



Hawkesbury City Council

supplementary ordinary meeting business paper

date of meeting: 29 August 2006

location: council chambers

time: 5:00 p.m.

ORDINARY MEETING - Supplementary

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SUPPLEMENTARY REPORTS

Item: 210 **CP - Garage - Rural Shed, Lot 1 DP245097, 144 Boundary Road, Glossodia NSW 2756 - (95498, 96329, 180655, 18064, DA1128/05)**

Previous Item: 194, Ordinary (8 August 2006)
 161, Ordinary (25 July 2006)

REPORT:

The application has been previously considered by Council at the Ordinary Meeting of the 25 July and the 8 August 2006.

At the meeting of the 8 August 2006 Council resolved that:

"That the matter be deferred."

The applicant has now provided an amended location together with a written submission on the development.

The report will provide an assessment of the amended plan and documentation.

Details of the Amended Plans

The amended plans have been prepared in response to both the concerns raised by the respondents and the Councillors who were in attendance at the site meeting held on the 7 August 2006.

The siting of the shed has been amended in the following manner:

- The location of the shed has rotated 90 degrees and is now perpendicular to the boundary.
- The location now abuts the existing rock outcrop that transects the site.
- The amended site plan is attached to the report.
- A full assessment of the amended location against the Rural Shed Chapter of the Hawkesbury Development Control Plan is discussed later in the report.

A photo montage of the amended location together with the previous location will be available in the Council Chamber.

The amended location plan is attached to the report.

Applicants Submission

The applicant has provided a written submission of the amended proposal that outlines the reasons for the proposed location.

- The location of the shed has been rotated 90 degrees to minimise the impact on the visual amenity of the respondent and will result in the outlook from the respondent's property being significantly retained.

The respondent will now only view the side of the shed, which is 7.5m long compared to the original length of 17.5m.

- The location now abuts the existing rock ledge that transects the property and now provides a minimum separation distance of 10m between the wall of the respondent's dwelling and the shed.

This separation will retain a significant proportion of the existing outlook from the front entrance area of the respondent's property.

Once the excavation works are commenced depending on the amount of rock encountered the distance may be further increased.

- The location being adjacent to the rock outcrop will result in the shed being located predominantly on solid foundation, which will result in excavation rather than fill and the need for retaining walls is minimised and the overall height of the shed when viewed from the respondent's property will remain the same.
- Due to the amount of excavation proposed and the slope of the property the vehicle manoeuvring area located in front of the shed will be located on the natural ground level rather than being elevated and require the provisions of retaining walls.

The manoeuvring area will be excavated to permit the provision of suitable compacted road base.

- To further reduce the visual impact of the shed on the respondent's property a 2.1m high lapped and capped fence may be provided along the boundary that will provide privacy to the front entrance of the respondent's property and reduce the visual impact.

If the fence is not erected additional screen plantings could be implemented along the boundary in the vicinity of the shed.

- The location will allow the approved on site effluent disposal system to be implemented and not require a reduction in the irrigation area.
- The amended location will ensure appropriate vehicular access is provided to the shed at an appropriate gradient will minimal earthworks that further reduces the visual impact on the respondents property.
- Although the location now results in the openings facing east the use of the shed for the storage of vehicles, caravan, boat and the like has not changed.

The nature of the vehicles being stored and the frequency of vehicular movements is minimised.

The passenger vehicles used on a daily basis will be parked at the front of the property.

The shed will not be used to operate a business and the noise generation from the shed would not be expected to be above the noise level which would reasonable be expected from a domestic shed.

- The location is clear of the overland flow path on the site.
- The existing view lines from No 140 Boundary Rd are retained.

The applicant has also provided comments on the proposed alternate location that was discussed at the site meeting with Councillors on the 7 August 2006 and the reasons why the location was not considered suitable.

- A separation between the shed and the respondent's dwelling is no longer provided and this location raises concerns with roof glare, heat reflection and noise impacts on the dwelling. The location will still be visible from the respondent's veranda and front entrance area which will have an impact on the visual amenity of the dwelling.
- The alternate location will encroach on the irrigation area approved with the on site effluent disposal system.

- Due to the levels of the site a significant amount of earth works would be required predominantly involving filling.(between 1.09m-1.26m).

Approximately 77cubic metres of fill would be required to be imported for the shed and 165 cubic metres for the vehicle access to the shed.

- The compaction of the fill would have potential to result in structural damage to the respondent's dwelling given the location of the works.
- The alternate location when compared to the amended location does not provide a greater separation to the dwelling and will the filling required would result in a greater height of the shed above natural ground level.
- The alternate location will result in a loss of outlook form the rear yard of the respondents property and given this area is the prime outdoor private open space area it will result in a loss of amenity.
- The alternate location with the height and retaining walls will result in a loss of view lines enjoyed by the rear deck area of the property at 140 Boundary Road.
- The respondent indicated at the meeting that although they could live with the location it was not entirely satisfactory due to the even closer proximity to their dwelling and the likely impacts.

The submission also provided comments as to why the location proposed by Council Officers discussed in the Council Report of the 8 August was not considered satisfactory.

The reasons are similar to those discussed above with the alternate location.

Respondent's Submission

The amended location and submission was provided to the respondent to allow them the opportunity to review the plan and submission and provide a response.

The respondents have provided the following comments:

- The new location while is a better position than the original location will still have an impact in terms of the openings located closer compared to the shed located on the southern boundary will result in potential noise impact.
- No information from an independent surveyor in regards to why the shed cannot be located along the southern boundary.
- Retaining walls erected for the amended location to divert water away from the shed why can not the retaining walls be erected around the shed on the southern boundary?
- The shed will still have an impact as it will still come down at least half the front yard area compared to the all the way down with the original proposal.
- The existing trees on the site will be removed.
- Do not understand how the amended location will result in the residents at 140 Boundary Rd will enjoy a better view as the original location blocked their view.

The impact of the shed does not affect 140 Boundary Rd as much as it does on their property.

- If the shed is to be built in the amended location we require a guarantee that the corner facing our dwelling will have no fill.

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Require extra trees to be planted that are fast growing or more advanced.

Require the provision of a 2.1m lapped and capped fence to be erected before construction begins.

DCP Assessment

The statement of compliance below contains a summary of applicable development standards and a compliance checklist relative to these standards for the amended plan.

Design Principles	The Proposal	Compliance
Siting Cut and fill shall be limited to 2m of cut and 900mm of fill Sheds shall be located no closer to the road than the existing dwelling house. Sheds are not to be erected on land which has a slope in excess of 10% The erection of rural sheds should involve minimal disturbance to native vegetation.	- The proposal involves a maximum of 580mm and fill and 900mm cut for the shed Rear of dwelling on the property The slope of the site where the shed is proposed is less than 10% The proposal including the access will involve the removal of 3-4 trees (Gums)	Yes Yes Yes Yes
Size In zones 1(a), 1(b), 7(d), 7(d1), 7(e), the applicant will need to justify the size of any shed exceeding 170m² in terms of the use of the shed and the land, as well as measures taken to minimise the impact on neighbours and the general area.	131 m²	Yes
Height In the 7(d1) zone, the total height of a rural shed exceeding 5m shall be justified in terms of the use of the shed and the visual impact of the development. The total height of 'barn style' sheds may exceed 5m based on individual merit.	3.4 metres wall height less than 5 metres ridge height	Yes
Form. Sheds of other than standard roof forms, for example barn style, will be encouraged.	Standard roof form	Yes

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Design Principles	The Proposal	Compliance
<i>Colour</i> The colour of a rural shed will match or blend in with those of existing buildings.	Wilderness Green	Yes
<i>Type of Building Materials</i> Building materials used in the construction of rural sheds are to be new, prepainted and non-reflective	Pre-painted	Yes
<i>Landscaping</i> Plantings are to be a mix of trees, shrubs and ground cover. Trees shall include species that at maturity have a height above the ridgeline of the shed. Shrub mass shall provide adequate screening. Plants endemic to the area are to be chosen.	Existing plantings (Photina Robusta) established along the common property boundary with No 148 Boundary Rd. 54 trees planted	No The planting species have a maturity height of between 3-4m. Additional plantings could be implemented to comply with the requirement.

Matters Raised with the Amended Location

The main concerns raised by the respondents are:

Reason why the shed cannot be located on the southern boundary:

- Council officers have previously considered other potential locations for the shed on the site.
- The location along the southern boundary adjacent to the existing shed would have less impact on the adjoining properties.
- However when the levels of the property are considered the shed would require filling in excess of the maximum 900mm as per the DCP.
- The level were taken by Council Officers.
This location would also require a engineering solution to resolve the current overland flow water issue from Boundary Rd and the access driveway
- This location conflicts to a small extent with the effluent irrigation area approved by Council.
- This location would also require the removal of additional trees.
- The other two locations at the rear of the site are not considered appropriate as they will conflict with the irrigation system for the effluent disposal system and also have potential drainage issues.
- The amended location when compared to the locations on the southern boundary and adjacent to the dwelling will have a reduced amount of cut/fill requirements.

Visual Impact

A photo montage to accurately assess the relationship of the amended shed location to the dwelling at 148 Boundary Road as well as the visual impact on the adjoining property.

The photo Montague shows that the location and the height of the shed including the retaining walls proposed. The amended location will have a visual impact on the adjoining property this is demonstrated by the photo montage of the shed when viewed from the adjoining dwelling and open space area in front of the dwelling.

However, the extent of visual impact has been reduced with the amended location by reducing the length of the shed wall that is adjacent to the property boundary.

The provision of the 2.1m fence and additional landscape planting will further assist in reducing the visual impact on the property at 148 Boundary Road.

Trees to be Removed

The proposed siting including the access to the shed will require the removal of 3-4 gum trees. The rear portion of the site contains other trees that will be retained.

Requirements of the Respondents

The respondent has requested the following requirements if the shed is to be built in the amended location:

- The corner facing our home will have no fill to maximise the height.
- Additional screen plantings along the property boundary
- 2.1m high lapped and capped fence to be erected before the construction of the shed.

The corner of the shed closest to the dwelling will have 110mm of fill which is not considered to be significant and will have no major impact in increasing the height of the shed above the natural ground level.

The applicant has indicated that the manoeuvring area adjacent to the property boundary will not require any filling and will utilise the existing natural ground. A condition can be imposed on any approval to ensure that only filling indicated on the plans is to be implemented with the construction of the shed and manoeuvring area.

The provision of additional screen planting and the 2.1m fence will also assist in reducing the visual impact on the adjoining property as well as providing some form of noise attenuation measure. The respondent at the Conciliation Conference held indicated that they would be prepared to contribute towards the cost of the fence. The construction of the fence should be installed once the shed is finished to ensure it is not damaged during the shed construction. The respondent may be concerned that the fence may not be erected once the shed is built.

Noise

The noise generated from the shed will be what is expected from a shed that is ancillary to a residential dwelling.

The applicant has confirmed the use of the shed is for storage and not any commercial/business activity. The shed uses proposed are not likely to generate significant noise. If there is a noise issue it can be considered under the provisions of the Protection of the Environment and Operations Act as is the current situation with noise issues from domestic sheds and garages.

Alternative siting

The alternative siting option discussed at the site inspection has some merit the relocation and adjustment of the irrigation area can be resolved.

The levels provided suggest that this location would involve more cut and fill when compared to the amended location proposed and in this regards the amended location would have a lesser impact in terms of height above natural ground level. The amended location does place the shed a further distance from the dwelling when compared to the alternate location.

Conclusion

The proposed shed in the amended location complies with the numerical requirements contained in the Rural shed chapter of the Hawkesbury DCP. The size and design is consistent with other similar shed erected in the locality.

The amended location has a reduced visual impact on the property at 148 Boundary Road and with the provision of the fence and additional plantings this impact could be further reduced. The main issue with the original location was the visual impact and loss of privacy, which has been reduced with the amended location.

The amended location should be approved with suitable conditions to further reduce it's visual impact.

Conformance to Strategic Plan

The recommendation conforms with the objectives as set out in the Strategic Plan; i.e.

"A prosperous community sustained by a diverse local economy that encourages innovation and enterprise to attract people to live, work and invest in the city", and

"Sustainable and liveable communities that respect, preserve and manage the heritage, cultural and natural assets of the City".

Funding

No impact on budget.

RECOMMENDATION:

That the application for the shed be approved subject to the following conditions.

General

1. The development shall take place in accordance with the stamped plans, specifications and accompanying documentation submitted with the application except as modified by these further conditions.
2. The development shall comply with the provisions of the Building Code of Australia at all times.
3. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.

Prior to Issue of Construction Certificate

4. Submission of a landscape plan showing additional plantings to be implemented in the area shown in red on the approved stamped plans.
5. The landscaping is to provide a mixture of species that at maturity have a height above the ridgeline of the shed and provide a visual screen.

Prior to Commencement of Works

6. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.

7. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the principal certifying authority prior to commencement of works.
8. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
9. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
10. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

During Construction

11. Any water tanks, outbuildings or other ancillary structures shall be finished in colours and materials of earth tones of low reflective quality to blend in with the bushland.
12. All necessary works being carried out to ensure that any natural water flow from adjoining properties is not impeded or diverted.
13. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
14. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
15. Mandatory inspections shall be carried out and Compliance Certificates issued only by Council or an accredited certifier for the following components of construction:

Note: Structural Engineer's Certificates, Drainage Diagrams and Wet Area Installation Certificates are NOT acceptable unless they are from an accredited person.

- piers;
- foundations;
- steel reinforcement prior to pouring concrete;

- framework, after the installation of all plumbing, drainage and electrical fixtures, and after the external cladding and roof covering has been fixed prior to fixing of internal linings and insulation;
 - prior to occupation of the building;
 - on completion of the works;
16. The footings shall be piered or shall penetrate through any fill or unstable foundation material to bear upon a structurally adequate foundation material of a uniform load-bearing value.
17. Filling shall comprise only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.
18. The development shall be treated for termites in accordance with the Building Code of Australia and AS 3660 as amended by a suitably qualified person with particular attention to timber floors, slab penetrations, joints between slabs, additions to existing buildings.
- Details of the type and method of treatment are to be provided to the Principal Certifying Authority and a copy of durable material to be located in the meter box and at the entrance to any crawl space if chemicals are sprayed or pressurised into the soils.
19. Erection of a 2.1m high lapped and capped fence as shown in red on the approved stamped plans. The fence is to be erected prior to the occupation of the shed.

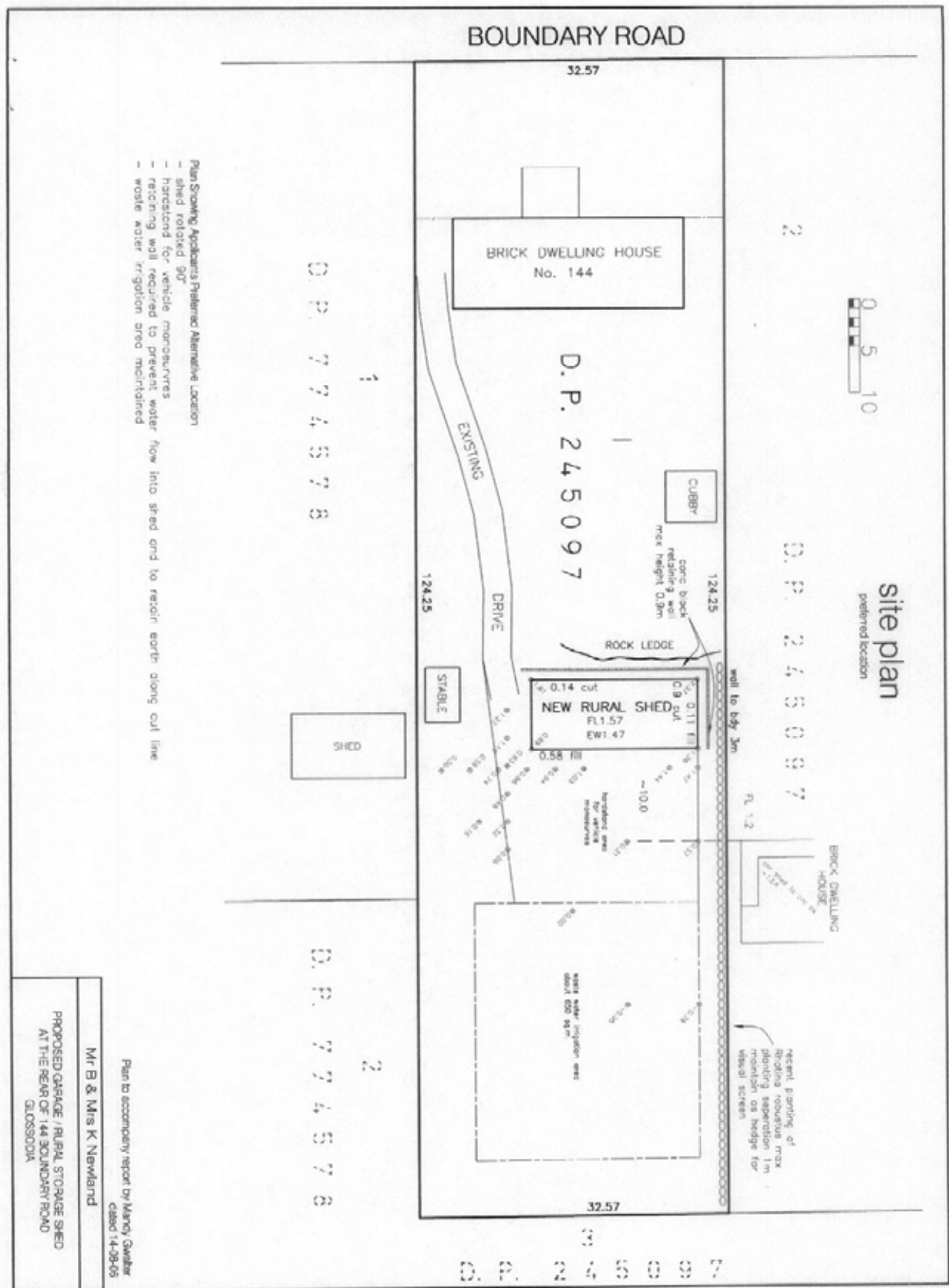
Use of the Development

20. No internal or external alterations shall be carried out without prior approval of Council.
21. The shed shall not be occupied for human habitation/residential, industrial or commercial purposes.

ATTACHMENTS:

AT - 1 Site Plan

AT - 1 Site Plan



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ordinary
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