



**KEMPSEY**  
Shire Council

## **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

14<sup>th</sup> March 2006

<b>DSDS3</b>	<b>2 SHEDS, LATTICE SCREEN AND SINGLE COLOURBOND CARPORT PHILLIP DRIVE, SOUTH WEST ROCKS FILE: T6-05-427 TJN</b>
--------------	--

### **SUMMARY:**

Reporting that Council has received an application to erect two sheds, a lattice screen and a single carport, which due to the location of the carport is contrary to Council policy C23:2 "Building Alignment"



**Applicant:** S Jenkins  
**Subject Property:** Lot 38 DP 244025, 72 Phillip Drive, South West Rocks  
**Zone:** 2(a) Residential

### **Description of Proposal**

The applicant proposes to erect 2 garden sheds, and an open carport (3.3m x 5.0m) at the front of an existing single level, attached dual occupancy. Council's policies only allow for a 1.5m encroachment into the front street setback for open carports. The applicant proposes an encroachment of 3.0m.

### **Heads of Consideration**

The proposal has been examined having regard for the Heads of Consideration identified under Section 79C(1) of the Environmental Planning and Assessment Act 1979 with the following matters considered to be of particular relevance: -

The proposal is permissible with consent under the provisions of Kempsey Local Environmental Plan 1987.

The proposal is not contrary to the North Coast Regional Environmental Plan 1988 or any State Environmental Planning Policy.

## **Public Notification**

The proposal was advertised in accordance with Council's policy with no objections being received.

## **Applicants Submission**

The owner has made a written submission to Council requesting that the encroachment be allowed ([Appendix C](#)). The main points are as follows: -

- The area within the front setback has always been used as car parking.
- There are several existing carports along Phillip Drive which already extend out within the 5m setback.
- Council approved in 1997 the conversion of the carport for Unit 2 into an additional bedroom.

## **Comments / Conclusion**

It is considered reasonable that Council approve the encroachment in this instance. This is based on the following reasoning: -

1. There are a number of similar encroachments into the front street setback along this section of Phillip Drive.
2. As Phillip Drive is contained within a wide road reserve, the proposed carport is still a substantial distance from the road itself. This means that it will not interfere with any sight distances or traffic movements.
3. The carport is open, with a small lattice screen and landscaping measures ensuring that it will not impose itself upon the streetscape and will actually enhance the appearance of the development.

## **REPORT IMPLICATIONS:**

- *Environmental*

*There will be no adverse environmental impacts arising from this proposal.*

- *Social*

*There will be no adverse social impacts arising from this proposal.*

- *Economic (Financial)*

*There are no significant economic impacts.*

- *Policy or Statutory*

*A variation to Council Policy C23:2 "Building Alignments" is required prior to approval of this application being granted.*

**RECOMMENDATION:**

- A. That Council resolve to allow the variation to Council Policy C23:2 "Building Alignment" to allow construction of the carport.
- B. That the application be approved subject to the following conditions:-
  - 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
  - 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
  - 3 The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.

- 4 Before the commencement of site works, demolition or building, the following activities must be completed:
- a Installation of soil erosion and sedimentation control devices.
  - b Installation of safety fencing / hoardings between the property and the street
  - c Protection barriers for existing trees
  - d Installation of builder's toilets
  - e Installation of signage in prominent, visible position including -
    - "Unauthorised site entry is prohibited"
    - Name and phone number of builder or other responsible person for contact outside working hours.
- 5 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Your attention is drawn to the following requirements of the Building Code of Australia.

- A The hours of operation of the activity are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- B Building materials are not to be stored within the road reserve or any other public place.
- C Roofwaters are to be directed by means of sealed pipes to the street gutter. Details are to be provided with the plans for the required Construction Certificate.

Kempsey Shire Council will carry out all required inspections. A minimum of forty eight (48) hours notice (excluding weekends and public holidays) is to be given to Kempsey Shire Council. To arrange an inspection please contact Council on (02) 6566 3200.

The following inspections will be required:

## CRITICAL STAGE INSPECTIONS REQUIRED FOR CLASS 1 AND 10 BUILDINGS:

1. After excavation for, and prior to the placement of any footings.
  2. After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.
- 
- 6 Proposed garden bed screening at the front property boundary shall be advanced seedlings a minimum of 1metre in height, shall be planted prior to use of the carports and be maintained or replaced as required.
  - 7 Structural engineers details of the carports and slabs shall be submitted to Council 14 days prior to the commencement of construction.

.....  
**R B Pitt**  
**DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES**