

2.4 DA 51/2012 - Additions and Alterations to Existing Dwelling at Mardi

TRIM REFERENCE: DA/51/2012 - D03094309

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SUMMARY

The purpose of this report is to provide draft conditions of consent for the proposed alterations and additions in accordance with Council's resolution of 8 August 2012 which required staff to "*submit a report which includes possible conditions for approval*".

Applicant	Emma Blake
Owner	Mr R Blake and Mrs L F Blake
Application No	DA/51/2012
Description of Land	Lot 4 DP 3368 No 65 McPherson Road, Mardi
Proposed Development	Additions and Alterations to an Existing Dwelling
Site Area	9466.00m ²
Zoning	1C Non Urban Constrained Lands
Existing Use	Dwelling

RECOMMENDATION

- 1** *That Council consider the matters detailed in the report for DA/51/2012 dated 8 August 2012 and determine the application.*
- 2** *That Council advise the Department of Primary Industries, Catchment and Lands of Council's decision.*

This application for additions and alterations to an existing dwelling was considered by Council at its meeting held on 8th August 2012. The recommendation from Council officers was that the development application be refused on the basis of the significant risk to safety as a result of the depth of inundation to 0.65 metre above the floor of the proposed addition, a flood depth of approximately 1.9 metre deep across the subject land and a potential flood velocity of 1 metre per second. As a consequence, the application does not comply with Council's adopted development controls nor the State Government's Flood Plain Development Manual.

Council at its meeting held on 8 August 2012;

"RESOLVED on the motion of Councillor Eaton and seconded by Councillor Best:

- 1** *That Council defer the matter to the 22 August 2012 meeting.*
- 2** *That Council direct the General Manager to submit a report which includes possible conditions for approval to Council's meeting on 22 August 2012.*

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FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT AND WEBSTER

AGAINST: COUNCILLOR WYNN"

Notification of Amended Plans

The amended plans were advertised in accordance with DCP 2005 Chapter 70 - Notification of Development Proposals with 1 submission being received from the Department of Primary Industries, Catchment and Lands. This authority owns the foreshore Crown reserve on the northern side of the subject property. (To be updated 18 August 2012)

The grounds for the objection are as follows;

The accompanying mapping (presumably drafted by "Ken Jones Building Designer") notes that the existing residence significantly encroaches onto the Crown reserve, and that a metal shed is located separately on the reserve opposite the house.

A review of the records within Crown Land has not revealed any current authorisation for either encroachment.

Accordingly Crown Lands NSW formally objects to the approval of DA51/2012 pending:

- *authorisation of the occupations, OR*
- *evidence being received showing the encroachments have been removed, OR*
- *evidence being received that the mapping showing these encroachments, is incorrect*

Comment

A small portion of the existing dwelling encroaches onto the adjoining Crown reserve which has obviously been the case since the dwelling was constructed over 60 years ago. The proposed addition is on the southern side of the existing dwelling and would not encroach onto this reserve.

Section 158 of the Crown Lands Act empowers the Minister (for Lands) to remove encroaching structures from Crown Land, following a prescribed process. If this was to occur the remainder of the dwelling could remain and although modifications to the structure would be necessary, the use as a dwelling could continue.

The approval of the additions would have no impact upon this issue as any action to remove the encroachment could be undertaken regardless of the construction of the addition. Under these circumstances this matter is not a reason to refuse the application.

ATTACHMENTS

1	Report to Council 8 August 2012	D03079665
2	Draft Conditions of Consent	D03104747
3	Draft Reasons for Refusal	D03094323
4	Development Plan Showing Flood Level (A3 Colour)	D03081719