



CENTRAL COAST COUNCIL

DEVELOPMENT SUPPORT SPECIAL COMMITTEE

Minutes

of Meeting

8 September 2008

Minutes subject to confirmation at
a meeting of the Development Support Special Committee to be held on
Monday, 29 September 2008

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, 8 September 2008 commencing at 6.00pm

Members attendance

Cr Brian Robertson (Deputy Mayor) Cr Jan Bonde
Cr Terry McKenna Cr Tony van Rooyen
Ms Sandra Ayton

Members apologies

Cr Mike Downie (Mayor)
Cr Ken Haines

Employees attendance

Director Development Services (Mr Michael Stretton)
Land Use Planning Group Leader (Ms Theresia Williams)

Public Attendance

One

CONFIRMATION OF MINUTES OF THE COMMITTEE

28/2008 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 25 August 2008 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.”

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- Cr Bonde moved and Cr van Rooyen seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 25 August 2008 be confirmed.”

Carried unanimously

MAYOR’S COMMUNICATIONS

29/2008 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 McKenna moved and Cr Bonde seconded, “That the Mayor’s report be received.”

Carried unanimously

PECUNIARY INTEREST DECLARATIONS

30/2008 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

31/2008 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

32/2008 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

33/2008 Residential house on Rural Land, CT 210859/1 Castra Road, Upper Castra – Application No. DEV2008.19

The Director Development Services reported as follows:

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

<i>‘DEVELOPMENT APPLICATION No.:</i>	DEV2008.19
<i>APPLICANT:</i>	P Norris
<i>LOCATION:</i>	CT 210859/1 Castra Road, Upper Castra
<i>ZONING:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	16 August 2008
<i>REPRESENTATIONS EXPIRY DATE:</i>	30 AUGUST 2008
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	22 September 2008
<i>DECISION DUE:</i>	8 September 2008

PURPOSE

The purpose of this report is to consider:

- the merits of the representation; and
- whether the development performs in relation to the Scheme (discretionary use class and variation to the setback).

BACKGROUND

The site is the old football ground at Upper Castra. There is an existing building on the land, which formerly served as the rooms for the local football club. A house was approved on the land under the previous planning scheme in September 2007 in a different location on the site.

To the northeast is an existing dwelling. Directly to the north another dwelling has been approved. To the south of the subject land is established plantation.

A location plan is appended as Annexure 1.

DISCUSSION

The Scheme provides that the proposal is for the following use:

“Residential”, defined as “use of land for one or more dwellings providing long term accommodation”.

The proposed development is for a house and falls within the definition of Residential. Any new house in the Rural Resource Zone is discretionary.

Application documents are provided as Annexure 2.

As per Section 4.9 of the Scheme, in determining an application for a permit, the Council must:

- (a) seek to further the objectives of the *Land Use Planning and Approvals Act 1993*;
- (b) act in accordance with the requirements of a State Policy;
- (c) give effect to any direction from the (Resource Planning and Development) Commission under s.28(1)(a) or s.41(a) of the Act in accordance with s.51(3)(b) and (c) of the Act; and
- (d) give effect to all relevant standards and any other requirements specified in the Scheme;

and must have regard to:

- (e) the objectives for planning as set out in Part A;
- (f) the purpose of the relevant zone;
- (g) the purpose of the relevant schedule;
- (h) any advice, information or recommendation with respect to the application that it seeks from a person who has the necessary qualifications or experience; and
- (i) any representations received as a result of notification under s.57 of the Act.

An application for a planning permit requires that the above considerations be addressed. The Discussion is divided into two sections: "Objectives of the Act" and the "Specifics of the Scheme". The individual State Policies are not discussed in this report as these have been incorporated into the Scheme.

The discretion in relation to this proposal relates to the use class itself, the Acceptable Solutions (ownership and proximity to agricultural land), covered in 15.4.3 A2 and 15.4.4 A3 of the Scheme and Schedule 3.0. These issues are discussed in more detail below.

Objectives of the Act

This section provides the Objectives of the Resource Management and Planning System of Tasmania and an assessment of the proposal against these objectives:

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;*

The proposal is situated on land that has previously been significantly modified due to the presence of the football oval. There are no significant natural physical resources, ecological processes or genetic diversity on the site.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water;*

Section 15.0 of the Scheme provides specifics on how to assess this Objective for this proposal.

- (c) *to encourage public involvement in resource management and planning;*

The proposal is subject to advertising required under the Act, and has received one representation. Relevant public involvement also occurred at the time of the writing of the Scheme.

- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);*

Guidance on how to assess this is provided by the detail in the Scheme, assessed later in this report.

- (e) *to promote the sharing of responsibility for resource management and planning between the different spheres of government, the community and industry in the State;*

In this case, the sharing of responsibility has occurred in the writing of the Scheme, the approval of the Scheme by a State Government body and the participation of the community throughout this process as provided for by the Act.

Given the framework of the planning system in Tasmania, much of the assessment in relation to the Objectives has been completed by the certification of the Scheme by the Resource Planning and Development Commission. The detail of the certified Scheme is assessed later in this report.

Specifics of the Scheme

REFERENCE	DETAIL AND COMMENT (WHERE REQUIRED)
2.7	<p>To achieve the purpose of this planning scheme the following objectives apply:</p> <p><i>(a) Residential, commercial, industrial and community facilities are to be concentrated in the existing urban areas;</i></p> <p>The proposed development is situated outside any existing urban areas in the Rural Resource Zone. The Scheme provides for assessment of residential development under the specific zone provisions, which are addressed later in this report.</p> <p><i>(b) The residential settlement strategy is to reinforce the existing residential pattern and any new residential development is to be the infill or orderly extension of existing urban areas;</i></p> <p>Comments as per (a) above.</p> <p><i>(c) The development of a range of housing types is to be encouraged;</i></p> <p>The proposal is a house in the Rural Resource Zone. The relevant zone provisions provide more specific guidance on what is acceptable in this zone and are addressed later in this report.</p> <p><i>(d) A safe vehicular and pedestrian network throughout the planning area is to be encouraged;</i></p> <p>The proposal accesses an existing Council-maintained road. Assets & Engineering staff have provided comments on the safe vehicular access to and from the site. This is discussed in further detail below.</p> <p><i>(e) Infrastructure services are to be used and extended in an efficient manner;</i></p> <p>The development would be required to provide its' own infrastructure. Comments in relation to this have been provided in the memo from Environment & Health staff.</p> <p><i>(f) Sufficient land and facilities for recreational and open space purposes are to be reserved for the community;</i></p>

	<p>The proposal has no impact on this Objective. The decision to close the football oval happened independent of this application for development.</p> <p><i>(g) The physical and biological quality of surface and groundwater is to be maintained and enhanced;</i></p> <p>Clause 15.3.1 A1 is generally included as a standard condition on any permit issued for development in the Rural Resource zone. Other than that, Environment & Health staff have provided standard conditions to be placed on any permit issued for such a development.</p> <p><i>(h) Important flora and fauna habitats are to be protected from inappropriate use and development;</i></p> <p>There is no significant vegetation on the site.</p> <p><i>(i) The environmental qualities of the coastal and river systems are to be protected;</i></p> <p>The proposal has little to no capacity to impact on the coastal and river systems, beyond that addressed by the comments for (g) above.</p> <p><i>(j) Development of land and its use is to be carried out in a way so as to minimise environmental harm;</i></p> <p>The site is zoned for Rural Resource use. For a house on rural land, the comments for (g) above are most applicable.</p> <p><i>(k) Rural land is to be primarily used for resource development and conservation purposes;</i></p> <p>The site is zoned Rural Resource. It would have limited capacity to be utilised as resource development given the poor quality of the soils. There are no known conservation implications. The main potential impact of this development is that of interaction with adjoining uses. These are provided for in the zone provisions, discussed later in this report.</p> <p><i>(l) Rural land is to be protected from inappropriate residential, industrial and commercial development;</i></p> <p>The Scheme provides specific dictates on what is “appropriate” residential development in the Rural Resource Zone. This is discussed later in this report.</p>
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	<p><i>(m) Residential use or development in the rural areas is to be encouraged in the existing settlements of North Motton, South Riana and Sprent. The compact and limited growth of these settlements is to occur only within those areas that are zoned Mixed Use;</i></p> <p>The proposal is not within these existing settlements.</p> <p><i>(n) Infill and consolidation of development within the Rural Living zone is to be encouraged;</i></p> <p>The proposal is not within the Rural Living Zone.</p> <p><i>(o) The cultural heritage, including Aboriginal relics, protected site and objects and registered places are protected.</i></p> <p>No known Aboriginal relics or values are known of for this site.</p>
15.1	Purpose of Rural Resource Zone.
15.1.1	<p><i>To provide for the sustainable use or development of resources for agriculture, forestry, mining and other primary industries.</i></p> <p>The proposed development has potential to impact on resources for adjoining primary industry, namely forestry. 15.4.3 of the Scheme provides specifics on how to apply Purpose 15.1.1, and is covered below in more detail.</p>
15.1.2	<p><i>To promote economic development compatible with agricultural activities and the landscape.</i></p> <p>The proposal for a single dwelling has limited economic development impact. The issue of compatibility with agricultural activities is detailed later in this report.</p>
15.1.3	<p><i>To ensure that:</i></p> <p><i>(a) the agricultural potential of agricultural land is protected;</i></p> <p><i>(b) the productive capacity of agricultural land and mining is given priority;</i></p> <p><i>(c) houses and other non-agricultural use or development do not alienate agricultural land;</i></p>

	<p>(d) <i>the fragmentation of rural holdings is prevented;</i></p> <p>(e) <i>ecological, cultural and landscape values of rural land are protected; and</i></p> <p>(f) <i>water catchments and sub-surface waters are protected.</i></p> <p>In response:</p> <p>(a) the subject land has almost no agricultural potential itself, being highly modified and Class 7 or worse. The potential of adjoining land is what should be considered.</p> <p>(b) as per (a).</p> <p>(c) if developed, the proposed house would form a “cluster” with the adjoining dwelling and proposed dwelling. The proposal would not separate agricultural land parcels.</p> <p>(d) the proposal does not include subdivision.</p> <p>(e) the proposal would have no more impact on ecological processes than the other dwellings. In relation to cultural values, the proposal is intending to convert the old football sheds into a house, which may have some implications, but no representations to that point were received, so this can be dismissed as being insignificant. There are no aboriginal cultural relics identified on the site as previously mentioned. In relation to landscape values, the proposal would have relatively little landscape impact given the adjoining existing and proposed dwellings.</p> <p>(f) these are protected by 15.3.1 A1, addressed below.</p>
15.2.1	The proposal is for a Discretionary use in the Rural Resource Zone, listed a Residential in 15.2.1 Table of Use.
15.3.1	<p><i>Objective; To ensure that use does not adversely affect water quality.</i></p> <p>The Acceptable Solution reads as:</p> <p>Liquid pollutants must not be discharged:</p> <p>(a) within 100m of a watercourse, wetland or other surface waters;</p>

	<p>(b) within 250m of any bore or well which is the source of drinking water for humans or stock;</p> <p>(c) within 40m of any private waters in other ownership; or</p> <p>(d) into the ground at any place that may contaminate groundwater resources.</p> <p>This wording is used as a standard condition on any permit issued in the Rural Resource Zone to ensure compliance.</p>
15.4.1	<p><i>Subdivision</i></p> <p>No subdivision is proposed.</p>
15.4.2	<p><i>Strata Schemes</i></p> <p>No strata is proposed or existing.</p>
15.4.3 A1	<p><i>Objective: To ensure that development does not:</i></p> <p>(1) <i>result in an unreasonable loss of agricultural land; and</i></p> <p>(2) <i>unreasonably fetter agricultural use on another lot.</i></p> <p>A1 does not apply to residential development.</p>
15.4.3 A2	<p><i>A dwelling unit on a lot less than 50ha must:</i></p> <p>(a) <i>only be developed on a lot which was in separate ownership from all adjoining lots at 6 October 2000;</i></p> <p>(b) <i>not be sited on prime agricultural land; and</i></p> <p>(c) <i>not be closer than 100m to agricultural land on another lot.</i></p> <p>The subject title was in the same ownership as an adjoining title at 6 October 2000. The proposal does not comply with (a).</p> <p>The subject title has been significantly modified and is classed as Class 7 land (or worse), therefore is not prime agricultural land. The proposal complies with (b).</p> <p>The proposal is intended to be located 6.8m from adjoining agricultural land as per the site plan provided with the application. The proposal does not comply with (c).</p>

	As the proposal does not comply with all of the Acceptable Solutions, it must be assessed against the Performance Criteria.
15.4.3 P2	<p><i>A dwelling unit must:</i></p> <p>(a) <i>be on a lot of a size and configuration impractical for agricultural use;</i></p> <p>(b) <i>be on a lot that is practically incapable of inclusion with any other agricultural land whether in the same ownership or not; and</i></p> <p>(c) <i>be unlikely to fetter agricultural use on another lot (whether in the same ownership or not) taking into consideration:</i></p> <p style="padding-left: 40px;"><i>(i) the topography of the land;</i></p> <p style="padding-left: 40px;"><i>(ii) the location of water catchments;</i></p> <p style="padding-left: 40px;"><i>(iii) buffers created by natural or other features; and</i></p> <p style="padding-left: 40px;"><i>(iv) the location of dwelling units on adjoining properties.</i></p> <p>(a) the land is impractical for agricultural use given the combination of its' size, location between houses and forestry and the poor quality of the soil.</p> <p>(b) It can be reasonably argued that the land is practically incapable of inclusion with any other agricultural land for the same reasons as for (a).</p> <p>(c) The proposed house location provides no reasonable evidence in support of the proposal in relation to (c). Whilst the topography and water catchments may be insignificant given the site, there are no natural or other buffers (iii) and the proposal is closer to agricultural land than the nearby houses (iv).</p>
15.4.3 A3	<i>N/A The proposal is for a site under 50ha.</i>
15.4.3 A4	<i>N/A There are no existing residential uses, therefore A4 is not applicable.</i>
15.4.3 A5	<i>N/A No Utilities proposed.</i>

15.4.3 A6	N/A Covered by specific provisions above, thus not applicable.
15.4.4 A1	<p><i>Building design and siting</i></p> <p><i>Objective: To ensure that the height, setbacks and siting of buildings respect visual amenity.</i></p> <p><i>A1 Buildings for Residential must not exceed a maximum building height of 8m.</i></p> <p>The proposal will not exceed 8m, as per plan "section A' provided with the application.</p>
15.4.4 A2	N/A No other buildings proposed.
15.4.4 A3	<p><i>Buildings must be setback at least:</i></p> <p>(a) <i>10m from the frontage and rear; and</i></p> <p>(b) <i>3m from any other boundary.</i></p> <p>The proposal does not comply with 15.4.4 A3 (a), thus the Performance Criteria 15.4.4 P3 applies.</p>
15.4.4 P3	<p><i>Buildings may have a lesser setback than the AS, if the siting:</i></p> <p>(a) <i>provides for the efficient use of the lot;</i></p> <p>(b) <i>provides sufficient separation from adjoining Residential development and roads;</i></p> <p>(c) <i>is in keeping with the open space character of the locality; and</i></p> <p>(d) <i>is no closer to the frontage than existing buildings on the lot or on adjoining properties.</i></p> <p>The proposed setbacks maximise the possible setbacks from adjoining houses and roads, in keeping with this clause. It must be noted that the provisions of 15.4.3 sit with 15.4.4 P3 and both must be considered in assessment.</p>
15.4.4 A4	<p><i>External cladding of buildings must be non-reflective or be screened from public view.</i></p> <p>This wording is generally utilised as a standard condition on any development permit in the Rural Resource Zone.</p>

<p>15.4.5 A1</p>	<p><i>A1 The site must:</i></p> <p>(a) <i>Have an access constructed to Central Coast Council Municipal Standard Drawing No. SD-1012;</i></p> <p>(b) <i>Be capable of accommodating an on-site wastewater management system; and</i></p> <p>(c) <i>Be capable of on-site stormwater absorption and disposal.</i></p> <p>These factors have been assessed by Council's Assets & Engineering and Environment & Health staff. For clarification, please note that the proposal complies with the SD-1012 referenced in (a) above and relates to sight distances. The recommended standard condition below referencing SD-1009 relates to sealing of the access and is not a typographical error. The following Standard Conditions have been recommended to be applied to any approval:</p> <p>Assets & Engineering:</p> <ul style="list-style-type: none"> • The developer is to provide a sealed vehicular access in accordance with the Council's Standard Drawing SD-1009; • Any damage or disturbance to existing infrastructure is to be rectified to the satisfaction of the Council's Director Assets & Engineering at the applicants expense; <p>Environment & Health:</p> <ul style="list-style-type: none"> • A separate application detailing the design and type of on-site 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; • The on-site wastewater management system for the proposed dwelling being installed in accordance with the <i>Australian/New Zealand Standard AS/NZS 1547:2000 - Onsite Domestic Wastewater Management.</i>
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	<p>In addition, Assets & Engineering staff have recommended that the following note be applied to any permit issued:</p> <ul style="list-style-type: none"> Any works (e.g. driveway construction) undertaken within the Road Reservation requires a Road Permit to be issued prior to the commencement of construction. An application form can be obtained from the Assets & Engineering Department. A fee applies.
15.4.6 A1	<p><i>A wetland or watercourse must not be filled, drained or adversely affected.</i></p> <p>This is used as a standard condition on any permit issued in the zone.</p>
15.4.6 A2	<p><i>The natural flow of water into or out of a wetland or watercourse must not be adversely affected.</i></p> <p>As per 15.4.6 A1.</p>
15.4.6 A3	<p><i>A wetland or watercourse must not be adversely affected by increased erosion or sedimentation.</i></p> <p>As per 15.4.6 A1.</p>
15.4.6 A4	<p><i>Native vegetation must not be removed or destroyed within 30m of the bank of a wetland or watercourse other than in accordance with the Forest Practices Code 2000.</i></p> <p>As per 15.4.6 A1.</p>
15.4.7	<p><i>Plantations</i> (establishment of).</p> <p>N/A No plantations proposed.</p>
<i>Schedules</i>	<p><i>Schedule 1.0 Road and Rail Line Schedule</i></p> <p><i>Schedule 2.0 Attenuation Schedule</i></p> <p>Not applicable.</p> <p><i>Schedule 3.0 Bushfire Prone Areas Schedule</i></p> <p>S3.4.2 defines a bushfire prone area as land...within 100m of standing vegetation covering at least 1ha in area. This applies to the subject land and requires that each dwelling unit within a bushfire prone area must have a Building Protection Zone and Fuel Modified Buffer zone in accordance with Bushfire Protection Buffer Zone Table S3.4.3 within the same lot as the dwelling unit.</p>

	<p>These requirements are specified in the Scheme (page 111). Suffice to say that the proposal does not comply with even the minimum requirements of Table S3.4.3 and given the proposed house location, is incapable of compliance.</p> <p>There has been no attempt by the developer to demonstrate compliance with the Performance Criteria for this provision.</p> <p><i>Schedule 4.0 Contaminated Land Schedule</i></p> <p><i>Schedule 5.0 Land Stability Schedule</i></p> <p><i>Schedule 6.0 Coastal and Riparian Schedule</i></p> <p><i>Schedule 7.0 Heritage Schedule</i></p> <p><i>Schedule 8.0 Multiple Dwellings Schedule</i></p> <p><i>Schedule 9.0 Home Occupation Schedule</i></p> <p>Not Applicable</p> <p><i>Schedule 10.0 Carparking Schedule</i></p> <p>Complies.</p> <p><i>Schedule 11.0 Signs Schedule</i></p> <p><i>Schedule 12.0 Telecommunications Schedule</i></p> <p><i>Schedule 13.0 Ulverstone Wharf Schedule</i></p> <p>Not Applicable.</p>
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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 to the adjoining owners inviting them to view the application was also undertaken.

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. Any relevant comments received from the Planning and Assessment Team are included in the assessment of the application above.

Representation

One representation was received within the prescribed time.

The representation is appended as Annexure 3.

The issues raised in the representation are detailed as follows and have been numbered as per the representation for ease of reference:

ISSUE#	CONCERN (PARAPHRASED)	COMMENT
I	Fettering of adjoining agricultural use, in conflict with 15.1.3 of the Scheme which requires that the productive capacity of agricultural land is given priority.	Noted. Assessed in more detail above under 15.1.3 and 15.4.3.
II	<p>The proposal does not comply with 15.4.3 A2 (c). The Performance Criteria is therefore applicable, but the proposal does not comply with this either.</p> <p>Also raises the Draft Agricultural and Veterinary Chemicals Regulations 2008.</p> <p>States that the land is capable of being included with other land to the north, east or south.</p>	<p>Noted. Assessed in more detail above.</p> <p>Not directly applicable to the planning assessment, although may provide some potential for fettering adjoining agricultural uses.</p> <p>Previously commented on. Note that the Scheme refers to capability of inclusion with agricultural land, which not all of the lots referred to in the representation are.</p>
III	Loss of amenity to the house from the plantations. Recognises that this is not covered in the Scheme.	<p>Noted.</p> <p>Cannot be directly considered as part of the assessment as it is not covered in the Scheme.</p>
IV	Does not comply with Schedule 3.0 for Bushfire Prone Areas.	Noted in above assessment.

V	Does not comply with Overall Planning Scheme Objectives, the purpose of the Rural Resource zone and must also consider that “protection of Agricultural Land Policy”.	<p>Comments on compliance with Objectives and Purpose are provided above and below.</p> <p>The Scheme itself is deemed to comply with the Protection of Agricultural Land Policy and as such provides specifics to the Policies’ general statements.</p>
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In summary, the issues raised by the representation support the assessments earlier in this report. The proposal is for a use which is discretionary within the zone, and relies on compliance with a number of performance criteria which it is assessed not to have met.

IMPACT ON RESOURCES

This report has no impact on resources notwithstanding the usual resources in assessment of the application and preparation of a report. Additional resourcing of time in the event of a Planning Appeal is unknown.

CORPORATE COMPLIANCE

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

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

CONCLUSION

The discretion in regards to this application applies to the use, and compliance with Performance Criteria 15.4.3 P2, 15.4.4 P3, and those of Schedule 3.0. Assessment reveals that the proposal does not comply with a number of these, nor the more strategic and general aspects of the Scheme.

Recommendation

It is recommended that the representation has sufficient merit and the discretions required are deemed to be inappropriate to a degree that warrants refusal and that Application No. DEV2008.19 be refused on the basis that it does not comply with:

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- 15.4.3 A2 (a) or (c), nor the related P2(c) as there are no natural or other buffers and the proposal is closer to agricultural land than the nearby houses; and
 - Schedule 3.0 Bushfire Prone Areas Schedule,

And that by non-compliance with these provisions the proposal does not comply with:

- Objective (b) of the Resource Management and Planning System of Tasmania listed in the Land Use Planning and Approvals Act 1993;
- Objectives (a), (b), (k), (l) and (m) for Planning in the Scheme; nor

15.1.3 (a) and (b) of the Scheme. ’

The report is supported.”

The Director Development 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 McKenna moved and Cr Bonde seconded, “That the representation has sufficient merit and the discretions required are deemed to be inappropriate to a degree that warrants refusal and that Application No. DEV2008.19 be refused on the basis that it does not comply with:

- 15.4.3 A2 (a) or (c), nor the related P2(c) as there are no natural or other buffers and the proposal is closer to agricultural land than the nearby houses; and
- Schedule 3.0 Bushfire Prone Areas Schedule,

And that by non-compliance with these provisions the proposal does not comply with:

- Objective (b) of the Resource Management and Planning System of Tasmania listed in the Land Use Planning and Approvals Act 1993;
- Objectives (a), (b), (k), (l) and (m) for Planning in the Scheme; nor
- 15.1.3 (a) and (b) of the Scheme.”

Carried unanimously

34/2008 Residential house (variation to height and setbacks)
162 Upper Maud Street, Ulverstone
Application No. DEV2008.17

The Director Development Services reported as follows:

“Due to the applicant’s request to withdraw Application No. DEV2008.17, agenda item 6.2 was withdrawn from the agenda prior to the meeting commencing.”

Closure

There being no further business, the Deputy Mayor declared the meeting closed at 6.15pm.

CONFIRMED THIS DAY OF , 2008.

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.

Sandra Ayton
GENERAL MANAGER