
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 Tuesday, 26 April 2016 commencing at 6.00pm

Members attendance

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

Cr Shane Broad
Cr Tony van Rooyen
Ms Sandra Ayton

Employees attendance

Director Community Services (Mr Cor Vander Vlist)
Director Infrastructure Services (Mr John Kersnovski)
Director Organisational Services (Mr Vernon Lawrence)
Land Use Planning Group Leader (Mr Ian Sansom)

Public attendance

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

CONFIRMATION OF MINUTES OF THE COMMITTEE

7/2016 Confirmation of minutes

The Director Community Services reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 29 February 2016 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 Broad seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 29 February 2016 be confirmed.”

Carried unanimously

MAYOR'S COMMUNICATIONS

8/2016 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 Viney seconded, “That the Mayor's report be received.”

Carried unanimously

PECUNIARY INTEREST DECLARATIONS

9/2016 Pecuniary interest declarations

The Mayor reported as follows:

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

The 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

10/2016 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 6.06pm.

DEPUTATIONS

11/2016 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.”

OPEN REPORTS

12/2016 Residential (dwelling) and outbuildings (shed and two containers) – variations to standards for use of right-of-way, rear boundary setback, structures sited on the ridgeline, parking within 10m of a boundary and waste and stormwater generation – Application No. DA215168

The Director Community Services reported as follows:

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

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA215168
<i>PROPOSAL:</i>	Residential (dwelling) and outbuildings (shed and two containers) – variations to standards for use of right-of-way, rear boundary setback, structures sited on the ridgeline, parking within 10m of a boundary and waste and stormwater generation
<i>APPLICANT:</i>	Mr Jeffrey Grimme
<i>LOCATION:</i>	9A Revell Lane, Penguin
<i>ZONE:</i>	Rural Living
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	23 March 2016
<i>REPRESENTATIONS EXPIRY DATE:</i>	9 April 2016
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	29 April 2016
<i>DECISION DUE:</i>	26 April 2016

PURPOSE

The purpose of this report is to consider an application for Residential (dwelling) and outbuildings (shed and two containers) – variations to standards for use of right-of-way, rear boundary setback, structures sited on the ridgeline, parking within 10m of a boundary and waste and stormwater generation at 9A Revell Lane, Penguin.

Accompanying the report are the following documents:

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

BACKGROUND

Development description –

It is proposed to extend an existing shed located in the north-west corner of the lot and convert it to a dwelling. The shed was previously unlawfully converted to a dwelling but has not been occupied for over two years. The building is setback 1.7m from the western boundary.

It is also proposed to erect a metal clad shed sited some 11m south of the dwelling and two temporary storage containers a further 10m to the south-

east. The shed would be setback 2m from the western boundary, be 52m² in area and stand 3.2m in height.

The dwelling building is 13.5m x 7.6m in dimension and stands approximately 4.5m high. The building is sited 1.7m from the western boundary and approximately 53m from the northern boundary. It is clad in “Colorbond” steel sheeting and roofing.

The two proposed storage containers would be 6.06m x 2.40m in area and would stand 2.4m in height. Both are steel rectangular structures and would be sited 17m from the southern boundary.

Site description and surrounding area -

The site is 2.594ha in area with a right-of-way access from Revell Lane. The site has been heavily modified and was previously farmland, along with other surrounding lots.

Most lots in the area around the site are developed for residential purposes. While there is some limited agricultural activity on one adjacent property, the general use and character is large lot residential, more closely aligned with the purpose of the Rural Living Zone to which it has been recently changed from Rural Resource.

The area is also characterised by the risk of landslide, regarding which development needs to be appropriately designed and the land suitably managed, particularly in relation to the disposal of water.

History -

The history of events relating to an application for a dwelling on the subject land is summarised as follows:

- . Approval for a shed on the land was issued in October 2003.
- . An application for a dwelling was approved by the Council on 28 February 2011, but refused by the Resource Management and Planning Appeal Tribunal on 2 September 2011.
- . The Council issued an order to vacate the building from use as a dwelling on 20 December 2012.
- . The Council took an action under Section 64 of the *Land Use Planning and Approvals Act 1993* (LUPAA) to cease occupation of the dwelling on 7 February 2013. The negotiated outcome was that Mr Grimme

would move out of the building and seek approval for a rezoning of the property to Rural Living.

- . A Scheme Amendment to rezone the land was certified by the Council on 20 July 2013. The Tasmanian Planning Commission (the Commission) conducted a hearing on 5 September 2013, but the process was truncated due to the introduction of the *Central Coast Interim Planning Scheme 2013*.
- . It was not possible to achieve the rezoning through the Scheme process due to the Solicitor-General's advice that the Interim Planning Scheme process could not be used to change land use policy.
- . The Commission advised that a Scheme Amendment should be initiated. At its meeting on 18 April 2015, the Council decided to initiate such an Amendment.
- . On 1 July 2015, Mr Grimme made another application for approval of a dwelling, shed and two containers. The land was still zoned Rural Resource. The application was assessed under the provisions of that zone. The application was withdrawn because the Council could not approve a rear boundary setback less than the 10m mandatory standard.
- . On 22 June 2015 the Council initiated an application to amend the Scheme whereby the Revell Lane Precinct is rezoned to Rural Living. The proposal was advertised in accordance with the Amendment provisions of LUPAA and considered by the Commission.
- . On 29 February 2016, the Commission advised that it had approved an Amendment to the Scheme whereby the properties comprising the Revell Lane Precinct were rezoned to Rural Living and a Specific Area Plan would be added to the ordinance. The Amendment came into effect on 7 March 2016.
- . The current application was lodged on 18 March 2016 and advertised on 23 March 2016. The advertisement and site notice included reference to a variation of a Scheme standard for parking within 10m of a boundary. During detailed assessment of the application, it was determined that an alternative provision applied and was satisfied. There is no exercise of discretion required on this standard.

DISCUSSION

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

13.0 Rural Living Zone

CLAUSE	COMMENT
13.3 Use Standards	
13.3.1 Discretionary permit use	
<p>13.3.2-(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 residential use on adjacent land in the zone.</p>	<p>Not applicable.</p> <p>Use is Permitted.</p>
13.3.2 Impact of use	
<p>13.3.2-(A1) Use that is not a residential use must not occur on more than two adjoining sites.</p>	<p>Not applicable.</p> <p>Use would be Residential.</p>
<p>13.3.2-(A2) The site for a use that is not a residential use must not require pedestrian or vehicular access from a no-through road.</p>	<p>Not applicable.</p> <p>Use would be Residential.</p>

<p>13.3.2-(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 would be Residential.</p>
<p>13.4.1 Suitability of a site or lot for use or development</p>	
<p>13.4.1-(A1) Each site or each lot on a plan of subdivision must:</p> <p>(a) have an area not less than:</p> <p>(i) 1.0 hectares excluding any access strip; or</p> <p>(ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality; and</p> <p>(b) if intended for a building, contain a building area:</p> <p>(i) of not more than 1,000m²;</p> <p>(ii) clear of any applicable setback from a frontage, side, or rear boundary;</p> <p>(iii) clear of any applicable setback from a zone boundary;</p> <p>(iv) clear of any registered easement;</p> <p>(v) clear of any registered right of way benefiting other land;</p>	<p>Compliant.</p> <p>(a) Lot size is 2.594ha.</p> <p>(b) Building area of 1,000m² which satisfies requirements (i) to (ix).</p>

<ul style="list-style-type: none"> (vi) clear of any restriction imposed by a utility; (vii) not including any access strip; (viii) clear of any area required for the on-site disposal of sewage or stormwater; and (ix) accessible from a frontage or access strip. 	
<p>13.4.1-(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"> (a) across a frontage over which no other land has a right of access; and (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 (c) by a right-of-way connecting to a road <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; and (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>Non-compliant.</p> <ul style="list-style-type: none"> (a) Frontage to Preservation Drive, but no access to lot (at this stage). (b) Not applicable. Lot is internal, but no access strip to a frontage. (c) Right-of-way connection to Revell Lane, but is a shared right-of-way. (d) Right-of-way is 6m wide. (e) Lot has an existing and previously approved access between frontage and carriageway. <p>See "Issues" section below.</p>

<p>(d) with a width of frontage and any access strip or right of way of not less than 6.0m; and</p> <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>13.4.1–(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply:</p> <p>(a) from a connection to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) from a rechargeable drinking water system ^{R6} with a storage capacity of not less than 10,000 litres if:</p> <p>(i) there is not a reticulated water supply; and</p> <p>(ii) development is for:</p> <p>a. a single dwelling; or</p> <p>b. a use with an equivalent population of not more than 10 people per day.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated water system.</p>

<p>13.4.1–(A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and trade waste:</p> <p>(a) to a reticulated sewer system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) by on-site disposal if:</p> <p>(i) sewage or trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development:</p> <p>a. is for a single dwelling; or</p> <p>b. provides for an equivalent population of not more than 10 people per day; or</p> <p>c. creates a total sewage and waste water flow of not more than 1,000 litres per day; and</p> <p>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS1547:2012 On-site domestic–wastewater management clear of any defined building area or access strip.</p>	<p>Compliant.</p> <p>(a) Not applicable.</p> <p>(b) The site is provided with an on-site sewage treatment and disposal system for the purpose of a single dwelling. Connection to reticulated system would be impractical.</p>
<p>13.4.1–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p>	<p>Compliant.</p> <p>Stormwater would be piped to nearby watercourse. Details</p>

<p>(a) for discharge to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <p>(i) for discharge to a natural drainage line, water body, or watercourse; or</p> <p>(ii) for disposal within the site if:</p> <p>a. the site has an area of not less than 5,000m²;</p> <p>b. the disposal area is not within any defined building area;</p> <p>c. the disposal area is not within any area required for the disposal of sewage;</p> <p>d. the disposal area is not within any access strip; and</p> <p>e. not more than 50% of the site is impervious surface; and</p> <p>(iii) the development is for a single dwelling.</p>	<p>of treatment and associated infrastructure to be determined at the building stage.</p>
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13.4.2 Dwelling density	
13.4.2-(A1) The site area per dwelling must:	Compliant.
(a) be not less than 1.0 hectare; or	(a) Site area per dwelling is one per 2.954 ha.
(b) if the site is in a locality shown in the Table to this clause, the site area for that locality.	(b) Not applicable.
13.4.3 Location and configuration of development	
13.4.3-(A1) A building, utility structure, garage, carport or an external car parking area and any area for the display, handling, or storage of goods, materials or waste, must be setback from a frontage;	Compliant.
(a) not less than 20.0m;	(a) Setback from Preservation Drive frontage (east) would be 200m.
(b) not less than or not more than the setbacks for any existing building on each of the immediate adjoining sites;	(b) Not applicable. Satisfied by (a).
(c) not less than for any building retained on the site;	(c) Not applicable. Satisfied by (a).
(d) in accordance with any building area shown on a sealed plan of subdivision; or	(d) Not applicable. Satisfied by (a).
(e) not less than 50.0m if the site abuts the Bass Highway.	(e) Not applicable. Satisfied by (a).

<p>13.4.3–(A2) All buildings must be contained within a building envelope determined by:</p> <p>(a) the applicable frontage setback;</p> <p>(b) a setback of not less than 10.0m from each side boundary;</p> <p>(c) a setback of not less than 10.0m from the rear boundary;</p> <p>(d) a setback of not less than 20.0m from any designated building area on each adjacent site; or</p> <p>(e) any building area shown on a sealed plan; and</p> <p>(f) building height of not more than 8.5m.</p>	<p>(a) Compliant. Setback from Preservation Drive frontage (east) is 200m.</p> <p>(b) Compliant. Side setback (north) is 53m and side setback (south) is 17m.</p> <p>(c) Non-compliant. Rear setback (west) is 1.7m (dwelling) and 2m (shed).</p> <p>(d) Not applicable. No designated building area on an adjacent site.</p> <p>(e) Not applicable. No building area on a sealed plan.</p> <p>See “Issues” section below.</p>
<p>13.4.3–(A3) Site coverage must:</p> <p>(a) be not more than 500m²; and</p> <p>(b) not include any part of a site required for the disposal and drainage of sewage or stormwater; or</p> <p>(c) be not more than any building area shown on a sealed plan.</p>	<p>Compliant.</p> <p>(a) Proposed site coverage is 184m².</p> <p>(b) Does not include wastewater disposal areas.</p> <p>(c) Not applicable. No building area on a sealed plan.</p>
<p>13.4.3–(A4) A building or utility structure must be:</p> <p>(a) not less than 15.0m below the level of any adjoining ridgeline;</p>	<p>(a) Non-compliant. Proposed structures would be on a ridgeline, i.e. less than 15m below ridgeline.</p>

<p>(b) not less than 30.0m from any shoreline to a marine or aquatic water body, watercourse, or wetland; and</p> <p>(c) clad and roofed in non-reflective materials.</p>	<p>(b) Compliant. Dwelling would be sited approximately 50m from a watercourse.</p> <p>(c) Compliant through condition. Structures would be clad in non-reflective materials.</p> <p>See "Issues" section below.</p>
<p>13.4.4 Acoustic and visual privacy for residential development</p>	
<p>13.4.4-(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:</p> <p>(a) be not less than 10.0m from a side boundary and 10.0m from a rear boundary to adjoining land in any zone for residential purposes; or</p> <p>(b) be not less than 10.0m from a door or window to a habitable room or any part of a balcony, deck, or roof garden in an adjacent dwelling.</p>	<p>Compliant.</p> <p>(a) Not applicable. Satisfied by (a).</p> <p>(b) Parking space would be 48m from closest adjacent dwelling (9 Revell Lane).</p>
<p>13.4.4-(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 5.0m horizontally from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Compliant.</p> <p>Revell Lane is a shared access strip located 54m from the proposed dwelling and 7.5m from the adjacent (and closest) dwelling.</p>

13.4.5 Private open space for multiple dwelling residential use	
<p>13.4.5-(A1) Each dwelling in a multiple dwelling must have external private open space that:</p> <p>(a) is accessible from the dwelling;</p> <p>(b) comprises an area of not less than 50.0m²;</p> <p>(c) has a minimum dimension of 5.0m; and</p> <p>(d) has a gradient of not more than 1 in 10.</p>	<p>Not applicable.</p> <p>No multiple dwellings proposed.</p>
<p>13.4.5-(A2) The required minimum private open space area must be capable of receiving at least three hours of sunlight between 9.00am and 3.00pm on 21 June.</p>	<p>Not applicable.</p> <p>No multiple dwellings proposed.</p>
13.4.6 Setback of development for sensitive use	
<p>13.4.6-(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 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 setback distance from the zone boundary.</p>	<p>Compliant.</p> <p>(a) Required setback to Utilities Zone (Preservation Drive) is 10m. Proposed is approximately 200m.</p> <p>(b) Structures would fit within required building envelope.</p>

<p>13.4.6–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <ul style="list-style-type: none"> (a) the Bass Highway; (b) a railway; (c) land designated in the planning scheme for future road or rail purposes; or (d) a proclaimed wharf area. 	<p>Compliant.</p> <ul style="list-style-type: none"> (a) Distance to Bass Highway is 200m. (b) Distance to Western Line is 545m. (c) Not applicable. No road or rail land designated for future purposes. (d) Distance to Burnie Wharf is 15km.
<p>13.4.7 Subdivision</p>	
<p>13.4.7–(P1) Each new lot on a plan of subdivision must be:</p> <ul style="list-style-type: none"> (a) intended for residential use; (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; or (c) for a purpose permissible in the zone. 	<p>Not applicable.</p> <p>No subdivision proposed.</p>
<p>13.4.7–(P2)</p> <ul style="list-style-type: none"> (a) A lot must have a frontage to a road; or 	<p>Not applicable.</p> <p>No subdivision proposed.</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"> a. slope, shape, orientation and topography of land; b. an established pattern of lots and development; c. connection to the road network; d. connection to available or planned utilities; e. a requirement to protect ecological, scientific, historic, cultural or aesthetic values, including vegetation or a watercourse; or f. exposure to an unacceptable level of risk from a natural hazard; and <p>(ii) without likely impact on the amenity of adjacent land.</p>	
<p>13.4.8 Reticulation of an electricity supply to new lots on a plan of subdivision</p>	
<p>13.4.8-(A1) Electricity reticulation and site connections must be installed underground.</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

CODES	
E1 Bushfire-Prone Areas Code	Not applicable. For residential dwellings.
E2 Airport Impact Management Code	Not applicable. No Code in this Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No removal of any significant vegetation proposed.
E4 Change in Ground Level Code	Not applicable. No cut or fill proposed.
E5 Local Heritage Code	Not applicable. No sites or places of local significance listed.
E6 Hazard Management Code	Code applies. Areas of low and moderate risk indicated on the property. Risk Assessment Report provided.
E6.5 Use Standards	
E6.5.1 Use on potentially contaminated land	
E6.5.1-(A1) Use must not occur on land potentially contaminated by a previous use for an activity listed in Table E6.1 unless: (a) soil disturbance and development is carried out in accordance with requirements in a hazard risk assessment for contamination;	Not applicable. Site not of known or suspected contamination.

<p>(b) a hazard risk assessment for potential contamination establishes the site can be remediated to provide a tolerable level of risk for the use; or</p> <p>(c) a hazard risk assessment establishes the site has been remediated to provide a tolerable level of risk.</p>	
<p>E6.5.2 Use likely to be exposed to a natural hazard</p>	
<p>E6.5.2-(A1) If a use is on land within an area of unacceptable risk from exposure to a natural hazard as shown on a map forming part of this planning scheme:</p> <p>(a) use must not be for a critical use, a hazardous use, or a vulnerable use;</p> <p>(b) use must not be residential use if the level of risk is medium or higher; and</p> <p>(c) a hazard risk assessment must demonstrate a tolerable level of risk can be achieved and maintained for the nature and duration of the use.</p>	<p>Compliant.</p> <p>The Landslide maps contained in the Scheme indicate that the proposed building area is not at an unacceptable risk or is at a low level of risk of landslide. Consequently, no hazard risk assessment is required.</p> <p>A geology report submitted with the application recommends that building work occur on areas of slight fall near the western boundary, which is the proposed location for the development.</p> <p>A report commissioned by the Council in relation to a previous proposal to rezone the land (October 2013) indicated that the proposed building area on 9A Revell Lane was not mapped as being at particular risk, though it was just outside an area indicated as 'steep slope zone'. However, for unmapped areas in the Revell Lane Precinct</p>

	<p>(including 9A Revell Lane) the report recommended that:</p> <ul style="list-style-type: none"> · wastewater and stormwater not be disposed of into landslide risk areas; and · water should be disposed of through Council drainage systems, though stormwater could be directed to creek lines through sealed drains. <p>The proposed development incorporates an Aerated Wastewater Treatment System with raised irrigation beds assessed as an appropriate form of treatment and disposal by the On-site Waste Water Assessment (GES, May 2011). Stormwater would be piped to the nearby watercourse.</p>
<p>E6.6 Development Standards</p>	
<p>E6.6.1 Development on potentially contaminated land</p>	
<p>E6.6.1-(A1) Development must not occur on land potentially contaminated by a previous use for an activity listed in the Table E6.1 to this clause unless:</p> <p>(a) soil disturbance and development is carried out in accordance with the requirements of a hazard risk assessment for contamination;</p> <p>(b) a hazard risk assessment establishes the site can be remediated to provide a tolerable level of risk from the development; or</p>	<p>Not applicable. Site not of known or suspected contamination.</p>

<p>(c) a hazard risk assessment establishes the site has been remediated to provide a tolerable level of risk from the development; and</p> <p>(d) if a hazard risk assessment establishes need to involve land on another title to manage risk consistent with the objective, the consent in writing of the owner of that land must be provided to enter into a Part 5 agreement to be registered on the title of the land and providing for the affected land to be managed in accordance with recommendations for contamination management.</p>	
<p>E6.6.2 Development on land exposed to a natural hazard</p>	
<p>E6.6.2-(A1) If the site is within an area of unacceptable risk shown on a natural hazard map forming part of this planning scheme:</p> <p>(a) a hazard risk assessment must determine:</p> <p>(i) there is an insufficient increase in risk to warrant any specific hazard reduction or protection measure; or</p> <p>(ii) a tolerable level of risk can be achieved for the type, form, scale and duration of the development; and</p> <p>(b) if a hazard risk assessment established need to involve land on another title for hazard management consistent with the objective, the consent in writing of the owner of that land must</p>	<p>Compliant.</p> <p>The Landslide maps contained in the Scheme indicate that the proposed building area is not at an unacceptable risk or is at a low level of risk of landslide. Consequently, no hazard risk assessment is required.</p> <p>A geology report submitted with the application recommends that building work occur on areas of slight fall near the western boundary, which is the proposed location.</p> <p>A report commissioned by the Council in relation to a previous proposal to rezone the land (October 2013) indicated that the proposed building area on 9A Revell lane</p>

<p>be provided to enter into a Part 5 agreement to be registered on the title of the land and providing for the effected land to be managed in accordance with recommendations for hazard management.</p>	<p>was not mapped as being at particular risk, though it was just outside an area indicated as ‘steep slope zone’. However, for unmapped areas in the Revell Lane precinct (including 9A Revell Lane) the report recommended that:</p> <ul style="list-style-type: none"> · wastewater and stormwater not be disposed of into landslide risk areas; and · water should be disposed of through Council drainage systems, though stormwater could be directed to creek lines through sealed drains. · The proposed development incorporates an Aerated Wastewater Treatment System with raised irrigation beds assessed as an appropriate form of treatment and disposal by the On-site Waste Water Assessment (GES, May 2011). Stormwater would be disposed of into the nearby water course.
<p>E7 Sign Code</p>	<p>Not applicable. No signs proposed.</p>
<p>E8 Telecommunication Code</p>	<p>Not applicable. No telecommunications proposed.</p>
<p>E9 Traffic Generating Use and Parking Code</p>	<p>Code applies to all development.</p>
<p>E9.4 Use or development exempt from this Code</p>	<p>Not exempt. No Local Area Parking Scheme applies to the land.</p>

E9.5 Use Standards	
E9.5.1 Provision for parking	
<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 to this Code;</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>Compliant.</p> <p>(a) Table E9A requires provision of two on-site car parking spaces. One specific space proposed in garage and another could be provided in the driveway area.</p> <p>(b)-(d) Not applicable. Requirement not triggered until 20 spaces required or proposed.</p>
E9.5.2 Provision for loading and unloading of vehicles	
<p>E9.5.2-(A1) There must be provision within a site for:</p> <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>Compliant.</p> <p>(a) Table E9A does not require on-site loading space. None proposed.</p> <p>(b) Not applicable. Use is Residential and does not apply.</p>

E9.6 Development Standards	
E9.6.1 Road access	
<p>E9.6.1-(A1) There must be an access to the site from a carriageway of a road ^{R36}:</p> <p>(a) permitted in accordance with the <i>Local Government (Highways) Act 1982</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>Compliant.</p> <p>(a) Access is provided to Revell Lane by shared right-of-way.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p>
E9.6.2 Design of vehicle parking and loading areas	
<p>E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater.</p>	<p>No details of driveway design provided. Condition of 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>Compliant.</p> <p>(a) Accepted as complying with AS 2890.1-2004.</p> <p>(b)-(d) Not applicable. Listed parking type not provided.</p> <p>(e) Parking spaces separately accessed from internal</p>

<ul style="list-style-type: none"> (b) be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles; (c) be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities; (d) be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities; (e) each parking space must be separately accessed from the internal circulation aisle within the site; (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 (g) be formed and constructed with compacted sub-base and an all-weather surface. 	<p>driveway.</p> <ul style="list-style-type: none"> (f) Sufficient on-site turning space available to enable forward movement to and from the site. (g) No details of driveway construction provided. Condition of Permit.
<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>Compliant through condition.</p> <p>Vehicle standing and manoeuvring areas to be designed and constructed in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>
<p>E10 Water and Waterways Code</p>	<p>Not applicable. Not within 30m of a watercourse.</p>

SPECIFIC AREA PLANS	
F6.0 Revell Lane Precinct Specific Area Plan	
F6.5 Use Table	Residential (dwelling) is a Permitted use.
F6.6 Use Standards	
<p>F6.6.1 Discretionary use</p> <p>P1</p> <p>Discretionary use must –</p> <ul style="list-style-type: none"> (a) be consistent with Local Area Objectives for the Rural Living zone and this Specific Area Plan; (b) be consistent with any applicable Statement of Desired Future Character for the Rural Living zone and this Specific Area Plan; (c) minimise likelihood for adverse impact on the amenity for residential use on adjacent land; and (d) be consistent with the capacity of available services, including road access. 	<p>Not applicable.</p> <p>Proposed residential use is Permitted.</p>

F6.7 Development Standards	
F6.7.1 Landslide	
<p>A1</p> <p>Development not involving:</p> <p>(a) More than 100mm depth of soil disturbance;</p> <p>(b) Any generation of waste water; or</p> <p>(c) Generation of any concentrated stormwater run-off or treatment.</p>	<p>Non-compliant.</p> <p>Development would likely involve:</p> <p>(a) Greater than 100mm soil disturbance;</p> <p>(b) Generation of wastewater; and</p> <p>(c) Concentrated stormwater run-off and disposal.</p> <p>A hazard risk assessment for the development was submitted which indicated that a tolerable level of risk would be achieved through recommendations of a geotechnical report by John Scoles and a wastewater report by Geo-Environmental Solutions, both submitted with the application.</p> <p>See "Issues" section below.</p>
F6.7.2 Lot size	
<p>A1</p> <p>Each site or lot on a plan of subdivision must –</p> <p>(a) have an area not less than 2.0ha;</p>	<p>(a) Compliant. Lot is 2.954ha.</p> <p>(b) Non-compliant. Proposed building area is 184m², but dwelling and shed would be less than required rear boundary setback of 10m (i.e. 1.7m and 2m</p>

<p>(b) if intended for a building, contain a building area –</p> <ul style="list-style-type: none"> (i) of not more than 1,000m²; (ii) clear of any applicable setback from a frontage, side or rear boundary; (iii) clear of any applicable setback from a zone boundary; (iv) clear of any registered easement; (v) clear of any registered right of way benefitting other land; (vi) clear of any restriction imposed by a utility; (vii) not including any access strip; (viii) clear of any area required for the on-site disposal of sewage or stormwater; and (ix) accessible from a frontage or access strip. 	<p>proposed). Satisfies other listed requirements (iii) to (ix).</p> <p>See “Issues” section below.</p>
<p>F6.7.3 Siting and design</p>	
<p>A1</p> <p>Buildings must not exceed a height of 5.5m, unless the entire building is at least 15m below the skyline or is below the existing tree canopy, in which case the maximum height is 8.5m.</p>	<p>Compliant.</p> <p>Maximum height of dwelling would be 4.6m. Proposed shed would be 3.6m high and containers 2.4m high.</p>

Issues –

1 Shared right-of-way –

The Acceptable Solution allows for an access from the site to a road by right-of-way but only where no other lot has access. In this case, 9A Revell Lane has access to the Revell Lane roadway by a right-of-way that is shared between three lots; 9A, 10 and 11 Revell Lane.

The Performance Criteria requires that the site must have a reasonable and secure access from a road where, in the case of a shared right-of-way:

- (a) the right-of-way would not cause the lot to be less in area than the minimum lot size;
- (b) the dimensions of the right-of-way are adequate for the expected type and volume of traffic generated; and
- (c) the Road Authority is satisfied that adequate arrangements are made for vehicular access between the road and the site.

In relation to the first test, there is no right-of-way across the subject lot, i.e. 9A Revell Lane, so there is no effective reduction in lot size caused. This criterion is satisfied.

The second test requires that the dimensions of the right-of-way are satisfactory. The arrangement of lots and access for the lots served by the right-of-way currently exists and appears to be adequate for the number of properties and role it serves. However, the carriageway on the right-of-way is comparatively narrow (approximately 4m wide) and with any significant increase in development on 9, 9A, 10, 11 and/or 13 Revell Lane, the capacity of the roadway could well be exceeded.

Provisions included in the Specific Area Plan (SAP) for the Revell Lane Precinct have been crafted to limit the types and level of development, including low traffic generating uses and larger lot size subdivision, to that which would avoid any excessive demand on services, particularly road access.

It is considered that with the SAP provisions in place, the capacity of the right-of-way would be adequate to accommodate the proposed development of the 9A Revell Lane property and ensure the adequacy of its capacity into the future. The second criterion is satisfied.

The third test is for the Road Authority, in this case the Council, to be satisfied that arrangements for traffic are adequate. For the reasons outlined above, it is considered that arrangements regarding the right-of-way and access to Revell Lane would be adequate.

The Council's Environmental Engineer advises that the Council, acting as the relevant Road Authority, is satisfied that adequate arrangements have been made to provide vehicular access between the carriageway of Revell Lane and the right-of-way access strip to the lot at 9A Revell Lane, Penguin. The third test is also satisfied.

As a consequence of the above three tests being satisfied, it is considered that A2/P2 of s.13.4.1 of the Scheme has been satisfactorily complied with and that an exercise of discretion on the shared right-of-way provision would be justified.

2 *Rear boundary setback –*

In this case, there are two buildings that are setback less than the 10m standard; the proposed dwelling and a yet to be built shed. The proposed storage containers comply with the required setback.

The existing shed structure was approved with a 1.7m setback some 12 years ago, under a previous planning scheme. The building exists. Internal modifications and an external deck, which were not part of the original approval have already been completed, and comply with the development standards of the current Scheme.

The principal change is to the use. In this context, it does not seem reasonable or appropriate to again assess the building for compliance with development standards like setbacks, height and siting, unless there is an aspect of the use itself which would trigger such a need for reassessment, as would be appropriate for example in the case of car parking which changes from one use to another. There are no obvious aspects of the building's use as a dwelling that would dictate that such a reassessment should apply. On this basis, there should be no requirement to exercise discretion on the rear boundary setback for the dwelling.

If this view is not correct and the setback needs to be assessed again, then the measure of whether it should be allowed would be based on the Performance Criteria.

At only a 2m setback from the rear boundary, the proposed shed is clearly short of the 10m setback standard and requires an assessment under the Performance Criteria.

For the sake of certainty, both the proposed dwelling and shed structures are assessed against the Performance Criteria of the current Scheme.

The Performance Criteria requires that the height and siting of a building must:

- (a) minimise overshadowing of a habitable room in an adjacent dwelling;
- (b) take account of appearance and design characteristics of the building and any buildings on adjacent land;
- (c) minimise scale, bulk, massing and proportion relative to an adjacent building;
- (d) be consistent with the rural setting and streetscape; and
- (e) respond to the effect of slope and orientation to attenuate impact on adjacent land.

2(a) Overshadowing –

The existing dwelling structure on the subject lot is about 90m away from the closest neighbouring dwelling (9 Revell Lane). The proposed shed on the subject land would be sited about 30m from the neighbouring dwelling. At such distances there would be no overshadowing by either building of any part of the neighbouring dwelling. Criterion (a) satisfied.

2(b) Appearance and design –

While parts of the proposed structures would (and are already) seen from some neighbouring dwellings, particularly the closest dwelling at 9 Revell Lane, the impact could not fairly be considered unreasonable, as might be measured through such matters as character and privacy, particularly in the context of the land's Rural Living zoning and the generally rural-domestic scale, use, form and siting of structures.

It is considered that the proponent has taken adequate account of the appearance and design characteristics of the proposed buildings relative to buildings on adjacent lots, particularly the closest dwelling at 9 Revell Lane. Criterion (b) satisfied.

2(c) Scale, bulk, massing and proportion –

The scale, bulk, massing and proportion of the proposed buildings is considered to be rural-domestic in nature. The same description would also apply to surrounding buildings, which are principally dwellings and outbuildings.

It is considered that the proposed buildings are consistent with the scale, bulk, massing and proportion of surrounding development and on this basis, the application has satisfactorily demonstrated consistency with the requirement to minimise impact in relation to those matters. Criterion (c) satisfied.

2(d) Rural setting and streetscape –

The setting of the Revell Lane Precinct can be described as undulating topography, dwellings spaced generous distances apart and sited on larger size lots. Vegetation comprises a mixture of cleared land and mature trees and understorey along fence lines and watercourses. Buildings are generally limited in their scale and impact. The setting can be reasonably described as ‘rural’.

The proposed buildings on the subject land would, because of their limited scale and impact, be consistent with the setting so described.

The concept of streetscape is generally more appropriate to urban and suburban areas. Nevertheless, in the case of Revell Lane, the streetscape could be described as a narrow roadway with buildings generally setback substantial distances from the road forming an open character with grassed paddocks up to the road edge. Fences are mainly post and wire while dwellings are generally surrounded with garden, including mature exotic species.

The proposed buildings would be setback substantial distances from the roadway; the shed is closest and would be setback 26m from Revell Lane. Vegetation around the dwelling, shed and containers would partially screen views of them from Revell Lane, the Bass Highway and Penguin township.

It is considered that the proposed buildings would be consistent with the rural setting and streetscape. Criterion (d) is satisfied.

2(e) *Slope and orientation* –

The proposed buildings are and would be set into the slope of the subject site in a manner that downplays their visual impact, from surrounding viewing locations, including adjacent lots. Trees and shrubs on the land further assist in obscuring views of buildings.

It is considered that the design and location of the proposed buildings have responded adequately to the slope and orientation to produce an impact that is consistent with attenuating impacts on adjacent land to a level considered reasonable. Criterion (e) is satisfied.

The development has adequately demonstrated that it satisfies the Performance Criteria for siting. Consequently, it is considered that an exercise of discretion on the rear boundary setback standard 13.4.4–(P2) would be justified.

3 *Position on ridgeline* –

There are two matters associated with s.26.4.2–(A3) that are at issue; the requirement for the house, shed and containers to be sited at least 15m below the ridgeline and that the buildings be clad and roofed in non-reflective materials.

All buildings would be located on the crest of a small north-east/south-west running ridgeline. The relevant provisions of the Performance Criteria are that the buildings not be visually apparent on the skyline or above the vegetation canopy.

In this respect, there are three principal viewing locations from which the visual impact should be measured; the residential area on the eastern bank above the Penguin Creek, i.e. Sunset Lane, the Penguin town centre and the Bass Highway.

From residences in Sunset Lane and other areas on the ‘east bank’ of Penguin, the existing and proposed buildings would be partially visible but would be set against the backdrop of a more elevated north-south running ridgeline. They would also be beneath the canopy of surrounding vegetation.

From the Penguin town centre, the buildings would be obscured by landforms and foreground vegetation.

From only a couple of points on the Bass Highway the buildings would be visible. While the buildings might appear a little higher than the other two locations, the development would still be situated below the skyline and vegetation canopy behind.

On the basis that from all principal viewing locations the existing and proposed buildings would not project above the skyline or vegetation canopy, the Performance Criteria are deemed to be satisfied.

The proposed dwelling is clad in white painted corrugated metal sheeting walls and a dark grey corrugated metal sheeting roof. The proposed shed would also be clad in corrugated metal sheeting and would be painted in 'Surfmist' which is a light tone, and a black roof.

The coloured nature of the cladding in both cases is likely to be adequate to prevent any adverse glare from any reflected sunlight. In this respect, the requirement for non-reflective materials has been satisfied in the case of these two buildings.

No details regarding the finish of the two storage containers are provided; they are normally dull and darker in tone which would be appropriate. It would be appropriate to require that the structures be provided with a non-reflective finish.

4 *Wastewater and stormwater generation –*

Development under the Acceptable Solution provision for Landslide of the Revell Lane Precinct SAP is limited to minor site works. More intensive works require assessment under the Performance Criteria and involves an exercise of discretion.

The associated Performance Criteria requires a Hazard Risk Assessment, which indicates that either there is an insufficient increase in risk to warrant any particular protection measures, or that a tolerable level of risk can be achieved.

Reports by Mr John Scoles and Geo-Environmental Solutions indicate that a tolerable level of risk can be achieved through incorporation of certain recommended measures, specifically:

-
- (a) proposed building should be sited in an area of slight fall near the western boundary (this location is reflected in the application);
 - (b) sewer and stormwater should be connected to reticulated systems, or if not available, on-site disposal with soakage trenches away from steeply sloping areas;
 - (c) surface water should not be allowed to collect adjacent to the structure and that significant changes to seasonal soil moisture equilibria do not develop as a consequence of service trench construction or tree root action;
 - (d) the base of all footing or beam excavations should be inspected to ensure that the founding medium meets requirements for strength of founding material; and
 - (e) wastewater disposal should be through an Aerated Wastewater Treatment System (AWTS) in the form of a raised irrigation bed design.

Assessment of the detailed design of the AWTS system would be undertaken at the building approval stage.

A report commissioned by the Council in relation to a previous proposal to rezone the land (October 2013) indicated that the proposed building area on 9A Revell Lane was not mapped as being at particular risk, though it was just outside an area indicated as 'steep slope zone'. For unmapped areas in the Revell Lane Precinct (including 9A Revell Lane) the report recommended that:

- (a) wastewater and stormwater not be disposed of into landslide risk areas; and
- (b) water should be disposed of through Council drainage systems, though stormwater could be directed to creek lines through sealed drains.

The proposed development incorporates an Aerated Wastewater Treatment System with raised irrigation beds. Stormwater would be piped to the nearby watercourse.

On the basis of the specialist reports provided and otherwise available, and a condition requiring stormwater disposal to the nearby watercourse, it is considered that the Performance Criteria relating to

a tolerable level of risk, has been satisfied. An exercise of discretion on F.6.7-(P1)(b) of the Revell Lane Precinct Specific Area Plan would be justified.

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	Stormwater condition provided.
TasWater	No referral required.
Department of State Growth	No issues raised.
Environment Protection Authority	No referral required.
TasRail	No referral required.
Heritage Tasmania	No referral required.
Crown Land Services	No issues raised.
Other	No referral 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 representation was detailed and included numerous facts regarding the

recent history of the site relating to attempts to build a dwelling on the land, certain facts about the current proposal, e.g. siting, and various standards of the Rural Living Zone. The key points of the representation as they relate directly to the proposal are summarised and responded to as follows:

MATTER RAISED	RESPONSE
<p>1 Proposed 1.7m setback from rear boundary is not consistent with provision of an acceptable level of amenity for neighbouring resident.</p>	<p>The proposed dwelling would be 45m away from the representor's house. The proposed shed would be 30m from the representor's dwelling. Such separations are considered adequate to limit impacts such as noise, shading and privacy, to levels that are reasonable.</p>
<p>2 Council changed the frontage of 9A Revell Lane to Preservation Drive.</p>	<p>9A Revell Lane has access to Revell Lane through a shared right-of-way. It also has a frontage to Preservation Drive which is a Limited Access Road and to which there is currently no access. The definition of <i>frontage</i> in the Scheme is, "a boundary of a lot that abuts a road."</p> <p>Classifying the Preservation Drive boundary as frontage is consistent with the Scheme definition.</p>
<p>3 Proposed containers would be visible from Penguin town centre. Not consistent with Desired Future Character Statement for development to be low impact.</p>	<p>Containers and other buildings are likely to be visible in the landscape from numerous viewing locations. However, their impact is not considered unreasonable for the reason that they would not be visible above ridgelines and vegetation canopy situated behind the site.</p>
<p>4 Various provisions of LUPAA have been infringed by the development in the past.</p>	<p>There have been some infringements of legislation associated with past efforts to construct a dwelling. However, those matters have been dealt with</p>

	and a new application has now been put forward, in accordance with the requirements of LUPAA.
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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 application for a dwelling and outbuildings at 9A Revell Lane is the latest in a long process for securing approval by the owner/applicant and the Council, involving a Planning Appeal, a Supreme Court case, two applications for rezoning and submissions on the Scheme.

The zoning of the land has now been changed to Rural Living in which a Residential use is Permitted. However, there are various matters in the application are were not consistent with an Acceptable Solution and require assessment under the associated Performance Criteria, namely use of a shared right-of-way, the rear boundary setback, structures sited on the ridgeline and waste and stormwater generation under the Specific Area Plan for the Revell Lane Precinct.

On each of these matters the application has demonstrated compliance, as discussed in this report. Consequently, it is considered that exercises of discretion in relation to those matters would be appropriate and the application approved.

Recommendation –

It is recommended that the application for a Residential (dwelling) and outbuildings (shed and two containers) – variations to standards for use of right-of-way, rear boundary setback, structures sited on the ridgeline, parking within 10m of a boundary and waste and stormwater generation at

9A Revell Lane, Penguin, be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the application for this Permit, unless modified by a condition of this Permit.
- 2 The development and management of the property to be undertaken in accordance with the findings and recommendations of the geotechnical investigation report by John Scoles of Scoles Tague and Associates P/L dated 16 February 2000.
- 3 The wastewater treatment and disposal system must be designed and constructed in accordance with the Recommendations of the On-site Waste Water Assessment for 9A Revell Lane, Penguin, prepared by Geo-Environmental Solutions dated May 2011.
- 4 Vehicle manoeuvring areas must be designed and constructed in accordance with Unsealed Roads Manual – Guideline for Good Practice ARRB.
- 5 Vehicle standing and manoeuvring areas must provide for the collection, drainage and disposal of stormwater, and be formed and constructed with compacted sub-base and an all-weather surface.
- 6 Storage containers must be provided with a non-reflective finish, to the satisfaction of the Director Community Services.

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 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 reported as follows:

“Copies of the Annexures referred to in the Land Use Planning Group Leader’s report have been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Carpenter seconded, “That the application for the development of a Residential (dwelling) and outbuildings (shed and two containers) – variations to standards for use of right-of-way, rear boundary setback, structures sited on the ridgeline, parking within 10m of a boundary and waste and stormwater generation at 9A Revell Lane, Penguin be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the application for this Permit, unless modified by a condition of this Permit.
- 2 The development and management of the property to be undertaken in accordance with the findings and recommendations of the geotechnical investigation report by John Scoles of Scoles Tague and Associates P/L dated 16 February 2000.
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- 2 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

Closure

There being no further business, the Mayor declared the meeting closed at 6.10pm.

CONFIRMED THIS DAY OF , 2016.

Chairperson

(cvv:km)

Appendices

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



Tasmania

MINERAL RESOURCES TASMANIA

A Division of
DEPARTMENT of INFRASTRUCTURE,
ENERGY and RESOURCES

Enquiries: Ric Donaldson
Phone: (03) 6233 8330
Your Ref:
Our File: 0RCD004:AB

CENTRAL COAST COUNCIL

CENTRAL COAST COUNCIL
DEPARTMENT & REGULATORY SERVICES Division.....EDV.....

15 March 2000

Received: 10 MAR 2016

Rec'd 15 MAR 2000

Application No:

File no. 403200/03+0

Mr Jason McNeill
Central Coast Council
PO Box 220
ULVERSTONE TAS 7315

Doc. Id. 24759

Dear Mr McNeill

**GEOTECHNICAL REPORT - R DRAPER - LOT 1,
REVELL COURT, PENGUIN**

In response to your request for Mineral Resources Tasmania (MRT) to review the geotechnical report prepared by Scoles, Tague & Associates Pty Ltd in relation to the above property, we wish to make the following brief comment.

The report appears to have addressed the major geotechnical issues normally considered in relation to a proposed urban residential development site. Whilst MRT has no specific site knowledge, we are aware of the presence of fossil landslide activity in the area and concur with the recommendations as outlined in the consultants report with respect to the siting of the proposed dwelling and management of sewer and stormwater.

In summary, we have no objection to the proposed development based on the findings contained in the consultant's report.

Yours sincerely

R C Donaldson
SENIOR GEOLOGIST
ENGINEERING GEOLOGY & GROUNDWATER

CENTRAL COAST COUNCIL
DEPARTMENT & REGULATORY SERVICES

Received: 01 JUL 2015

Application No: DA215003

Doc. ID: 210807

STA

SCOLES, TAGUE & ASSOC. PTY LTD

CONSULTANT ENGINEERS & PROJECT MANAGERS

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Ph: (03) 64372692
12 Hampson St.,
Penguin

Central Coast Council
19 King Edward St.
Ulverstone
7315

February 16, 2000

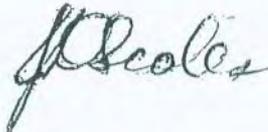
Dear Mr R. Draper

RE: Lot 1 Revell Court, Penguin.

The following is the report covering the geotechnical investigation undertaken at Lot 1 Revell Court, Penguin. The results have indicated that the building site is a Class M to AS2870 and that the house location should be restricted to the slightly sloping section at the Western end of the block. The report should be read to get the more detailed requirements.

Should you have any queries please give me a call.

Yours faithfully



John Scoles
MIEAust CPEng.
NPER

1.0 INTRODUCTION

A limited scope geotechnical investigation has been conducted on the site of a proposed residential development at Lot 1 Revell Court, Penguin.

The investigation has been conducted for the purposes of assessing general subsurface conditions at the site and consequently assigning a Site Classification in accordance with AS 2870- 1996 "Residential Slabs and Footings - Construction".

2.0 FIELD INVESTIGATION

The field investigation was conducted on January 25, 2000 and involved the excavation of two test pits to termination depths of 2.20 and 2.50 metres. Insitu vane shear strength tests were conducted in clay layers encountered in the investigation, with sampling of these soils being undertaken for subsequent laboratory testing. The results of field and laboratory tests are shown on the borehole logs.

The logs of the excavation pits are included in the Appendix and their locations are shown on the enclosed drawing.

3.0 SITE CONDITIONS

The site is currently vacant and has a slight fall to the east that increases to steep falls to the north, east and south. It is understood that the proposed building is to be located on the slightly sloping area.

It is understood that up to 1.5 metres is to be excavated off the slightly sloping area.

The Department of Mines Geological Atlas, Devonport sheet (scale 1:50000), shows the site to be underlain by Tertiary aged Basalt deposits with this being generally confirmed by the field data.

Examination of the Mineral Resources Tasmania Land Stability Map, Ulverstone – Kindred sheet (scale 1:25000) shows the eastern section of the site to be located on an 'Ancient (Fossil) Landslide' with the proposed building site located on Tertiary Basalt material to the west of 'Ancient Landslide'.

The investigation indicated that the soil profile is relatively uniform over the site, with full details of soil conditions being presented in the excavation logs.

Laboratory Atterberg Limit and Shrinkage tests conducted on a clay sample from test pit 1 between 1.2 to 1.3 metres indicate that the clay soils at this site possess a moderate shrink/swell potential.

The excavation pits did not reveal any signs of seepage over the investigated depths.

4.0 CLASSIFICATION

After allowing due consideration of the site geology, drainage, soil conditions and known details of the proposed structure, the site has been classified as follows:

CLASS M (AS 2870)

Foundation designs in accordance with this classification are subject to the overriding conditions of Section 5 below.

5.0 DISCUSSION

Particular attention should be paid to the design of footings as required by AS2870 - 1996.

In addition to normal founding requirements arising from the above classification, particular conditions at this site dictate that the founding medium, and minimum depth below existing surface levels, for all footings should be as follows:

**SILTY CLAY, (CH), medium to high plasticity, red/brown,
below 0.50 metres.**

An allowable bearing pressure of 100 kPa is available for edge beams, strips and pads founded as above.

Due to the presence of the ancient landslip, it is recommended that the proposed building is restricted to the areas of slight fall near the western boundary. It is also recommended that sewer and stormwater drainage to be connected to council mains if available. If this is not possible, soakage trenches should not be located on the steeply sloping or ancient landslide areas (ie. to the east of the steep falls).

The site classification presented in section 4 assumes that the current natural drainage and infiltration conditions at the site will not be markedly affected by the proposed site development work. Care should therefore be taken to ensure that surface water is not permitted to collect adjacent to the structure and that significant changes to seasonal soil moisture equilibria do not develop as a result of service trench construction or tree root action.

Attention is drawn to Appendix B of AS 2870 - 1996 and CSIRO pamphlet, 10-91, "Guide to Home Owners on Foundation Maintenance and Footing Performance" as a guide to maintenance requirements for the proposed structure.

Although the auger hole data indicates that site conditions are relatively uniform, variations in soil conditions may occur in areas of the site not specifically covered by the field investigation. The base of all footing or beam excavations should therefore be inspected to ensure that the founding medium meets the requirements referenced herein with respect to type and strength of founding material.

**References: AS 2870 - 1996 Residential Slabs and Footings
- Construction**

STRUCTURAL CERTIFICATE

No. none

To **CENTRAL COAST COUNCIL**

Details of location and work to which this certificate applies:-

- (a) Owner's name: **Mr G. Grimme**
- (b) Location of work: **Lot 1 Revell Court
Penguin**
- (c) Description of work:
- | | |
|-------------------------|----------------------------|
| i) wind classification | (Wind Classification -N3) |
| ii) site classification | (Site Classification -M) |

for the proposed house.

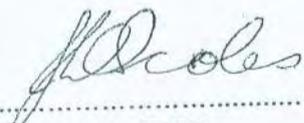
- (d) Details of the basis on which certificate is given, and specifications, rules, codes of practice, or publications relied on (if any):
- | | |
|----------|--|
| AS1170.1 | Loading Code, Part 1: Dead, live loads and load combinations |
| AS4055 | Wind Loads for Housing |
| AS2870 | Residential Slab and Footing Construction |
- (e) Details of building work not included in this certificate:
ALL OTHER WORK.

I John Scoles of 12 Hampson Street, Penguin, for and on behalf of Scoles, Tague & Associates being a practising structural engineer, hereby certify that the structural design and plans
(none)

for the work detailed above, is designed on sound engineering principles and is in accordance with the listed Australian Codes.

Dated this 16-Feb-00

SCOLES, TAGUE & ASSOCIATES
ACN 065-984-081

Signed 

No. 406422

DESCRIPTIVE TERMS - BOREHOLE/EXCAVATION LOG

Method			Support
S auger screwing	W washbore	B blade/bucket	*nil
D auger drilling	N natural exposure	C cable tool	C casing
R roller/tricone	E existing excavation	H hammer drill	M mud

Water		not observed observed water level (with date shown) observed water inflow (with date shown) observed water outflow (with date shown) refer to report for details
-------	---	--

Notes, samples, tests, etc

U63	undisturbed sample, 63mm diameter
D	disturbed sample
N*	standard penetration test + sample, figure = results

Structures, additional observations

PP	pocket penetrometer test figure = result (kPa)
V	vane shear test figure = result (kPa)
DCP	dynamic cone test, figure = blows/300mm

Surface

known boundary _____	probable boundary -----	possible boundary -?-?-?-?-?-?-?-?-
-------------------------	----------------------------	--

classification of Material based on Unified Classification System (refer SAA Geotechnical Site Investigations Code AS 1726 - 1993 Appendix A)

Moisture Condition

Based on appearance and feel of soil

dry (D)	Looks and feels dry, cohesive soils usually hard, powdery or friable, gran soils run freely through the hands.
moist (M)	Soil feels cool, darkened in colour, cohesive soils usually weakened by m granular soils tend to cohere, no free water on hands when remoulding.
wet (W)	Soil feels cool, darkened in colour, cohesive soils weakened, granular soil to cohere, free water collects on hands when remoulding.

Consistency based on undrained shear strength, C_u (generally estimated or measured vane shear test).

very soft VS	soft S	firm F	stiff St	very stiff VSt	hard H
C_u (kPa)	12.5	25	50	100	200

If soil crumbles on test without meaningful result it is described as friable.

Density Index (generally estimated or based on penetrometer results):

very loose VL	loose L	medium dense MD	dense D	very dense VD
15	35	65	85	

density index ID%



geotechnical engineers
 169A Bass Highway Prospect Vale Tas 7250
 Ph (03) 6340 2155 Fax (03) 6340 2177

ENGINEERING EXCAVATION LOG

Test Pit no. 2
 Sheet no. 1 of 1
 Job no. 23150

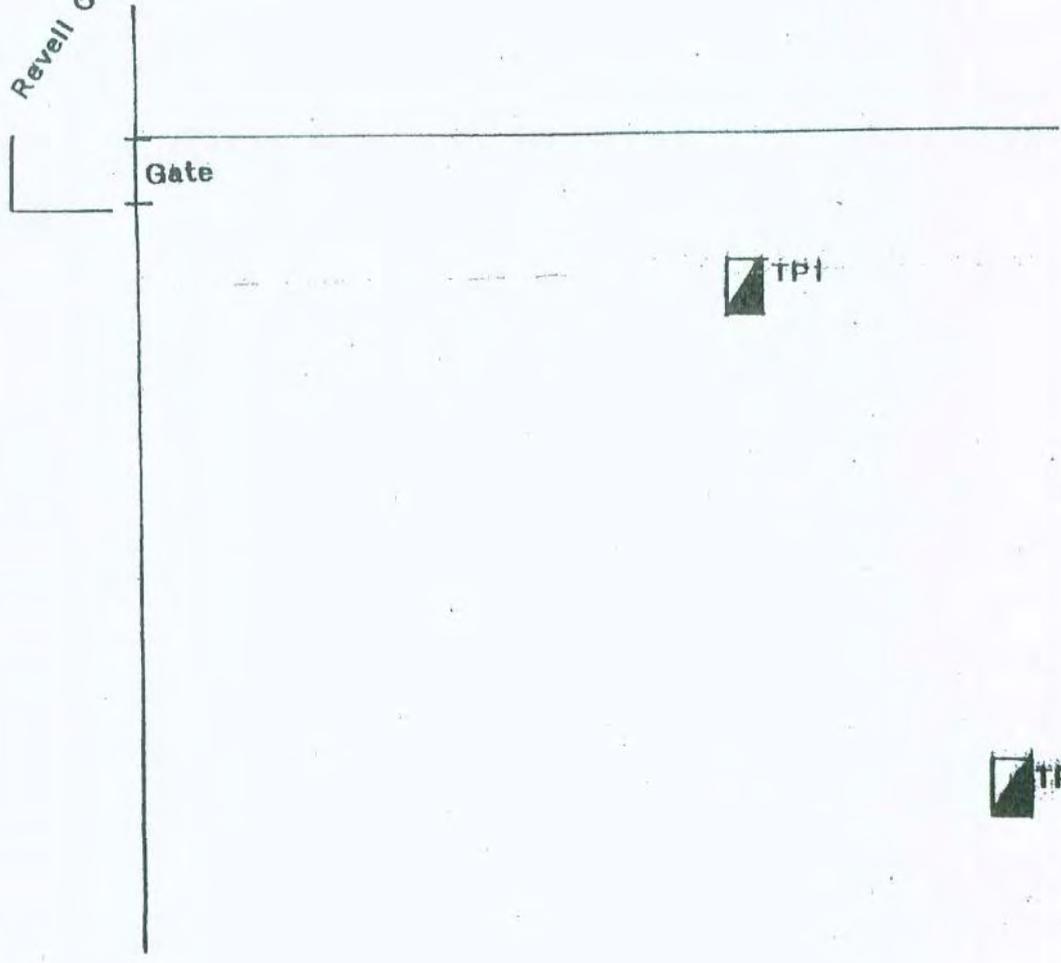
Client : **SCOLES TAGUE & ASSOCIATES** Date : 25/01/00
 Project : **LANDSLIP INVESTIGATION** Logged By : **SEH**
 Location : **LOT 1 REVELL COURT, PENGUIN**
 Excavation equipment type & model : **Cat Backhoe** RL Surface : *Not measured*
 Excavation dimensions (m) : **3** Long **1** Wide Datum : -

Material Description	Depth (m)	Graphic log	Water	Moisture condition	Consistency density, index	Structure, additional observations	Notes Samples Tests	Method	Support
CLAY SILT, (ML), low plasticity, brown.			*	D	F				D -
SILTY CLAY, (CH), medium to high plasticity, red/brown, trace of EW Gravel, grey, yellow.	0.25			M	VSt				
	0.50								
	0.75								
	1.00					V = >130 kPa			
	1.25								
	1.50								
	1.75								
	2.00								

TP2 - Terminated @ 2.50 metres.



Revell Court



TP1

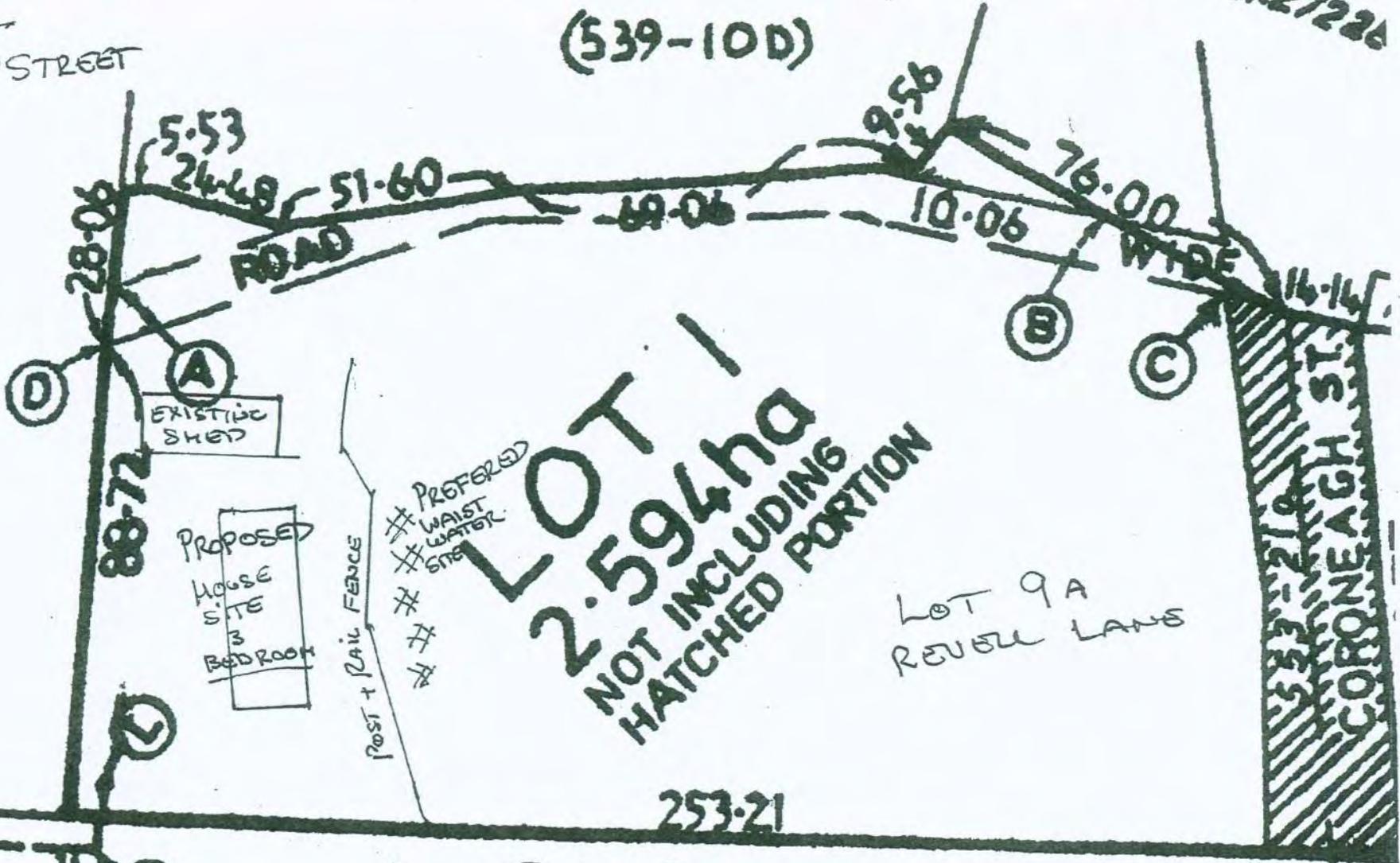
TP2

CLIENT		PROJECT	
SCOLES TAGUE & ASSOCIATES		Lot 1 Revell Court, Penguin	
BFP CONSULTANTS PTY LTD	SCALE	JOB No.	
	1:400	23150	Fig. 1

ATL
MATT STREET

(539-100)

1.27226



JEFF GRIMME
0407352139

POSTAL
2A DIAL ROAD
PENGOIN 7316

(P197574)

23361

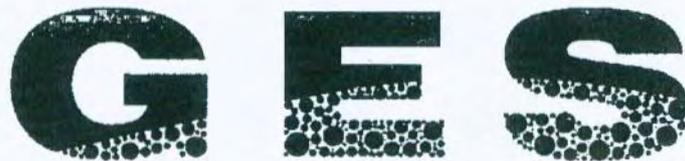
1609

ON-SITE WASTEWATER ASSESSMENT

9A Revell Lane

Penguin

May 2011



GEO-ENVIRONMENTAL

S O L U T I O N S

CENTRAL COAST COUNCIL
DEVELOPMENT & REGULATORY SERVICES

Received: 01 JUL 2015

Application No: DA215002

Doc. ID: 210807

CENTRAL COAST COUNCIL
DEVELOPMENT & REGULATORY SERVICES

Received: 18 MAR 2016

Application No:

Doc. ID:

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A handwritten signature in blue ink, appearing to be a stylized name, located in the bottom right corner of the page.

Introduction

Client: J Grimme
Date of inspection: 2/5/11
Location: 9A Revell Lane, Penguin
Land description: Approx 2ha rural/ residential lot
Building type: Proposed new dwelling
Investigation: 70mm auger
Inspected by: JP Cumming

Background information

Map: Mineral Resources Tasmania, Penguin sheet 1:25000
Rock type: Tertiary Basalt
Soil depth: approx. 1.50m+
Landslide zoning: None known
Local meteorology: Annual rainfall approx 1200 mm
Local services: On site wastewater disposal required

Site conditions

Slope and aspect: Moderate to steep slope to the East
Site drainage: Good fall, good subsurface drainage
Vegetation: Grass and weed species
Weather conditions: Fine, approx 10mm rainfall received in preceding 7 days.
Ground surface: Dry surface conditions

Investigation

A number of auger holes were completed to identify the distribution of, and variation in soil materials on the site. One representative auger hole drilled at the approximate location indicated on the site plan was chosen for testing and classification according AS1547-2000 (see profile summary 1).

Profile summary 1

Depth (m)	Horizon	Description
0 – 0.30	A1	Reddish Brown CLAYEY SILT (ML) , approximately 10% clay in a fine sand and silt matrix, moderate granular structure, moist firm consistency, low plasticity, abundant fine roots, gradual boundary to
0.30-1.5+	B2	Dark Reddish Brown CLAY (CL) , approximately 60% fine sand and silt, strong granular structure, slightly moist stiff consistency, low plasticity, abundant fine roots, lower boundary undefined

Soil profile notes

The profile is a deep gradational Ferrosol soil over basalt. The soil has moderate permeability for the disposal of wastewater flows and a high cation exchange capacity for the absorption of nutrients.

Wastewater Classification & Recommendations

According to AS1547-2000 for on-site wastewater management the soil on the property is classified as **CLAY LOAM** (category 4). The soil on site has moderate permeability (~0.96 m/day), and the large land area available allows for a wide range of possible wastewater designs. The proposal is to construct a 4 bedroom house with standard water saving fixtures and a total wastewater output according to AS1547-2000 of up to 980L/day (7 persons @ 140L/day). Given that a new AWTS is planned for the new house, the required wastewater irrigation area based upon a loading of 980L/day and a DIR of 4L/m²/day is 250m² (for all calculations please refer to the attached Trench summary reports). This disposal area is best accommodated by landscaped garden beds as indicated on the site plan.



Dr John Paul Cumming B.Agr.Sc (hons) PhD CPSS GAICD
Environmental and Engineering Soil Scientist

GES
Land suitability and system sizing for on-site wastewater management
 Trench 3.0 (Australian Institute of Environmental Health)

Site Capability Report
Site assessment for on-site waste water disposal

Assessment for J Grimme
 2a Dial Road Penguin
 Assessed site(s) 9a Revell Lane, Penguin
 Local authority Central Coast

Assess. Date 9-May-11
 Ref. No.
 Site(s) Inspected 2-May-11
 Assessed by John Paul Cumming

This report summarises data relating to the physical capability of the assessed site(s) to accept wastewater. Environmental sensitivity and system design issues are reported separately. The 'Alert' column flags factors with high (A) or very high (AA) site limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

Alert	Factor	Units	Value	Confid level	Limitation		Remarks
					Trench	Amended	
	Expected design area	sq m	4,000	V. high	Very low		
	Density of disposal systems	/sq km	5	Mod.	Very low		
	Slope angle	degrees	10	High	Moderate		
	Slope form	Convex converging		High	Moderate		
	Surface drainage	Mod. good		High	Low		
	Flood potential	Site floods 1 in 75-100 yrs		High	Low		
	Heavy rain events	Infrequent		High	Moderate		
	Aspect (Southern hemi.)	Faces E or W		V. high	Moderate		
	Frequency of strong winds	Common		High	Low		
A	Wastewater volume	L/day	980	High	High		
	SAR of septic tank effluent		1.0	High	Low		
	SAR of sullage		1.6	High	Low		
	Soil thickness	m	2.0	V. high	Very low		
	Depth to bedrock	m	2.0	V. high	Low		
	Surface rock outcrop	%	0	V. high	Very low		
	Cobbles in soil	%	0	V. high	Very low		
	Soil pH		5.5	High	Low		
	Soil bulk density	gm/cub. cm	1.4	High	Very low		
	Soil dispersion	Emerson No.	7	V. high	Very low		
	Adopted permeability	m/day	0.98	Mod.	Very low		
	Long Term Accept. Rate	L/day/sq m	4	High	Low		

Comments

Waste water disposal on site is limited by the soil permeability, as a result the calculated DLR based upon permeability has been reduced to allow for significant absorption of treated water within the soil system.

GES
Land suitability and system sizing for on-site wastewater management
 Trench 3.0 (Australian Institute of Environmental Health)

Environmental Sensitivity Report
Site assessment for on-site waste water disposal

Assessment for J Grimme
 2a Dial Road Penguin
 Assessed site(s) 9a Revell Lane, Penguin
 Local authority Central Coast

Assess. Date 9-May-11
 Ref. No.
 Site(s) Inspected 2-May-11
 Assessed by John Paul Cumming

This report summarises data relating to the environmental sensitivity of the assessed site(s) in relation to applied wastewater. Physical capability and system design issues are reported separately. The 'Alert' column flags factors with high (A) or very high (AA) limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

Alert	Factor	Units	Value	Confid level	Limitation		Remarks
					Trench	Amended	
	Cation exchange capacity	mmol/100g	75	High	Moderate		
	Phos. adsorp. capacity	kg/cub m	0.6	High	Moderate		
	Annual rainfall excess	mm	-138	High	Very low		
	Min. depth to water table	m	10	High	Very low		
	Annual nutrient load	kg	5.3	High	Low		
	G'water environ. value	Agric non-sensit		V. high	Low		
	Min. separation dist. required	m	10	High	Low		
	Risk to adjacent bores		Very low	V. high	Very low		
	Surf. water env. value	Agric non-sensit		V. high	Low		
	Dist. to nearest surface water	m	200	V. high	Moderate		
	Dist. to nearest other feature	m	100	V. high	Low		
	Risk of slope instability		Moderate	V. high	Moderate		
	Distance to landslip	m	100	V. high	Moderate		

Comments

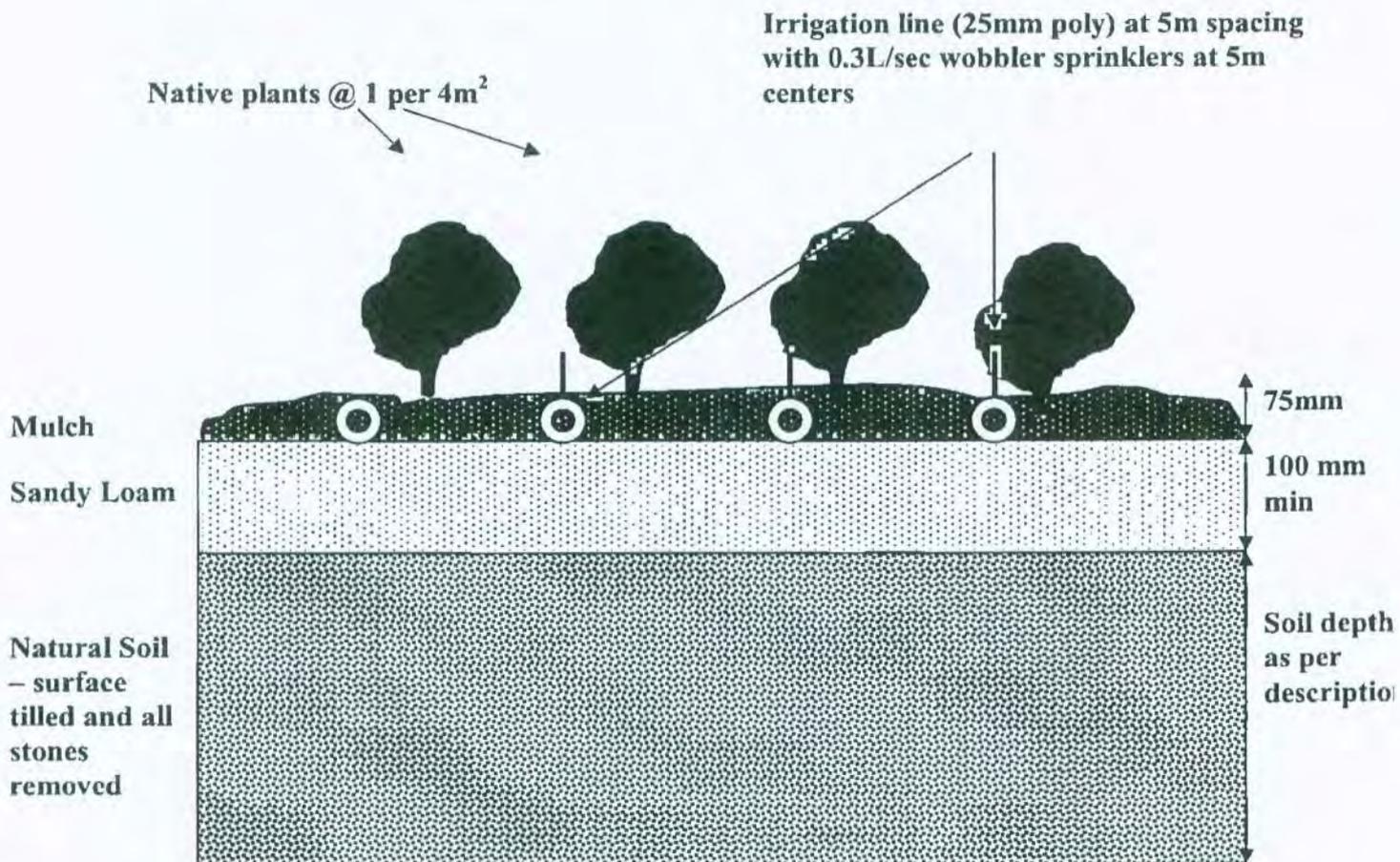
The mixed sandy and silty clay loam materials on site generally have a moderate CEC, to retain nutrients.

Figure 1 - AWTS and surface irrigation

AWTS - Raised irrigation bed design

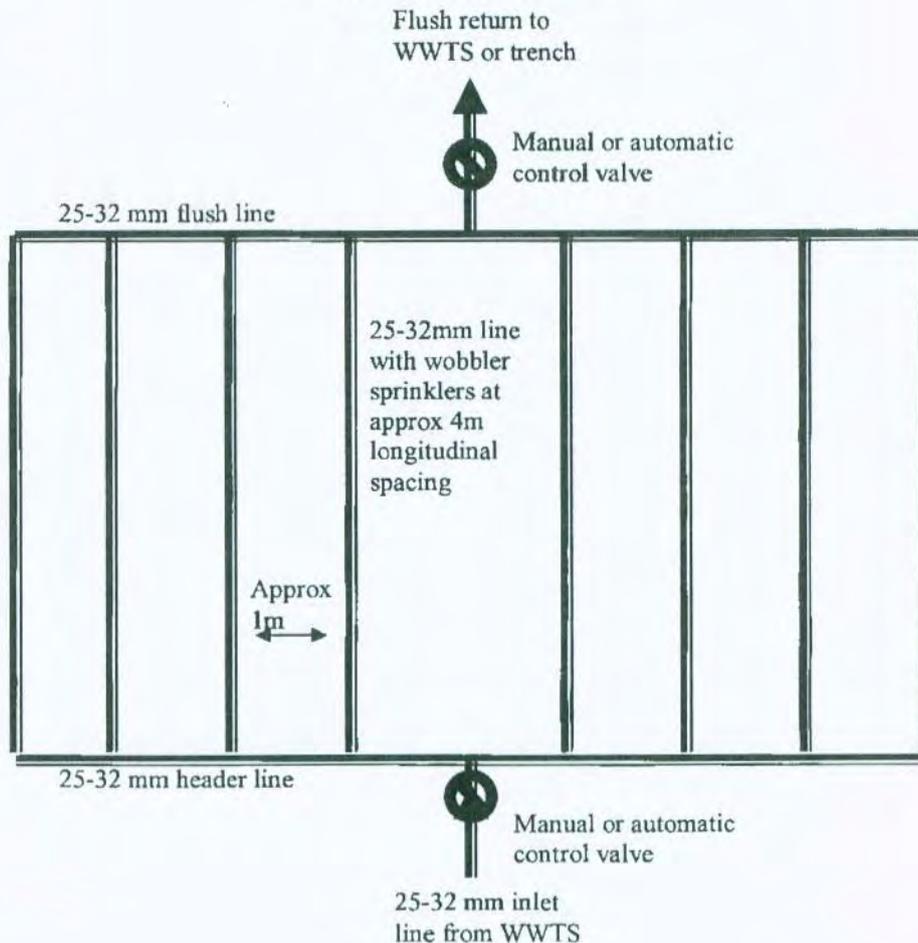
To be used in conjunction with site evaluation report for construction of irrigation areas for use with aerated wastewater treatment systems (AWTS) on shallow, duplex, or clay soils. On dispersive soils gypsum should be added to tilled natural soil at $1\text{Kg}/5\text{m}^2$. For irrigation areas larger than 500m^2 the irrigation area should be split into multiples of at least 100m^2 with flow automatically switched between each area by a kraine valve.

Irrigation Area Cross Section



- The existing surface of the site should be tilled to a depth of 100mm with a conventional plough, discs or spring tines to break down the turf matt and any large soil clods
- A minimum of 100mm of loam should be added to the site to aid installation—the loam should be mixed into the exiting subsoil with another pass of the cultivating tines or similar

Irrigation Area Plan View

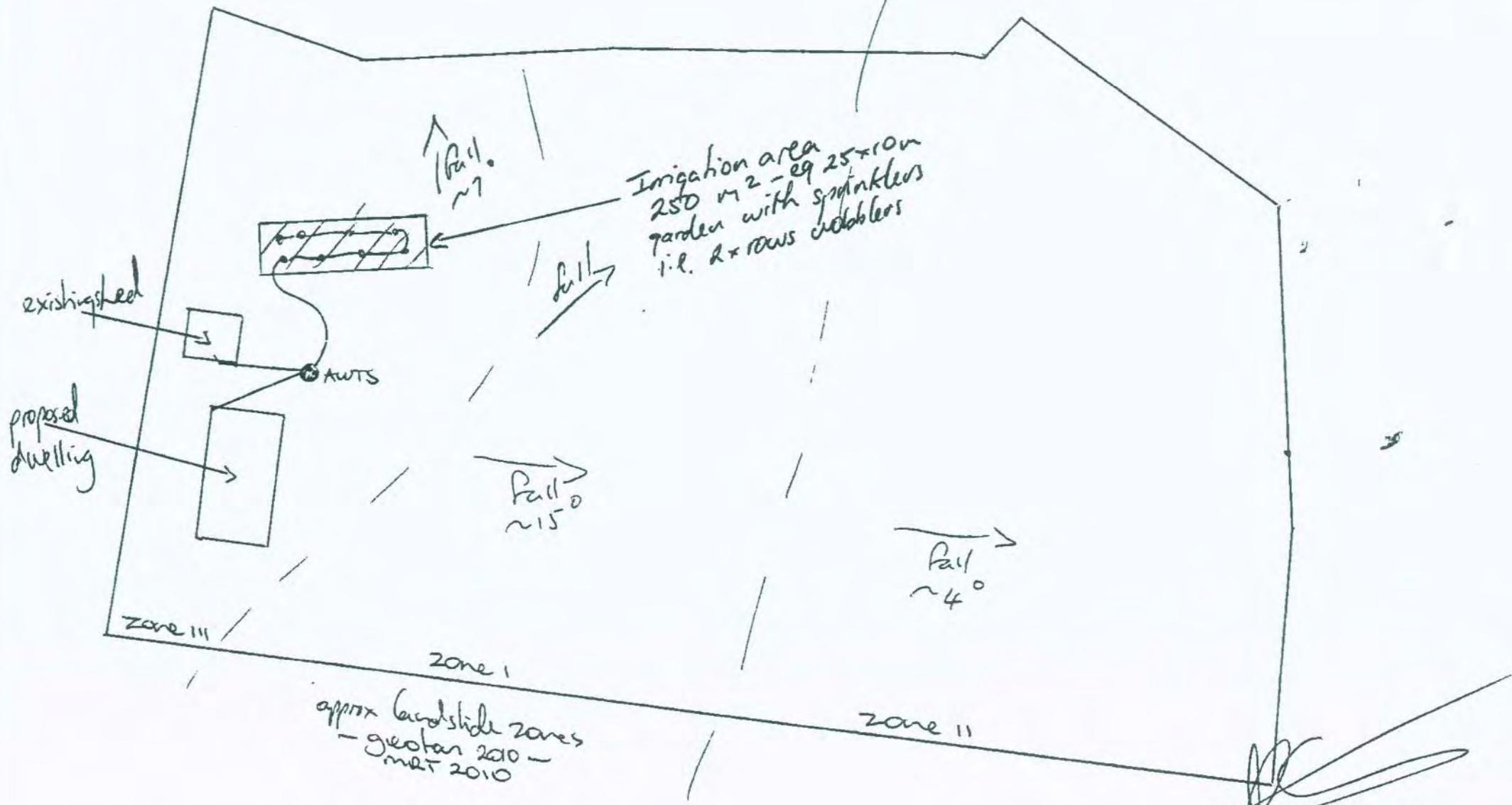


Design specifications:

1. Manufacturer's recommendations for spacing of lateral irrigation lines should be followed (i.e. wobbler® 5.56 mm sprinklers) with a lateral spacing of 1m and a longitudinal spacing of approx 4m to yield a spacing of 5-6m centres.
2. Typical sprinkler flow rates are 0.3L/sec per 5.56 mm emitter dependant pressure.
3. Dependant upon treatment system a 200µm filter may be installed at the pumping chamber outlet.
4. A flush line must be installed at the lowest point/bottom of the irrigation area with a return valve for flushing back into the treatment chamber of the system (not into the primary chamber as it may affect the performance of the microbial community) or to a dedicated absorption trench.
5. The minimum irrigation pumping capacity should be a 12m head or 120 kpa measured at the highest point of the irrigation area.

9a Level Curve.
approx 1:1000 (A4)

↑ N



approx landslide zones
- geobas 2010 -
- MBT 2010

GEO-ENVIRONMENTAL
SOLUTIONS
86 Queen St
Sandy Bay TAS 7005