
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, 30 April 2007 commencing at 6.00pm

Members attendance

Cr Mike Downie (Mayor)
Cr Warren Barker
Cr Tony van Rooyen

Cr Brian Robertson (Deputy Mayor)
Cr Ken Haines

Employees attendance

Director Development Services (Mr Jeff McNamarra)
Town Planner (Ms Theresia Williams)

Members Apology

Mrs Kathy Schaefer

CONFIRMATION OF MINUTES OF THE COMMITTEE

33/2007 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 11 April 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 Van Rooyen seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 11 April 2007 be confirmed.”

Carried unanimously

MAYOR'S COMMUNICATIONS

34/2007 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 Robertson moved and Cr Barker seconded, “That the Mayor's report be received.”

Carried unanimously

PECUNIARY INTEREST DECLARATIONS

35/2007 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 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.”

Cr Barker reported as follows:

“I will be declaring an interest in respect of Application No. DEV2006.71 and SUB2006.23 (Minute No. 38/2007).”

ADJOURNMENT OF MEETING

36/2007 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

37/2007 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

38/2007 **Two-Lot Subdivision at 112 South Road, Penguin** **Application No. SUB2006.30**

The Director Development Services reports as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION No.:</i>	SUB2006.30
<i>OWNER:</i>	Margaret Miller
<i>LOCATION:</i>	112 South Road, Penguin
<i>ZONING:</i>	Residential (RA) - Closed
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	27 March 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	13 April 2007
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	27 April 2007 (Extension granted to 30 April 2007)
<i>DECISION DUE:</i>	30 April 2007

PURPOSE

The purpose of this report is to consider the merits of a representation received in opposition to a discretionary planning permit application for a two-lot subdivision at 112 South Road, Penguin.

BACKGROUND

The application proposes dividing a 9130m² lot into one lot of 3420m² and one lot of 5710m². The 3420m² lot contains an existing house.

A location plan is attached as Annexure 1/3.

DISCUSSION

The development proposes separating the rear of the large lot from the land surrounding the house, and providing a 3.6m access lane to the rear lot, on land zoned Residential (RA) - Closed. It complies with all of the standards under the Scheme.

Plans of the proposed development are attached as Annexure 2/3.

The subdivision will create one additional large internal lot (5710m²), well over the minimum lot size of 550m². Adjacent land at 118 South Road has recently been subdivided into 29 lots. The developer for 112 South Road was advised by Planning staff and her consultant that it may be to her advantage to consider subdividing into more than one additional lot, perhaps including her subdivision as part of the adjoining 29-lot subdivision, which would have allowed the creation of more than one extra title. The developer advised that she did not wish to do so.

The shed on the boundary of the two lots will still meet the development standards after subdivision.

CONSULTATION

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 was also sent to the adjoining owners inviting them to view the application.

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. The only comments to be included from the Planning and Assessment Team are standard engineering conditions for subdivisions.

REPRESENTATION

One representation was received during the 14-day period. This was from the owner of number 114 South Road, Penguin, the lot directly to the east of the subject land.

A copy of the representation is attached as Annexure 3/3.

The representation is based on concerns that the large rear lot may be further subdivided in the future, and that there will be increased traffic movements as a result of subdivision. The planning merit of each issue raised is addressed in the table below.

Comments

No.	DETAIL	COMMENT
1	This subdivision may create a requirement for further subdivision.	There is no provision for the Council to try to predict further development, and the application can only be assessed on its own merits. Any further subdivision will require a new application which will also be advertised.
2	The 3.6m access will border the representors' land.	Noted. The access meets the Scheme requirements.
3	Access to the 112 South Road two-lot subdivision via the subdivision at 118 South Road would limit the traffic impact on the representors.	Noted. This proposal is for access to a new single lot, which is certainly an acceptable traffic solution in the zone. The traffic created by the neighbouring subdivision was considered as part of that application. There were no representations received for that subdivision.

The representors were contacted by phone and advised that their objections would not impact on the recommendation for this development, as the assessment cannot predict further development. They advised that they wished their representation to stand, in order to bring it to the attention of the Council.

IMPACT ON RESOURCES

This report has generated the normal impact on resources in the assessment and processing of the application.

CORPORATE COMPLIANCE

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

- Meet our statutory and regulatory obligations.

Comments - The proposal meets the statutory and regulatory obligations, and the Council has discharged its own obligations in the undertaking of the normal planning process.

- Plan for and develop a sustainable community.

Comments - The proposal is for residential subdivision in the residential zone, and therefore is in keeping with the Planning Scheme, which has been designed to encourage a sustainable community.

- Create a municipal area that is productive and socially and aesthetically attractive.

Comments - The proposal encourages development that is productive, as well as socially and aesthetically attractive, by complying with the Scheme intent, objectives and relevant development standards.

CONCLUSION

The application has been assessed against the requirements of the Scheme and the limitations of the site. The concerns raised in the representation are not considered to be relevant to the assessment of this subdivision under the Scheme and therefore are not sufficient to sustain a negative recommendation.

Recommendation

It is recommended that the representation be deemed to have insufficient merit on planning grounds to justify refusal of the application and that upon deliberation of the merits of the proposal and the Central Coast S.46 Planning Scheme No. 1 of 1993, Application No. SUB2006.30 be approved subject to the following conditions and restrictions:

General

- 1 The Final Plan must be substantially the same as, and developed in accordance with, the submitted plan (Plan Ref. 07006) unless requiring modification by any subsequent Permit condition;

Subdivision

- 2 The developer providing:

-
- (a) water supply and connection meter to the new lot;
 - (b) sewerage connection point to the new lot;
 - (c) underground stormwater connection point to each lot;
 - (d) a vehicle access (concrete apron) to the new lot in accordance with the Council's Standard Drawing No. SD1003;
 - (e) separate underground power supply to the new lot;
 - (f) underground telecommunication connection to the new lot;
and
 - (g) the extension or alteration of existing services required to service the subdivision;
- 3 The provision where necessary of water supply and drainage easements;
- 4 The Final Plan will not be sealed until such time as the development is complete;
- 5 Prior to sealing of the Final Plan, any existing services which are disturbed during the subdivision, including any damage to road, kerb and channel, naturestrip and footpath, must be reinstated to the satisfaction of the Council's Asset Management Group Leader; and
- 6 Any infrastructure extensions required to service the development are at the developer's expense;

and the subdivider be requested to note that:

- A this Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced;
- B this Permit is based upon the particulars provided with SUB2006.30. Any variation may require an amendment to the Permit or a further application for planning approval; and

-
- C any queries relating to the engineering requirements specified in this permit should be directed to the Council's Asset Management Group Leader.'

The report is supported.”

The Director Development Services reports as follows:

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

■ Cr Haines moved and Cr Van Rooyen seconded, “That the representation be deemed to have insufficient merit on planning grounds to justify refusal of the Application and that upon deliberation of the merits of the proposal and the Central Coast S.46 Planning Scheme No. 1 of 1993, Application No. SUB2006.30 be approved subject to the following conditions and restrictions:

General

- 1 The Final Plan must be substantially the same as, and developed in accordance with, the submitted plan (Plan Ref. 07006) unless requiring modification by any subsequent Permit condition;

Subdivision

- 2 The developer providing:
 - (a) water supply and connection meter to the new lot;
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 - (c) underground stormwater connection point to each lot;
 - (d) a vehicle access (concrete apron) to the new lot in accordance with the Council's Standard Drawing No. SD1003;
 - (e) separate underground power supply to the new lot;
 - (f) underground telecommunication connection to the new lot; and
 - (g) the extension or alteration of existing services required to service the subdivision;

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- 3 The provision where necessary of water supply and drainage easements;
 - 4 The Final Plan will not be sealed until such time as the development is complete;
 - 5 Prior to sealing of the Final Plan, any existing services which are disturbed during the subdivision, including any damage to road, kerb and channel, naturestrip and footpath, must be reinstated to the satisfaction of the Council's Asset Management Group Leader; and
 - 6 Any infrastructure extensions required to service the development are at the developer's expense;

and the subdivider be requested to note that:

- A this Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced;
- B this Permit is based upon the particulars provided with SUB2006.30. Any variation may require an amendment to the Permit or a further application for planning approval; and
- C any queries relating to the engineering requirements specified in this permit should be directed to the Council's Asset Management Group Leader."

Carried unanimously

Cr Barker, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of Application No. DEV2006.71 and SUB2006.23.

**39/2007 One House and eight Grouped Houses and a two-lot subdivision at
138 Main Street, Ulverstone
Application No. DEV2006.71 and SUB2006.23**

The Director Development Services reports as follows:

"The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DEV2006.71 and SUB2006.23
<i>OWNER:</i>	Crown - Director of Housing

<i>LOCATION:</i>	138 Main Street, Ulverstone
<i>ZONING:</i>	Residential (RA) - Closed
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	20 February 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	6 March 2007
<i>REPRESENTATIONS RECEIVED:</i>	Three
<i>42-DAY EXPIRY DATE:</i>	3 May 2007
<i>DECISION DUE:</i>	30 April 2007

PURPOSE

The purpose of this report is to consider the merits of three representations received in opposition to a discretionary planning permit application for one House plus eight-Grouped Houses and a two-lot subdivision.

BACKGROUND

The land is currently undeveloped, with a small number of ponies grazing on it.

A location plan is attached as Annexure 1/3.

DISCUSSION

The application proposes dividing one lot into one lot of 4150m² (Lot 1) and one lot of 7066m² (Lot 2). Lot 2 would then be purchased by MAIB and developed into one house and eight grouped houses for their clients who have been catastrophically brain injured in motor vehicle accidents. The land is zoned Residential (RA) - Closed. The application includes a request for an exemption from the regular access point limitations in the Scheme, but otherwise complies with all other standards under the Scheme. Grouped housing developments are usually limited to a single access point. In this case, it is considered that this requirement would be impracticable, unreasonable and inequitable, as it would create a “bottleneck” effect, when the developments would be better served, and the impact on neighbouring properties limited, by multiple access points from Cornelia Street, as shown on the plans. The developer will be required to extend Cornelia Street and the Council will be taking over the extension.

Plans of the proposed development are attached as Annexure 2/3.

CONSULTATION

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 was sent to the adjoining owners inviting them to view the application.

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. The only comments to be included from the Planning and Assessment Team are customary engineering and environmental conditions.

REPRESENTATIONS

Three representations were received during the 14-day advertising period. These were from an adjoining land owner on the north-eastern corner of Lot 2 (Representation No. 1); a landowner from the other side of Main Street (Representation No. 2); and a landowner from Horsham Street (Representation No. 3).

Copies of the representations are attached as Annexure 3/3.

The representations are based on concerns over the impact of additional stormwater in the Main Street system and the impacts of the development during and after construction, including the impacts on the Council's parking and road congestion. Each of the issues raised in the representations have been addressed in the table below.

Comments

REP. NO.	DETAIL	COMMENT
1	Commercial development in a residential area.	Case not supported. Whilst the development is being undertaken by a commercial company, it will be providing a residential service to it's clients. It is no different to any other developer of Grouped Houses.
	Noise during construction.	Noise associated with the subdivision is addressed in the recommended conditions and any noise associated with building is

		addressed with the issue of the consequent building permit.
	Noise after construction, specifically traffic associated with parking, smoking and socialising.	N/A. Any noise generated will be no different to any other grouped house development and possibly less due to the intended occupancy.
	Value and desirability of neighbouring residential properties.	N/A. Risks associated with real estate investment are not covered by the Scheme. No demonstration of such an impact has been provided.
	Boundary and privacy.	Not supported. The setback from the building nearest to the representor is in excess of the Scheme requirements by over 7.5m.
2	The existing stormwater system in Main Street will not cope with this level of development.	Agreed. The initial proposal did not include additional stormwater management. A stop-clock letter was issued, and the developer has provided an engineering solution to address the stormwater issue and the recommended conditions reflect this solution.
3	The Council's infrastructure is insufficient to cope with increased CBD parking and road use.	Not supported. The Council's Community Profile* shows there has been a steady and constant drop in population since 1986. There are a number of free carparks within a few hundred metres of the CBD, and with a falling population, any additional car use created by the staff or perhaps the motor vehicle accident victims will be negated.
	The Council staff parking and compliance with by-laws by Woolworth's employees.	N/A. This application is for development on Main Street/Cornelia Street. The Scheme provides requirements for on-site carparking only, which the development meets.

* Available at:

http://www.centralcoast.tas.gov.au/webdata/resources/files/Community_Profile.pdf

In summary, the concerns raised regarding stormwater have been addressed by the applicant. The remainder of the issues raised in the representations are either addressed by the recommended conditions or are not part of the assessment under the Scheme, and in reality, the impacts from the proposed development are likely to be no greater than those created by subdivision and development of the land into a large number of single houses.

IMPACT ON RESOURCES

This report has generated the normal impact on resources in the assessment and processing of the application.

CORPORATE COMPLIANCE

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

- Meet our statutory and regulatory obligations.

Comments - The proposal meets the statutory and regulatory obligations, and the Council has discharged its own obligations in the undertaking of the normal planning process.

- Plan for and develop a sustainable community.

Comments - The proposal is for residential-type development in a residential zone, and therefore is in keeping with the Planning Scheme, which has been designed to encourage a sustainable community.

- Create a municipal area that is productive and socially and aesthetically attractive.

Comments - The proposal encourages development that is productive, and provides for accommodation for victims of motor vehicle accidents. In addition, the design is socially and aesthetically attractive, and complies with the intent of the zone, objectives and relevant development standards.

CONCLUSION

The application has been assessed against the requirements of the Scheme and the limitations of the site. The relevant concerns raised in the representation and by staff about stormwater management have been addressed by the

developer and/or by the recommended conditions. The remainder of the issues raised in the representations are not considered to be relevant to the assessment of this subdivision under the Scheme.

Recommendation

It is recommended that approval be granted subject to the following conditions and restrictions:

General

- 1 The development must be generally in accordance with the drawings by Philp Lighton Architects, reference Motor Accidents Insurance Board, Grouped Houses, Cornelia Street, Ulverstone, SK-01 and SK-02 (dated 07.02.07); SK-03 (dated 24.01.07); SK-04 and SK-05 (dated 30.01.07) and other documentation submitted with this application unless otherwise altered by subsequent conditions of this Permit;
- 2 The landscaping of the site is to:
 - (a) achieve privacy for dedicated open space areas as required by the Planning Scheme;
 - (b) utilise mature plantings, seeds and cuttings of species of local provenance where possible, and
 - (c) ensure the species to be planted and the maintenance regime ensures 70% stem retention rate after two years;
- 3 All landscaping must be completed prior to the occupancy of each Grouped House;
- 4 Prior to the occupancy of each Grouped House, the driveway areas must be:
 - (a) constructed to the satisfaction of the Council;
 - (b) paved with an acceptable impervious material; and
 - (c) properly drained;

Subdivision

Engineering

- 5 The subdivider is to provide:
- (a) 100mm diameter water main extension with fireplug and 63mm diameter loop main;
 - (b) water supply connection and meter to both lots;
 - (c) sewerage connection point to both lots;
 - (d) underground stormwater connection point to both lots;
 - (e) vehicle access to each unit/building;
 - (f) underground power mains and supply to each unit/building;
 - (g) streetlighting to the cul-de-sac;
 - (h) water supply and drainage easements (where necessary);
 - (i) design and construction of the road in accordance with the *Local Government (Highways) Act 1982*;
 - (j) concrete footpath on the north side of the road extension;
 - (k) naturestrip trees at 8-12m spacing in accordance with the Council's street tree planting guidelines;
 - (l) the extension or alteration of existing services required to service the subdivision; and
 - (m) on-site stormwater retention;
- 6 Works are to be in accordance with the Council's Standard Drawings and Specifications;
- 7 Buildings are to be clear of services;

-
- 8 Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services is to be rectified to the satisfaction of the Council's Director Assets & Engineering;

Environmental

- 9 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;
- 10 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 at least 100mm. All disturbed areas are to be sown down with an appropriate grass mix as soon as is practicable after works in that area are completed;
- 11 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;
- 12 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 the properties nearby;
- 13 The disposal of solid and liquid waste on the site is prohibited;
- 14 The developer 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
- 15 The developer must inspect the stormwater control devices after each significant rainfall event and take appropriate action to ensure the integrity of the system;

and 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 development has been substantially commenced;

-
- B this Permit is based upon the particulars provided with SUB2006.23 and DEV2006.71. Any variation may require an amendment to the Permit or a further application for planning approval;
 - C in relation to condition of approval No. 5(m), the stormwater retention is to achieve a post-development discharge no greater than the existing runoff based on an ARI of 10 years. Retention is to be located prior to entering the Council system. Road drainage is not to be retained. The design for the property stormwater drainage will need to comply with the Tasmanian Plumbing Code;
 - D in relation to condition of approval No. 6, the Road Reserve in the cul-de-sac needs to be 25m diameter minimum; and
 - E any works undertaken within the Road Reservation requires a Road Permit to be issued by the Council's Assets & Engineering Department prior to construction. '

The report is supported.”

The Director Development Services reports as follows:

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

■ Cr Robertson. moved and Cr Van Rooyen seconded, “That the representations be deemed to have insufficient merit on planning grounds to justify refusal of the Application and that upon deliberation of the merits of the proposal and the Central Coast S.46 Planning Scheme No.1 of 1993, Application No. DEV2006.71 and SUB2006.23 be approved subject to the following conditions and restrictions:

General

- 1 The development must be generally in accordance with the drawings by Philp Lighton Architects, reference Motor Accidents Insurance Board, Grouped Houses, Cornelia Street, Ulverstone, SK-01 and SK-02 (dated 07.02.07); SK-03 (dated 24.01.07); SK-04 and SK-05 (dated 30.01.07) and other documentation submitted with this application unless otherwise altered by subsequent conditions of this Permit;
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 - (g) streetlighting to the cul-de-sac;
 - (h) water supply and drainage easements (where necessary);

-
- (i) design and construction of the road in accordance with the *Local Government (Highways) Act 1982*;
 - (j) concrete footpath on the north side of the road extension;
 - (k) naturestrip trees at 8-12m spacing in accordance with the Council's street tree planting guidelines;
 - (l) the extension or alteration of existing services required to service the subdivision; and
 - (m) on-site stormwater retention;
- 6 Works are to be in accordance with the Council's Standard Drawings and Specifications;
 - 7 Buildings are to be clear of services;
 - 8 Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services is to be rectified to the satisfaction of the Council's Director Assets & Engineering;

Environmental

- 9 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;
- 10 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 at least 100mm. All disturbed areas are to be sown down with an appropriate grass mix as soon as is practicable after works in that area are completed;
- 11 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;
- 12 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 the properties nearby;
- 13 The disposal of solid and liquid waste on the site is prohibited;

-
- 14 The developer 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
- 15 The developer must inspect the stormwater control devices after each significant rainfall event and take appropriate action to ensure the integrity of the system;

and 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 development has been substantially commenced;
- B this Permit is based upon the particulars provided with SUB2006.23 and DEV2006.71. Any variation may require an amendment to the Permit or a further application for planning approval;
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- D in relation to condition of approval No. 6, the Road Reserve in the cul-de-sac needs to be 25m diameter minimum; and
- E any works undertaken within the Road Reservation requires a Road Permit to be issued by the Council's Assets & Engineering Department prior to construction." "

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 6.11pm.

CONFIRMED THIS DAY OF , 2007.

Chairperson

(jm: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.

Katherine Schaefer
GENERAL MANAGER

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, 30 April 2007 commencing at 6.00pm

Members attendance

Cr Mike Downie (Mayor)
Cr Warren Barker
Cr Tony van Rooyen

Cr Brian Robertson (Deputy Mayor)
Cr Ken Haines

Employees attendance

Director Development Services (Mr Jeff McNamarra)
Town Planner (Ms Theresia Williams)

Members Apology

Mrs Kathy Schaefer

CONFIRMATION OF MINUTES OF THE COMMITTEE

33/2007 Confirmation of minutes

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“The minutes of the previous meeting of the Development Support Special Committee held on 11 April 2007 have already been circulated. The minutes are required to be confirmed for their accuracy.

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■ Cr Robertson moved and Cr Van Rooyen seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 11 April 2007 be confirmed.”

Carried unanimously

MAYOR'S COMMUNICATIONS

34/2007 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 Robertson moved and Cr Barker seconded, “That the Mayor's report be received.”

Carried unanimously

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35/2007 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 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.”

Cr Barker reported as follows:

“I will be declaring an interest in respect of Application No. DEV2006.71 and SUB2006.23 (Minute No. 39/2007).”

ADJOURNMENT OF MEETING

36/2007 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

37/2007 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

38/2007 **Two-Lot Subdivision at 112 South Road, Penguin** **Application No. SUB2006.30**

The Director Development Services reports as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION No.:</i>	SUB2006.30
<i>OWNER:</i>	Margaret Miller
<i>LOCATION:</i>	112 South Road, Penguin
<i>ZONING:</i>	Residential (RA) - Closed
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	27 March 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	13 April 2007
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	27 April 2007 (Extension granted to 30 April 2007)
<i>DECISION DUE:</i>	30 April 2007

PURPOSE

The purpose of this report is to consider the merits of a representation received in opposition to a discretionary planning permit application for a two-lot subdivision at 112 South Road, Penguin.

BACKGROUND

The application proposes dividing a 9130m² lot into one lot of 3420m² and one lot of 5710m². The 3420m² lot contains an existing house.

A location plan is attached as Annexure 1/3.

DISCUSSION

The development proposes separating the rear of the large lot from the land surrounding the house, and providing a 3.6m access lane to the rear lot, on land zoned Residential (RA) - Closed. It complies with all of the standards under the Scheme.

Plans of the proposed development are attached as Annexure 2/3.

The subdivision will create one additional large internal lot (5710m²), well over the minimum lot size of 550m². Adjacent land at 118 South Road has recently been subdivided into 29 lots. The developer for 112 South Road was advised by Planning staff and her consultant that it may be to her advantage to consider subdividing into more than one additional lot, perhaps including her subdivision as part of the adjoining 29-lot subdivision, which would have allowed the creation of more than one extra title. The developer advised that she did not wish to do so.

The shed on the boundary of the two lots will still meet the development standards after subdivision.

CONSULTATION

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 was also sent to the adjoining owners inviting them to view the application.

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. The only comments to be included from the Planning and Assessment Team are standard engineering conditions for subdivisions.

REPRESENTATION

One representation was received during the 14-day period. This was from the owner of number 114 South Road, Penguin, the lot directly to the east of the subject land.

A copy of the representation is attached as Annexure 3/3.

The representation is based on concerns that the large rear lot may be further subdivided in the future, and that there will be increased traffic movements as a result of subdivision. The planning merit of each issue raised is addressed in the table below.

Comments

No.	DETAIL	COMMENT
1	This subdivision may create a requirement for further subdivision.	There is no provision for the Council to try to predict further development, and the application can only be assessed on its own merits. Any further subdivision will require a new application which will also be advertised.
2	The 3.6m access will border the representors' land.	Noted. The access meets the Scheme requirements.
3	Access to the 112 South Road two-lot subdivision via the subdivision at 118 South Road would limit the traffic impact on the representors.	Noted. This proposal is for access to a new single lot, which is certainly an acceptable traffic solution in the zone. The traffic created by the neighbouring subdivision was considered as part of that application. There were no representations received for that subdivision.

The representors were contacted by phone and advised that their objections would not impact on the recommendation for this development, as the assessment cannot predict further development. They advised that they wished their representation to stand, in order to bring it to the attention of the Council.

IMPACT ON RESOURCES

This report has generated the normal impact on resources in the assessment and processing of the application.

CORPORATE COMPLIANCE

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

- Meet our statutory and regulatory obligations.

Comments - The proposal meets the statutory and regulatory obligations, and the Council has discharged its own obligations in the undertaking of the normal planning process.

- Plan for and develop a sustainable community.

Comments - The proposal is for residential subdivision in the residential zone, and therefore is in keeping with the Planning Scheme, which has been designed to encourage a sustainable community.

- Create a municipal area that is productive and socially and aesthetically attractive.

Comments - The proposal encourages development that is productive, as well as socially and aesthetically attractive, by complying with the Scheme intent, objectives and relevant development standards.

CONCLUSION

The application has been assessed against the requirements of the Scheme and the limitations of the site. The concerns raised in the representation are not considered to be relevant to the assessment of this subdivision under the Scheme and therefore are not sufficient to sustain a negative recommendation.

Recommendation

It is recommended that the representation be deemed to have insufficient merit on planning grounds to justify refusal of the application and that upon deliberation of the merits of the proposal and the Central Coast S.46 Planning Scheme No. 1 of 1993, Application No. SUB2006.30 be approved subject to the following conditions and restrictions:

General

- 1 The Final Plan must be substantially the same as, and developed in accordance with, the submitted plan (Plan Ref. 07006) unless requiring modification by any subsequent Permit condition;

Subdivision

- 2 The developer providing:

-
- (a) water supply and connection meter to the new lot;
 - (b) sewerage connection point to the new lot;
 - (c) underground stormwater connection point to each lot;
 - (d) a vehicle access (concrete apron) to the new lot in accordance with the Council's Standard Drawing No. SD1003;
 - (e) separate underground power supply to the new lot;
 - (f) underground telecommunication connection to the new lot;
and
 - (g) the extension or alteration of existing services required to service the subdivision;
- 3 The provision where necessary of water supply and drainage easements;
- 4 The Final Plan will not be sealed until such time as the development is complete;
- 5 Prior to sealing of the Final Plan, any existing services which are disturbed during the subdivision, including any damage to road, kerb and channel, naturestrip and footpath, must be reinstated to the satisfaction of the Council's Asset Management Group Leader; and
- 6 Any infrastructure extensions required to service the development are at the developer's expense;

and the subdivider be requested to note that:

- A this Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced;
- B this Permit is based upon the particulars provided with SUB2006.30. Any variation may require an amendment to the Permit or a further application for planning approval; and

-
- C any queries relating to the engineering requirements specified in this permit should be directed to the Council's Asset Management Group Leader.'

The report is supported.”

The Director Development Services reported as follows:

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

■ Cr Haines moved and Cr Van Rooyen seconded, “That the representation be deemed to have insufficient merit on planning grounds to justify refusal of the Application and that upon deliberation of the merits of the proposal and the Central Coast S.46 Planning Scheme No. 1 of 1993, Application No. SUB2006.30 be approved subject to the following conditions and restrictions:

General

- 1 The Final Plan must be substantially the same as, and developed in accordance with, the submitted plan (Plan Ref. 07006) unless requiring modification by any subsequent Permit condition;

Subdivision

- 2 The developer providing:
 - (a) water supply and connection meter to the new lot;
 - (b) sewerage connection point to the new lot;
 - (c) underground stormwater connection point to each lot;
 - (d) a vehicle access (concrete apron) to the new lot in accordance with the Council's Standard Drawing No. SD1003;
 - (e) separate underground power supply to the new lot;
 - (f) underground telecommunication connection to the new lot; and
 - (g) the extension or alteration of existing services required to service the subdivision;

-
- 3 The provision where necessary of water supply and drainage easements;
 - 4 The Final Plan will not be sealed until such time as the development is complete;
 - 5 Prior to sealing of the Final Plan, any existing services which are disturbed during the subdivision, including any damage to road, kerb and channel, naturestrip and footpath, must be reinstated to the satisfaction of the Council's Asset Management Group Leader; and
 - 6 Any infrastructure extensions required to service the development are at the developer's expense;

and the subdivider be requested to note that:

- A this Permit expires two years from the date advice of this decision is received unless the development has been substantially commenced;
- B this Permit is based upon the particulars provided with SUB2006.30. Any variation may require an amendment to the Permit or a further application for planning approval; and
- C any queries relating to the engineering requirements specified in this permit should be directed to the Council's Asset Management Group Leader."

Carried unanimously

**39/2007 One House and eight Grouped Houses and a two-lot subdivision at 138 Main Street, Ulverstone
Application No. DEV2006.71 and SUB2006.23**

Cr Barker, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of Application No. DEV2006.71 and SUB2006.23.

The Director Development Services reports as follows:

"The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DEV2006.71 and SUB2006.23
<i>OWNER:</i>	Crown - Director of Housing
<i>LOCATION:</i>	138 Main Street, Ulverstone

<i>ZONING:</i>	Residential (RA) - Closed
<i>PLANNING INSTRUMENT:</i>	Central Coast S.46 Planning Scheme No.1 of 1993 (the Scheme)
<i>ADVERTISED:</i>	20 February 2007
<i>REPRESENTATIONS EXPIRY DATE:</i>	6 March 2007
<i>REPRESENTATIONS RECEIVED:</i>	Three
<i>42-DAY EXPIRY DATE:</i>	3 May 2007
<i>DECISION DUE:</i>	30 April 2007

PURPOSE

The purpose of this report is to consider the merits of three representations received in opposition to a discretionary planning permit application for one House plus eight-Grouped Houses and a two-lot subdivision.

BACKGROUND

The land is currently undeveloped, with a small number of ponies grazing on it.

A location plan is attached as Annexure 1/3.

DISCUSSION

The application proposes dividing one lot into one lot of 4150m² (Lot 1) and one lot of 7066m² (Lot 2). Lot 2 would then be purchased by MAIB and developed into one house and eight grouped houses for their clients who have been catastrophically brain injured in motor vehicle accidents. The land is zoned Residential (RA) - Closed. The application includes a request for an exemption from the regular access point limitations in the Scheme, but otherwise complies with all other standards under the Scheme. Grouped housing developments are usually limited to a single access point. In this case, it is considered that this requirement would be impracticable, unreasonable and inequitable, as it would create a “bottleneck” effect, when the developments would be better served, and the impact on neighbouring properties limited, by multiple access points from Cornelia Street, as shown on the plans. The developer will be required to extend Cornelia Street and the Council will be taking over the extension.

Plans of the proposed development are attached as Annexure 2/3.

CONSULTATION

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 was sent to the adjoining owners inviting them to view the application.

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. The only comments to be included from the Planning and Assessment Team are customary engineering and environmental conditions.

REPRESENTATIONS

Three representations were received during the 14-day advertising period. These were from an adjoining land owner on the north-eastern corner of Lot 2 (Representation No. 1); a landowner from the other side of Main Street (Representation No. 2); and a landowner from Horsham Street (Representation No. 3).

Copies of the representations are attached as Annexure 3/3.

The representations are based on concerns over the impact of additional stormwater in the Main Street system and the impacts of the development during and after construction, including the impacts on the Council's parking and road congestion. Each of the issues raised in the representations have been addressed in the table below.

Comments

REP. NO.	DETAIL	COMMENT
1	Commercial development in a residential area.	Case not supported. Whilst the development is being undertaken by a commercial company, it will be providing a residential service to it's clients. It is no different to any other developer of Grouped Houses.
	Noise during construction.	Noise associated with the subdivision is addressed in the recommended conditions and any noise associated with building is

		addressed with the issue of the consequent building permit.
	Noise after construction, specifically traffic associated with parking, smoking and socialising.	N/A. Any noise generated will be no different to any other grouped house development and possibly less due to the intended occupancy.
	Value and desirability of neighbouring residential properties.	N/A. Risks associated with real estate investment are not covered by the Scheme. No demonstration of such an impact has been provided.
	Boundary and privacy.	Not supported. The setback from the building nearest to the representor is in excess of the Scheme requirements by over 7.5m.
2	The existing stormwater system in Main Street will not cope with this level of development.	Agreed. The initial proposal did not include additional stormwater management. A stop-clock letter was issued, and the developer has provided an engineering solution to address the stormwater issue and the recommended conditions reflect this solution.
3	The Council's infrastructure is insufficient to cope with increased CBD parking and road use.	Not supported. The Council's Community Profile* shows there has been a steady and constant drop in population since 1986. There are a number of free carparks within a few hundred metres of the CBD, and with a falling population, any additional car use created by the staff or perhaps the motor vehicle accident victims will be negated.
	The Council staff parking and compliance with by-laws by Woolworth's employees.	N/A. This application is for development on Main Street/Cornelia Street. The Scheme provides requirements for on-site carparking only, which the development meets.

* Available at:

http://www.centralcoast.tas.gov.au/webdata/resources/files/Community_Profile.pdf

In summary, the concerns raised regarding stormwater have been addressed by the applicant. The remainder of the issues raised in the representations are either addressed by the recommended conditions or are not part of the assessment under the Scheme, and in reality, the impacts from the proposed development are likely to be no greater than those created by subdivision and development of the land into a large number of single houses.

IMPACT ON RESOURCES

This report has generated the normal impact on resources in the assessment and processing of the application.

CORPORATE COMPLIANCE

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

- Meet our statutory and regulatory obligations.

Comments - The proposal meets the statutory and regulatory obligations, and the Council has discharged its own obligations in the undertaking of the normal planning process.

- Plan for and develop a sustainable community.

Comments - The proposal is for residential-type development in a residential zone, and therefore is in keeping with the Planning Scheme, which has been designed to encourage a sustainable community.

- Create a municipal area that is productive and socially and aesthetically attractive.

Comments - The proposal encourages development that is productive, and provides for accommodation for victims of motor vehicle accidents. In addition, the design is socially and aesthetically attractive, and complies with the intent of the zone, objectives and relevant development standards.

CONCLUSION

The application has been assessed against the requirements of the Scheme and the limitations of the site. The relevant concerns raised in the representation and by staff about stormwater management have been addressed by the

developer and/or by the recommended conditions. The remainder of the issues raised in the representations are not considered to be relevant to the assessment of this subdivision under the Scheme.

Recommendation

It is recommended that approval be granted subject to the following conditions and restrictions:

General

- 1 The development must be generally in accordance with the drawings by Philp Lighton Architects, reference Motor Accidents Insurance Board, Grouped Houses, Cornelia Street, Ulverstone, SK-01 and SK-02 (dated 07.02.07); SK-03 (dated 24.01.07); SK-04 and SK-05 (dated 30.01.07) and other documentation submitted with this application unless otherwise altered by subsequent conditions of this Permit;
- 2 The landscaping of the site is to:
 - (a) achieve privacy for dedicated open space areas as required by the Planning Scheme;
 - (b) utilise mature plantings, seeds and cuttings of species of local provenance where possible, and
 - (c) ensure the species to be planted and the maintenance regime ensures 70% stem retention rate after two years;
- 3 All landscaping must be completed prior to the occupancy of each Grouped House;
- 4 Prior to the occupancy of each Grouped House, the driveway areas must be:
 - (a) constructed to the satisfaction of the Council;
 - (b) paved with an acceptable impervious material; and
 - (c) properly drained;

Subdivision

Engineering

- 5 The subdivider is to provide:
- (a) 100mm diameter water main extension with fireplug and 63mm diameter loop main;
 - (b) water supply connection and meter to both lots;
 - (c) sewerage connection point to both lots;
 - (d) underground stormwater connection point to both lots;
 - (e) vehicle access to each unit/building;
 - (f) underground power mains and supply to each unit/building;
 - (g) streetlighting to the cul-de-sac;
 - (h) water supply and drainage easements (where necessary);
 - (i) design and construction of the road in accordance with the *Local Government (Highways) Act 1982*;
 - (j) concrete footpath on the north side of the road extension;
 - (k) naturestrip trees at 8-12m spacing in accordance with the Council's street tree planting guidelines;
 - (l) the extension or alteration of existing services required to service the subdivision; and
 - (m) on-site stormwater retention;
- 6 Works are to be in accordance with the Council's Standard Drawings and Specifications;
- 7 Buildings are to be clear of services;

-
- 8 Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services is to be rectified to the satisfaction of the Council's Director Assets & Engineering;

Environmental

- 9 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;
- 10 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 at least 100mm. All disturbed areas are to be sown down with an appropriate grass mix as soon as is practicable after works in that area are completed;
- 11 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;
- 12 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 the properties nearby;
- 13 The disposal of solid and liquid waste on the site is prohibited;
- 14 The developer 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
- 15 The developer must inspect the stormwater control devices after each significant rainfall event and take appropriate action to ensure the integrity of the system;

and 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 development has been substantially commenced;

-
- B this Permit is based upon the particulars provided with SUB2006.23 and DEV2006.71. Any variation may require an amendment to the Permit or a further application for planning approval;
 - C in relation to condition of approval No. 5(m), the stormwater retention is to achieve a post-development discharge no greater than the existing runoff based on an ARI of 10 years. Retention is to be located prior to entering the Council system. Road drainage is not to be retained. The design for the property stormwater drainage will need to comply with the Tasmanian Plumbing Code;
 - D in relation to condition of approval No. 6, the Road Reserve in the cul-de-sac needs to be 25m diameter minimum; and
 - E any works undertaken within the Road Reservation requires a Road Permit to be issued by the Council's Assets & Engineering Department prior to construction. '

The report is supported.”

The Director Development Services reported as follows:

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

■ Cr Robertson. moved and Cr Van Rooyen seconded, “That the representations be deemed to have insufficient merit on planning grounds to justify refusal of the Application and that upon deliberation of the merits of the proposal and the Central Coast S.46 Planning Scheme No.1 of 1993, Application No. DEV2006.71 and SUB2006.23 be approved subject to the following conditions and restrictions:

General

- 1 The development must be generally in accordance with the drawings by Philp Lighton Architects, reference Motor Accidents Insurance Board, Grouped Houses, Cornelia Street, Ulverstone, SK-01 and SK-02 (dated 07.02.07); SK-03 (dated 24.01.07); SK-04 and SK-05 (dated 30.01.07) and other documentation submitted with this application unless otherwise altered by subsequent conditions of this Permit;
- 2 The landscaping of the site is to:

-
- (a) achieve privacy for dedicated open space areas as required by the Planning Scheme;
 - (b) utilise mature plantings, seeds and cuttings of species of local provenance where possible, and
 - (c) ensure the species to be planted and the maintenance regime ensures 70% stem retention rate after two years;
- 3 All landscaping must be completed prior to the occupancy of each Grouped House;
- 4 Prior to the occupancy of each Grouped House, the driveway areas must be:
- (a) constructed to the satisfaction of the Council;
 - (b) paved with an acceptable impervious material; and
 - (c) properly drained;

Subdivision

Engineering

- 5 The subdivider is to provide:
- (a) 100mm diameter water main extension with fireplug and 63mm diameter loop main;
 - (b) water supply connection and meter to both lots;
 - (c) sewerage connection point to both lots;
 - (d) underground stormwater connection point to both lots;
 - (e) vehicle access to each unit/building;
 - (f) underground power mains and supply to each unit/building;
 - (g) streetlighting to the cul-de-sac;
 - (h) water supply and drainage easements (where necessary);

-
- (i) design and construction of the road in accordance with the *Local Government (Highways) Act 1982*;
 - (j) concrete footpath on the north side of the road extension;
 - (k) naturestrip trees at 8-12m spacing in accordance with the Council's street tree planting guidelines;
 - (l) the extension or alteration of existing services required to service the subdivision; and
 - (m) on-site stormwater retention;
- 6 Works are to be in accordance with the Council's Standard Drawings and Specifications;
 - 7 Buildings are to be clear of services;
 - 8 Any damage or disturbance to footpaths, roads, kerbs, nature strips or existing services is to be rectified to the satisfaction of the Council's Director Assets & Engineering;

Environmental

- 9 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;
- 10 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 at least 100mm. All disturbed areas are to be sown down with an appropriate grass mix as soon as is practicable after works in that area are completed;
- 11 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;
- 12 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 the properties nearby;
- 13 The disposal of solid and liquid waste on the site is prohibited;

-
- 14 The developer 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
- 15 The developer must inspect the stormwater control devices after each significant rainfall event and take appropriate action to ensure the integrity of the system;

and 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 development has been substantially commenced;
- B this Permit is based upon the particulars provided with SUB2006.23 and DEV2006.71. Any variation may require an amendment to the Permit or a further application for planning approval;
- C in relation to condition of approval No. 5(m), the stormwater retention is to achieve a post-development discharge no greater than the existing runoff based on an ARI of 10 years. Retention is to be located prior to entering the Council system. Road drainage is not to be retained. The design for the property stormwater drainage will need to comply with the Tasmanian Plumbing Code;
- D in relation to condition of approval No. 6, the Road Reserve in the cul-de-sac needs to be 25m diameter minimum; and
- E any works undertaken within the Road Reservation requires a Road Permit to be issued by the Council's Assets & Engineering Department prior to construction."

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 6.11pm.

CONFIRMED THIS DAY OF , 2007.

Chairperson

(jm: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.

Katherine Schaefer
GENERAL MANAGER