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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, 30 October 2017 commencing at 6.00pm**

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**Members attendance**

Cr Jan Bonde (Mayor)  
Cr Amanda Diprose  
Cr Philip Viney

Cr Garry Carpenter  
Cr Tony van Rooyen

**Members apologies**

Ms Sandra Ayton

**Employees attendance**

Director Community Services (Mr Cor Vander Vlist)  
Director Infrastructure Services (Mr John Kersnovski)

**Public attendance**

One member of the public attended during the course of the meeting.

**CONFIRMATION OF MINUTES OF THE COMMITTEE**

**47/2017 Confirmation of minutes**

The Director Community Services reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 11 September 2017 have already been circulated. The minutes are required to be confirmed for their accuracy.

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 Carpenter seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 11 September 2017 be confirmed.”

Carried unanimously

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## MAYOR'S COMMUNICATIONS

### 48/2017 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 Diprose moved and Cr van Rooyen seconded, “That the Mayor's report be received.”

Carried unanimously

## DECLARATIONS OF INTEREST

### 49/2017 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.”

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.

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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**

#### **50/2017      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 6.01pm. The workshop having been concluded, the Mayor resumed the meeting at 6.12pm.

### **DEPUTATIONS**

#### **51/2017      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

### 52/2017 Residential (outbuilding – shed) – variation to rear boundary setback at 41 Explorer Drive, Turners Beach – Application No. DA217052

The Director Community Services reported as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DA217052
<i>PROPOSAL:</i>	Residential (outbuilding – shed) – variation to rear boundary setback
<i>APPLICANT:</i>	Brett Gleeson
<i>LOCATION:</i>	41 Explorer Drive, Turners Beach
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	20 September 2017
<i>REPRESENTATIONS EXPIRY DATE:</i>	4 October 2017
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	26 October 2017 (extension granted until 20 November 2017)
<i>DECISION DUE:</i>	30 October 2017
<i>PURPOSE</i>	

The purpose of this report is to consider an application to construct a shed at 41 Explorer Drive, Turners Beach.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – photographs;
- . Annexure 5 – Site Plan, Floor Plan and Elevations of proposed adjoining development at 5 Christina Court, Turners Beach; and
- . Annexure 6 – TasWater Submission to Planning Authority Notice TWDA 2017/01485-CC.

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*BACKGROUND*

*Development description -*

Application is made to construct a 7m x 8m (56m<sup>2</sup>) shed within 100mm of the southern rear boundary of 41 Explorer Drive, Turners Beach. The shed would have a wall height of 2.7m and a maximum height of 3.66m. The shed would be of vertical, "Monoclad", Colorbond construction.

*Site description and surrounding area -*

The 757m<sup>2</sup> residential allotment is located in the residential area of Turners Beach, south of the Bass Highway. The allotment is relatively flat and accommodates a 220m<sup>2</sup>, single-storey, three bedroom dwelling, constructed in 2014.

The land is not subject to the Turners Beach Specific Area Plan. Surrounding land to the east and west is developed to accommodate residential dwellings. A vacant residential allotment adjoins the land to the south. The land is fully serviced with connections to water, sewer and stormwater systems.

*History -*

No history relevant to this application.

*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 adverse impact on amenity for use on adjacent land in the zone.</p>	<p>Not applicable.</p> <p>Residential use is Permitted.</p>
<b>10.3.2 Impact of Use</b>	
<p>10.3.2-(A1) Permitted non-residential use must adjoin at least one residential use on the same street frontage.</p>	<p>Not applicable.</p> <p>Use is contained within a dwelling.</p>
<p>10.3.2-(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.</p>	<p>Not applicable.</p> <p>Use is contained within a dwelling.</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. Use is residential.</p>
<p><b>10.4.1 Residential density for multiple dwellings</b></p>	
<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 below and shown on the planning scheme maps, that specified for the density area.</p>	<p>Not applicable. Not an application for multiple dwellings.</p>
<p><b>10.4.2 Setbacks and building envelope for all dwellings</b></p>	
<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>(a) Compliant. Setback from primary frontage would be 28m.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Not applicable. Land does not abut the Bass Highway.</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 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) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	
<p>10.4.2-(A2) A garage or carport must have a setback 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. Shed would be setback 28m from primary frontage.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (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)(i) Non-compliant. Shed would not be contained in building envelope 10.4.2A. Shed would be setback 100mm from the southern rear boundary.</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> <ul style="list-style-type: none"> <li>(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 with an adjoining frontage; and</li> <li>(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</li> </ul> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or</li> <li>(ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser).</li> </ul>	<p>(a)(ii) Non-compliant. Shed would project at a line of 45° at a height of 3.6m above natural ground level within 100mm of the southern rear boundary.</p> <p>Refer to “Issues” section of this report.</p> <p>(b)(i) Not applicable. Satisfied by (b)(ii).</p> <p>(b)(ii) Compliant. Shed would be setback 100mm from the eastern side boundary for a length of 8m and 13.5m from the western side boundary.</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>(a) Compliant. Site coverage of existing and proposed development would be 37%.</p>

<p>(b) for multiple dwellings, a total area of private open 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>(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 dwelling development proposed.</p> <p>(c) Compliant. Area free from impervious surfaces would be 63%.</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>(a)(i) Compliant. Dwelling would have ample, existing open space area.</p> <p>(a)(ii) Not applicable. Not a multiple dwelling.</p> <p>(b)(i) Compliant. Private open space would have a minimum horizontal dimension of 6m.</p> <p>(b)(ii) Not applicable. Satisfied by (b)(i).</p> <p>(c) Compliant. Private open space would be directly accessible from habitable rooms.</p> <p>(d) Compliant. Private open space is to the east and west of the dwelling.</p> <p>(e) Compliant. Private open space is not located between the dwelling and the primary frontage.</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 dwelling, unless the area receives at least three hours of 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>(f) Compliant. Private open space land is flat.</p> <p>(g) Compliant. Dwelling would have private open space area clear of vehicle access and parking areas.</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.</p> <p>Habitable rooms face 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>Not applicable.</p> <p>Not multiple dwelling development.</p>

<p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</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>	<p>Not applicable.</p> <p>Not multiple dwelling development.</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> <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 50% of the private open space 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 from the multiple dwelling.</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>Not applicable.</p> <p>Shed would be 28m from the primary frontage.</p>

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#### 10.4.6 Privacy for all dwellings

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 surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:

- (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
- (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
- (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6.0m:
  - (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or
  - (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.

Not applicable.

No deck or parking space with a surface or floor area more than 1m.

<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> <p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of at least 3.0m from a side boundary; and</li> <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> </ul>	<p>Not applicable.</p> <p>No window or glazed door to a dwelling with a floor level greater than 1 m.</p>
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<p>(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%.</p>	
<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 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>Not applicable.</p> <p>No shared driveway or parking spaces.</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>Not applicable.</p> <p>No front fence proposed.</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><b>10.4.8 Waste storage for multiple dwellings</b></p>	
<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>Not multiple dwelling development.</p>

**10.4.9 Suitability of a site or lot for use or development**

10.4.9–(A1) A site or each lot on a plan of subdivision must:

- (a) have an area of not less than 330m<sup>2</sup> excluding any access strip; and
- (b) if intended for a building, contain a building area of not less than 10.0m x 15.0m:
  - (i) clear of any applicable setback from a frontage, side or rear boundary;
  - (ii) clear of any applicable setback from a zone boundary;
  - (iii) clear of any registered easement;
  - (iv) clear of any registered right of way benefiting other land;
  - (v) clear of any restriction imposed by a Utility;
  - (vi) not including an access strip;
  - (vii) accessible from a frontage or access strip; and
  - (viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north.

- (a) Compliant. Site area is 757m<sup>2</sup>.
- (b)(i) Non-compliant. Building area of shed would not be clear of applicable rear boundary setback.  
  
Refer to “Issues” section of this report.
- (b)(ii) Not applicable. No zone boundary.
- (b)(iii) Not applicable. No registered easements.
- (b)(iv) Not applicable. No registered right of way.
- (b)(v) Not applicable. No restriction imposed by a Utility.
- (b)(vi) Not applicable. No access strip.
- (b)(vii) Compliant. Land is accessible from Explorer Drive.
- (b)(viii) Not applicable. Not a new residential lot.

<p>10.4.9–(A2) A site or each lot on a subdivision plan must have a separate access from a road –</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(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</p> <p>(c) by a right of way connecting to a road –</p> <p style="padding-left: 40px;">(i) over land not required as the means of access to any other land; and</p> <p style="padding-left: 40px;">(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</p> <p>(d) with a width of frontage and any access strip or right of way of not less than –</p> <p style="padding-left: 40px;">(i) 3.6m for a single dwelling development; or</p> <p style="padding-left: 40px;">(ii) 6.0m for multiple dwelling development or development for a non-residential use; and</p>	<p>(a) Compliant. Frontage to Explorer Drive.</p> <p>(b) Not applicable. Not an internal lot.</p> <p>(c)(i) Not applicable. Satisfied by (a).</p> <p>(c)(ii) Not applicable. Satisfied by (a).</p> <p>(d)(i) Compliant. Development would have 20.09m wide frontage to Explorer Drive.</p> <p>(d)(ii) Not applicable. Not multiple dwelling or non-residential development.</p> <p>(e) Compliant. Development would have legal access to Explorer Drive in accordance with the <i>Local Government (Highways) Act 1982</i>.</p>
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<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>10.4.9–(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated water system. The Council’s Planning Permit would require compliance with TasWater’s approval, included as an attachment to the Planning Permit.</p>
<p>10.4.9–(A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and wastewater to a sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated sewerage system. The Council’s Planning Permit would require compliance with TasWater’s approval, included as an attachment to the Planning Permit.</p>
<p>10.4.9–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated stormwater system. The Council’s Planning Permit would require compliance with its approval as a Stormwater Authority issued as a Statement of Compliance.</p>

<b>10.4.10 Dwelling density for single dwelling development</b>	
10.4.10-(A1)  (a) The site area per dwelling for a single dwelling must –  (i) be not less than 325m <sup>2</sup> .	(a)(i) Compliant. Site area is 757m <sup>2</sup> .
<b>10.4.11 Development other than a single or multiple dwelling.</b>	
<b>10.4.11.1 Location and configuration of development</b>	
10.4.11.1-(A1) The wall of a building must be set back from a frontage –  (a) not less than 4.5m from a primary frontage; and  (b) not less than 3.0m from any secondary frontage; or  (c) not less than and not more than the setbacks for any existing building on adjoining sites;  (d) not less than for any building retained on the site;  (e) in accordance with any building area shown on a sealed plan; or  (f) not less than 50.0m if the site abuts the Bass Highway.	Not applicable.  Proposed development is ancillary to residential use.

<p>10.4.11.1–(A2) 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 degrees from the horizontal at a 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 – <ul style="list-style-type: none"> <li>(i) not less than 1.5m from each side boundary; or</li> <li>(ii) less than 1.5m from a side boundary if – <ul style="list-style-type: none"> <li>a. built against an existing wall of an adjoining building; or</li> <li>b. the wall or walls – <ul style="list-style-type: none"> <li>i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;</li> </ul> </li> </ul> </li> </ul> </li> </ul>	<p>Not applicable.</p> <p>Proposed development is ancillary to residential use.</p>
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<p>ii. there is no door or window in the wall of the building; and</p> <p>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 21 June.</p> <p>(d) in accordance with any building envelope shown on a sealed plan of subdivision.</p>	
<p>10.4.11.1-(A3) 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.</p>	<p>Not applicable.</p> <p>Proposed development is ancillary to residential use.</p>
<p>10.4.11.1-(A4) A garage, carport or external parking area 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.</p> <p>Proposed development is ancillary to residential use.</p>
<p>10.4.11.1-(A5) 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.</p> <p>Proposed development is ancillary to residential use.</p>

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**10.4.11.2 Visual and acoustic privacy for residential development**

10.4.11.2-(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building must:

- (a) if the finished floor level is more than 1.0m above natural ground level:
  - (i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;
  - (ii) be not less than 3.0m from a side boundary;
  - (iii) be not less than 4.0m from a rear boundary; and
  - (iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or
- (b) if less than the setbacks in clause A1(a):
  - (i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling;
  - (ii) have a window sill height of not less than 1.8m above floor level;

Not applicable.

Proposed development is ancillary to residential use.



<ul style="list-style-type: none"> <li>(iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or</li> <li>(iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.</li> </ul>	
<p>10.4.11.2–(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Not applicable.</p> <p>Proposed development is ancillary to residential use.</p>
<p><b>10.4.11.3 Frontage fences</b></p>	
<p>10.4.11.3–(A1) The height of a fence, including any supporting retaining wall, on or within a frontage setback must be:</p> <ul style="list-style-type: none"> <li>(a) not more than 1.2m if the fence is solid; or</li> <li>(b) not more than 1.8m provided that part of the fence above 1.2m has openings that provide a uniform transparency of not less than 30%.</li> </ul>	<p>Not applicable.</p> <p>Proposed development is ancillary to residential use.</p>

<b>10.4.12 Setback of development for sensitive use</b>	
<p>10.4.12-(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown in 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>(a) Not applicable. No zone boundary.</p> <p>(b) Not applicable. No zone boundary.</p>
<p>10.4.12-(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) Bass Highway;</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>Not applicable.</p> <p>Development is not a sensitive use.</p>
<b>10.4.13 Subdivision</b>	
<p>10.4.13-(A1) Each new lot on a plan of subdivision must be -</p>	<p>Not applicable.</p>

(a) intended for residential use;	No subdivision proposed.
(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 authority.	
10.4.13-(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot.	Not applicable. No subdivision proposed.
<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. Development is not a subdivision, vulnerable or hazardous use.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in the Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of vegetation.
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level greater than 1m.

<b>E5 Local Heritage Code</b>	Not applicable. No Local Heritage Code in the Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. Not within a hazard mapped area.
<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Code applies to all development.
<b>E9.4 Use or development exempt from this Code</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>	
E9.5.1-(A1) Provision for parking must be:  (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 to this Code;	(a) Compliant. Development comprises an existing internal two car garage.
<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
E9.5.2-(A1) There must be provision within a site for:	Not applicable for the development of a residential use class.

<p>(a) on-site loading area in accordance with the requirement in the Table to this Code; 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><b>E9.6 Development Standards</b></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 by a Condition to be placed on the Permit.</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> <p>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</p>	<p>Not applicable for the development of a residential use class in General Residential zone.</p>

<p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</p> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(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; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	
<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.</p> <p>Land is zoned General Residential.</p>
<p><b>E10 Water and Waterways Code</b></p>	<p>Not applicable. Site is not within 30m of a waterway or waterbody.</p>
<p><b>Specific Area Plans</b></p>	<p>No Specific Area Plans apply to this location.</p>

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*Issues -*

1 *Setback of development from the rear boundary -*

The Scheme's Acceptable Solution 10.4.2-(A3) requires that in the General Residential zone, a building be contained within a building envelope determined by:

- (a)(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 with an adjoining frontage; and
- (a)(ii) projecting a line at an angle of 45 degrees 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 8.50m above natural ground level.

The proposed shed would be outside the required building envelope for development on the site. The shed would be located 100mm from the southern rear boundary of the allotment.

An assessment against the Performance Criteria is required.

The Scheme's Performance Criteria 10.4.3-(P3) requires that the siting and scale of a building must:

- (a) not cause unreasonable loss of amenity by:
  - i. reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot;
  - ii. overshadowing the private open space of a dwelling on an adjoining lot; or
  - iii. overshadowing of an adjoining vacant lot; or
  - iv. visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

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2 *Overshadowing, visual impacts and separation between dwellings -*

The subject allotment has a north/south orientation. The proposed shed would be located to the south of the existing dwelling, on the southern rear boundary of the allotment. Adjoining residential land to the west and east is developed to accommodate single-storey dwellings.

The adjoining allotment to the south, identified as 5 Christina Court, Turners Beach is currently vacant. In July 2017, a No Permit Required stamp authorised the development of a single dwelling at 5 Christina Court, Turners Beach. This means the proposed dwelling for 5 Christina Court, Turners Beach met the Scheme's Acceptable Solutions for residential development. The development plans of the proposed dwelling details habitable rooms and a covered alfresco area on the northern elevation. Refer to Annexure 5.

Due to the north/south orientation of the subject allotment at 41 Explorer Drive, there would be some overshadowing and loss of sunlight to the dwelling that is to be constructed on adjoining land to the south at 5 Christina Court. Shadow diagrams for 21 June, that form part of the shed application, show that the shed would overshadow a portion of the northern area of 5 Christina Court at various times of the day. Rooms that are to be developed along the north side of the proposed dwelling include an alfresco area, lounge room, study and bedroom with ensuite. The lounge room and study are defined as habitable rooms. The bedroom is not defined under the Scheme as a habitable room. The alfresco area forms part of the proposed dwelling's private open space area.

The greatest overshadowing effect to adjoining land on 21 June would be in the morning, with an overshadowing effect likely to be over the alfresco area. The overshadowing effect reduces to a 5m coverage further to the east by midday, moving to the lounge room. The alfresco area of the proposed dwelling would be setback 8.8m from 41 Explorer Drive, and the lounge room approximately 8m. Given the 12 noon shadow effect would extend approximately 5m into 5 Christina Court, there would be no overshadowing effect to habitable rooms, or private open space areas that are directly accessible from the kitchen and dining room, after 12 noon. It is noted that the proposed kitchen and dining areas have sliding door access and focus towards the western side of the land.



The Scheme requires that no habitable room (excluding a bedroom) or private open space area be exposed to an unreasonable loss of amenity. Under the Scheme, for multiple dwelling development on a single lot, unreasonable loss of amenity means the loss of sunlight for more than three hours over such areas.

Given that minimal loss of sunlight would occur over habitable rooms and the alfresco area after 12 noon, it is considered that the proposed development satisfies the amenity test.

### 3 *Visual impact and separation of development –*

The visual impact and bulk of the shed would be minimal. The building would be a 7m x 8m (56m<sup>2</sup>) shed with a standard wall height of 2.7m and a maximum height of 3.66m. The Scheme allows for 8.5m high development in the General Residential zone, if within 4m of a rear boundary. The shed is considered to be suitable for, and complementary to, residential development in the urban area whereby single dwellings often have associated sheds and garages located to the rear of allotments.

#### *Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	No comment.
TasWater	Refer to Submission to Planning Authority Notice TWDA 2017/01485-CC at Annexure 6.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.

Crown Land Services	Referral not required.
Other	Referral 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 –*

One representation was received within the prescribed time, a copy of which is provided at Annexure 3.

The representations are summarised and responded to as follows:

MATTER RAISED	RESPONSE
1 The proximity of the proposed shed will create overshadowing onto the adjoining property.	Some overshadowing of adjoining land on 21 June will occur.  Refer to “Issues” section of this report.
2 The height and direct line of sight of the shed will have a visual impact on adjoining land.	The visual impact of the shed is considered to be proportional to the standard development of sheds and garages in the urban area.  Refer to “Issues” section of this report.

*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.

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*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 representation received is not considered to have sufficient merit on planning grounds to justify refusal of the proposed shed.

The proposal is considered to satisfy the Scheme's Performance Criteria in that the development of the shed would not result in a sustained or unreasonable loss of amenity due to overshadowing or visual impact on adjoining land at 5 Christina Court, Turners Beach. It is considered appropriate the proposed development be approved, subject to conditions.

*Recommendation –*

It is recommended that the application for Residential (outbuilding – shed) – variation to rear boundary setback at 41 Explorer Drive, Turners Beach be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by WEM3 Property Group, Project No. 17.06, Sheet Nos. 1–8, unless modified by a condition of this Permit.
- 2 The development must be in accordance with the conditions of the Submission to Planning Authority Notice from TasWater, Reference No. TWDA 2017/01485–CC dated 25 September 2017 (copy attached).
- 3 Stormwater must be collected, drained and disposed of to an approved stormwater system.

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 of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical

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commencement of infrastructure works on the site or bank guarantee to undertake such works.

- 3 Prior to the commencement of work, the applicant is to ensure that the category of work of the proposed building and/or plumbing work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work.'

The report is supported.”

The Director Community Services reported as follows:

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

■ Cr van Rooyen moved and Cr Viney seconded, “That the application for Residential (outbuilding – shed) – variation to rear boundary setback at 41 Explorer Drive, Turners Beach be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by WEM3 Property Group, Project No. 17.06, Sheet Nos. 1–8, unless modified by a condition of this Permit.
- 2 The development must be in accordance with the conditions of the Submission to Planning Authority Notice from TasWater, Reference No. TWDA 2017/01485–CC dated 25 September 2017 (copy attached) (a copy being appended to and forming part of the minutes).
- 3 Stormwater must be collected, drained and disposed of to an approved stormwater system.

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 of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 ‘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 bank guarantee to undertake such works.

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- 3 Prior to the commencement of work, the applicant is to ensure that the category of work of the proposed building and/or plumbing work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work.”

Carried unanimously

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### **Closure**

There being no further business, the Mayor declared the meeting closed at 6.13pm.

CONFIRMED THIS                      DAY OF                      , 2017.

### **Chairperson**

(cvv:km)

### **Appendices**

Minute No. 52/2017 - Submission to Planning Authority Notice from TasWater, Reference No. TWDA 2017/01485-CC - 41 Explorer Drive, Turners Beach - Application No. DA217052

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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

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# Appendices



## Submission to Planning Authority Notice

Council Planning Permit No.	DA2170/52	Council notice date	18/09/2017
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2017/01485-CC	Date of response	25/09/2017
TasWater Contact	Rachael Wing	Phone No.	03 6345 6346
<b>Response issued to</b>			
Council name	CENTRAL COAST COUNCIL		
Contact details	planning.cmw@centralcoast.tas.gov.au		
<b>Development details</b>			
Address	41 EXPLORER DR, TURNERS BEACH	Property ID (PID)	3074320
Description of development	Shed		
<b>Schedule of drawings/documents</b>			
	Prepared by	Drawing/document No.	Revision No.
	Web 3 Property Group	17.06 Sheet 3	0
			Date of Issue
			2017
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater does not object to the proposed development and no conditions are imposed.			
<b>Advice</b>			
<b>General</b>			
For information on TasWater development standards, please visit <a href="http://www.taswater.com.au/Development/Development-Standards">http://www.taswater.com.au/Development/Development-Standards</a>			
For application forms please visit <a href="http://www.taswater.com.au/Development/Forms">http://www.taswater.com.au/Development/Forms</a>			
<b>Declaration</b>			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
<b>Authorised by</b>		<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;"><b>GENERAL COAST COUNCIL</b> Submission to Planning Authority Notice - TasWater - Ref No. TWDA 2017/01485-CC 41 Explorer Drive, Turners Beach DA 217052 referred to in Minute No. 52/2017 of a meeting of the Development Support Special Committee held on 30/10/2017.</p> <p style="text-align: right;"><i>[Signature]</i> <b>Executive Services Officer</b></p> </div>	
 <b>Jason Taylor</b> Development Assessment Manager			
<b>TasWater Contact Details</b>			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au