
Minutes of an ordinary meeting of the Development Support Special Committee held in the Council Chamber of the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 13 March 2012 commencing at 6:00pm

Members attendance

Cr Jan Bonde (Mayor)
Cr Amanda Diprose
Cr Phillip Viney

Cr Shane Broad
Cr Tony van Rooyen

Members apologies

Ms Sandra Ayton

Employees attendance

Land Use Planning Group Leader (Mr Ian Sansom)

Employee apologies

Director Development & Regulatory Services (Mr Michael Stretton)

Public Attendance

One member of the public attended during the course of the meeting.

CONFIRMATION OF MINUTES OF THE COMMITTEE

14/2012 Confirmation of minutes

The Director Development & Regulatory Services reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 13 February 2012 have already been circulated. The minutes are required to be confirmed for their accuracy.

The *Local Government (Meeting Procedures) Regulations 2005* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

- Cr Viney moved and Cr Diprose seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 13 February 2012 be confirmed.”

Carried unanimously

MAYOR’S COMMUNICATIONS

15/2012 Mayor’s communications

The Mayor reported as follows:

“Under the terms of appointment of the Development Support Special Committee, it acts in agreed circumstances as if it were the Council and, accordingly, as a planning authority under the *Land Use Planning and Approvals Act 1993*.

Members are reminded that the *Local Government (Meeting Procedures) Regulations 2005* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.

In the event that items listed for consideration are referred, under the terms of the Committee’s appointment, to the Council (e.g. any matter the Committee cannot determine unanimously), or if the Committee is unable to make a determination within the relevant statutory time limit, such items will be referred to a meeting of the Council for a decision.”

- Cr Broad moved and Cr van Rooyen seconded, “That the Mayor’s report be received.”

Carried unanimously

PECUNIARY INTEREST DECLARATIONS

16/2012 Pecuniary interest declarations

The Mayor reported as follows:

“Members are requested to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.”

The Land Use Planning Group Leader reported as follows:

“The *Local Government Act 1993* provides that a member must not participate at any meeting of a special committee in any discussion, nor vote on any matter, in respect of which the member has an interest or is aware or ought to be aware that a close associate has an interest.

Members are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a member must declare any interest in a matter before any discussion on that matter commences.

All interests declared will be recorded in the minutes at the commencement of the matter to which they relate.”

No interests were declared at this time.

ADJOURNMENT OF MEETING

17/2012 Adjournment of meeting

The Mayor reported as follows:

“In order to effectively consider the reports before this meeting of the Committee it is appropriate that I adjourn the meeting to enable the related documents to be workshopped prior to resumption of the meeting and formal resolution of the agenda items.”

The workshop having been concluded, the Mayor resumed the meeting.

DEPUTATIONS

18/2012 Deputations

The Director Development & Regulatory Services reported as follows:

“No requests for deputations to address the meeting or to make statements or deliver reports have been made.”

OPEN REPORTS

19/2012 Dwelling at 1 Maisie Place, Ulverstone – Application No. DA211214

The Director Development & Regulatory Services reported as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION No.:</i>	DA211214
<i>APPLICANT:</i>	Mr John Sheridan
<i>LOCATION:</i>	1 Maisie Place, Ulverstone
<i>ZONING:</i>	Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Planning Scheme 2005</i> (the Scheme)
<i>ADVERTISED:</i>	15 February 2012
<i>REPRESENTATIONS EXPIRY DATE:</i>	29 February 2012
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	22 March 2012
<i>DECISION DUE:</i>	13 March 2012

PURPOSE

The purpose of this report is to assess an application for a dwelling at 1 Maisie Place, Ulverstone and consider one representation made in response to the application.

BACKGROUND

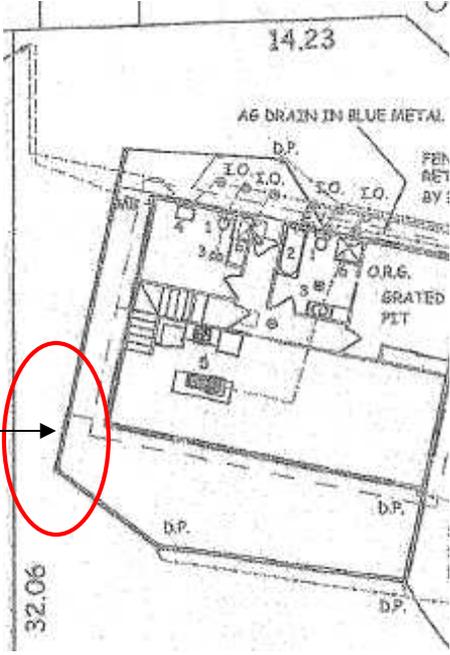
A copy of the application is provided at Annexure 1. Annexure 2 is a location plan.

DISCUSSION

The application is assessed against the Scheme and the Planning Directive introduced by the Tasmanian Planning Commission on 29 August 2011 (the Planning Directive).

The following table is an assessment against the relevant provisions:

CLAUSE	ASSESSMENT AND COMMENT
OBJECTIVES FOR PLANNING	
2.0 Objectives for Planning	<p>Compliant.</p> <p>The proposal is consistent with the Objectives for Planning, particularly 2.1(b) which is as follows:</p> <p><i>(b) The residential settlement strategy is to reinforce the existing residential pattern and any new residential development is to be the infill or orderly extension of existing urban areas.</i></p>
PLANNING DIRECTIVE STANDARDS	
1. Setback from a frontage	
A1.	<p>Compliant.</p> <p>The required setback from Maisie Place is 4.5m, the proposed is 4.5m. The required setback from Southern Cross Drive is 3m, the proposed is 3.9m.</p> <p>Note: The retaining wall to the west of the garage is considered to be a minor protrusion that is permitted within the 3m setback to Southern Cross Drive.</p>
2. Site coverage and rear setback	
A1. Site coverage	<p>Compliant.</p> <p>The maximum site coverage is 50%, the proposed is 28%.</p>
A2. Rear setback	<p>Compliant.</p> <p>The required setback from the rear boundary is 4m, the proposed is 11.06m.</p>

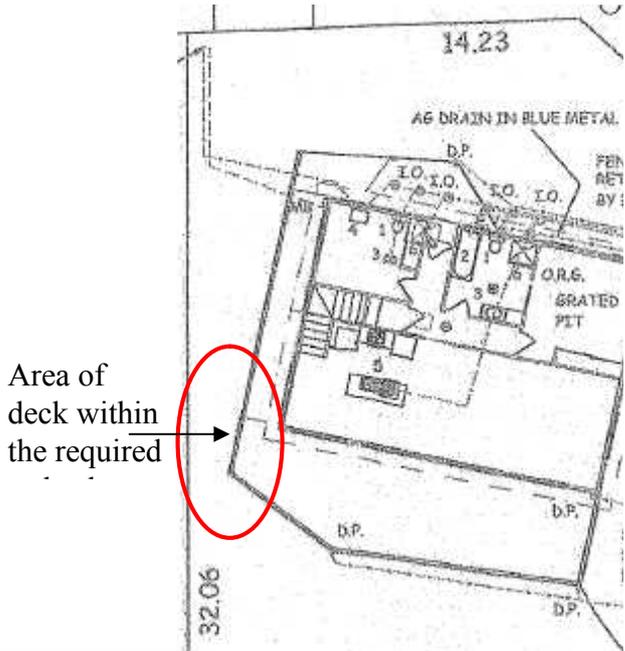
3. Building envelope	
<p>A1. Side setback</p>	<p>Non-compliant.</p> <p>Where it is closest to the boundary of 3 Maisie Place, the building height is 6.2m, meaning that the required setback is 3.2m. The proposed setback is 1.5m (see picture below).</p>  <p>Area within the required setback</p>
<p>P1. Corresponding Performance Criteria</p>	<p>Compliant by condition.</p> <p>3 Maisie Place (shown below) is vacant land and is the only property affected by the non-compliance with 3.A1.</p>



The Performance Criteria requires there to be no unreasonable loss of amenity on adjoining lots by overshadowing, overlooking and loss of privacy and visual impacts when viewed from adjoining lots. The proposed dwelling performs as follows:

- Shading from the proposed dwelling will not significantly affect any adjoining properties.
- Overlooking is a matter addressed in 5.P1. below.
- Due to slope of the land, buildings are likely to be equal or similar in floor height to the one proposed, so the visual impact from adjoining lots would not be unlike typical residential settings.

The topography is likely to generate buildings that appear to be single storey from Maisie Place but as the land falls away, space will be created for a lower storey below the main living level. In the context of this scenario, the reduced setback of the proposed dwelling will be consistent with the streetscape character.

4. Garage setback from primary frontage	
A1. Garage setback	<p>Compliant.</p> <p>The requirement applies to garages within 12m that face the primary frontage (the Maisie Place frontage). The proposed garage is within 12m but faces away from the Maisie Place frontage.</p> <p>The garage is required to be setback 3m from the Southern Cross Drive frontage, the proposed setback is 3.9m.</p>
5. Privacy	
A1. Elevated deck setback	<p>Non-compliant.</p> <p>The requirement is that a deck with a floor level above 1m is setback 3m. Where the proposed deck is within 3m of the side boundary, the proposed deck height is between 1.7m and 3.9m. This will create potential for overlooking due to its height and proximity to 3 Maisie Place.</p>
	 <p>Area of deck within the required</p>

<p>P1. Corresponding Performance Criteria</p>	<p>Compliant by condition.</p> <p>The Performance Criteria requires the potential for direct overlooking to be avoided or minimised by separation or off-set or by use of solid or translucent screening. The provision deals with the potential for direct overlooking, so the future use of 3 Maisie Place must be considered.</p> <p>The option of separation or off-setting the deck is not possible where there is nothing to separate from or off-set against. Therefore, the remaining option is the use of solid or translucent screening. A condition of approval on the draft Permit is proposed as follows:</p> <ul style="list-style-type: none"> • Wherever the deck is within 3m of the boundary with 3 Maisie Place, it must be screened with solid or translucent material to a height of 1.7m so that direct overlooking of 3 Maisie Place is not possible. <p>A note is proposed as follows:</p> <ul style="list-style-type: none"> • The configuration of a future dwelling at 3 Maisie Place may not generate a need for screening on the proposed deck. In this case the Council would consider a minor amendment of this permit for the removal of the condition requiring screening.
<p>A2. Overlooking and windows</p>	<p>Compliant.</p> <p>The requirement is that windows of rooms with a floor level above 1m are setback 3m. The upper floor level windows are all setback greater than 3m.</p>
<p>APPLICABLE RESIDENTIAL ZONE STANDARDS</p>	
<p>6.4.4 A1. Access and Services</p>	<p>Compliant by condition.</p> <p>A new access and the removal of an existing access is required.</p> <p>Stormwater matters are addressed at the building application stage.</p>

	Water and sewer is available and connections will be addressed by Cradle Mountain Water at the building application stage.
APPLICABLE SCHEDULES	
S6. Land stability	<p>Compliant by condition.</p> <p>The site is within an area identified as being of doubtful stability. The requirement is that the stability of land is not adversely affected and that the level of risk to life and property is acceptable.</p> <p>The geotechnical investigation submitted with the application concludes that the site can be built upon provided:</p> <ul style="list-style-type: none"> • Ponding of water in any trenches or pipes up slope of the proposed dwelling is prohibited. • Excavation down slope of the proposed dwelling is prohibited. • Excavations must not be used for fill and must be removed from the site. • The dwelling is constructed in accordance with the Australian Standard Earthquake Code. <p>These conclusions have been included as conditions on the draft Permit at Annexure 4 along with an additional condition as follows:</p> <ul style="list-style-type: none"> • The dwelling must be constructed in accordance with The Australian Geoguides for Slope Management and Maintenance and in particular the attached examples of good hillside practice from the Australian Geoguide LR8 (Construction Practice).
S11. Car parking	<p>Complies.</p> <p>The required number of car parking spaces is two, the proposed is two with room for more.</p>

CONSULTATION

In accordance with s.57(3) and of the *Land Use Planning and Approvals Act 1993*:

- two site notices were posted (one on each frontage);
- one advertisements were placed in the Public Notices section of The Advocate newspaper;
- adjoining owners were sent two letters advising of the application and inviting comment.

The application was referred to the Council's Planning and Assessment Team. Any relevant comments received from the Planning and Assessment Team are included in the recommendation.

One representation was received dated 28 February 2012. A copy is at Annexure 3. Each matter is addressed in the same order it is raised:

MATTER RAISED	RESPONSE
Potential loss of privacy	The potential for overlooking and the resulting loss of privacy is acknowledged and addressed in the assessment of 5.P1. of the Planning Directive standards above.

IMPACT ON RESOURCES

This report has no impact on resources other than the usual resources in assessment of the application and preparation of a report. Additional resources required in the event of an appeal are unknown.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

The Shape of the Place

- Adopt an integrated approach to land use planning

The Environment and Sustainable Infrastructure

- Contribute to a safe and healthy environment.

The proposal is consistent with these strategies and key actions.

CONCLUSION

The proposed development complies with the all the relevant Acceptable Solutions and Performance Criteria of the Scheme and Planning Directive.

Recommendation

It is recommended that the application is approved in accordance with the draft Permit at Annexure 4.'

The report is supported.”

The Director Development & Regulatory Services reported as follows:

“Copies of the annexures referred to in the Town Planner’s report have been circulated to all members.”

■ Cr van Rooyen moved and Cr Viney seconded that, “The application for a dwelling at 1 Maisie Place, Ulverstone is approved subject to the conditions and notes listed on the draft Permit at Annexure 4 (a copy being appended to and forming part of the minutes).”

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 6:10pm.

CONFIRMED THIS DAY OF , 2012.

Chairperson

(ms:jar)

QUALIFIED PERSON'S ADVICE

The *Local Government Act 1993* provides (in part) as follows:

. A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

. A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

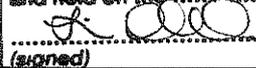
I therefore certify that with respect to all advice, information or recommendation provided to the Development Support Special Committee within these minutes:

(i) the advice, information or recommendation was given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and

(ii) where any advice was directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Sandra Ayton
GENERAL MANAGER



I, LISA MACKRILL (name)
Executive Services Officer, do certify that this is the
1st page of 3 pages comprising the Planning
Permit granted at and referred to in the Minutes of
the Meeting of the Council numbered 19/2012
and held on the 13/03/2012

(signed) Dated 14/03/2012

PO Box 220
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Ulverstone Tasmania 7315
Tel (03) 6429 8900
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admin@centralcoast.tas.gov.au
www.centralcoast.tas.gov.au

PLANNING PERMIT

(DISCRETIONARY)

(557 Land Use Planning & Approvals Act 1993)

To: Mr J Sheridan
283 William St
DEVONPORT TAS 7310

Details of Planning Application:

Property Address: 1 Maisie Place
Ulverstone 7315 Permit No: DA211214

Development/Use: Dwelling

Zone: Residential Use Class: Residential

Decision:

The Development Support Special Committee (DSSC), at its meeting held on 13/03/2012 (Minute No. 19/2012) made a decision on the above mentioned application.

The decision is reproduced as follows:

Approved with Conditions. Authorised by Development Support Special Committee (DSSC).

- 1 The development must be substantially in accordance with the application for this permit, unless modified by a condition of this permit.
- 2 The external area of the dwelling unit adjacent to its front door must:
 - (a) be provided with artificial lighting operated by a sensor or from within the dwelling unit;
 - (b) be visible from within the dwelling unit while the main front door is closed which may be achieved through:
 - (i) nearby windows;
 - (ii) transparent glass in the main front door;
 - (iii) a security keyhole viewing device in the main front door;
 - (iv) a security door on the outside of the main front door; or
 - (v) any other manner that is effective as any of the above.
- 3 Wherever the deck is within 3m of the boundary with 3 Maisie Place, it must be screened with solid or translucent material to a height of 1.7m so that direct overlooking of 3 Maisie Place is not possible.
- 4 Ponding of water in any trenches or pipes up slope of the proposed dwelling is prohibited.
- 5 Excavation down slope of the proposed dwelling is prohibited.
- 6 Excavations must not be used for fill and must be removed from the site.
- 7 The dwelling must be constructed in accordance with the Australian Standard Earthquake Code.
- 8 The dwelling must be constructed in accordance with The Australian Geoguides for Slope Management and Maintenance and in particular the attached examples of good hillside practice from the Australian Geoguide LR8 (Construction Practice).
- 9 The existing access off Maisie Place is to be removed and the footpath/naturestrip reinstated, noting that this work will be undertaken by the Council at the property owner's cost, unless alternative arrangements are approved by the Council's Director Engineering Services or his representative.

- 10 Any works associated with existing footpaths, kerb and channel, naturestrips, stormwater infrastructure or other Council services will be undertaken by the Council, at the property owner's cost, unless alternative arrangements are approved by the Council's Director Engineering Services or his representative.
- 11 Any access and driveway must be constructed in accordance with Standard Drawing SD-1003 Urban Roads - Typical Vehicle Crossing (copy enclosed), noting that any work associated with the road, kerb crossover or footpath infrastructure will be undertaken by the Council at the property owner's cost, unless alternative arrangements are approved by the Council's Director Engineering Services.
- 12 A Road Reserve Permit must be issued by the Council's Public Safety Officer, or his representative, prior to any works or activity being undertaken within the road reservation. Application forms are available from the Council's Engineering Services Department and a fee applies.
- 13 Any damage or disturbance to footpaths, kerb and channel, roads, naturestrips, stormwater infrastructure or existing services must be rectified, noting that this work will be undertaken by the Council at the property owner's/developer's cost, unless alternative arrangements are approved by the Council's Director Engineering Services, or his representative.
- 14 The applicant is to utilise stormwater control devices to prevent carriage of sediment from the site during construction of any necessary services and/or proposed site works.
- 15 The activity endorsed by this permit must be carried out in accordance with the requirements of the Environmental Management and Pollution Control Act 1994, and Regulations made thereunder.

Please note:

- 1 A planning permit remains valid for two years. If the use or development has not substantially commenced within this period an extension may be granted if a request is made before this period expires. If the permit lapses, a new application must be made.
- 2 The following fencing is exempt from requiring a planning permit:
 - (a) Side and rear boundary fences and retaining walls that do not adjoin a road or reserve or exceed a combined height of 2.1m; and
 - (b) Front fences and retaining walls that do adjoin a road reserve but do not exceed 1.2m above natural ground level and are not on a site listed on the Tasmanian Heritage Register.
- 3 "Substantial commencement" is the submission and approval of a building permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 4 The configuration of a future dwelling at 3 Maisie Place may not generate a need for screening on the proposed deck. In this case, the Council would consider a minor amendment of this permit for the removal of the condition requiring screening.
- 5 The Council allows one 6.0m-wide or two completely separate 3.6m-wide vehicle accesses to a lot within the road reserve.
- 6 Please contact the Council's Environmental Engineer in regard to the removal of the existing Maisie Place access prior to the commencement of building construction.
- 7 Building and plumbing permits are required for the proposed development. A copy of this planning permit should be given to your building surveyor.

If you wish to appeal against any of the permit conditions, you must lodge an appeal with the Resource Management and Planning Appeal Tribunal, GPO Box 2036, Hobart 7001 within 14 days from the date of this advice (refer s.61 of the Land Use Planning and Approvals Act 1993). The appeal must be in writing and lodged with the prescribed fee - please contact the Tribunal (ph 6233 6464) about procedures and further information regarding lodgement of an appeal.



Permit No: DA211214

I, LISA MACKRILL (name)
 Executive Services Officer, do certify that this is the
3rd page of 3 pages comprising the Planning
 Permit granted at and referred to in the Minutes of
 the Meeting of the Council numbered 19/2012
 and held on the 13/03/2012.
 (signed) [Signature] Dated 14/03/2012

Name:

Signed:

Date:

Ian Sansom

[Signature]

14 March 2012

Title:

LAND USE PLANNING GROUP LEADER

Permit No:

DA211214