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**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, 10 October 2016 commencing at 6.00pm**

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**Members attendance**

Cr Jan Bonde (Mayor)  
Cr Garry Carpenter  
Cr Philip Viney

Cr Shane Broad  
Cr Tony van Rooyen  
Ms Sandra Ayton

**Members apologies**

Nil

**Employees attendance**

Director Community Services (Mr Cor Vander Vlist)

**Employee apologies**

Nil

**Public attendance**

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

**CONFIRMATION OF MINUTES OF THE COMMITTEE**

**31/2016 Confirmation of minutes**

The Director Community Services reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 12 September 2016 have already been circulated. The minutes are required to be confirmed for their accuracy.

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The *Local Government (Meeting Procedures) Regulations 2015* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

- Cr Viney moved and Cr Broad seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 12 September 2016 be confirmed.”

Carried unanimously

### MAYOR’S COMMUNICATIONS

#### 32/2016 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 2015* 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 Carpenter moved and Cr Broad seconded, “That the Mayor’s report be received.”

Carried unanimously

### DECLARATIONS OF INTEREST

#### 33/2016 Declarations of interest

The Mayor reported as follows:

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

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The Director Community Services 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**

#### **34/2016      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 commenced at 6.02pm. The workshop having been concluded, the Mayor resumed the meeting at 6.07pm.

#### **DEPUTATIONS**

#### **35/2016      Deputations**

The Director Community Services reported as follows:

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

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## OPEN REPORTS

### 36/2016 Residential (dwelling extension) and outbuilding (garage) – variation to the building envelope – Application No. DA216035

The Director Community Services reported as follows:

“The Graduate Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DA216035
<i>PROPOSAL:</i>	Residential (dwelling extension) and outbuilding (garage) – variation to the building envelope
<i>APPLICANT:</i>	Simon Angilley – Tasmanian Consulting Service
<i>LOCATION:</i>	18 George Street, Ulverstone
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	7 September 2016
<i>REPRESENTATIONS EXPIRY DATE:</i>	21 September 2016
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	17 October 2016
<i>DECISION DUE:</i>	10 October 2016

#### *PURPOSE*

The purpose of this report is to consider an application for Residential (dwelling extension) and outbuilding (garage) – variation to the building envelope at 18 George Street, Ulverstone.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representations;
- . Annexure 4 – photographs.

#### *BACKGROUND*

##### *Development description –*

Application has been made for demolition of an existing garage and the construction of a second-storey extension to the existing dwelling

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incorporating a garage. The second-storey extension will be located to the southern section of the existing dwelling with the garage constructed to the western boundary.

The second-storey extension would be clad with weatherboard and a "Colorbond" roof.

The garage would be clad with a rendered fibre cement sheeting.

*Site description and surrounding area -*

The 1,062m<sup>2</sup> allotment is located within the urban residential area of Ulverstone and is surrounded by established residential dwellings. The land incorporates an existing single-storey dwelling, separate garage, BBQ area and garden shed.

*History -*

The original house was constructed in approximately 1956 (date obtained from The LIST property report).

*DISCUSSION*

The following table is an assessment of the relevant Scheme provisions:

**General Residential**

CLAUSE	COMMENT
<b>10.3.1 Discretionary Permit Use</b>	
<p>10.3.1-(P1) Discretionary permit use must:</p> <p>(a) be consistent with local area objectives;</p> <p>(b) be consistent with any applicable desired future character statement; and</p> <p>(c) minimise likelihood for unreasonable impact on amenity for use on adjacent land in the zone.</p>	<p>Not applicable.</p> <p>Residential is a Permitted use.</p>
<b>10.3.2 Impact of Use</b>	
<p>10.3.2-(A1) Use that is not in a dwelling must not occur on more than two adjoining sites.</p>	<p>Not applicable. The proposed development is for residential use.</p>
<p>10.3.2-(A2) The site for a use that is not in a dwelling must not require pedestrian or vehicular access from a no-through road.</p>	<p>Not applicable. The proposed development is for residential use.</p>
<p>10.3.2-(A3) Other than for emergency services, residential and visitor accommodation hours of operation must be between 6.00am and 9.00pm.</p>	<p>Not applicable. The proposed development is for residential use.</p>

<b>10.4.1 Residential density for multiple dwellings</b>	
<p>10.4.1-(A1) Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 325m<sup>2</sup>; or</p> <p>(b) if within a density area specified in Table 10.4.1 and shown on the planning scheme maps, that specified for the density area.</p>	<p>Not applicable.</p> <p>No multiple dwellings proposed.</p>
<b>10.4.2 Setbacks and building envelope for all dwellings</b>	
<p>10.4.2-(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback from the primary frontage of any existing dwelling on the site; or</p> <p>(b) if the frontage is not a primary frontage at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on</p>	<p>(a) Compliant. The primary frontage setback (George Street) will remain unchanged. The existing setback is 5.48m.</p> <p>(b) Not applicable. Satisfied by 10.4.2-(A1)(a).</p> <p>(c) Not applicable. Satisfied by 10.4.2-(A1)(a).</p> <p>(d) Not applicable. Satisfied by 10.4.2-(A1)(a).</p>

<p>the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) not less than 50.0m if the development is on land that abuts the Bass Highway.</p>	
<p>10.4.2–(A2) A garage or carport must have a set back from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1.0m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1.0m if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10.0m from the frontage.</p>	<p>(a) Compliant. The proposed garage is setback 9.14m behind the primary frontage to the lot.</p> <p>(b) Not applicable. Satisfied by 10.4.2–(A2)(a).</p> <p>(c) Not applicable. Satisfied by 10.4.2–(A2)(a).</p>
<p>10.4.2–(A3) A dwelling excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot</p>	<p>(a)(i) Compliant. The proposal would not change the frontage setback which is 5.48m for the existing dwelling and 9.1m for and the proposed garage.</p> <p>(a)(ii) Non-compliant. The second-storey extension would be outside the building envelope with the height for the proposed second-storey being 5.8m. The second-storey extension would be 1m outside the building envelope on the eastern boundary of the site. The second-storey would be built above the footprint of the southern section of the dwelling in line with the</p>



<p>with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at the side boundaries and a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>eastern wall.</p> <p>(b) Compliant. Setback from the side boundary is approximately 2.1m for the second-storey extension in line with the eastern wall of the dwelling. The garage would be constructed closer than 1.5m to the western boundary but is compliant because the wall is no greater than 9m in length.</p>
<p><b>10.4.3 Site coverage and private open space for all dwellings</b></p>	
<p>10.4.3-(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for multiple dwellings, a total area of habit space of not less than 60.0m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport, or entry foyer); and</p>	<p>(a) Compliant. Site coverage equals 311m<sup>2</sup> comprising of:</p> <p>Proposed dwelling of 228m<sup>2</sup></p> <p>Proposed garage of 58m<sup>2</sup></p> <p>Existing outbuilding of 25m<sup>2</sup></p> <p>Total site coverage of 29%.</p>

<p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>(b) Not applicable. No multiple dwellings proposed.</p> <p>(c) Compliant. Approximately 64% of the site area is free from impervious surfaces.</p>
<p>10.4.3-(A2) A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24.0m<sup>2</sup>; or</p> <p>(ii) 12.0m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport, or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4.0m; or</p> <p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the</p>	<p>(a) Compliant. The private open space would remain unchanged with a total area of 643m<sup>2</sup>.</p> <p>(b) Compliant. Minimum horizontal dimension is 21.1m.</p> <p>(c) Compliant. Private open space would be accessed directly from the rumpus room and side door exiting to the western side of the property.</p> <p>(d) Compliant. Private open space would be located to the north-west and would receive three hours of sunlight to 50% of the area between 9.00am and 3.00pm.</p> <p>(f) Compliant. The property does not have a gradient steeper than 1:10.</p> <p>(g) Compliant. The area is not used for vehicle access or parking.</p>

<p>dwelling, unless the area receives at least three hours sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	
<p><b>10.4.4 Sunlight and overshadowing for all dwellings</b></p>	
<p>10.4.4-(A1) A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>	<p>Compliant. The dwelling has existing habitable rooms to the front of the dwelling which faces directly north. The proposed second-storey extension also includes two windows that also face directly north.</p>
<p>10.4.4-(A2) A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</p>	<p>Not applicable.</p> <p>No multiple dwellings proposed.</p>

<ul style="list-style-type: none"> <li>(i) at a distance of 3.0m from the window; and</li> <li>(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</li> </ul> <p>(b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height no more than 2.4m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.</li> </ul>	
<p>10.4.4-(A3) A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <ul style="list-style-type: none"> <li>(i) at a distance of 3.0m from the northern edge of the private open space; and</li> </ul>	<p>Not applicable.</p> <p>No multiple dwellings proposed.</p>

<ul style="list-style-type: none"> <li>(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</li> <li>(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</li> <li>(c) That part, of a multiple dwelling, consisting of: <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height no more than 2.4m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling.</li> </ul> </li> </ul>	
<p><b>10.4.5 Width of openings for garages and carports for all dwellings</b></p>	
<p>10.4.5-(A1) A garage or carport within 12.0m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6.0m or half the width of the frontage (whichever is the lesser).</p>	<p>Compliant. The garage is 9.1m from the frontage and has an opening of 5.2m.</p>
<p><b>10.4.6 Privacy for all dwellings</b></p>	
<p>10.4.6-(A1) A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1.0m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished</p>	<p>Not applicable. The proposed extension does not have a balcony, deck, roof terrace, parking space or carport that has a finished floor level of 1m above natural ground level that</p>

<p>surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> <li>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3.0m from the side boundary; and</li> <li>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4.0m from the rear boundary; and</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6.0m: <ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</li> </ul> </li> </ul>	<p>would require a permanently fixed screen.</p>
<p>10.4.6-(A2) A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1.0m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <ul style="list-style-type: none"> <li>(a) The window or glazed door: <ul style="list-style-type: none"> <li>(i) is to have a setback of at least 3.0m from a side boundary, and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a)(i) Compliant. The proposal is satisfied by 10.4.6-(A2)(b)(ii).</li> <li>(a)(ii) Compliant. Setback to the rear boundary is 24.5m.</li> <li>(a)(iii) Not applicable. No multiple dwellings proposed.</li> <li>(a)(iv) Not applicable. No multiple dwellings proposed.</li> </ul>

<ul style="list-style-type: none"> <li>(ii) is to have a setback of at least 4.0m from a rear boundary, and</li> <li>(iii) if the dwelling is a multiple dwelling, is to be at least 6.0m from a window or glazed door to a habitable room of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be at least 6.0m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) The window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</li> <li>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or</li> <li>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</li> </ul>	<ul style="list-style-type: none"> <li>(b)(i) Not applicable as the proposal is satisfied by 10.4.6-(A2)(ii).</li> <li>(b)(ii) Compliant. The window has a sill height of 1.7m above floor level.</li> <li>(b)(iii) Not applicable. The proposal is satisfied by 10.4.6-(A2)(ii).</li> </ul>
<p>10.4.6-(A3) A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal</p>	<p>Not applicable.</p>

<p>distance of at least:</p> <p>(a) 2.5m; or</p> <p>(b) 1.0m if:</p> <p>(i) it is separated by a screen of at least 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</p>	<p>No multiple dwellings proposed.</p>
<p><b>10.4.7 Frontage fences for all dwellings</b></p>	
<p>10.4.7-(A1) A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:</p> <p>(a) 1.2m if the fence is solid; or</p> <p>(b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).</p>	<p>Not applicable.</p> <p>No frontage fencing proposed.</p>



<b>10.4.8 Waste storage for multiple dwellings</b>	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a communal storage area with an impervious surface that:</p> <p>(i) has a setback of at least 4.5m from a frontage; and</p> <p>(ii) is at least 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>	<p>Not applicable.</p> <p>No multiple dwellings proposed.</p>
<b>10.4.9 Suitability of a site or lot for use or development</b>	
<p>10.4.9-(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) have an area of not less than 330m<sup>2</sup> excluding any access strip; and</p> <p>(b) if intended for a building, contain a building area of not less than 10.0m x 15.0m:</p>	<p>Compliant.</p> <p>(a) Site area is 1,062m<sup>2</sup>.</p> <p>(b)(i) Compliant. The lot demonstrates compliance with the front, rear and side boundary setbacks of the existing buildings.</p> <p>(b)(ii) Compliant. The proposal is clear of any zone</p>

<ul style="list-style-type: none"> <li>(i) clear of any applicable setback from a frontage, side or rear boundary;</li> <li>(ii) clear of any applicable setback from a zone boundary;</li> <li>(iii) clear of any registered easement;</li> <li>(iv) clear of any registered right-of-way benefiting other land;</li> <li>(v) clear of any restriction imposed by a utility;</li> <li>(vi) not including an access strip;</li> <li>(vii) accessible from a frontage, or access strip; and</li> <li>(viii) if a new residential, lot with a long axis within the range 30 degrees east of north and 20 degrees west of north.</li> </ul>	<p>boundary.</p> <ul style="list-style-type: none"> <li>(b)(iii) Compliant. The proposal is clear of any registered easements.</li> <li>(b)(iv) Compliant. No right-of-way benefiting other land.</li> <li>(b)(v) Compliant. The proposal is clear of any utilities.</li> <li>(b)(vi) Compliant. The proposal does not include an access strip.</li> <li>(b)(vii) Compliant. The proposal is accessible via a 20.1m frontage to George Street.</li> <li>(b)(viii) Not applicable. Not a new residential lot.</li> </ul>
<p>10.4.9-(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <ul style="list-style-type: none"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. The development site has a separate dedicated access to George Street, Ulverstone.</li> <li>(b) Not applicable. Site is not an internal lot.</li> <li>(c) Not applicable. Satisfied by 10.4.9-(A2)(a).</li> <li>(d) Compliant. The development would have a frontage of 20.1m</li> </ul>

<p>(c) by a right of way connecting to a road</p> <ul style="list-style-type: none"> <li>(i) over land not required as the means of access to any other land; and</li> <li>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</li> </ul> <p>(d) with a width of frontage and any access strip or right of way of not less than:</p> <ul style="list-style-type: none"> <li>(i) 3.6m for a single dwelling development; or</li> <li>(ii) 6.0m for multiple dwelling development or development for a non-residential use; and</li> </ul> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	<p>(e) Compliant. The development site has an existing access to George Street in accordance with the <i>Local Government (Highways) Act 1982</i> and satisfies the requirements of the Road Authority.</p>
<p>10.4.9-(A3) A site or each lot on a plan of subdivision must have a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2009</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated water system.</p>

10.4.9-(A4) A site or each lot on a plan of subdivision must drain sewage and wastewater to a sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2009</i> .	Compliant. The site is connected to the reticulated sewerage system.
10.4.9-(A5) A site or each lot on a plan of subdivision must drain stormwater to a stormwater system provided in accordance with the <i>Drains Act 1954</i> .	Compliant. The site is connected to the reticulated stormwater system.
<b>10.4.10 Dwelling density for single dwelling development</b>	
10.4.10-(A1) The site area per dwelling for a single dwelling must:  (a) be not less than 330m <sup>2</sup> ;  (b) be not more than 830m <sup>2</sup> ;  (c) be not less than one dwelling per lot if the site is a single lot approved for residential use on a plan of subdivision sealed before this planning scheme came into effect.	Compliant.  (a) Not applicable. The proposal is satisfied by 10.4.10-(A1)(c).  (b) Not applicable. The proposal is satisfied by 10.4.10-(A1)(c).  (c) Compliant. The lot was approved prior to 1956 for residential use prior to the Scheme coming into effect.
<b>10.4.11 Development other than a single or multiple dwelling</b>	Not applicable. Proposal is for a single dwelling.
<b>10.4.11.1 Location and configuration of development</b>	
10.4.11.1 (A1) The wall of a building must be setback from a frontage -	Not applicable. Proposal is for a single dwelling.

<ul style="list-style-type: none"> <li>(a) not less than 4.5m from a primary frontage; and</li> <li>(b) not less than 3.0m from any secondary frontage; or</li> <li>(c) not less than and not more than the setbacks for any existing building on adjoining sites;</li> <li>(d) not less than for any building retained on the site;</li> <li>(e) in accordance with any building area shown on a sealed plan; or</li> <li>(f) if the site abuts a road shown in Table A1 to this clause, not less than the setback specified for that road.</li> </ul>	
<p>10.4.11.1 (A2)</p> <p>All buildings must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> <li>(a) the applicable frontage setback;</li> <li>(b) a distance of not less than 4.0m from the rear boundary or if an internal lot, a distance of 4.5m from the boundary abutting the rear boundary of the adjoining frontage site;</li> <li>(c) projecting a line at an angle of 45° from the horizontal at a</li> </ul>	<p>Not applicable. Proposal is for a single dwelling.</p>

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height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level if walls are setback

- i. not less than 1.5m from each side boundary; or
- ii. less than 1.5m from a side boundary if -
  - a. built against an existing wall of an adjoining building; or
  - b. the wall or walls
    - i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;
    - ii. there is no door or window in the wall of the building; and
    - iii. overshadowing does not result in 50% of the private open space of an adjoining dwelling receiving less than 3 hours of sunlight between 9:00am and 3:00pm on 21st June.

<p>10.4.11.1 (A3)</p> <p>Site coverage must –</p> <p>(a) not be more than 50%; or</p> <p>(b) not be more than any building area shown on a sealed plan of subdivision.</p>	<p>Not applicable. Proposal is for a single dwelling.</p>
<p>10.4.11.1 (A4)</p> <p>A garage, car port or external parking and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building.</p>	<p>Not applicable. Proposal is for a single dwelling.</p>
<p>10.4.11.1 (A5)</p> <p>Other than for a dwelling, the total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of –</p> <p>(a) 6.0m; or</p> <p>(b) Half the width of the frontage</p>	<p>Not applicable. Proposal is for a single dwelling.</p>
<p><b>10.4.12 Setback of sensitive use development</b></p>	
<p>10.4.12–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p>	<p>Not applicable. Lot has no shared boundary with another zone.</p>

<p>(a) the setback distance from the zone boundary as shown on the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the required setback distance from the zone boundary.</p>	
<p>10.4.12–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) a major road identified in the Table to this clause;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road, or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(a) Compliant. The proposed development is not within 50m of a major road.</p> <p>(b) Compliant. The proposed development is not within 50m of a railway.</p> <p>(c) Compliant. The proposed development is not within 50m of land designed for future road.</p> <p>(d) Compliant. The proposed development is not within 50m of a proclaimed wharf.</p>
<p><b>10.4.13 Subdivision</b></p>	
<p>10.4.13–(P1) Each new lot on a plan of subdivision must be:</p> <p>(a) intended for residential use;</p> <p>(b) a lot required for public use by the State Government, a Council, a statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>



<p>authority; or</p> <p>(c) for a purpose permissible in the zone.</p>	
<p>10.4.13-(P2)</p> <p>(a) A lot must have a frontage to a road; or</p> <p>(b) an internal lot on a plan of subdivision must be:</p> <p>(i) reasonably required for the efficient use of land as a result of a restriction on the layout of lots with a frontage imposed by:</p> <ul style="list-style-type: none"> <li>a. slope, shape, orientation and topography of land;</li> <li>b. an established pattern of lots and development;</li> <li>c. connection to the road network;</li> <li>d. connection to available or planned utilities;</li> <li>e. a requirement to protect ecological, scientific, historic, cultural or aesthetic values, including vegetation or a watercourse; or</li> <li>f. exposure to an unacceptable level of risk from a natural hazard; and</li> </ul> <p>(ii) without likely impact on the amenity of adjacent land.</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

<b>10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision</b>	
10.4.14-(A1) Electricity reticulation and site connections must be installed underground.	Not applicable. No subdivision proposed.
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Not a subdivision or a hazardous or vulnerable use or development.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Airport Impact Management Code in the Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing proposed.
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level greater than 1 m.
<b>E5 Local Heritage Code</b>	Not applicable. No local heritage places listed in the Code.
<b>E6 Hazard Management Code</b>	Not applicable. No known or mapped hazards affect the lot.
<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications facilities proposed.

<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of Code</b>	Applies to all development.
<b>E9.4 Exemption</b>	Not exempt. No Local Area Parking Scheme applies to the site.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
<p>E9.5.1-(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table E9A;</p> <p>(b) motor bike parking at a rate of one space for every 20 vehicle parking spaces;</p> <p>(c) parking spaces for people with disabilities at the rate of one space for every 20 parking spaces or part thereof; and</p> <p>(d) bicycle parking at the rate of one space for every 20 vehicle parking spaces or part thereof.</p>	<p>(a) Compliant. Table E9A requires two car parking spaces for a residential dwelling. The proposed garage would accommodate two spaces.</p> <p>(b)-(d) Not applicable. Only triggered where 20 parking spaces are proposed or required.</p>
<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
E9.5.2-(A1) There must be provision within a site for:	(a) Not applicable. On-site loading not required for

<p>(a) On-site loading area in accordance with the requirement in Table E9A; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.</p>	<p>residential development in Table E9A.</p> <p>(b) Not applicable. Does not apply to residential use.</p>
<p><b>E9.6 Development Standards</b></p>	
<p><b>E9.6.1 Road access</b></p>	
<p>E9.6.1-(A1) There must be an access to the site from a carriageway of a road <sup>R36</sup>:</p> <p>(a) permitted in accordance with the <i>Local Government (Highways) Act</i>;</p> <p>(b) permitted in accordance with the <i>Roads and Jetties Act 1935</i>; or</p> <p>(c) permitted by a license granted for access to a limited access road under the <i>Roads and Jetties Act 1935</i>.</p>	<p>(a) Compliant. Existing access to George Street would be Permitted in accordance with the <i>Local Government (Highways) Act 1982</i>.</p> <p>(b) Not applicable. Satisfied by E9.6.1-(A1)(a).</p> <p>(c) Not applicable. Satisfied by E9.6.1-(A1)(a).</p>
<p><b>E9.6.2 Design of vehicle parking and loading areas</b></p>	
<p>E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p>	<p>Compliant. The external parking areas would remain unchanged. The development is required to connect to the existing reticulated stormwater system.</p>

<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <ul style="list-style-type: none"> <li>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</li> <li>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</li> <li>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</li> <li>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</li> <li>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</li> <li>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space;</li> <li>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</li> </ul>	<p>Not applicable. The proposal is for a single dwelling in the General Residential zone.</p>
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<p>E9.6.2–(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Not applicable. The proposal is for a single dwelling in the General Residential zone.</p>
<p><b>E10 Water and Waterways Code</b></p>	<p>Not applicable.</p>
<p><b>Specific Area Plans</b></p>	<p>Not applicable. No Specific Area Plans apply to this area.</p>

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*Issues -*

*1 Side boundary setback -*

Section 10.4.2-(A3) of the General Residential Zone requires that a dwelling be contained within a building envelope determined by:

*“... (ii) a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at the side boundaries and a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level and*

*(b) only have a setback within 1.5m of a side boundary if the dwelling:*

*(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or*

*(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is lesser).”*

The second-storey addition is outside the building envelope by 1m when measured in accordance with the Scheme formula. The Performance Criteria requires that the dwelling must not cause an unreasonable loss of amenity to neighbouring property through the reduction of sunlight to a habitable room of a dwelling or by overshadowing the private open space of a dwelling on an adjoining lot.

Shadow diagrams submitted with the application demonstrate there would be no reduction in sunlight to a habitable room of the adjoining dwelling at 20 George Street. Habitable rooms on the adjoining lot to the north-east are located to the front of the dwelling.

The Scheme also requires that a development not cause an unreasonable loss of amenity to a private open space due to overshadowing. The shadow diagrams demonstrate that the proposed second-storey addition would not create a continuous shadow over adjoining lots to the south and east for longer than three hours on 21 June. The Scheme requires that no more than 50% of a private open space be overshadowed for a period greater than three hours.

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The property at 83–85 Main Street contains two units. The owner of one unit made a representation expressing concern at a loss of sunshine likely to be caused by the proposed development. In this case, shading of the lot would be caused but would be limited to between 9.00am and 12 noon. The units are setback from the boundary approximately 4.5m. This would mean the dwelling extension would cause no shading of the Representors property after 12 noon. Between 12 noon and sundown is 4.5 hours; this exceeds the three hour minimum requirement.

The Lot to the east of the proposed site, 20 George Street, would experience the greatest impact. This property would be shaded by the proposed extension between the hours of 12 noon and 3.00pm.

The impact of the shadow cast on this dwelling would be minimised by the location and the setback of the dwelling from the boundary, existing vegetation, and the generous amount of private open space available. The increased shadow effect of the extension would be minimal involving an additional 44m<sup>2</sup> of shading. An area of approximately 210m<sup>2</sup> of private open space would be available for use without any overshadowing impact. The shadow would increase over the main area of private open space after 3.00pm.

The applicants have demonstrated that the overshadowing would not create an unreasonable loss of amenity to any adjoining lots.

*Referral advice –*

Referral advice from the various Departments of the Council and other service providers is as follows:

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No conditions required.
Infrastructure Services	No conditions required.
TasWater	Referral was not required.
Department of State Growth	Referral was not required.
Environment Protection Authority	Referral was not required.
TasRail	Referral was not required.



Heritage Tasmania	Referral was not required.
Crown Land Services	Referral was not required.
Other	Referral was not required.

*CONSULTATION*

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

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

*Representations -*

Two representations were received within the prescribed time, copies of which are provided at Annexure 3.

The representations are summarised and responded to as follows:

MATTER RAISED	RESPONSE
REPRESENTATION 1	
1 Overshadow - reduction in sunlight during winter months.	The Scheme requires that no unreasonable loss of amenity is caused to adjoining lots through overshadowing.  Shadow diagrams were provided indicating that the overshadowing to the representors lot would be limited to not more than three hours between 9.00am and 12 noon.
2 Two storey addition - Why does the owner need a two storey addition with the land available on the lot.	The Scheme allows for two-storey development in the General Residential zone.

REPRESENTATION 2	
1 Overshadow - reduction in sunlight to unit and backyard.	<p>The Scheme requires that no unreasonable loss of amenity is caused to adjoining lots through overshadowing.</p> <p>Shadow diagrams were provided indicating that the overshadowing to the representors lot would be limited to not more than three hours between 9.00am and 12 noon.</p>
2 Why can't they extend on the ground level considering there is plenty of land available.	The Scheme allows for two-storey development in the General Residential zone.

*RESOURCE, FINANCIAL AND RISK IMPACTS*

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

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

*CONCLUSION*

The proposal for the second-storey extension incorporating a garage is a Permitted use under the General Residential zone. However, an exercise of discretion is required to approve a variation to the building envelope.

The applicants addressed the Performance Criteria providing evidence in the form of shadow diagrams.

Matters raised in the representations were addressed against the Scheme standards which were deemed to be satisfied, particularly in relation to the shading impact on the properties at 20 George Street and 83–85 Main Street.

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It is considered that an exercise of discretion of the side boundary standard is justified.

*Recommendation –*

It is recommended that the application for Residential (dwelling extension) and outbuilding (garage) – variation to the building envelope at 18 George Street, Ulverstone be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with plans drawn by Tasmanian Consulting Service, Drawing Nos. 8538-000 to 8538-012 dated 5 September 2016.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period an extension may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 A Planning Permit does not circumvent the need for any other approvals, such as a Building Permit or a licence under State legislation.
- 3 Substantial commencement is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 4 Building and Plumbing Permits are required for the proposed development. A copy of this Planning Permit should be given to your building surveyor.'

The report is supported.”

The Director Community Services further reported as follows:

“A copy of the Annexures referred to in the Graduate Planner’s report has been circulated to all Councillors.”

- Cr Viney moved and Cr Broad seconded, “That the application for Residential (dwelling extension) and outbuilding (garage) – variation to the building envelope at 18 George Street, Ulverstone be approved subject to the following conditions and notes:

- 
- 1 The development must be substantially in accordance with plans drawn by Tasmanian Consulting Service, Drawing Nos. 8538-000 to 8538-012 dated 5 September 2016.

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- 4 Building and Plumbing Permits are required for the proposed development. A copy of this Planning Permit should be given to your building surveyor.”

Carried unanimously

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### **Closure**

There being no further business, the Mayor declared the meeting closed at 6.08pm.

CONFIRMED THIS                      DAY OF                      , 2016.

### **Chairperson**

(cvv:km)

### **Appendices**

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## QUALIFIED PERSON'S ADVICE

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

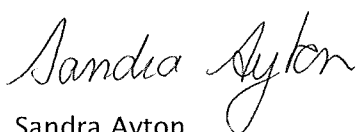
. A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

. 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