
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, 5 February 2007 commencing at 4.00 pm

Members attendance

Cr Mike Downie (Mayor)
Cr Tony van Rooyen
Mrs Kathy Schaefer

Cr Brian Robertson (Deputy Mayor)
Cr Ken Haines

Members Apology

Cr Warren Barker

Employees attendance

Director Development Services (Mr Jeff McNamarra)
Land Use Planning Group Leader (Mr Shane Warren)

Media attendance

There was no media attendance.

Public attendance

No members of the public attended during the course of the meeting.

CONFIRMATION OF MINUTES OF THE COMMITTEE

7/2007 Confirmation of minutes

The Land Use Planning Group Leader reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 8 January 2007 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 Robertson moved and Cr Haines seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 8 January 2007 be confirmed.”

Carried unanimously

MAYOR’S COMMUNICATIONS

8/2007 Mayor’s communications

The Mayor reported as follows:

“Under the terms of appointments 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 Haines moved and Cr Robertson seconded, “That the Mayor’s report be received.”

Carried unanimously

PECUNIARY INTEREST DECLARATIONS

9/2007 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 members 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 councillor 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

10/2007 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

11/2007 Deputations

The Land Use Planning Group Leader reported as follows:

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

OPEN REPORTS

12/2007 Eight-lot subdivision at 1 Hull Street, Leith - Application No. SUB2005.23

The Land Use Planning Group Leader reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION No.:</i>	SUB2005.23
<i>APPLICANT/OWNER:</i>	WDB Technology on behalf of WF & MA de Bomford
<i>LOCATION:</i>	1 Hull Street, Leith (CT 220510/1)
<i>ZONING:</i>	Residential (RE) - Low Density
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	31 January 2006
<i>REPRESENTATIONS RECEIVED:</i>	Four
<i>42-DAY EXPIRY DATE</i>	20 February 2007
<i>DECISION DUE</i>	20 February 2007

PURPOSE

The purpose of this report is to consider the merits of an application to subdivide a parcel of land into eight lots, the merits of the representations lodged to the application and compliance of the proposal with the Scheme.

The applicant's submission along with supporting information is contained in Annexure 1. This comprises the original application as well as additional information received pursuant to s.54 of the *Land Use Planning and Approvals Act 1993* (the Act).

PROPOSAL

The subject site, east of Ulverstone, is situated within a low-density residential area of Leith (refer to Location Map - Annexure 2). The proposal is to subdivide a parcel of land into eight titles (refer to Annexure 1 with the proposed layout depicted on the proposal plan).

The subject land, comprising 3.54 ha, would be subdivided into eight irregular shaped lots. The eight lots will range in area from 4010 m² - 4593 m².

BACKGROUND

Draft Amendment 3/2005 & Permit Com2004.3, Central Coast S.46 Planning Scheme No 1 of 1993

A draft amendment (identified as Amendment 3/2005) to rezone the subject site from Rural (R) - General to Residential (RE) - Low Density was initiated and certified by the Council on 18 July 2005 (Minute No. 204/2005) to the Scheme.

The Resource Planning and Development Commission (the Commission) granted its approval to this amendment pursuant to s.42 (1) of the Act on 13 October 2006. A permit for a five lot subdivision for land located on the southern side of the subject site at 196 Allport Street, Leith was approved at the same time pursuant to s.43H(1)(a) of the Act. The amendment came into operation on 20 October 2005. The permit also came into effect from the time of the approval. The final plan of subdivision for this permit has not been sealed. There were no representations received during the public exhibition period.

In the supporting information provided by the applicant of this amendment, threatened species (both flora and fauna) were not identified as an issue of concern for the area being rezoned.

Subject site

The subject site, located on the eastern side of the Bass Highway at Leith, is bounded by Hull Street, Hill Street (unmade), Allport Street East (unmade) and agricultural land.

The subject site is currently covered with a mixed stand of tall Eucalyptus trees. These trees were once part of an extensive robust and varied coastal vegetation system. The unmade road reserve of Hill Street is currently in a natural vegetative state and provides for additional buffering on the northern side of the subject site. The road reserve on the eastern side of the subject site also provides for further buffering.

The subject site is part of an isolated pocket of declining remnant vegetation subjected to weed invasion and disturbance from residential development.

A water depression traverses the site (refer to proposal plan - Annexure 1).

DISCUSSION

Pursuant to clause 4.1.3 of the Scheme, clause 3.9.2 of the Scheme shall be applied to subdivision as nearly as if the proposal were development. The following discussion considers the most relevant matters of clause 3.9.2 of the Scheme.

Objectives, Part 5 of the Scheme

Pursuant to clause 4.1.1 (a), the Council may refuse an application if in the opinion of the Council the subdivision if proceeded with would contravene the provisions of this Scheme and mitigate against the achievement of the objectives of this Scheme. Accordingly, the following discussion considers the most relevant objectives of the Scheme to the proposal.

The most relevant Scheme objectives, outlined by clause 5.1.1, Part 5 of the Scheme, are as follows:

- (a) orderly settlement and management of population, commerce, rural production and industry;
- (b) proper use and development of land, buildings and resources;

-
- (c) enhancement of the environmental “quality of life” of residents and visitors by attention to aesthetics and landscape impact and general pollution effects;
 - (g) controlled economic use and/or expansion of municipal services and facilities;
 - (h) reservation and preservation of areas or sites of special significance;
 - (k) prevention of spasmodic and premature subdivision of land which (particularly in urban and urban fringe areas) jeopardise or tend to delay the ultimate logical and economic development of land; and
 - (l) provision for diversity and innovation in residential lifestyle opportunities and recreational and cultural community services.

Although there is agricultural land and forest remaining on the eastern side of the subject land, the site is located in an area that is dominated by residential development, accommodated on above-average lot sizes.

Developed residential lots are located to the north, south and east of the subject site. The subject site is considered to be infill development and considered to be a logical extension of the built-up area of Leith. The proposed subdivision appears to be timely, although the natural values of the land require careful consideration to ensure that any development is undertaken in a sensitive manner.

For these reasons the proposal is considered to be consistent with objectives (a), (b) and (k) of the Scheme.

Objective (c) of the Scheme places particular emphasis on aesthetics and landscape impact. The subject site, located on eastern side of the Bass Highway at Leith, is situated on top of a hill within an established low density residential area. Given the slope of this area, residential development in this locality is visually prominent to motorists travelling in an easterly direction along the Bass Highway from Forth.

The skyline (as viewed from the Bass Highway) was significantly altered when residential development occurred in this location of Leith some 25 years ago. The proposal was referred to LALLA Horticultural Services (LALLA) by the applicant to provide advice on the effect of the proposed subdivision on the stand of remnant Eucalyptus trees. The LALLA report comments that “the original clearing (as a result of residential development) has had a significant and now irreversible impact on the skyline as viewed travelling in an easterly direction along the Bass Highway at Forth”.

In considering the proposal with respect to this objective, comments made by the Senior Landscape Planner (SLP) Forest Practices Authority also should be considered. The SLP raised concerns with respect to the impact the proposal would have on the skyline of this location. He concludes that if forest still remains on the top of the hill, this may hold the skyline together and shield the view somewhat.

Accordingly, if a permit is granted to the proposed subdivision, it is recommended that a Part 5 Agreement be drafted to ensure that any removal of trees is not undertaken until suitable house sites and a strategy for maintaining a useful and safe stand of trees has been identified for the lots adjoining the northern and eastern boundaries of the subject site. This in turn should also assist with minimising the impact of the proposal on the skyline. Providing that this is added to any condition of approval granted, the proposal is not considered to be at variance with objective (c) of the Scheme.

The proposed lots have access to mains water and each lot will have an on-site sewage and sullage disposal unit. The proposal will require further expansion of municipal services and facilities with respect to water. The proposal is consistent with objective (g) of the Scheme.

The Forest Practices Plan did not identify any special geological values, items of aboriginal heritages sites or any flora and fauna that required conservation. Additionally, the report prepared by LALLA concludes the following:

“...it is concluded that although the site is dominated by remnant trees there has been attrition from surrounding land clearing and development as well as a failure to recruit the next generation of trees, leading to a significantly reduced natural value of the stand. It is not an intact system, is in decline and does not provide a diverse spectrum of habitat for native fauna. As the trees stand there are considered to be ongoing management issues relating to the stability of the trees”.

To ensure that the maximum number of trees are preserved on the subject site it is recommended that a Part 5 Agreement be drafted ensuring that the maximum number of trees can be retained on the subject site. On this basis the proposal is consistent with objective (h) of the Scheme.

The proposal will offer a residential lifestyle on larger than traditional urban lots. While there are a number of other locations which offer similar opportunities within the municipal area, the subject site is appropriately zoned

for this purpose. The proposal is not considered to be in conflict with objective (l) of the Scheme.

Residential (RE) - Low Density

The land is zoned Residential (RE) - Low Density under the Scheme. The intent of the zone reads as follows: -

“6.2.4 Residential (RE) - Low Density

This zone is primarily intended to accommodate dwelling units on the basis of one dwelling unit per lot but such that the density of occupation is low for any particular unit of area compared with other residential zones.

6.2.4(a) The allocation of land in and to this zone and its location is intended to ensure that:

- (i) the skyline is preserved from building congestion;
- (ii) there is a transition from high residential densities near the centre of the urban areas to low densities adjacent to agricultural areas;
- (iii) there are buffer areas of minimal habitation density adjacent to agricultural or certain Public Authority installations;
- (iv) the generation of load on municipal service at the extremities of mains or lines is minimised.”

The proposal is consistent with the intent of the zone given that the proposed plan of subdivision will create lots on appropriate lot sizes. While comments by the representations indicated that there are many lots within this area greater than 11,000 m², the Scheme only requires that a minimum of 4000 m² is achieved. The proposed subdivision is consistent with this requirement (see *Representations* below).

Refer to the above discussion with respect to the preservation of the skyline from building congestion.

Table S8, Schedule 8

Section 8.1.2, Schedule 8 requires that subdivision conforms to the minimum area and dimensions as outlined by Table S8 of the Schedule. Table S8 of this Schedule requires for lots in this zone to have a minimum area of 4000m². All lots meet the minimum required area.

The proposed subdivision conforms to other requirements of this table.

Impacts of the proposed subdivision on the stand of remnant trees

As referred to earlier, LALLA was contracted to provide professional advice on the effect the proposal would have on the stand of remnant vegetation remaining on the subject site. This advice was based on the Forest Practices Plan prepared for the subject site and a site inspection conducted by LALLA on 5 October 2006.

LALLA's report concludes that any residential subdivision of the subject site will inevitably further affect the natural values, size and stability of the stand of vegetation.

LALLA's report recommends that to enable the construction of residences a strategy for maintaining a use and safe stand of trees would be best identified if the subdivision was to proceed. "This could be well served by considering the unmade road reserves on the eastern and northern boundaries as buffers to the subdivision. The retention of the road reserves in a natural vegetative would allow the removal of trees to allow buildings with reasonable distances from neighbouring trees while enabling consolidation of the remnants left into a more a dynamic system".

A suggested condition of approval by LALLA is that the proponent engages an appropriately qualified person to specify and supervise the planting of suitable local native species at the edges of the external buffers with some in-fill into the buffers as required. Accordingly, it is recommended that a Part 5 Agreement be drafted to reflect this recommendation.

CONSULTATION

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. While a number of conditions were provided by the Environmental Officer and Asset Management Group Leader for the inclusion to any planning permit if the Council would like to grant an approval, no further comments were received from the Planning and Assessment Team that required inclusion in the final determination of the application.

Tasmania Fire Service (TFS) was consulted with respect to the proposed plan of subdivision. The Tasmania Fire Service has advised that it is "satisfied

that this area when subdivided with a suitable council access road will allow good accessibility for the purpose of protecting personnel and property in the advent of a bushfire”.

The TFS has recommended that the “Guidelines for Development in Bushfire Prone Areas of Tasmania” be considered during the design and placement of homes. Accordingly, it is recommended that a Part 5 Agreement requiring for these Guidelines to be considered prior to construction of dwellings commencing.

REPRESENTATIONS

The application was subjected to the required 14-day public scrutiny process required by s.57 of the *Land Use Planning and Approvals Act 1993*. This requires advertising of the development by a notice on-site and also by a notice placed once in a daily local newspaper. Correspondence to the adjoining owners inviting them to view the application was also undertaken.

Four formal representations (refer to Annexure 3) were received to the proposal during the statutory advertising period. The following table provides a summary of their concerns and a response.

REPRESENTATION	RESPONSE
A. & D. Bowering	
<ul style="list-style-type: none">• Council seek advice on the effect that removal of some trees could have on the stability of those remaining - and ensure that the siting of new homes could be made with regard to retaining as many of the natural trees as possible.	<ul style="list-style-type: none">• Advice was sought from LALLA with respect to this matter. Accordingly it is recommended that a Part 5 Agreement be drafted to ensure that the removal of trees is carefully considered during preparation of subject site for residential development.

-
- Consideration be given to the “natural waterway” with regard to the extra moisture that will be generated by eight extra households and gardens in the subdivision area - how best to channel this, and to ensure that summertime would not see “pooling” along its course which could lead to breeding of mosquitoes, etc.
 - Further information on stormwater disposal was requested to ensure that existing infrastructure is adequate. A report by Engineering Edge was prepared. This concluded that existing infrastructure has sufficient capacity to carry extra flows. The report also indicates that the stormwater will be conveyed via open drains, however, some piping will be required. The Asset Management Group Leader has noted that existing infrastructure will require some maintenance to allow for the flows to pass without obstruction. Appropriate conditions are recommended should a permit be granted.
 - That septic tank drainage be expertly plotted as we are directly below these sites.
 - The Environmental Officer has inspected the subject site with respect to wastewater disposal. Appropriate conditions are recommended should a permit be granted.

R. Sullivan

- The proposal states that stormwater will be run into the natural waterway, but in another paragraph it mentions that the roof water from dwellings will be sustained on
- See second point from first representation.
- In addition, the applicant is keen to investigate opportunities for conservation and re-use of

each block. This matter needs clarification.

water as part of the development. The applicant has advised that any opportunities to reduce stormwater runoff will be considered as part of the design process.

- Concerned with stormwater run-off and water being directed into their property.
 - Concerned that the proposed subdivision will have “developed waterway”. Suggested that if water is permitted to be run through their property, then a “developed waterway” be constructed at their cost on our land, to manage the extra flow.
 - Concerned about the quality of stormwater that is allowed to flow through our property. Pollution would be most undesirable as would material that is eroded from the new development.
 - Hoping that Council will play a pro-active role in working towards a solution that takes into account the “big picture”.
 - Request that a stormwater analysis is undertaken before any development is permitted.
- All stormwater from the development is required to be disposed of directly into existing infrastructure and should not traverse any neighbouring property.
 - See second point from first representation.
 - See second point from first representation.
 - See second point from first representation.
 - See second point from first representation.

W. & C. Rutter

-
-
- The proposed development does not fit with the established residential area. The present developed lots have sizes over 5250 square metres and up to 12,300 square metres. If the subdivision application is added to the adjacent approved development application for No. 196 Allport Street East, the numbers of residences in this precinct will more than double. This will detract visually, financially and aesthetically for the local residents who built there when it was originally zoned by Devonport City Council as rural with a minimum block size of one hectare.
 - The proposed development site is a habitat for the protected and endangered eastern barred bandicoot. White breasted sea eagles are also seen regularly over Hull Street, Leith and it is also possible that the high trees on the development site hold nest for these birds. Concern that native burrowing crayfish and endangered frog species are also present on the subject site.
 - Both the large gum trees and
 - As outlined under the heading “Background”, the subject site was only recently rezoned to “Residential (RE) - Low Density”. This zone allows for lot sizes having a minimum area of 4000 m². If an alternative zone was considered more appropriate, this should have been considered at the time of the rezoning. No change recommended.
 - A Forestry Practices Plan concludes that these species referred to by the representor are certainly within potential range but the subject site not having any suitable habitat. LALLA also comments that the eastern barred bandicoot lived in the vicinity and concludes that it is more likely that bandicoots would find more suitable habitat within the garden boundaries of the residences in Hull Street rather than the subject site. No change recommended.
 - This issue has been of

the understorey need to be protected. There is no explanation of how this will be done in the development application. No detailed description of proposed flora and fauna preservation in the development application.

primary concern. Accordingly, the applicant was requested to obtain further information with respect to this matter from a suitably qualified person.

As discussed earlier, LALLA's report highlights, "that while the subject site is dominated by remnant trees there has been attrition from surrounding land clearing and development as well as a failure to recruit the next generation of trees, leading to a significantly reduced natural value of the stand. It is not an intact system, is in decline and does not provide a diverse spectrum of habitat for native fauna. As the trees stand there are considered to be ongoing management issues relating to the stability of the trees". A condition requiring a Part 5 Agreement is recommended as part of the conditions of any permit granted to ensure that tree retention is maximised.

- Concerned about stormwater run-off and drainage problems that may result. Comments that there is no information in the development application on the detrimental effect this subdivision will have on the surrounding residents and any proposed solutions.
- Concerned that the proposal
- See second point from first representation.
- See third point of this

for Hull Street is typical example of environmental tokenism. Also points that the subject site is an excellent example of dry sclerophyll, containing few weeds.

- Concerned that traffic will be adversely affected by the proposal. Comments that prior to the rezoning of land that the speed limit should have been revised and that pedestrian access should have been addressed.

representation. Also refer to LALLA's report which addresses this issue in further detail.

- Speed limits were revisited for the area and appropriate changes were made.

Jann Williams & Tony Norton

- Representors have combined professional expertise in environmental and land management.
- Believe that the forest and associated vegetation communities of Hull Street and Allport Street East are areas of national significance. The Leith "patch" is especially important because of the potential habitat it provides for several vulnerable, threatened or endangered animal species.
- Council postpone the decision on the development application until independent, comprehensive and systematic flora and fauna surveys are undertaken at Lot 1, Hull Street

- No response.
- See point three from third representation.
- A Forest Practices Plan and a further report on the effect of the proposed subdivision on a stand of remnant trees were undertaken. These reports have been considered as part of the assessment of this application.

- Survey results are used to
- A Forest Practices Plan was

-
- determine if a Forest Practices Plan is required.
- That the survey results and Forest Practices Plan (if required) are used to inform agreements under Part 5 of the State Land Use and Planning Act that would restrict development. That the total number of blocks would be markedly reduced and the area cleared kept to a minimum, particularly along the watercourse.
 - Queried whether the street frontage of Lot 7 meets Council standards.
 - Were expecting that a Vegetation Protection Area (section 8.4 of the Central Coast Planning Scheme 1993) would have been overlaid.
- prepared for the subject site.
 - The Forest Practices Plan as well as a report on the effect of the subdivision on the remnant vegetation was prepared.
 - This identified that the subject site is dominated by *Eucalyptus amygalina* with intermittent *Eucalyptus obliqua* on the higher ground and *Eucalyptus viminalis* along the dried creek. No special conservation measures.
 - A Part 5 Agreement is recommended to ensure that maximum numbers of trees can be retained whilst ensuring that safety issues are also addressed.
 - The proposed subdivision meets the required development standards. A reduction in lot sizes has not been recommended.
 - The subdivision meets the requirements of Schedule 8.
 - Not applicable to this application.

From the concerns raised by representors, the applicant was requested to provide further information with respect to the proposed development. Particularly, the applicant was required to undertake further investigations

with respect to the effect the proposed subdivision would have on flora, fauna and stormwater disposal.

With respect to the concerns regarding flora and fauna, it is concluded that damage to the remnant vegetation occurred once residential development was established. As LALLA's report on the effect of the subdivision points out that, "the natural values of the stand are minimal and are considered irretrievable unless the entire surrounding area was evacuated and an extensive restoration and expansion program was initiated immediately". The report comments that this is impractical. If a permit to the proposal is granted, a condition requiring a Part 5 Agreement to ensure that appropriate trees on the subject site are retained is recommended.

Information regarding stormwater disposal has been adequately addressed and is supported by the Asset Management Group Leader.

IMPACT ON RESOURCES

This report has no impact on resources.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2004-2009 includes the following objectives:

- . Meet our statutory and regulatory obligations
- . Plan for and develop a sustainable community
- . Create a municipal area that is productive and socially and aesthetically attractive.

CONCLUSION

Examination of the proposal identified that the subdivision upholds the objectives of the Scheme. The report also demonstrates that the proposal is consistent with the intent of the zone and development standards for subdivision.

The report also highlighted that there is considerable concern from representors that the remnant vegetation existing on the subject site provides important habitat for local fauna and that clearing of the land would have a detrimental impact. Further professional information obtained indicates that the stand is in decline and does not provide a diverse spectrum of habitat for

native fauna. While this may be the case, a Part 5 Agreement is recommended to ensure that the maximum number of trees is retained on the subject site.

Concerns with respect to stormwater have also been adequately addressed.

On balance of the issues outlined above, an approval of the application is recommended providing that appropriate conditions are attached.

Recommendation

It is recommended that upon consideration of the proposal against the provisions of the Central Coast S.46 Planning Scheme No. 1 of 1993, and the merits of the representations against the proposal, that the application be granted approval subject to the following conditions:

- 1 The Final Plan must be substantially the same as the submitted plan dated 25 October 2006, except as modified by this permit;
- 2 Payment being provided by the developer, when the Final Plan is submitted for sealing, of cash in lieu of the provision of land for Public Open Space equal to 5% of the value of Lots 1-8 as determined by a registered land valuer;
- 3 Prior to the sealing of the Final Plan, a Part 5 Agreement being prepared at no cost to the Council by a legal professional to provide the following:
 - (a) Future dwellings to be constructed in accordance with “Guidelines for Development in Bushfire Prone Areas of Tasmania”;
 - (b) All lots to comply with the access and water supply requirements of the Tasmania Fire Service for fire fighting when houses are developed; and
 - (c) No removal of existing trees is to be undertaken until suitable house sites and a strategy for maintaining a useful and safe stand of trees, particularly on the northern and eastern boundary edge of the subject site, has been identified for lots 2-7 by an appropriately qualified person. This should also

identify local native species suitable for planting at the edge of the external buffers on the northern and eastern side of the subject site. Once a strategy is completed, it shall be considered and approved by the Council prior to the removal of any trees taking place;

- 4 The subdivider providing:
 - (a) water supply reticulation and connection and meter to each lot;
 - (b) underground stormwater connection point to each lot;
 - (c) a concrete paved vehicular access together with kerb and channelling crossover to each lot; and
 - (d) advice to Aurora and Telstra;
- 5 Existing services disturbed during the subdivision, including any damage to road, kerb and channel, nature strip and footpath being reinstated to the satisfaction of the Council's Director Assets & Engineering;
- 6 The provision (where necessary) of water supply and drainage easements;
- 7 The Final Plan shall be endorsed to show any area that cannot be serviced by existing or new reticulated sewer/water/stormwater;
- 8 The design and construction by the subdivider of Allport Street East and the proposed subdivision road in accordance with the *Local Government (Highways) Act 1982* and the Council's standard specifications and drawings;
- 9 Endorsement of the Final Plan in the following format:

“On-site sewage and sullage disposal:

Lots 1 to 8 are suitable for the installation of modified septic tank systems (shallower and wider absorption trenches) subject to a minimum of 500m² of suitable land (approximately square in shape) being dedicated to the on-site disposal of sullage and sewage effluent.”;

-
- 10 No sound is to be emitted from any device or from any source or activity on the land so as to become a proven environmental nuisance to the occupiers of properties nearby;
 - 11 Where sand or loam is removed during the construction of the subdivision, sufficient topsoil is to be retained to cover the area disturbed to a depth of a least 100mm;
 - 12 Every effort must be made to stabilise stockpiles of topsoil and overburden. This stabilisation may include vegetative seeding, mulches, plastic mesh or netting or another appropriate method;
 - 13 Appropriate dust control measures are to be implemented to ensure that dust is not permitted to cross any point of the property boundary so as to become a proven environmental nuisance to the occupiers of properties nearby;
 - 14 The disposal of solid and liquid waste on the site is prohibited;
 - 15 The subdivider is to utilise stormwater control devices during construction of any necessary services and/or proposed site works to prevent the deposition of sediment from the site into stormwater drains and/or watercourses; and
 - 16 The subdivider must inspect the stormwater control devices after each significant rainfall event during the construction phase and take appropriate action to ensure the integrity of the system;

and further, that the applicant be requested to note that:

- A this Permit expires two years from the date advice of this decision is received unless the subdivision has substantially commenced. Substantial commencement is considered as the sealing of the Final Plan;
- B this Permit is based on information and particulars set out in Application No. SUB2005.23. Any variation may require a further application for planning approval of the Council;
- C the Final Plan will not be sealed until all conditions of approval have been met;

-
- D where survey pegs are disturbed during the provision of services, a re-peg survey must be undertaken by a registered surveyor;
 - E for their own planning purposes, appropriate advice should be conveyed to the appropriate telecommunication and power supply authorities;
 - F in relation to condition of approval 4(a) this will require a 100mm diameter line to be installed from Braddons Lookout Road including the provisions of fireplugs, connection and meters to each lot;
 - G any works undertaken within the Road Reservations requires a Road Reservation Permit to be submitted and approved prior to construction. A fee is attached to this permit; and
 - H in relation to condition 9 - this apparent suitability is based upon the generally accepted understanding that many factors affect the successful operation of an on-site sewage and sullage disposal system. Following initial installation, it may be necessary that additional work will be required to be done on the system to maintain it in an operational condition and free of nuisance.'

The report is supported.”

The Land Use Planning Group Leader reported as follows:

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

■ Cr van Rooyen moved and Cr Haines seconded, “That upon consideration of the proposal against the provisions of the Central Coast S.46 Planning Scheme No 1 of 1993, and the merits of the representations against the proposal, Application NO. SUB2005.23 be granted approval, subject to the following conditions:

- 1 The Final Plan must be substantially the same as the submitted plan dated 25 October 2006, except as modified by this permit;
- 2 Payment being provided by the developer, when the Final Plan is submitted for sealing, of cash in lieu of the provision of land for Public Open Space equal to 5% of the value of Lots 1-8 as determined by a registered land valuer;

-
- 3 Prior to the sealing of the Final Plan, a Part 5 Agreement being prepared at no cost to the Council by a legal professional to provide the following:
- (a) Future dwellings to be constructed in accordance with 'Guidelines for Development in Bushfire Prone Areas of Tasmania';
 - (b) All lots to comply with the access and water supply requirements of the Tasmania Fire Service for fire fighting when houses are developed; and
 - (c) No removal of existing trees is to be undertaken until suitable house sites and a strategy for maintaining a useful and safe stand of trees, particularly on the northern and eastern boundary edge of the subject site, has been identified for lots 2-7 by an appropriately qualified person. This should also identify local native species suitable for planting at the edge of the external buffers on the northern and eastern side of the subject site. Once a strategy is completed, it shall be considered and approved by the Council prior to the removal of any trees taking place.
- 4 The subdivider providing:
- (a) water supply reticulation and connection and meter to each lot;
 - (b) underground stormwater connection point to each lot;
 - (c) a concrete paved vehicular access together with kerb and channelling crossover to each lot; and
 - (d) advice to Aurora and Telstra;
- 5 Existing services disturbed during the subdivision, including any damage to road, kerb and channel, nature strip and footpath being reinstated to the satisfaction of the Council's Director Assets & Engineering;
- 6 The provision (where necessary) of water supply and drainage easements;
- 7 The Final Plan shall be endorsed to show any area that cannot be serviced by existing or new reticulated sewer/water/stormwater;
- 8 The design and construction by the subdivider of Allport Street East and the proposed subdivision road in accordance with the *Local Government (Highways) Act 1982* and the Council's standard specifications and drawings;
- 9 Endorsement of the Final Plan in the following format:

‘On-site sewage and sullage disposal:

Lots 1 to 8 are suitable for the installation of modified septic tank systems (shallower and wider absorption trenches) subject to a minimum of 500m² of suitable land (approximately square in shape) being dedicated to the on-site disposal of sullage and sewage effluent.’;

- 10 No sound is to be emitted from any device or from any source or activity on the land so as to become a proven environmental nuisance to the occupiers of properties nearby;
- 11 Where sand or loam is removed during the construction of the subdivision, sufficient topsoil is to be retained to cover the area disturbed to a depth of a least 100mm;
- 12 Every effort must be made to stabilise stockpiles of topsoil and overburden. This stabilisation may include vegetative seeding, mulches, plastic mesh or netting or another appropriate method;
- 13 Appropriate dust control measures are to be implemented to ensure that dust is not permitted to cross any point of the property boundary so as to become a proven environmental nuisance to the occupiers of properties nearby;
- 14 The disposal of solid and liquid waste on the site is prohibited;
- 15 The subdivider is to utilise stormwater control devices during construction of any necessary services and/or proposed site works to prevent the deposition of sediment from the site into stormwater drains and/or watercourses; and
- 16 The subdivider must inspect the stormwater control devices after each significant rainfall event during the construction phase and take appropriate action to ensure the integrity of the system;

and further, that the applicant be requested to note that:

- A this Permit expires two years from the date advice of this decision is received unless the subdivision has substantially commenced. Substantial commencement is considered as the sealing of the Final Plan;
- B this Permit is based on information and particulars set out in Application No. SUB2005.23. Any variation may require a further application for planning approval of the Council;

-
- C the Final Plan will not be sealed until all conditions of approval have been met;
 - D where survey pegs are disturbed during the provision of services, a re-peg survey must be undertaken by a registered surveyor;
 - E for their own planning purposes, appropriate advice should be conveyed to the appropriate telecommunication and power supply authorities;
 - F in relation to condition of approval 4(a) this will require a 100mm diameter line to be installed from Braddons Lookout Road including the provisions of fireplugs, connection and meters to each lot;
 - G any works undertaken within the Road Reservations requires a Road Reservation Permit to be submitted and approved prior to construction. A fee is attached to this permit; and
 - H in relation to condition 9 - this apparent suitability is based upon the generally accepted understanding that many factors affect the successful operation of an on-site sewage and sullage disposal system. Following initial installation, it may be necessary that additional work will be required to be done on the system to maintain it in an operational condition and free of nuisance.”

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 4.20 pm.

CONFIRMED THIS DAY OF , 2007.

Chairperson

(jm:ka)

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.

Katherine Schaefer
GENERAL MANAGER