



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

10th May 2005

DSDS6	O'NEIL-V-KSC
FILE: DA T6-03-37	RBP

SUMMARY:

Reporting on the outcome of an appeal against Council's decision to refuse an application to construct a detached dual occupancy at South West Rocks.



Applicant: R R O'Neil
Subject Lot 2 DP 622342 No 75 Gregory Street,
Property: South West Rocks
Zone: 2(a) Residential

Background

On 15th April 2004, Council refused consent to erect a detached dual occupancy on the subject land.

A hearing of the appeal was held in Kempsey on 7 and 8 April 2005.

A Planning Consultant (Ms Michelle Chapman) was appointed as Council's planning expert who raised a number of issues relating to:

- Turning movements into garages
- Driveway setback
- Turning area in front setback
- Privacy
- Solar access
- Overshadowing
- Building side setbacks

Senior Commissioner Roseth concluded that although the fit of the development was tight, a number of changes to the plans would overcome the concerns raised by Council's witness relating to:

- Lowering the floor level and deck of the units by approximately 1 metre.
- Increasing the setback of the driveway to 1 metre for most of its length.
- Increased landscaping along the northern boundary.

The appeal was subsequently upheld with a deferred commencement consent granted, subject to amended plans being submitted to Council incorporating the above amendments.

The Commissioner made particular note of the poor standard of the plans provided by the applicant to the Court which Council may recall created difficulties in the original assessment by Council.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

The appeal cost Council \$35,828.64 (excluding GST).

RECOMMENDATION:

For information of Council.

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R B Pitt

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES