of the shed is for storage of recreational vehicles and will be ancillary to the dwelling.</td>
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</table>
5.18 Garages, Sheds and Other Outbuildings | Comment
---|---
(b). The height, build and scale of garages, sheds and outbuildings are not to cause a significant impact on adjoining properties through overshadowing; | It is anticipated that the development would have minor overshadowing impact to the adjoining property's, however shadow diagrams have not been provided by the applicant to support the application.
(c). The garages, sheds and other outbuildings are not to be used for commercial or industrial uses or residential occupation; | A commercial, Industrial or residential occupation use has not been proposed.
(d). Garages, sheds and other outbuildings are not to impact on the surrounding neighbourhood. | It is considered that the bulk and scale of the proposed shed is not suitable for the R1 – General Residential zoned property which will impact on surrounding properties. It is noted that 2 large existing sheds are located in close proximity to the proposed site.

Standards

1). Have a maximum height to the ridge of 5.5 metres; | (1). The overall height of the shed is 5.558. The shed is 58mm greater than the allowable standards within the DCP. The additional 58mm is considered to be insignificant and will not pose any greater impacts.
2). Where the building has a maximum height of 4.0 metres and a maximum height of 3.0 metres to the gutter be located a minimum of 500 mm from the side or rear boundary; | 2). N/A
3). Where the building has a maximum height of 5.5 metres and a maximum height of 4.0 metres to the gutter be located a minimum of 1.5 metres to the side and rear boundary; | (3). A minimum 1.5 metre side boundary setback to the eastern and western property boundary has been proposed. Additionally, a 1.5 metre setback to the rear (northern) has been proposed and is considered satisfactory.
4). Where the rear lane access is available a 1 metre rear boundary setback is required to allow for vehicle manoeuvring. | (4). N/A
5). The building is to have a total floor area of no greater than 125m2. | (5). The total floor area proposed is 288m2. The floor area grossly exceeds the allowable 125m2 and is considered not suitable for the R1 – General Residential zoned property.

Both the allowable floor area and maximum height to the ridge have not been achieved by the proposed shed. Whilst the overall height non-compliance to the ridge is considered minor in that it exceeds the maximum ridge height by 58mm, the height to the gutter is 500mm above the standard. The floor area of 288m2 is significantly greater than the allowable standard of 125m2.

In support of the application the applicant has provided the following information:

- I realise that the proposed shed is well over the standard 125m2 but it is the same width as an adjoining brick garage – mortuary and is only approximately 6 metres longer than the same brick garage.
- There is also currently 2 x 40 foot shipping containers situated on the adjacent property and an oversized truck shed located 2 blocks from the proposed site.
- The block has a total area of 1359m2 and the shed would be situated at the bottom end of the block where there would be no impact on any surrounding dwellings.
It is acknowledged that the lot has an area of 1359m². However there is an existing shed on the lot measuring 19.0m x 4.5m. The combined area of the sheds is 373.50m². The floor area of the proposed shed is 288m² which is well in excess of the maximum area of 125m² specified in the DCP. The cumulative impact of the combined area is almost three times the maximum permitted floor area.

The height of the proposed shed at 5.558m is 58mm above the maximum overall height and the gutter height of 4.5m is 500mmm above the maximum allowable height at the gutter.

Whilst the gutter and overall height non-compliances will pose only moderate impacts, it is considered that given the floor area of the development at 288m² that the proposed shed would be an overdevelopment of the site.

Environmental Assessment 79C(1)(a)(iiiia) – Any Planning Agreement that has been entered into under Section 93(f), or any Draft Planning Agreement that a Developer has offered to enter into under Section 93(f)

The applicant has not nor is it necessary for the applicant to enter into any form of planning agreement.

Environmental Assessment 79C(1)(a)(iv) – The Regulations (to the extent that they prescribe matters for the purpose of this paragraph)

In accordance with the regulations any new building works would be required to comply with the Building Code of Australia.

Nothing further in the Regulations prevents assessment and approval of the subject application.

Environmental Assessment 79C(1)(b) – The likely impacts of that Development, including Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality

The subject development is located in a locality designated for residential uses within the township of Forbes. The proposed use is permissible with consent in a R1 - General Residential Zone and generally complies with the requirements of the Forbes Local Environmental Plan 2013 where it can be established that the development is for a residential type use.

Natural and Built Environments

The design of the proposed steel framed shed to the rear yard of the property is in a manner which creates a number of impacts to the surrounding property's and the natural and built environment. Despite the presence of two large industrial sheds within close proximity to the proposed site. The bulk and scale of the shed is considered of major impact for the residential allotment and surrounding property's.

Social Impacts

No adverse social impacts would result from the construction of the proposed shed.

Economic Impacts

The development would provide a minor positive economic impact to the Forbes community through the construction of the shed.
Section 79C(1)(c) - The Suitability of the Site for the Development

Part 5.18 of the Forbes DCP 2013 provides objectives and standards for garages, sheds and other out buildings. Consideration must be given to the size and bulk of the proposed shed and non-compliance with Part 5.18 of the DCP. Given these non-compliances it is considered the current design is unsuitable for the site.

Section 79C(1)(d) – Any Submissions made in accordance with this Act or Regulations

No submissions have been received.

Section 79C(1)(e) – The Public Interest

The proposed development is not considered to be in the public interest given the impacts to the surrounding residential properties and does not comply with the objectives or standards of Part 5.18 of the Forbes DCP 2013.

Conclusion

Whilst the development is permissible in accordance with Council’s Local Environmental Plan 2013, the proposal does not achieve compliance with the development standards of Chapter 5 of Council’s Development Control Plan 2013.

Council resolved at the December 2014 meeting to adopt changes to Council’s Development Control Plan which would provide standards relating to height and floor area of garages, sheds and outbuilding within the R1 – General Residential zone. The aim of these standards is to reduce or eliminate the bulk, scale and overshadowing impacts to surrounding properties.

It is determined that the bulk and scale impacts of the development to the adjoining properties are not appropriate for the subject site.

Should Council consider that following a review of its earlier determination that the shed should be approved the approval should be subject to Councils standard conditions.

RECOMMENDATION

That Council refuse Development Application 2016/6/2 for the proposed steel framed shed at 31 Prince Street, Forbes for the following reasons:

i). The proposal does not comply with the objectives or development standards as detailed in Part 5.18 of the current Forbes Development Control Plan 2013 in that the development exceeds the maximum ridge height, maximum height to gutter and allowable floor area;

ii). The proposal is not in keeping with the surrounding neighbourhood due to the size, bulk and scale of the development.

Paul Bennett
DIRECTOR ENVIRONMENTAL SERVICES
MOTION TO MOVE INTO COMMITTEE OF THE WHOLE IN ACCORDANCE WITH SECTION 10A OF THE LOCAL GOVERNMENT ACT 1993; MOTION TO EXCLUDE PUBLIC AND PRESS FROM COMMITTEE OF THE WHOLE

CLAUSE 1 - UPDATE ON FORBES HOMEMAKER CENTRE LOAN.

The Mayor wishes to verbally update Council on the current status of this loan.

MOTION TO MOVE OUT OF COMMITTEE OF THE WHOLE

MEETING CLOSED

Danny Green
GENERAL MANAGER