



CENTRAL COAST COUNCIL

DEVELOPMENT SUPPORT SPECIAL COMMITTEE

# Minutes

of Meeting

11 January 2010

Minutes subject to confirmation at  
a meeting of the Development Support Special Committee to be held on  
25 January 2010

---

**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, 11 January 2010 commencing at 6.00pm**

---

**Members attendance**

Cr Mike Downie (Mayor)  
Cr Philip Viney

Cr Jan Bonde  
Cr John Deacon

**Members apologies**

Cr Tony van Rooyen  
Ms Sandra Ayton

**Employees attendance**

Director Development & Regulatory Services (Mr Michael Stretton)  
Land Use Planning Group Leader (Mr Ian Sansom)  
Town Planner (Mr Thomas Reilly)

**Public Attendance**

Two members of the public attended during the course of the meeting.

**CONFIRMATION OF MINUTES OF THE COMMITTEE**

**1/2010 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 30 November 2009 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 Bonde moved and Cr Viney seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 30 November 2009 be confirmed.”

Carried unanimously

## **MAYOR’S COMMUNICATIONS**

### **2/2010 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 Deacon moved and Cr Viney seconded, “That the Mayor’s report be received.”

Carried unanimously

## **PECUNIARY INTEREST DECLARATIONS**

### **3/2010 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**

##### **4/2010 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**

##### **5/2010 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

**6/2010      Application to amend Sealed Plan CT 141647 at 77 Eastland Drive, Ulverstone – Application No. SPA2009.1**

The above matter has been deferred, as requested by the applicant, until a later date.

**7/2010      Residential – Dwelling Building Envelope  
at 181 Upper Maud Street, Ulverstone – Application No. DEV2009.38**

The Director Development & Regulatory Services reported as follows:

“The Land Use Planning Group Leader has prepared the following report:

<i>‘DEVELOPMENT APPLICATION No.:</i>	DEV2009.38
<i>APPLICANT:</i>	Jonathon Adams
<i>LOCATION:</i>	181 Upper Maud Street, Ulverstone
<i>ZONING:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	2 December 2009
<i>REPRESENTATIONS EXPIRY DATE:</i>	16 December 2009
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	8 January 2010 (extension granted until 11 January 2010)
<i>DECISION DUE:</i>	11 January 2010

### *PURPOSE*

The purpose of this report is to make a determination on an application for a building envelope on the property at 181 Upper Maud Street, Ulverstone. The application documentation and location plan are attached as Annexure 1.

### *BACKGROUND*

The current owner recently purchased the land for the purposes of erecting a dwelling. The lot had been previously approved by Council (24 November 2008) for residential use within a 1,600 m<sup>2</sup> building envelope. Council made the approval conditional, inter alia, on a future dwelling being set back 35m from the western boundary. The western boundary is shared with an adjoining farm (also in the Rural Resource Zone).

---

The applicant is now seeking a lesser setback from the western boundary from 35m to 10m on the basis that:

- A geotechnical report recommends a lesser setback – an increased distance from an area of possible instability; and
- The available building envelope is inadequate to construct a reasonable size house.

The land is within an area of known instability but is not covered by the instability overlay of the Scheme. It was a prudent precaution to obtain a geotechnical report.

The motion for the previous approval indicates that the Council believed the proposal would satisfy the requirements of s.15.4.3 (Protection of agricultural land) through requiring a 35m setback from the neighbouring farm and provision of a suitable vegetation screen along the western boundary.

The current proposal is essentially the same as the previous application except for the lesser setback.

*DISCUSSION*

The proposal is evaluated against the relevant provisions of the Scheme as follows

<b>CLAUSE</b>	<b>ASSESSMENT AND COMMENT</b>
2.0 Objectives for Planning	Development has been approved previously.

**ZONE CRITERIA**

15.1 Purpose of Rural Resource Zone	Development has been approved previously.
15.2 Table of Use	Residential uses are Discretionary uses in the Rural Resource Zone.

## Standards for Development

	PROPOSED	REQUIRED
<b>Protection of Agricultural Land</b>		
15.4.3 (A2) (a)	Unknown.	Lot in separate ownership on 6 October 2000.
15.4.3 (A2) (b)	Compliant Class 6 and 7 land.	Not sited on prime agricultural land.
15.4.3 (A2) (c)	Non-compliant 10m.	Not closer than 100m from agricultural land on another lot.
15.4.3 (A3)	Non-compliant 2.64ha.	Required lot area of 50ha on which there is no other dwelling.
<b>Building Design and Siting</b>		
<b>Height</b>		
15.4.4 (A1)	Not indicated.	8m – residential 10m – all other buildings.
<b>Setbacks</b>		
15.4.4 (A3)	Compliant.	
▪ front	45m.	10m.
▪ side	10m – dwelling 3m – shed.	3m.
▪ rear	20m.	10m.

## Schedules

	PROPOSED	REQUIRED
<b>S1 Road and Rail</b>		
Sight Distance	Compliant	40m
S1.5.1	50m.	
Accesses	Compliant	1 x 2 way access or 2 x 1 way accesses.
S1.5.3	1 x 2 way access.	

<b>S5 Land Stability</b> Subdivision Design S5.4.1	Compliant Precautionary setback of 10m from western boundary.	Land stability report.
<b>S10 Car Parking</b> Number of spaces S10.3.1	Non-compliant Nil.	2 spaces.

<b>Discretion</b>
Use
Distance from agricultural land
Lot size for development
Building height
Car parking

*Dwelling impact*

The proposed setback of 10m for a 20m x 15m building envelope, is 25m less than the condition contained in Council's previous decision, a significant distance.

The Council's required setback left a triangular area of approximately 150m<sup>2</sup> at the edge of a steep slope. The applicant claims that the area is insufficient for a reasonable size house in that location.

The site is prominent and is situated in front of houses in Upper Maud Street. There is potential for a building on the site to obscure views from other dwellings and undermine levels of amenity as a consequence. As such a low building would be appropriate on visual amenity criteria.

The limited building envelope currently available under the previous approval would encourage development of either a small house or a larger one comprising a second (or third) storey. The latter would likely be inappropriate.

Provision of a larger building envelope would be appropriate from this perspective but a restriction on the building height should also apply – in this case limiting the height to single storey, or a maximum of 6.5m, would be appropriate.



---

The plans do not indicate the nature of materials to be used in construction, and whether they would be non-reflective or screened from public view. This should be included as a condition of a permit for the development.

*Landslide potential*

The geotechnical report says that the stability of the land was not in question and that placing a dwelling on the land should not change this. However the report adds that resiting a future building to say 10m from the western boundary, would be a suitable precaution. Also, waste water should be disposed of to the south or the north of the structure.

*Distance from Agricultural land*

Acceptable Solution (A2) of clause 15.4.3 requires that a dwelling be setback 100m from agricultural land on another lot: 10m is proposed. The 100m distance is that considered to be sufficient to avoid fettering resulting from land use conflicts.

In its previous decision regarding this site, the Council clearly believed that fettering could be avoided with a lesser setback through the use of screening vegetation. In this case however the setback would be substantially less, increasing the potential for conflict and fettering.

A setback from the western boundary that is greater than 10m would be appropriate. Placing the applicant's building envelope (20 x 15m) at the eastern edge of the approved building envelope allows for a setback to the western boundary of about 20m. Such distance would be preferable to 10m. There are other residential properties in the Residential Zone that border the Rural Resource Zone in this area that are likely to have similar or less setbacks than 10m. Some fettering effect on the neighbouring farming operations is probably likely, perhaps inevitable. The addition of another residential type setback in the vicinity may not seem unreasonable in this context. However the area of potential fettering is increased northward.

*CONCLUSION*

Refusal of the application for a residential building envelope on the land based on its non-conformity with the provisions of the Scheme would not be reasonable given the Council's previous approval of a similar proposal just over 13 months ago.

---

The proposed setback of the building envelope from the western boundary (Rural Resource Zone) from 35m to 10m is likely to increase the potential for fettering of the agricultural use of the neighbouring property.

At the same time there does seem to be a case for allowing a lesser setback of the dwelling envelope on visual impact and geotechnical grounds. The original 35m setback requirement was probably somewhat unreasonable in that it created a very tight building area.

In this case providing a more reasonable building area whilst maintaining a significant setback to limit the potential for fettering, would seem to be the appropriate course. Application of the Council's previous condition regarding the provision of a vegetated screening along the western boundary, would also be an appropriate requirement for limiting fettering.

#### *CONSULTATION*

The application was notified for a 14-day statutory period as required under s.57 of the *Land Use Planning & Approvals Act 1993*. Notification involved a notice placed on the site, an advertisement in "The Advocate" newspaper, and letters to adjoining property owners.

There were two representations received as follows (see Annexure 2):

Greg and Wendy Templar, 83 Olivers Road, Ulverstone.

- Previously agreed to a 35m setback with screening vegetation.
- The lesser setback would fetter their farming operation - cattle, crops and irrigators.
- Already enough restriction from residences in Upper Maud Street.

Pat and Heather O'Brien, 181 Penguin Road, Ulverstone

- Placement of proposed shed 3m from the boundary could block fire fighting vehicles.
- The area to the north of the site has considerable fuel build up.

#### *Comment*

The Templar's point about fettering has some substance as the extent of fettering of their farming operations could be increased.

---

The O'Brien's concern about fire vehicle access has less substance: any fire vehicle should have sufficient room to pass between the proposed shed and building envelope.

*IMPACT ON RESOURCES*

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, and possibly costs associated with an appeal against the Council's determination should one be instituted by the applicant.

*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
- Conserve the physical environment in a way that ensures we have a healthy and attractive community
- Encourage a creative approach to new development

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

*RECOMMENDATION*

That the proposal for a building envelope at 181 Upper Maud Street, Ulverstone, be approved subject to the following conditions:

- 1 The development to be implemented substantially in accordance with the submitted plans, except where modified by the conditions of this permit;
- 2 A future dwelling on the lot to be setback a minimum distance of 20m from the western boundary;
- 3 The building envelope to include a height limitation for a dwelling to be single storey or 6.5m whichever is the less;
- 4 Prior to development of a dwelling on the lot, a suitable vegetation screen to be planted along the western boundary that will act as an effective buffer between the dwelling and the adjoining agricultural use;

- 
- 5 A future dwelling development on the lot is to include provision for the on-site parking of two vehicles;

Environmental Engineer

- 6 The external cladding of future building work is to be of a non-reflective nature or otherwise screened from public view;

Cradle Mountain Water (CMW)

- 7 If connecting to the public sewer:
- (a) The applicant is to connect the pressurised sewer outfall to a 100mm sewer extension from the manhole in Upper Maud Street to the property boundary in Upper Maud Street instead of the location as shown on the drawing presented with the application;
  - (b) The applicant to be responsible for the construction of the pressurized system including pump and rising main and be responsible for the maintenance of the system subsequent to installation;
  - (c) CMW is to connect the pressurized system to the proposed 100mm sewer extension in Upper Maud Street from the existing manhole to the property boundary. All costs associated with the extension and the connection is to be at CMW cost.

Environment & Health

- 8 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 there under;
- 9 A separate application detailing the design and type of onsite wastewater management system is required at the building application stage. Approval of a specific system will be subject to a site assessment by the Council's Environment & Health Group Leader. It is recommended that the applicant contact the Council's Environment & Health Group Leader prior to commencement of site or road works to ensure an adequate area remains for installation of a wastewater system;

- 
- 10 The on-site wastewater management system for the proposed dwelling being installed in accordance with the Australian/New Zealand Standard AS/NZS 1547:2000 - Onsite Domestic Wastewater Management; and
  - 11 The stormwater run-off from the dwelling is to be directed to a rainwater collection tank and not to impact on the on-site waste water management system.

Developer to Note:

- A Any works undertaken within the road reservation require a Road Reserve Permit to be issued prior to the commencement of construction. An application form can be obtained from the Engineering Services Department. A fee applies;
- B Any works associated with existing kerb and channel, footpaths, roads or existing Council services will be undertaken by the Council at the owner's/developer's/applicant's cost, unless alternative arrangements are approved by the Council; and
- C In regard to condition 9, the lot appears suitable for the installation of an on-site wastewater management system subject to the on-site waste management of sullage and sewage effluent.'

The report is supported."

The Director Development & Regulatory Services reported as follows:

"Copies of the annexures referred to in the Land Use Planning Group Leader's report have been circulated to all members."

■ Cr Deacon moved and Cr Viney seconded, "That Application No. DEV2009.38 for a building envelope at 181 Upper Maud Street, Ulverstone, be approved subject to the following conditions:

- 1 The development to be implemented substantially in accordance with the submitted plans, except where modified by the conditions of this permit;
- 2 A future dwelling on the lot to be setback a minimum distance of 20m from the western boundary;
- 3 Prior to development of a dwelling on the lot, a suitable vegetation screen to be planted along the western boundary that will act as an effective buffer between the dwelling and the adjoining agricultural use;

- 
- 4 A future dwelling development on the lot is to include provision for the on-site parking of two vehicles;

Environmental Engineer

- 6 The external cladding of future building work is to be of a non-reflective nature or otherwise screened from public view;

Cradle Mountain Water (CMW)

- 7 If connecting to the public sewer:
- (a) The applicant is to connect the pressurised sewer outfall to a 100mm sewer extension from the manhole in Upper Maud Street to the property boundary in Upper Maud Street instead of the location as shown on the drawing presented with the application;
  - (b) The applicant to be responsible for the construction of the pressurized system including pump and rising main and be responsible for the maintenance of the system subsequent to installation;
  - (c) CMW is to connect the pressurized system to the proposed 100mm sewer extension in Upper Maud Street from the existing manhole to the property boundary. All costs associated with the extension and the connection is to be at CMW cost.

Environment & Health

- 8 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 there under;
- 9 A separate application detailing the design and type of onsite wastewater management system is required at the building application stage. Approval of a specific system will be subject to a site assessment by the Council's Environment & Health Group Leader. It is recommended that the applicant contact the Council's Environment & Health Group Leader prior to commencement of site or road works to ensure an adequate area remains for installation of a wastewater system;
- 10 The on-site wastewater management system for the proposed dwelling being installed in accordance with the Australian/New Zealand Standard AS/NZS 1547:2000 - Onsite Domestic Wastewater Management; and
- 11 The stormwater run-off from the dwelling is to be directed to a rainwater collection tank and not to impact on the on-site waste water management system.

---

Developer to Note:

- A Any works undertaken within the road reservation require a Road Reserve Permit to be issued prior to the commencement of construction. An application form can be obtained from the Engineering Services Department. A fee applies;
- B Any works associated with existing kerb and channel, footpaths, roads or existing Council services will be undertaken by the Council at the owner's/developer's/applicant's cost, unless alternative arrangements are approved by the Council; and
- C In regard to condition 9, the lot appears suitable for the installation of an on-site wastewater management system subject to the on-site waste management of sullage and sewage effluent."

Carried unanimously

**8/2010 Multiple dwellings (multiple variations) at 370 Preservation Drive, Sulphur Creek – Application No. DEV2009.55**

The Director Development & Regulatory Services reported as follows:

"The Land Use Planning Group Leader has prepared the following report:

<i>DEVELOPMENT APPLICATION No.:</i>	DEV2009.55
<i>APPLICANT:</i>	Environmental Service & Design
<i>LOCATION:</i>	370 Preservation Drive, Sulphur Creek
<i>ZONING:</i>	Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Planning Scheme 2005</i> (the Scheme)
<i>ADVERTISED:</i>	12 December 2009
<i>REPRESENTATIONS EXPIRY DATE:</i>	4 January 2010
<i>REPRESENTATIONS RECEIVED:</i>	Three
<i>42-DAY EXPIRY DATE:</i>	19 December 2009 (extension granted until 25 January 2010)
<i>DECISION DUE:</i>	25 January 2010
<i>PURPOSE</i>	

This report considers an application requiring relaxation of the Residential Zone standards of the Scheme. It also considers the representations made in response to the application.

---

*BACKGROUND*

Application is made for the conversion of an existing house into four units and a further seven new units, a copy of which is provided at Annexure 1. A location plan is provided at Annexure 2. A shading diagram is provided at Annexure 3.

The relaxations to be considered are:

- (i) The side boundary setback of the unit on Lot 4;
- (ii) The side boundary setback of the unit on Lot 5;
- (iii) Grouping of the proposed units contained within the existing house;
- (iv) Setback from railway line; and
- (v) Vehicle movements per day.

The decision is discretionary according to section 57 of the *Land Use Planning and Approvals Act 1993* (the Act).

*DISCUSSION*

The following table is an assessment of the relevant Planning Scheme provisions. Irrelevant provisions are omitted:

<b>CLAUSE</b>	<b>ASSESSMENT AND COMMENT</b>
2.0 Objectives for Planning	Complies.  Residential activities are consistent with the objectives for planning.
<b>ZONE CRITERIA</b>	
6.1 Purpose of Residential Zone	Complies.  Residential uses are deemed to be consistent with the purpose of the Residential Zone.
6.2 Table of Use	Complies.  Residential uses are permitted uses in the Residential Zone.



<b>STRATA SCHEMES</b>	
6.3.2 A1 Strata schemes	<p>Complies.</p> <p>See assessment of S8.3.5A1 and P1 regarding private open space.</p> <p>No change of use is proposed.</p>
<b>BUILDING SITING AND DESIGN CRITERIA</b>	
6.3.3 A1 Building height and relative setback	<p>Non-compliant with 6.3.3 A1(b)(ii).</p> <p>The side boundary setback is less than half of the wall height of the units on the proposed Lot 4 and 5. Therefore, they do not comply with 6.3.3 A1(b)(ii). See assessment of the corresponding Performance Criteria immediately below.</p> <p>Proposal otherwise complies with 6.3.3 A1.</p>
6.3.3 P1	<p><u>Unreasonable shading</u> – Complies.</p> <p>Unreasonable shading only needs to be determined in relation to the units on the proposed Lots 4 and 5. An unreasonable shading analysis is depicted at Annexure 3. According to that analysis, the relevant buildings do not shade any more than the Scheme yardstick. Therefore, there is no unreasonable shading of adjoining properties.</p> <p><u>Unreasonable loss of privacy</u> – Complies.</p> <p>The units on Lot 4 and 5 open up to the north to overlook Bass Strait. A person at the kitchen sink of these units will overlook properties to the east through an average size window. A person in the lounge would be unable to view the properties to the east due to the window height. The bedroom windows looking out to the east are small. The loss of privacy is not unreasonable.</p> <p><u>Streetscape Character</u> – Complies.</p>

	<p>The streetscape character of Preservation Drive 500m in either direction is one of predominately single storey post war dwellings. Styles and claddings are typical of the period.</p> <p>While the proposed development is not in keeping with the older dwellings in the area, it conforms with the trends shown in recent developments along Preservation Drive and hence is reasonably in keeping with the streetscape character.</p>
6.3.3 A3 Visual surveillance and security	<p>Complies.</p> <p>All entrances are either visible from the street or from the inside of other dwellings, therefore, the proposed development complies with 6.3.3 A3(a). Standard conditions can achieve compliance with 6.3.3 A3(b) and (c).</p>
6.3.3 A4 Setbacks	<p>Complies.</p> <p>All development proposed (other than outbuildings which are exempt from this clause) complies with 4.5m front setback, the 4.5 rear setback and the 1.5m side setback standards.</p>
6.3.3 A6 Garage setbacks	<p>Complies.</p> <p>All garages are setback from the boundary in accordance with this standard.</p>
6.3.3 A8 Outbuilding size, height and relative setback	<p>Complies.</p> <p>All outbuildings are less than 85m<sup>2</sup>, less than 4.5m in height and less than 2.7m in height if on the boundary.</p>
6.3.3 A9 Outbuilding setbacks	<p>Complies.</p> <p>The outbuildings comply with the 4.5m front setback requirement.</p>
6.3.3 A12 Solar orientation	<p>Complies.</p> <p>All units have north facing living rooms. The unit on</p>

	Lot 8 has part of the living room facing north.
6.3.4 A1 Access and services	Standard conditions can achieve compliance with these requirements.
<b>SCHEDULE 1 – ROAD AND RAIL</b>	
<b>PRESERVATION DRIVE IS A CATEGORY 5 ROAD</b>	
S1.5.1 A2 Access sight distance	Complies.  The Entry Sight Distance report at Annexure 1, dated 10 November 2008, concludes that the proposal exceeds the minimum sight distance requirements.
S1.5.3 A1 Access separation from junctions and other accesses	Complies.  There is sufficient distance separating the access from nearby junctions and other accesses.
S1.5.3 A2 Maximum vehicle movements per day	Non-compliant.  The vehicle movements per day from the development will exceed the maximum limit of 40. See assessment of the corresponding Performance Criteria immediately below.
S1.5.3 P2 Corresponding Performance Criteria	Complies.  The Traffic Impact Assessment at Annexure 1, dated May 2009, demonstrates that there will be no material change at the junction with the Bass Highway.
S1.5.7 A3 Setback from rail line	Non-compliant.  The proposed development is closer than the 50m allowable rail setback. See assessment of the corresponding Performance Criteria immediately below.
S1.5.7 P3 Corresponding Performance	Complies.  The siting of the front row of units is approximately

Criteria	38 metres from the rail line. Vibration and noise impacts are not significant at this distance.
<b>SCHEDULE 8 - MULTIPLE DWELLINGS</b>	
S8.3.1 A1 Unit style, character and materials	Complies. Each unit in the proposed development uses similar materials and is generally of a similar style.
S8.3.1 A2 Unit grouping	Non-compliant. The proposed development includes 4 units within a single building and therefore must comply with the corresponding Performance Criteria immediately below.
S8.3.1 P2 Corresponding Performance Criteria	Complies. The building provides the suitable relief by breaking up the appearance of the building mass with balconies and different building materials.
S8.3.2 A1 Density	Complies. The average density of the proposal is one unit per 495m <sup>2</sup> . The maximum allowable density is one unit per 350m <sup>2</sup> .
S8.3.3 A1 Visual privacy	Complies. There are no habitable room windows with a direct outlook to and within 9m of habitable room windows in another dwelling.
S8.3.3 A2 Acoustic privacy	Complies. The proposed development provides sufficient separation between bedrooms and driveways.  Note: Bedroom 3 in unit on Lot 3 has no windows at all and that if it did it would be non compliant and would have to be double glazed or sound proofed in some way in order to comply. See notes C and D on the recommended permit conditions.

S8.3.4 A1 Garage style and location	Complies.  Garages are compatible with dwellings and are located sufficiently close to the dwellings.
S8.3.5 A1 Private open space	Non-compliant.  Each of the units has an upper floor deck that contributes to the open space calculation. However, the private open space for unit 8 is under the required 60m <sup>2</sup> . See assessment of corresponding performance criteria immediately below.
S8.3.5 P1 Corresponding Performance Criteria	Complies.  The upper floor deck on unit 8 contributes to the open space calculation. The deck also takes advantage of the outlook and natural features, namely the views of Bass Strait.  There are no significant adverse impacts on privacy and overshadowing of adjacent buildings.
S8.3.6 A1 Mail box location	Complies.  Individual mail boxes are located close to the major pedestrian entrance to the site.
S8.3.6 A2 Garbage bins and clothes lines	Complies.  Garbage bins and open air clothes drying facilities are easily accessible to all residents and sufficiently screened from public streets and recreational areas.
S8.3.6 A3 Garden lockers	Complies.  Each unit has at least 3m <sup>2</sup> floor area for the storage of gardening tools and equipment.
S8.3.6 A4 Attractive visual appearance and function	Complies.  Garbage bin areas, mail boxes and storage and drying facilities are sited and designed for efficient and convenient use and have attractive visual

	appearance and function.
S8.3.7 A1 Landscape plan	<p>Complies.</p> <p>The landscape plan at Annexure 1 sufficiently demonstrates:</p> <ul style="list-style-type: none"> <li>(a) the layout of gardens and lawn;</li> <li>(b) species of plants, shrubs and trees;</li> <li>(c) areas dedicated for pedestrian and vehicular access, including parking and turning spaces for cars and paving material;</li> <li>(d) the location, height and materials of visual or acoustic screens;</li> <li>(e) for other than a rear lot, at least 50% of the area between the frontage and the front setback, being dedicated for gardens and lawns;</li> <li>(f) the location and type of external clothes drying facilities; and</li> <li>(g) the location, type and design of external telecommunication facilities.</li> </ul>
<b>SCHEDULE 10 – CAR PARKING</b>	
S.10.3.2 Carparking	<p>Complies.</p> <p>The number of car parking spaces provided on-site is at least 2 spaces per dwelling unit (including garage spaces).</p>

*CONSULTATION*

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

- a site notice was posted;
- letters to adjoining owners were sent;
- an advertisement was placed in the Public Notices section of The Advocate newspaper.

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 of the application.

Three representations were received, copies of which are at Annexure 4.

Each point of each representation is addressed in turn:

ISSUES	CONSIDERATIONS
<b>REPRESENTATION – 22 DECEMBER 2009</b>	
Effect on value of property.	The Scheme does not require consideration of potential impact on property values.
Loss of view	The Scheme does not require consideration of loss of view.
Overshadowing	The setback of the development from the boundary with 9 Glenburn Crescent complies with the standards of the Scheme, therefore, no discretion exists in relation to overshadowing of this property.
<b>REPRESENTATION – 22 DECEMBER 2009</b>	
“Eyesore”	The property is sufficiently in keeping with the streetscape character. See assessment of 6.3.3 P1 above.
Overshadowing	The setback of the development from the boundary with 9 Glenburn Crescent complies with the standards of the Scheme, therefore, no discretion exists in relation to overshadowing of this property.
Loss of view	The Scheme does not require consideration of loss of view.
<b>REPRESENTATION – 4 JANUARY 2009</b>	
Loss of view	The Scheme does not require consideration of loss of view.

Loss of privacy	<p>Loss of privacy is an issue that comes into consideration where the development proposed does not comply with either setbacks or height.</p> <p>The setback of the units on Lots 5, 6 and 7 from the boundary with 13 Glenburn Crescent is 10.85m or more. As the required setback is 4.5m, the Scheme deems that loss of privacy is not a relevant issue to be considered.</p> <p>Loss of privacy is a relevant issue for the units on Lots 4 and 5 and is addressed at 6.3.3 P1.</p>
-----------------	---

*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 proposal is consistent with the following strategies and key actions of the Central Coast Strategic Plan 2009–2014:

The Shape of the Place

- Adopt an integrated approach to land use planning

*CONCLUSION*

The proposed development complies with the *Central Coast Planning Scheme 2005* and is recommended for conditional approval.

*RECOMMENDATION*

That development application number DEV2009.55 be approved subject to the following conditions and restrictions:

General

- 1 The development must be in accordance with the plans and elevations submitted as part of the application for this permit, unless modified by a condition of this permit;



- 
- 2 The external area of each of the dwelling units adjacent to its front door must be:
    - (a) provided with artificial lighting operated by a sensor or from within the dwelling unit; and
    - (b) 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 or adjoining panels;
      - (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 as effective as any of the above;
  - 3 Individual mail boxes are to be located close to each ground-floor entry to the dwelling unit, or a mail box structure is located close to the major pedestrian entrance to the site;
  - 4 Parking spaces, accesses and turning bays must be paved with concrete, masonry blocks or bituminous seal and be graded, drained, kerbed and marked out;

#### Engineering

- 5 The developer must:
  - (a) upgrade or provide where necessary, an appropriately sized stormwater connection point to the property;
  - (b) undertake a downstream analysis of the current stormwater drainage system to determine if there are any capacity limitations;
  - (c) upgrade the stormwater drainage system where necessary to accommodate the proposed development;
  - (d) incorporate Water Sensitive Urban Design elements within the development for the management of stormwater generated from all hard surfaces;

- 
- (e) provide separate underground power mains and services to each lot;
  - (f) advise Telstra in relation to the provision of services to the development;
  - (g) provide parking facilities in accordance with AS 2890.1;
  - (h) design and construct the internal road network geometry to enable vehicles appropriate with the use of development to access and attend to the site as required in accordance with AS 2890.1 and 2890.2;
  - (i) provide a sealed vehicular access in accordance with the DIER requirements;
  - (j) remove any driveway made redundant by the proposed development and reinstate the verge to the satisfaction of DIER;
  - (k) submit for Council approval, engineering design drawings (including supporting documentation, calculations, etc.) for all infrastructure to be constructed as part of the development that is to become an asset of the Council;
  - (l) not commence construction until the design drawings are approved by the Director Engineering Services;
  - (m) submit and obtain the Council approval for any proposed landscaping, streetscape, or driveway works within the existing or proposed road reserves and public open spaces prior to obtaining a building permit;
- 6 Maintain a minimum clearance of 1.1m from the nearest edge of any building footing to the centre of Council mains in accordance with Council's Standard Drawing No. SD-5004;
- 7 Footings located in the zone of influence of a Council main will need to be designed by a practicing Accredited Structural Engineer and founded to a depth at least 300mm below the line of influence or on sound rock. The designing engineer shall also signify, either by note on the drawings or by a separate covering letter, that due consideration has been given to the structural stability of the building in the prevailing ground conditions, with regard to:

- 
- (a) the potential effects of a future failure of the main; and,
  - (b) a potential requirement to physically access the main for the purpose of repair or replacement activity which may involve excavation;
- 8 The provision, upgrading, re-routing or extension of storm water, drainage services as a result of the development, shall be to the satisfaction of the Council's Director Engineering Services;
- 9 The proposed buildings are to be at least 1.5m clear of all Council manholes on the property;

#### Cradle Mountain Water (CMW)

#### Water Conditions

- 10 An individual suitably sized water supply connection for domestic and fire fighting supply (if required) designed by the developer or the developer's agent in accordance with the WSAA Standards, the requirements of Tasmania Fire Service, and the Tasmanian Plumbing Code to the satisfaction of the CMW is to be provided from the water main in Preservation Drive;
- 11 Each unit and the common area (if landscaping is being provided) are to be provided with their own individual water connections and meters off the individual suitably sized water supply connection from the water main in Preservation Drive. The individual connections are to be constructed internally as part of the internal plumbing;
- 12 All connections to or associated work on the CMW network must be carried out by its staff via a Private Works Request at the cost of the permit holder. A Private Works Request is to be made to the CMW by the permit holder 21 days prior to the connection being required;
- 13 The existing water main connection and meter is to be removed prior to the completion of the development;

#### Sewerage conditions

- 14 The existing sewer is to be used for the unit development and one connection is to be provided in a location approved by CMW. All connections to or associated work on the network must be carried out by its staff via a Private Works Request at the cost of the permit

---

holder. A Private Works Request is to be made to the CMW by the permit holder 21 days prior to the connection being needed;

- 15 The permit holder must meet all cost associated with the alteration/upgrading of size of any CMW services as a result of this permit;
- 16 The construction of a garage for Lot 6 over the CMW sewer is not approved and the applicant is to reduce the width of the garage so that the building and foundations are no closer than 1.2m from the centreline of the sewer to the footing and the footing is to be designed in accordance with the parameters set out in condition 17 below;
- 17 The applicant is to note that the application will require a Certificate of Certifiable Building Work issued by CMW prior to the issue of a Building/Plumbing permit due to the close proximity of the CMW sewer to proposed buildings. At the time of lodging the application for Certificate for Certifiable Work the Applicant is to have the foundations of the garage for Lot 6 and the unit foundations on Lot 5 designed to meet the following criteria;
  - (a) Maintain a minimum clearance of 1.2m from the nearest edge of any building foundation to the centreline of the CMW sewer;
  - (b) The depth of all footings within 2m of the centreline of the CMW sewer main are to be designed by a suitably qualified engineer and be founded at least 300mm below the invert level of the CMW sewer or on sound rock;
  - (c) The depth of all footings greater than 2m away from the centreline of the CMW sewer are to be designed by a suitably qualified engineer and calculated in accordance with Australian Standard AS/NZS 3500.2.2003 Plumbing and Drainage –Sanitary Plumbing and, Fig 3.4 Excavations near footings as amended;
  - (d) The designing engineer shall signify by note on the drawings or by separate covering letter, that due consideration has been given to the structural stability of the unit and parapet wall in the prevailing ground conditions with regard to:
    - (i) The potential effects of a future failure of the sewer main; and

- 
- (ii) A potential requirement to physically access the sewer main for the purposes of repair; or
  - (iii) Replacement activity which may involve excavation.
- (e) Confirm the location of the sewer main location and depth prior to the commencement of design;
  - (f) Any damage to the existing CMW infrastructure is to be repaired to the satisfaction of the Manager Development and Assessment at the applicants cost;

Department of Infrastructure Energy & Resources (DIER) Requirements

- 18 The development is to have one access, dual width. No other accesses to Preservation Secondary Road will be considered;
- 19 Should stormwater drainage discharge be intended, then to enable DIER to provide such approval, as well as the consent required under Section 17B of the *Roads and Jetties Act 1935* (the Act), details of stormwater drainage provisions and flow calculations of the proposed discharge to, across or under the State Road will be required;
- 20 Works within the road reservation require a DIER permit prior to the undertaking of any works associated with the access.

Please note:

- A This permit expires two years from this date unless the development has been substantially commenced. An extension of time to this period may be granted once only but only if the request is received prior to the expiry of the specified time. Substantial commencement is the lodgement of a building permit application.
- B Please refer to the attached correspondence regarding the impact of noise and vibrations on this location from the railway line and consider the design elements are required to address them.
- C The ground floor, south eastern bedroom in the unit on Lot 3 appears to have no windows. Any windows that may be considered at a later stage must be designed/screened so that visual and acoustic privacy is achieved.

- 
- D The window for the ground floor, south western bedroom in the unit on Lot 4 must be along the southern wall or designed/screened so that visual and acoustic privacy is achieved.
  - E Building and plumbing permits are required for the proposed development.'

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 Bonde moved and Cr Deacon seconded, “That development application number DEV2009.55 be approved subject to the following conditions and restrictions:

#### General

- 1 The development must be in accordance with the plans and elevations submitted as part of the application for this permit, unless modified by a condition of this permit;
- 2 The external area of each of the dwelling units adjacent to its front door must be:
  - (a) provided with artificial lighting operated by a sensor or from within the dwelling unit; and
  - (b) 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 or adjoining panels;
    - (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 as effective as any of the above;
- 3 Individual mail boxes are to be located close to each ground-floor entry to the dwelling unit, or a mail box structure is located close to the major pedestrian entrance to the site;
- 4 Parking spaces, accesses and turning bays must be paved with concrete, masonry blocks or bituminous seal and be graded, drained, kerbed and marked out;

---

## Engineering

- 5 The developer must:
- (a) upgrade or provide where necessary, an appropriately sized stormwater connection point to the property;
  - (b) undertake a downstream analysis of the current stormwater drainage system to determine if there are any capacity limitations;
  - (c) upgrade the stormwater drainage system where necessary to accommodate the proposed development;
  - (d) incorporate Water Sensitive Urban Design elements within the development for the management of stormwater generated from all hard surfaces;
  - (e) provide separate underground power mains and services to each lot;
  - (f) advise Telstra in relation to the provision of services to the development;
  - (g) provide parking facilities in accordance with AS 2890.1;
  - (h) design and construct the internal road network geometry to enable vehicles appropriate with the use of development to access and attend to the site as required in accordance with AS 2890.1 and 2890.2;
  - (i) provide a sealed vehicular access in accordance with the DIER requirements;
  - (j) remove any driveway made redundant by the proposed development and reinstate the verge to the satisfaction of DIER;
  - (k) submit for Council approval, engineering design drawings (including supporting documentation, calculations, etc.) for all infrastructure to be constructed as part of the development that is to become an asset of the Council;
  - (l) not commence construction until the design drawings are approved by the Director Engineering Services;
  - (m) submit and obtain the Council approval for any proposed landscaping, streetscape, or driveway works within the existing or proposed road reserves and public open spaces prior to obtaining a building permit;
- 6 Maintain a minimum clearance of 1.1m from the nearest edge of any building footing to the centre of Council mains in accordance with Council's Standard Drawing No. SD-5004;

- 
- 7 Footings located in the zone of influence of a Council main will need to be designed by a practicing Accredited Structural Engineer and founded to a depth at least 300mm below the line of influence or on sound rock. The designing engineer shall also signify, either by note on the drawings or by a separate covering letter, that due consideration has been given to the structural stability of the building in the prevailing ground conditions, with regard to:
    - (a) the potential effects of a future failure of the main; and,
    - (b) a potential requirement to physically access the main for the purpose of repair or replacement activity which may involve excavation;
  - 8 The provision, upgrading, re-routing or extension of storm water, drainage services as a result of the development, shall be to the satisfaction of the Council's Director Engineering Services;
  - 9 The proposed buildings are to be at least 1.5m clear of all Council manholes on the property;

#### Cradle Mountain Water (CMW)

##### Water Conditions

- 10 An individual suitably sized water supply connection for domestic and fire fighting supply (if required) designed by the developer or the developer's agent in accordance with the WSAA Standards, the requirements of Tasmania Fire Service, and the Tasmanian Plumbing Code to the satisfaction of the CMW is to be provided from the water main in Preservation Drive;
- 11 Each unit and the common area (if landscaping is being provided) are to be provided with their own individual water connections and meters off the individual suitably sized water supply connection from the water main in Preservation Drive. The individual connections are to be constructed internally as part of the internal plumbing;
- 12 All connections to or associated work on the CMW network must be carried out by its staff via a Private Works Request at the cost of the permit holder. A Private Works Request is to be made to the CMW by the permit holder 21 days prior to the connection being required;
- 13 The existing water main connection and meter is to be removed prior to the completion of the development;



---

## Sewerage conditions

- 14 The existing sewer is to be used for the unit development and one connection is to be provided in a location approved by CMW. All connections to or associated work on the network must be carried out by its staff via a Private Works Request at the cost of the permit holder. A Private Works Request is to be made to the CMW by the permit holder 21 days prior to the connection being needed;
- 15 The permit holder must meet all cost associated with the alteration/upgrading of size of any CMW services as a result of this permit;
- 16 The construction of a garage for Lot 6 over the CMW sewer is not approved and the applicant is to reduce the width of the garage so that the building and foundations are no closer than 1.2m from the centreline of the sewer to the footing and the footing is to be designed in accordance with the parameters set out in condition 17 below;
- 17 The applicant is to note that the application will require a Certificate of Certifiable Building Work issued by CMW prior to the issue of a Building/Plumbing permit due to the close proximity of the CMW sewer to proposed buildings. At the time of lodging the application for Certificate for Certifiable Work the Applicant is to have the foundations of the garage for Lot 6 and the unit foundations on Lot 5 designed to meet the following criteria;
  - (a) Maintain a minimum clearance of 1.2m from the nearest edge of any building foundation to the centreline of the CMW sewer;
  - (b) The depth of all footings within 2m of the centreline of the CMW sewer main are to be designed by a suitably qualified engineer and be founded at least 300mm below the invert level of the CMW sewer or on sound rock;
  - (c) The depth of all footings greater than 2m away from the centreline of the CMW sewer are to be designed by a suitably qualified engineer and calculated in accordance with Australian Standard AS/NZS 3500.2.2003 Plumbing and Drainage –Sanitary Plumbing and, Fig 3.4 Excavations near footings as amended;
  - (d) The designing engineer shall signify by note on the drawings or by separate covering letter, that due consideration has been given to the structural stability of the unit and parapet wall in the prevailing ground conditions with regard to:
    - (i) The potential effects of a future failure of the sewer main; and

- 
- (ii) A potential requirement to physically access the sewer main for the purposes of repair; or
  - (iii) replacement activity which may involve excavation.
- (e) Confirm the location of the sewer main location and depth prior to the commencement of design;
  - (f) Any damage to the existing CMW infrastructure is to be repaired to the satisfaction of the Manager Development and Assessment at the applicants cost;

Department of Infrastructure Energy & Resources (DIER) Requirements

- 18 The development is to have one access, dual width. No other accesses to Preservation Secondary Road will be considered;
- 19 Should stormwater drainage discharge be intended, then to enable DIER to provide such approval, as well as the consent required under Section 17B of the Roads and Jetties Act 1935 (the Act), details of stormwater drainage provisions and flow calculations of the proposed discharge to, across or under the State Road will be required;
- 20 Works within the road reservation require a DIER permit prior to the undertaking of any works associated with the access.

Please note:

- A This permit expires two years from this date unless the development has been substantially commenced. An extension of time to this period may be granted once only but only if the request is received prior to the expiry of the specified time. Substantial commencement is the lodgement of a building permit application.
- B Please refer to the attached correspondence regarding the impact of noise and vibrations on this location from the railway line and consider the design elements are required to address them.
- C The ground floor, south eastern bedroom in the unit on Lot 3 appears to have no windows. Any windows that may be considered at a later stage must be designed/screened so that visual and acoustic privacy is achieved.
- D The window for the ground floor, south western bedroom in the unit on Lot 4 must be along the southern wall or designed/screened so that visual and acoustic privacy is achieved.

---

E Building and plumbing permits are required for the proposed development.”

Carried unanimously

**Closure**

There being no further business, the Mayor declared the meeting closed at 6.18pm.

CONFIRMED THIS            DAY OF            , 2010.

**Chairperson**

(ms:kaa)

---

## 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.

Michael Stretton  
ACTING GENERAL MANAGER