
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, 27 February 2017 commencing at 6.00pm

Members attendance

Cr Jan Bonde (Mayor)
Cr Kathleen Downie
Cr Philip Viney

Cr Shane Broad
Cr Rowen Tongs
Ms Sandra Ayton

Members apologies

Cr Garry Carpenter
Cr Tony van Rooyen

Employees attendance

Director Infrastructure Services (Mr John Kersnovski)

Public attendance

No members of the public attended during the course of the meeting.

CONFIRMATION OF MINUTES OF THE COMMITTEE

7/2017 Confirmation of minutes

The Director Infrastructure Services reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 9 January 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.”

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- Cr Tongs moved and Cr Downie seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 9 January 2017 be confirmed.”

Carried unanimously

MAYOR’S COMMUNICATIONS

8/2017 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 Downie moved and Cr Viney seconded, “That the Mayor’s report be received.”

Carried unanimously

DECLARATIONS OF INTEREST

9/2017 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 Infrastructure 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

10/2017 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 6.03pm. The workshop having been concluded, the Mayor resumed the meeting at 6.09pm.

DEPUTATIONS

11/2017 Deputations

The Director Infrastructure Services reported as follows:

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

OPEN REPORTS

12/2017 **Residential (dwelling and outbuilding – shed) – development to a natural hazard (landslide) at 8 Davis Street, Leith – Application No. DA216128**

The Director Infrastructure Services reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION No.:</i>	DA216128
<i>PROPOSAL:</i>	Residential (dwelling and outbuilding – shed) – development exposed to a natural hazard (landslide)
<i>APPLICANT:</i>	PLA Designs Pty Ltd
<i>LOCATION:</i>	8 Davis Street, Leith
<i>ZONE:</i>	Rural Living
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013 (the Scheme)</i>
<i>ADVERTISED:</i>	1 February 2017
<i>REPRESENTATIONS EXPIRY DATE:</i>	15 February 2017
<i>REPRESENTATIONS RECEIVED:</i>	Three
<i>42-DAY EXPIRY DATE:</i>	10 March 2017
<i>DECISION DUE:</i>	27 February 2017

PURPOSE

The purpose of this report is to consider an application for a dwelling and shed at 8 Davis Street, Leith.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representations;
- . Annexure 4 – photographs;
- . Annexure 5 – TasWater Submission to Planning Authority Notice TWDA 2017/00128-CC; and
- . Annexure 6 – Statement of Compliance from Road Authority and Stormwater Authority.

BACKGROUND

Development description -

Application is made for a 314.94m² single-storey dwelling and 80m² shed on land that is zoned Rural Living. The dwelling would accommodate an internal double garage, four bedrooms, a rumpus room, open plan kitchen/living/dining area and a deck with a built-in pizza oven and barbeque.

The residential building would be clad with a combination of "Scyon", "Axon" and "Martix" material. The shed would be clad with "Colorbond" material.

Site description and surrounding area -

The 1.04ha site forms part of a subdivision sealed in 2012 and is identified as a medium risk landslide area. The site is an internal, undulating allotment that has been cleared of native vegetation. The land has access to a reticulated water supply and would rely on on-site wastewater management.

Adjoining land to the north, south and west is also zoned Rural Living, with recently approved dwellings established or under construction. Adjoining land to the east is zoned Rural Resource.

History -

No history relevant to this application.

DISCUSSION

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

13.0 Rural Living

CLAUSE	COMMENT
13.3 Use Standards	
13.3.1 Discretionary permit use	
<p>13.3.1-(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 residential use on adjacent land in the zone.</p>	<p>Not applicable.</p> <p>Residential use is Permitted.</p>
13.3.2 Impact of use	
<p>13.3.2-(A1) Permitted non-residential use must adjoin at least one residential use on the same sheet frontage.</p>	<p>Not applicable.</p> <p>Use is Residential.</p>
<p>13.3.2-(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.</p>	<p>Not applicable.</p> <p>Use is 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 is Residential.</p>
<p>13.4 Development standards</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>(a)(i) Compliant. Lot has an area of 1.04ha.</p> <p>(a)(ii) Not applicable. Satisfied by (a)(i).</p> <p>(b)(i) Compliant. Building area, incorporating the dwelling and shed, would be 394.94m².</p> <p>(b)(ii) Compliant. Dwelling would be setback approximately 108m from the front boundary, 14m from the southern side boundary and 10m from the northern side boundary. The rear setback would be greater than 85m.</p> <p>(b)(iii) Not applicable. No applicable zone boundary.</p> <p>(b)(iv) Not applicable. No easement shown on the Title.</p> <p>(b)(v) Not applicable. No right of way benefiting other land.</p> <p>(b)(vi) Not applicable. No restriction imposed by a utility.</p>

<ul style="list-style-type: none"> (v) clear of any registered right of way benefiting 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. 	<ul style="list-style-type: none"> (b)(vii) Not applicable. No access strip. (b)(viii) Compliant. Development would be clear of proposed wastewater disposal site. Stormwater would be directed to the Davis Street culvert. (b)(ix) Compliant. Access strip frontage to Davis Street.
<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 	<ul style="list-style-type: none"> (a) Not applicable. Satisfied by (b). (b) Compliant. Site has an access strip connecting to the Davis Street frontage. (c)(i) Not applicable. Satisfied by (b). (c)(ii) Not applicable. Satisfied by (b). (d) Compliant. Access strip has a width of 8.13m. (e) Compliant. Development would need to be in accordance with the Statement of Compliance from the Stormwater Authority.

<p>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 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. The Council's Planning Permit would require compliance with TasWater's approval, included as an attachment to the Planning Permit.</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>(a) Not applicable. The site is not connected to the reticulated sewerage system.</p> <p>(b)(i) Compliant. Land cannot drain to a reticulated sewer system.</p> <p>(b)(ii)a. Compliant. Development is for a single dwelling.</p> <p>(b)(ii)b. Not applicable. Satisfied by (b)(iii).</p> <p>(b)(ii)c. Not applicable. Satisfied by (b)(iii).</p> <p>(b)(iii) Compliant. The application is accompanied by a Geo–Environmental Assessment Report by Geo–Environmental Solutions Pty Ltd and a landslide risk assessment that locates a preferred area for an on–site wastewater system clear of any defined building area or access strip.</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>(a) Not applicable. Satisfied by (b)(ii)a.</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>(b)(i) Compliant. Site to drain to the Davis Street culvert that empties into the Forth River.</p> <p>(b)(ii)a. Compliant. Site has a land area of 1.043ha.</p> <p>(b)(ii)b. Compliant. Disposal would be clear of building area.</p> <p>(b)(ii)c. Compliant. Disposal area is not within an area required for disposal of sewerage.</p> <p>(b)(ii)d. Compliant. Disposal area is not within an access strip.</p> <p>(b)(ii)e. Compliant. Not more than 50% of the site would be of an impervious surface.</p> <p>(b)(iii) Compliant. Development is for a single dwelling.</p>
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13.4.2 Dwelling density	
<p>13.4.2-(A1) The site area per dwelling must:</p> <p>(a) be not less than 1.0 hectare; or</p> <p>(b) if the site is in a locality shown in the Table to this clause, the site area for that locality.</p>	<p>(a) Compliant. Site area is 1.04ha.</p> <p>(b) Not applicable. Satisfied by (a).</p>
13.4.3 Location and configuration of development	
<p>13.4.3-(A1) A building, utility structure, garage or carport must be set back from a frontage –</p> <p>(a) not less than 20.0m;</p> <p>(b) not less than or not more than the setbacks for any existing building on each of the immediate adjoining sites;</p> <p>(c) not less than for any building retained on the site;</p> <p>(d) in accordance with any building area shown on a sealed plan of subdivision; or</p> <p>(e) if the site abuts a road shown in the Table to this Clause, the setback specified for that road; or</p>	<p>(a) Compliant. Proposed dwelling would be setback 108m from the frontage to Davis Street.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. No building retained on the site. Satisfied by (a).</p> <p>(d) Compliant. Sealed Plan shows a restrictive building area on the Title. Development would be contained within the restrictive building area.</p> <p>(e) Not applicable. Site does not abut the Bass Highway.</p> <p>(f) Compliant. Development satisfies the frontage setback, including the setback shown in the Table to this Clause.</p>

<p>(f) if the site is in a locality shown in the Table to this Clause, the setback for that locality.</p>	
<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) if the site is in a locality shown in the Table to this Clause, the setback for that locality; or</p> <p>(f) any building area shown on a sealed plan; and</p> <p>(g) building height of not more than 8.5m.</p>	<p>(a) Compliant. Proposed dwelling would be setback 108m from the Davis Street frontage.</p> <p>(b) Compliant. Dwelling would be setback 14m from the southern side boundary, 37m from the northern side boundary. Shed would be setback 56m from the southern side boundary and 10m from the northern side boundary.</p> <p>(c) Compliant. Dwelling and shed would be setback over 85m from the rear boundary.</p> <p>(d) Compliant. Development would be clear of building areas on adjacent lots.</p> <p>(e) Compliant. Development meets the setbacks as shown in the Table to this Clause.</p> <p>(f) Compliant. Development is outside the restrictive building envelope that is shown on the Sealed Plan.</p> <p>(g) Compliant. Maximum building height would be approximately 5.5m.</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>(a) Compliant. Site coverage would be 394.94m².</p> <p>(b) Compliant. Separate sewerage disposal area is shown on the site plan. Stormwater would drain to the Davis Street culvert.</p> <p>(c) Not applicable. Satisfied by (b).</p>
<p>13.4.3–(A4)</p> <p>(a) A utility structure must be a power pole, antenna or a single domestic-scale turbine to a maximum of 10m in height which is:</p> <p>(i) not part of a wind farm;</p> <p>(ii) not sited on a skyline; and</p> <p>(iii) if a wind turbine, not located within 60m of a dwelling in other ownership nor within 30m of a public road.</p> <p>(b) A building, except a utility structure must be –</p> <p>(i) located not less than 15m below the level of any adjoining ridgeline; and</p> <p>(ii) not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland.</p>	<p>(a)(i) Not applicable. Not a utility structure.</p> <p>(a)(ii) Not applicable. Not a utility structure.</p> <p>(a)(iii) Not applicable. Not a utility structure.</p> <p>(b)(i) Compliant. Dwelling would be located approximately 34m below adjoining ridgeline.</p> <p>(b)(ii) Compliant. Development would be 358m from the Forth River.</p> <p>(b)(iii) Compliant. Shed would be in “Woodland Grey Colorbond”.</p>

<p>(iii) Clad and roofed with materials with a light reflectance value of less than 40%.</p>	
<p>13.4.3-(A5) Area for the display, handling of good, storage or waste must not be located in front of the building line.</p>	<p>Compliant.</p> <p>No area for waste and storage would be located in front of the building line.</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>(a) Compliant. Development would not be less than 10m from rear and side boundaries.</p> <p>(b) Not applicable. Satisfied by (a).</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>Access strip is greater than 5m from any adjoining dwelling. The access strip would be approximately 21m to the adjoining dwelling to the north (10 Davis Street) and 30m to the dwelling located to the south (4 Davis Street).</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 dwelling development 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 dwelling development 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>(a) Compliant. Site adjoins a Rural Resource zone allotment to the east. The development setback required is 10m. The proposed development would be setback over 85m from the zone boundary.</p> <p>(b) Compliant. Site adjoins a Rural Resource zone allotment to the east. Development would be contained within the required building envelope.</p>

<p>13.4.6–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) a major road identified in the Table to this clause;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(a) Compliant. Dwelling is 593m from the Bass Highway.</p> <p>(b) Compliant. Dwelling is 653m from the Western Rail Line.</p> <p>(c) Not applicable. There is no land designated in the Scheme for future road or rail purposes.</p> <p>(d) Compliant. Closest proclaimed wharf area is in Devonport, approximately 15km to the east.</p>
<p>13.4.7 Subdivision</p>	
<p>13.4.7–(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) intended for residential use;</p> <p>(b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority.</p>	<p>Not applicable.</p> <p>Not a subdivision.</p>
<p>13.4.7–(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot.</p>	<p>Not applicable.</p> <p>Not a subdivision.</p>

13.4.8 Reticulation of an electricity supply to new lots on a plan of subdivision	
13.4.8–(A1) Electricity reticulation and site connections must be installed underground.	Not applicable. Not a subdivision.
CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Not a subdivision, hazardous or vulnerable use.
E2 Airport Impact Management Code	Not applicable. No Airport Impact Management Code in the Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of vegetation proposed.
E4 Change in Ground Level Code	Not applicable. No change in ground level greater than 1m.
E5 Local Heritage Code	Not applicable. No Heritage listings in this Scheme.
E6 Hazard Management Code	
E6.2 Application of the Code	Applicable. Site identified as subject to medium landslide risk.
E6.4 Use or Development Exempt from this Code	Not exempt. Site identified as subject to medium landslide risk.

E6.5 Use Standards	
E6.5.1 Use on potentially contaminated land	
<p>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:</p> <p>(a) soil disturbance and development is carried out in accordance with requirements in a hazard risk assessment for contamination;</p> <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>Not applicable.</p> <p>Not identified as a contaminated site.</p>
E6.5.2 Use likely to be exposed to a natural hazard	
<p>E6.5.2–(A1) If a use is on land within an area of 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>(a) Not applicable. Not a critical, a hazardous or vulnerable use.</p> <p>(b) Compliant. Development is Residential use in an area where level of risk is low–medium.</p> <p>(c) Compliant. The application is accompanied by a hazard risk report by Geo–Environmental Solutions Pty Ltd dated December 2016. The report examines</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>site drainage, geomorphology, geological conditions, slope angles and laboratory testing of drill hole samples from the site. The report concludes that the level of risk to residential use on the site is low-medium and that such use would not adversely impact on the stability of the site and/or immediate surrounds.</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>(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</p>	<p>Not applicable.</p> <p>Not identified as a contaminated site.</p>

<p>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 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 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 hazard management.</p>	<p>(a)(i) Not applicable. Satisfied by (a)(ii).</p> <p>(a)(ii) Compliant. The application is accompanied by a hazard risk report by Geo-Environmental Solutions Pty Ltd dated December 2016. The report examines site drainage, geomorphology, geological conditions, slope angles and laboratory testing of various drill hole samples from the site. The report concludes that the level of risk to development on site is low-medium, that development would not adversely impact on the stability of the site and/or immediate surrounds and that a tolerable level of risk can be achieved for the type, form, scale and duration of the development, if the development adheres to report recommendations.</p> <p>(b) Not applicable. No hazard management works required on another title.</p>

E7 Sign Code	Not applicable. No signage proposed.
E8 Telecommunication Code	Not applicable. No telecommunication facilities proposed.
E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Applicable. Applies to all use and development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme.
E9.5 Use Standards	
E9.5.1 Provision for parking	
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 includes an internal double garage and shed.
E9.5.2 Provision for loading and unloading of vehicles	
E9.5.2-(A1) There must be provision within a site for: (a) on-site loading area in accordance with the requirement in the Table to this Code; and (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.	(a) Not applicable. On-site loading not required in the Rural Living zone. (b) Not applicable. Passenger pick-up and set-down facilities not required for Residential use.

E9.6 Development Standards	
E9.6.2 Design of vehicle parking and loading areas	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	<p>Compliant.</p> <p>Development would be required to collect, store and dispose of stormwater.</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>(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>(a) Compliant. Development is capable of complying with AS/NZS 2890.1–(2004) – Parking Facilities – Off-Street Car Parking.</p> <p>(b) Not applicable. Applies where 20 spaces are proposed or required.</p> <p>(c) Not applicable. Applies where 20 spaces are proposed or required.</p> <p>(d) Not applicable. Applies where 20 spaces are proposed or required.</p> <p>(e) Compliant. The site is able to accommodate this Standard.</p> <p>(f) Compliant. The site is able to accommodate this Standard.</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>(g) Compliant. Condition to be applied to any Permit issued.</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>Compliant.</p> <p>Condition to be applied to any Permit issued.</p>
<p>E10 Water and Waterways Code</p>	<p>Not applicable. The site is approximately 358m from the Forth River.</p>
<p>Specific Area Plans</p>	<p>Not applicable. No Specific Area Plans apply to this location.</p>

Issues –

1 Development on a site exposed to a natural hazard (landslide) –

The site is identified on the Council's landslide overlay map as being subject to medium landslide risk. The Sealed Plan has a restrictive building envelope applied to the land in response to a geotechnical assessment and recommendations made at the time of subdivision of the land in 2012. The proposed development would be within the required building envelope.

Due to the location of the land in a medium landslide risk area, any development application, including on-site wastewater management design, must be accompanied by a geotechnical assessment by a qualified geotechnical engineer.

The application for a single dwelling and shed is accompanied by a hazard risk report by Geo-Environmental Solutions Pty Ltd dated December 2016. The report examines site drainage, geomorphology, geological conditions, slope angles and responds to laboratory testing of various drill holes across the site. The report concludes that the level of risk to development on site is low-medium; that development would not adversely impact on the stability of the site and/or immediate surrounds and that a tolerable level of risk can be achieved for the type, form, scale and duration of the development, providing report recommendations are adhered to.

Geotechnical report recommendations are summarised as follows:

- (a) Adequate site drainage be installed capable of reticulating the landslide trigger value of 200mm per day and delivering the water to stormwater outlets.
- (b) All stormwater should be immediately directed to mains outlets upon the construction of hard surfaces to minimise any possible water accumulation and excess flows onto the steep slopes below.
- (c) Recommendations of the Australian Geomechanics "Practice Note Guidelines for Landslide Risk Management 2007 Appendix G – Some Guidelines for Hillside Construction" be followed.
- (d) Site cutting/filling should be avoided.

-
- (e) Careful attention should be paid to foundation design and drainage design to further eliminate the potential for foundation movement. This should occur after individual soil tests, compliant with AS2870–2011, to be commissioned at the building approval stage.
 - (f) All earthworks on site must comply with AS3798–2007 and sediment and an erosion control plan should be implemented on-site during and after construction.

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	Refer to the Statement of Compliance from the Road Authority and Stormwater Authority at Annexure 6.
TasWater	No conditions required. Refer to the Submission to Planning Authority Notice TWDA 2017/00128-CC at Annexure 5.
Department of State Growth	Referral was not required.
Environment Protection Authority	Referral was not required.
TasRail	Referral was not required.
Heritage Tasmania	Referral was not required.
Crown Land Services	Referral was not required.
Other	Referral was not required.

CONSULTATION

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

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

Representations –

Three representations were received within the prescribed time, copies of which are provided at Annexure 3. Two of the representations are from the same representors and raise similar matters.

The representations are summarised and responded to as follows:

MATTER RAISED	RESPONSE
REPRESENTATIONS 1 & 2	
<p>1 The access road will lead to dust if the road is not sealed. This would mean windows could not be opened and there would be dust on outdoor entertaining areas.</p>	<p>The access road to 8 Davis Street would be approximately 21m to the adjoining dwelling to the north (10 Davis Street) and 30m to the dwelling located to the south (4 Davis Street). The Scheme requires that access roads be setback 5m from adjoining dwellings. The proposed development meets this requirement.</p> <p>The Scheme also requires that, in the Rural Living zone, access strips, driveways and car parking areas be designed and constructed in accordance with the principles and requirements of the current edition of “Unsealed Roads Manual – Guideline for Good Practice ARRB”. This means that roads are to be constructed with a compacted sub-base and an all-weather gravel surface. In the Rural Living zone, the subject development is not</p>

	<p>required to seal the access road with concrete or asphalt, but must rely on a properly constructed gravel road.</p> <p>The Council would require, as a condition on the Permit, that the internal roadway be constructed with a compacted sub-base and all-weather surface; in accordance with the “Unsealed Road Manual – Guideline for Good Practice ARRB”.</p>
<p>REPRESENTATION 3</p>	
<p>1 Adjoining property owners request that an aerated water treatment system (AWTS) be required on the site as the development proposes three soakage trenches across the rear of the adjoining land and would create a siphon effect directly into the adjoining land.</p>	<p>A wastewater system has been designed by a certified professional soil scientist. The same professional undertook the assessment and reporting of geotechnical matters associated with the site. The geotechnical assessment of the land concludes that, “...the risk of land instability on either the subject site or neighbouring sites will not increase substantially as a result of development within the proposed building envelopes provided that current best practice for construction on sloping sites and soil and water management practices are followed...”.</p> <p>The wastewater system proposed is a trench system that comprises three absorption trenches, located 10m from the adjoining land to the west and 5m from the adjoining land to the north. The consultant makes comment that, if a package treatment system was preferred, such as an AWTS system, then an irrigation area of 329m would be required. The wastewater report</p>

	<p>does not recommend one system over another, either would be adequate and it would be the developer's decision as to what system was installed.</p> <p>The Planning Permit is not approval of a specific system, rather demonstration that the site can accommodate and manage wastewater on the site.</p>
2 It is noted both the geotechnical report and consultant's planning report highlight "best practice" site water management practices.	Refer to comment above.
3 Request that an adequate stormwater drain be installed in the access road area, to stop stormwater flowing onto adjoining land.	<p>It would be a requirement of any Permit issued that stormwater from the dwelling, shed and roadway be collected and disposed of to an approved stormwater system. In this case, to the stormwater culvert in Davis Street.</p> <p>Refer to Statement of Compliance – Annexure 6.</p>
4 Request that the access road be sealed with a hard surface to stop dust nuisance.	Refer to comments above.

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 matter raised in the representations would be mitigated by a condition to the Planning Permit, requiring road construction to incorporate a compacted sub-base and an all-weather surface, in accordance with the “Unsealed Road Manual – Guideline for Good Practice ARRB”.

Issues associated with development within an identified medium landslide area would also be addressed with a condition to the Planning Permit, requiring development to be in accordance with the recommendations contained within the geotechnical report by Geo-Environmental Solutions.

Recommendation –

It is recommended that the application for Residential (dwelling and outbuilding – shed) – development exposed to a natural hazard (landslide) at 8 Davis Street, Leith be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by PLA Designs Drawing Nos.:
 - 16119-01, Revision C, dated 23 January 2017;
 - 16119-02, Revision D, dated 6 December 2016;
 - 16119-03, revision E, dated 6 December 2016;
 - 16119-04, Revision C, dated 23 January 2017;
 - 16119-05, Revision C, dated 23 January 2017;
 - 16119-06, Revision B, dated 23 January 2017;
 - 16119-07, Revision A, dated 23 January 2017;

and plans by Northern Consulting Engineers, Job No. DEVN13388, Sheet Nos. 1 of 6 and 6 of 6, dated 8 December 2016 unless modified by a condition of this Permit.

- 2 The on-site disposal of domestic wastewater must be in accordance with the Geo-Environmental Assessment by Geo-Environmental Solutions dated December 2016 and clear of any defined building area or access driveway.
- 3 The development must be undertaken in accordance with the recommendations contained in the Geotechnical Assessment by Geo-Environmental Solutions dated December 2016.

-
- 4 All internal access driveways and vehicle parking and manoeuvring areas must be constructed with a compacted sub-base and all-weather surface in accordance with the “Unsealed Road Manual – Guideline for Good Practice ARRB”.
 - 5 The development must be in accordance with the conditions of the TasWater Submission to Planning Authority Notice TWDA 2017/00128-CC dated 3 February 2017 (copy attached).
 - 6 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 15 February 2017, issued by the Council acting in its capacity as the Road Authority and the Stormwater Authority (copy attached).

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 "Substantial commencement" is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Building and Plumbing Permits are required for the proposed development. A copy of this Planning Permit must be given to your building surveyor.'

The report is supported.”

The Director Infrastructure Services further reported as follows:

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

- Cr Tongs moved and Cr Viney seconded, “That the application for Residential (dwelling and outbuilding – shed) – development exposed to a natural hazard (landslide) at 8 Davis Street, Leith be approved subject to the following conditions and notes:

1 The development must be substantially in accordance with the plans by PLA Designs Drawing Nos.:

- . 16119-01, Revision C, dated 23 January 2017;
- . 16119-02, Revision D, dated 6 December 2016;
- . 16119-03, revision E, dated 6 December 2016;
- . 16119-04, Revision C, dated 23 January 2017;
- . 16119-05, Revision C, dated 23 January 2017;
- . 16119-06, Revision B, dated 23 January 2017;
- . 16119-07, Revision A, dated 23 January 2017;

and plans by Northern Consulting Engineers, Job No. DEVN13388, Sheet Nos. 1 of 6 and 6 of 6, dated 8 December 2016 unless modified by a condition of this Permit.

2 The on-site disposal of domestic wastewater must be in accordance with the Geo-Environmental Assessment by Geo-Environmental Solutions dated December 2016 and clear of any defined building area or access driveway.

3 The development must be in accordance with the recommendations contained in the Geotechnical Assessment by Geo-Environmental Solutions dated December 2016.

4 All internal access driveways and vehicle parking and manoeuvring areas must be constructed with a compacted sub-base and all-weather surface in accordance with the 'Unsealed Road Manual - Guideline for Good Practice ARRB'.

5 The development must be in accordance with the conditions of the TasWater Submission to Planning Authority Notice TWDA 2017/00128-CC dated 3 February 2017 (copy attached) (a copy being appended to and forming part of the minutes).

6 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 17 February 2017, issued by the Council acting in its capacity as the Road Authority and the Stormwater Authority (copy attached) (a copy being appended to and forming part of the minutes).

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 'Substantial commencement' is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.

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

Carried unanimously

Closure

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

CONFIRMED THIS DAY OF , 2017.

Chairperson

(jjk:km)

Appendices

Minute No. 12/2017 - TasWater Submission to Planning Authority Notice Reference No. TWDA 2017/00128-CC dated 3 February 2017 - Application No. DA216128

Minute No. 12/2017 - Statement of Compliance for Vehicular Access and Drainage Access dated 17 February 2017 - Application No. DA216128

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

Appendices

Submission to Planning Authority Notice

Council Planning Permit No.	DA216128	Council notice date	30/01/2017
TasWater details			
TasWater Reference No.	TWDA 2017/00128-CC	Date of response	03/02/2017
TasWater Contact	Amanda Craig	Phone No.	03) 6345 6318
Response issued to			
Council name	CENTRAL COAST COUNCIL		
Contact details	planning.cmw@centralcoast.tas.gov.au		
Development details			
Address	8 DAVIS ST, LEITH	Property ID (PID)	3223461
Description of development	New Dwelling and shed		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
PLA Designs	Site Plan 16119-02	D	06/12/2016
Conditions			
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.			
Advice			
For information on TasWater development standards, please visit http://www.taswater.com.au/Development/Development-Standards			
For application forms please visit http://www.taswater.com.au/Development/Forms			
The developer is responsible for arranging to locate existing TasWater infrastructure and clearly showing it on any drawings. Existing TasWater infrastructure may be located by TasWater (call 136 992) on site at the developer's cost, alternatively a surveyor and/or a private contractor may be engaged at the developers cost to locate the infrastructure.			
TasWater have a small number of townships that are on Boil Water and Do Not Consume Alerts. Please visit http://www.taswater.com.au/News/Outages---Alerts for a current list of these areas.			
Declaration			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.		<p style="text-align: center;">CENTRAL COAST COUNCIL</p> <p>I certify that this is the TasWater Submission to Planning Authority Notice Ref. No. TWDA 2017/00128-CC - 8 Davis Street Leith Application No. DA216128 referred to in Minute No. 12/2017 of a meeting of the Development Support Special Committee Council held on 27/02/2017</p> <p style="text-align: center;"> Executive Services Officer</p>	
Authorised by			
 Jason Taylor Development Assessment Manager			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

Annexure 6

15 February 2017

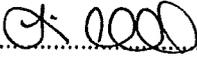
Our ref.: DA216128, paa:kaa

Doc ID: 262898

PLA Designs Pty Ltd
PO Box 428
SOMERSET TAS 7322

Attn: Paul Allen

Dear Mr Allen

CENTRAL COAST COUNCIL the Statement of Compliance I certify that this is <u>for Vehicular Access and</u> <u>Drainage Access for 8 Davis Street, Leith -</u> Application No. <u>DA216128</u>referred to in Minute No. <u>12/2017</u> of a meeting of the <u>Development Support Special Committee</u> <u>Council</u> held on <u>27/02/2017</u>  Executive Services Officer

LOCAL GOVERNMENT (HIGHWAYS) ACT 1982 AND URBAN DRAINAGE ACT 2013
STATEMENT OF COMPLIANCE FOR VEHICULAR ACCESS AND DRAINAGE ACCESS
DWELLING & OUTBUILDING - 8 DAVIS STREET, LEITH

I refer to your application DA216128 for a dwelling and outbuilding at 8 Davis Street, Leith, and based on the information supplied with the application make the following determination in respect to vehicular access and the disposal of stormwater.

Access can be provided to the road network at 8 Davis Street, Leith subject to the following:

- R1 The existing access located on the Davis Street frontage shall be used as the access to the property;
- R2 A separate conditioned approval from the Council acting in its capacity as the Road Authority will be required for any works or activity in the road reservation, and must be arranged prior to any work associated with the development being undertaken. Please contact the Council Public Safety Coordinator on 0419 103 887.
- R3 Any damage or disturbance to roads, verges or roadside drains resulting from activity associated with the development must be rectified;
- R4 All works or activity listed above shall be completed to the satisfaction of the Council's Director Infrastructure Services or his representative;
- R5 All works or activity listed above shall be at the developer's/property owner's cost.

Limited access can be provided to the Council's stormwater network 8 Davis Street, Leith to drain stormwater from the proposed dwelling and shed subject to the following:

- S1 The discharge of stormwater to the Davis Street roadside open drain will be allowed provided that the discharge is managed so as to minimise the impact on the roadside open drain and downstream drainage system, to the satisfaction of the Council's Director Infrastructure Services;
- S2 The disposal of concentrated stormwater drainage from buildings and hard surfaces shall be as required and/or approved by the Council's Regulatory Services Group Leader or his representative;
- S3 The connection to the Davis Street roadside open drain shall be via a pipeline in the road reservation from 8 Davis Street. This will be a private pipeline and is not a stormwater connection point provided by the Council;
- S4 Any work associated with existing stormwater infrastructure will be undertaken by the Council;
- S5 Any damage or disturbance to existing stormwater infrastructure resulting from activity associated with the development must be rectified;
- S6 All works or activity listed above shall be completed to the satisfaction of the Council's Director Infrastructure Services or his representative;
- S7 All works or activity listed above shall be at the developer's/property owner's cost.

This 'Statement of Compliance' is not an approval to work on any access, work in the road reservation or undertake stormwater drainage works, nor is it a planning permit for the dwelling and shed. This 'Statement of Compliance' is valid for a period of 2 years from the date shown above.

A copy of this 'Statement of Compliance' has been provided to the Council's Land Use Planning Group for consideration with planning permit application DA216128.

Please contact me on tel. 6429 8977 should you have any further enquires.

Yours sincerely



Philip Adams
ENVIRONMENTAL ENGINEER
Encl.

✓ Administrative Assistant - Planning
Regulatory Services Administration Officer
Public Safety Coordinator

C O'Doherty & D A Lovell
c/- Howth Nursery
210 Nine Mile Road
HOWTH TAS 7316

A COPY FOR YOUR INFORMATION