

13th of May 2024

OUR REF: 216337-L001001
YOUR REF: DA2024/0153

The General Manager
Mid-Coast Council
PO Box 482
TAREE NSW 2430

Attention: Gabrielle Scott

Dear Gabrielle,

RE: LOTS 7 AND 8, SECTION 69, DP 10869
68-70 CAMBAGE STREET PINDIMAR.
RFI

With regard to the above mentioned development and specifically in relation to the RFI as issued on 11th March 2024, the following is noted and relevant:

- 1) By others
- 2) The pertinent points as raised by Council in this point are:
 - A shed (outbuilding) is ancillary development to a dwelling and “Lot 8 does not contain a dwelling”.
Comment – This is incorrect, there is a dwelling which is located on the site, partly on Lot 7 and partly on Lot 8; there is no requirement which states that the dwelling must be wholly located on a lot for an ancillary building to be located on the same lot. The definition as stated must be considered acceptable.
 - *Where the development is commercial/industrial and medium density, the SEE is to contain a detailed table indicating compliance with the relevant standards.*
Comment – The development is not for commercial or industrial use and nor is it medium density and as such, no table detailing compliance is required.
 - Use of the shed details required
Comment – The proposed use of the development was detailed in the SoEE; the ground level is to be utilised for storage of vehicles, including boats whilst the mezzanine is to be used for general storage. There is no requirement to further detail the items for storage.
 - Permissibility under the LEP as “a shed is not permissible as there is no definition in the LEP dictionary for a ‘Shed’”
Comment – The development is identified as ‘ancillary development – building’ which is clearly permissible with consent under the LEP within this zone.

DEVELOPMENT CONSULTANTS IN ENGINEERING, SURVEYING, PLANNING & ENVIRONMENTAL



Liability limited by a scheme approved under Professional Standards Legislation.

Tattersall Lander Pty Limited ABN 41 003 509 215

2 Bourke Street, RAYMOND TERRACE 2324 **All mail to:** PO Box 580

Telephone: (02) 4987 1500 **Email:** admin@tatland.com.au

- DCP to address 5.6.1 Outbuildings
Comment – Noted; This part of the DCP was missed due to the title being *Single Dwellings, Dual Occupancies, Villas and Townhouses* – ie nowhere in the title does it mention outbuildings or ancillary development
- DCP to address 5.6.1.1 Residential and Village Zones Height Controls
Comment – This part of the DCP states that the maximum permissible height of an outbuilding is 4.8 metres. This is in direct contradiction to the LEP which provides a maximum building height in this location of 8.5 metres; at 6.26 metres, the proposal is clearly permissible with the LEP. As the LEP overrides the DCP, the DCP is unable to prohibit that which is permitted under the LEP and therefore the proposal must be considered compliant in this regard.
- DCP to address 5.10 Detached Garages, Carports, Sheds and Other Outbuildings – floor area and setbacks
Comment – The relevant parts in this part of the DCP and specifically as requested for further detail are:
 - *Maximum floor area controls:* For lots greater than 900 square metres, the maximum floor area is stated as 100 square metres. The proposal has a proposed floor area of 216 square metres. Whilst this is just over double that which is permitted in the DCP, it is noted that the site encompasses two lots and as such in reality, there is effectively 100 square metres permitted per lot making 200 square metres permissible. Whilst the proposal technically is non-compliant with the controls, it must be noted that the proposal is still compliant with the objective of this part of the DCP which states that *detached garages, carports and other outbuildings are located and designed so that they do not dominate the streetscape or adversely affect the adjoining properties*. The location of the proposal, being set back 30 metres from the front boundary, will ensure that, despite its floor area, it will not dominate the streetscape or adversely affect any adjoining properties. The proposal is to be located behind existing mature trees which shall significantly assist in screening and shall ensuring that there is no adverse impact arising from the proposal and that the objective of this part of the DCP is met.
 - *Front Setback controls:* The front setback controls state that the minimum front setback is to be 6 metres from the front property boundary and the development is clearly compliant with this control, being 30 metres from the front boundary. It is acknowledged and noted that there is a second control which states that *detached garages, carports, sheds and other outbuildings must have a minimum 500mm setback from the front building line of the dwelling for which it is provided*. Whilst clearly the development is not compliant with this control, the fact that it is setback five times or 500% greater than the minimum front boundary setback would strongly suggest that the proposal is located such that it will not dominate the streetscape or adversely affect adjoining property; as such, whilst the development is not consistent with the control, it most certainly is consistent with the stated objective and as such should be deemed to be appropriately located.
 - *Side and Rear setback controls:* The development has a side setback of 2 metres from the east side, 30 metres from the west side, and 90 metres from the rear. The controls call for a 0.9 metre (plus wall height over 2.7 metres /2) side

setback – the wall height is 5 metres and therefore the side setback must be 1.15 metre $((5-2.7)/2)$ and therefore the development exceeds the minimum side setback requirements. The rear setback is also fully compliant.

In summary, the only questionable issues are that of floor area and the fact that the proposal is not setback behind the existing dwelling. With both of these issues, the non-compliance is a merely technicality being with the controls and it is specifically noted that the Objective of the relevant part of the DCP is still met, and as such the proposal should be considered acceptable in this regard.

We trust that the above is sufficient to enable the continued processing of this Development Application, however, should you require any additional information or have any questions, please do not hesitate to contact myself at this office.

Kind regards

TATTERSALL LANDER PTY LTD

Ben Folbigg

Planner/Environmental Consultant