
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, 29 February 2016 commencing at 6.00pm

Members attendance

Cr Jan Bonde (Mayor)
Cr Garry Carpenter
Ms Sandra Ayton

Cr Shane Broad
Cr Philip Viney

Members apologies

Cr Tony van Rooyen

Employees attendance

Director Community Services (Mr Cor Vander Vlist)

Public attendance

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

CONFIRMATION OF MINUTES OF THE COMMITTEE

1/2016 Confirmation of minutes

The Director Community Services reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 30 November 2015 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 Viney moved and Cr Broad seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 30 November 2015 be confirmed.”

Carried unanimously

MAYOR’S COMMUNICATIONS

2/2016 Mayor’s communications

The Mayor reported as follows:

“Under the terms of appointment of the Development Support Special Committee, it acts in agreed circumstances as if it were the Council and, accordingly, as a planning authority under the *Land Use Planning and Approvals Act 1993*.”

Members are reminded that the *Local Government (Meeting Procedures) Regulations 2015* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.

In the event that items listed for consideration are referred, under the terms of the Committee’s appointment, to the Council (e.g. any matter the Committee cannot determine unanimously), or if the Committee is unable to make a determination within the relevant statutory time limit, such items will be referred to a meeting of the Council for a decision.”

- Cr Carpenter moved and Cr Broad seconded, “That the Mayor’s report be received.”

Carried unanimously

PECUNIARY INTEREST DECLARATIONS

3/2016 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

4/2016 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 6.08pm.

DEPUTATIONS

5/2016 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

6/2016 **Residential (dwelling) – variation to site area standard and setback of sensitive use from the Bass Highway at 28 Overall Street, Sulphur Creek – Application No. DA215104**

The Director Community Services reported as follows:

“The Consultant Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA215104
<i>PROPOSAL:</i>	Residential (dwelling) – variation to site area standard and setback of sensitive use from the Bass Highway
<i>APPLICANT:</i>	Porky & Co Pty Ltd
<i>LOCATION</i>	28 Overall Street, Sulphur Creek
<i>ZONE:</i>	Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	30 January 2016
<i>REPRESENTATIONS EXPIRY DATE:</i>	13 February 2016
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	3 March 2016
<i>DECISION DUE:</i>	29 February 2016

PURPOSE

The purpose of this report is to consider an application for the development of a single-storey, three bedroom dwelling at 28 Overall Street, Sulphur Creek.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – photograph of the site.

BACKGROUND

Development description -

Application is made for the development of a 175.11m² single-storey, three bedroom residence at 28 Overall Street, Sulphur Creek. The building would be of brick construction with a "Colorbond" roof.

The proposal includes an internal two car garage, two bathrooms and a wood heater in the living room.

Site description and surrounding area -

The development site is identified as 28 Overall Street, Sulphur Creek, and forms part of a 16 lot subdivision approved by the Council under Planning Permit DA213225. The land at that time was identified as 322 Preservation Drive, Sulphur Creek. The Council has sealed a Final Survey Plan for the creation of 16 lots over the land, however the Certificates of Title are yet to be issued by the Land Titles Office. The proposal the subject of this application is to be on designated Lot 1. The application site plan shows boundary lines, boundary setbacks and an allotment size that is drawn with due consideration of the Title pending for the land (hence the reference to Lot 1 on the Site Plan). The proposal has been assessed as though the lot has been granted Title.

The site adjoins the Bass Highway to the south and forms part of an ongoing residential development project over the site. Overall Street to the east, now the primary access road to the subject development site, is fully developed with existing dwellings.

History -

The Council has approved a 16 lot subdivision over the land under DA213225. In January 2016 the Council sealed the Final Survey Plan, however titles are yet to be issued by the Land Titles Office.

DISCUSSION

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

General Residential

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

10.4.1 Residential density for multiple dwellings	
<p>10.4.1-(A1) Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 325m²; or</p> <p>(b) if within a density area specified in Table 10.4.1 and shown on the planning scheme maps, that specified for the density area.</p>	<p>Not applicable. No residential dwellings proposed.</p>
10.4.2 Setbacks and building envelope for all dwellings	
<p>10.4.2-(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p> <p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback, from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p>	<p>(a) Compliant. The proposed dwelling is setback 5.89m from the frontage to the proposed street.</p> <p>(b) Not applicable. Compliant with 10.4.2-(A1)(a).</p> <p>(c) Not applicable. Compliant with 10.4.2-(A1)(a).</p> <p>(d) Not applicable. Complies with 10.4.2-(A1)(a).</p>

<p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) not less than 50.0m if the development is on land that abuts the Bass Highway.</p>	
<p>10.4.2-(A2) A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1.0m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1.0m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10.0m from the frontage.</p>	<p>(a) Compliant. Garage is setback approximately 10m from the primary frontage.</p> <p>(b) Not applicable. Complies with 10.4.2-(A2)(a).</p> <p>(c) Not applicable. Complies with 10.4.2-(A2)(a).</p>
<p>10.4.2-(A3) A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p>	<p>(a) Compliant. The proposal would be within the building envelope.</p> <p>(a)(i) Compliant. Rear setback would be greater than 18m.</p>

<p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at the side boundaries and a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level; and <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or (ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser). 	<p>(a)(ii) Compliant. Development wall is a maximum of 3m high and projects at a line of 45 degrees.</p> <p>(b) Compliant.</p> <p>(b)(i) Compliant. Eastern side boundary setback would be 2.4m and western side boundary setback would be 1.5m.</p> <p>(b)(ii) 1.5m.</p>
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10.4.3 Site coverage and private open space for all dwellings	
<p>10.4.3–(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60.0m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>(a) Compliant. Site coverage is below 50%.</p> <p>(b) Not applicable. Not a multiple dwelling.</p> <p>(c) Compliant. At least 25% of the site is free from impervious surfaces.</p>
<p>10.4.3–(A2) A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24.0m²; or</p> <p>(ii) 12.0m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	<p>(a)(i) Compliant. Private open space over the site would be in excess of 735m². Approximately 48m² would be north facing private open space.</p> <p>(a)(ii) Not applicable. Not a multiple dwelling.</p> <p>(b)(i) Compliant. The site's north facing private open space area has a horizontal dimension of 8m.</p> <p>(b)(ii) Not applicable. Not a multiple dwelling.</p>

<p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4.0m; or</p> <p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	<p>(c) Compliant. North facing private open space is accessible from the living room and kitchen.</p> <p>(d) Compliant. There would be 48m² of private open space located to the north of the dwelling.</p> <p>(e) Compliant. Private open space is located between the dwelling and the frontage however this is due to the orientation of the allotment that is orientated between 30 degrees west of north and 30 degrees east of north.</p> <p>(f) Compliant. The land is flat.</p> <p>(g) Compliant. Private open space would not be used for vehicular parking or access. The site plan details a separate area for access. The floor plan details an internal two car garage.</p>
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10.4.4 Sunlight and overshadowing for all dwellings	
10.4.4–(A1) A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Compliant. The living area and kitchen face between 30 degrees west of north and 30 degrees east of north.
<p>10.4.4–(A2) A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</p> <ul style="list-style-type: none"> (i) at a distance of 3.0m from the window; and (ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal. <p>(b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p>	Not applicable. Development is not a multiple dwelling.

<p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling. 	
<p>10.4.4-(A3) A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <ul style="list-style-type: none"> (i) at a distance of 3.0m from the northern edge of the private open space; and (ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal. <p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p>	<p>Not applicable. Development is not a multiple dwelling.</p>

<p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling. 	
<p>10.4.5 Width of openings for garages and carports for all dwellings</p>	
<p>10.4.5-(A1) A garage or carport within 12.0m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6.0m or half the width of the frontage (whichever is the lesser).</p>	<p>Not applicable. Development is not a multiple dwelling.</p>
<p>10.4.6 Privacy for all dwellings</p>	
<p>10.4.6-(A1) A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1.0m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3.0m from the side 	<p>Compliant. The proposed porch is not 1m above natural ground level.</p>

<p>boundary; and</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4.0m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6.0m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p>	
<p>10.4.6–(A2) A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1.0m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <p>(i) is to have a setback of at least 3.0m from a side boundary; and</p> <p>(ii) is to have a setback of at least 4.0m from a rear boundary; and</p>	<p>Compliant. No windows or doors would have a floor level more than 1m above the natural ground level.</p>

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

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

10.4.8 Waste storage for multiple dwellings	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a communal storage area with an impervious surface that:</p> <p>(i) has a setback of at least 4.5m from a frontage; and</p> <p>(ii) is at least 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>	<p>Not applicable. Proposed development is not a multiple dwelling.</p>
10.4.9 Suitability of a site or lot for use or development	
<p>10.4.9-(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) have an area of not less than 330m² excluding any access strip; and</p> <p>(b) if intended for a building, contain a building area of not less than 10.0m x 15.0m:</p>	<p>(a) Compliant. Site has an area of 910m².</p> <p>(b)(i) Compliant. Development is clear of front, rear and side boundary setbacks.</p> <p>(b)(ii) Compliant. Land adjoins a Utility zone that accommodates the Bass Highway. The Scheme</p>

<ul style="list-style-type: none"> (i) clear of any applicable setback from a frontage, side or rear boundary; (ii) clear of any applicable setback from a zone boundary; (iii) clear of any registered easement; (iv) clear of any registered right of way benefiting other land; (v) clear of any restriction imposed by a utility; (vi) not including an access strip; (vii) accessible from a frontage, or access strip; and (viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north. 	<p>standard for setback from the Utility zone is 10m. The proposed dwelling would be setback 18m from the zone boundary.</p> <ul style="list-style-type: none"> (b)(iii) Not applicable. No easement applies to the land. (b)(iv) Not applicable. No right of way applies to the land. (b)(v) Not applicable. No restriction imposed by a utility applies to the land. (b)(vi) Not applicable. An access strip does not apply to the land. (b)(vii) Compliant. Development would be accessible from a road frontage. (b)(viii) Compliant. Building area has a long axis within the range of 30 degrees of north and 20 degrees west of north.
<p>10.4.9–(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <ul style="list-style-type: none"> (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 	<ul style="list-style-type: none"> (a) Compliant. Development has access to a future separate, dedicated road frontage. (b) Not applicable. Would not be an internal lot. Compliant with 10.4.9–(A2)(a). (c) Not applicable. Compliant with 10.4.9–(A2)(a).

<p>over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road:</p> <p>(i) over land not required as the means of access to any other land; and</p> <p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than:</p> <p>(i) 3.6m for a single dwelling development; or</p> <p>(ii) 6.0m for multiple dwelling development or development for a non-residential use; 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>(d)(i) Compliant. Development would have a 3.6m access.</p> <p>(d)(ii) Not applicable. Not a multiple dwelling.</p> <p>(e) Compliant. Development satisfies the requirements of the Road Authority.</p>
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<p>10.4.9–(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site would connect to the reticulated water system. The Council’s Planning Permit would require compliance with TasWater’s approval, included as an attachment to the Planning Permit.</p>
<p>10.4.9–(A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and wastewater to a sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site would connect to the reticulated sewerage system. The Council’s Planning Permit would require compliance with TasWater’s approval, included as an attachment to the Planning Permit.</p>
<p>10.4.9–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>.</p>	<p>Compliant.</p> <p>The site would connect to the reticulated stormwater system.</p>
<p>10.4.10 Dwelling density for single dwelling development</p>	
<p>10.4.10–(A1)</p> <p>(a) The site area per dwelling for a single dwelling must:</p> <p>(i) be not less than 325m²; and</p> <p>(ii) be not more than 830m²; or</p>	<p>(a)(i) Compliant. The site area is 910m².</p> <p>(a)(ii) Non-compliant. The site area is 910m². See “Issues” section below.</p> <p>(b) Not applicable. Subdivision and plan approved and sealed after the introduction of the Scheme.</p>

(b) The site is approved for residential use on a plan sealed before this planning scheme came into effect.	
10.4.11 Other development	
10.4.11.1 Location and configuration of development	
<p>10.4.11-(A1) The wall of a building (other than for a dwelling) must be setback from a frontage:</p> <p>(a) not less than 4.5m from a primary frontage; and</p> <p>(b) not less than 3.0m from any secondary frontage; or</p> <p>(c) not less than and not more than the setbacks for any existing building on adjoining sites;</p> <p>(d) not less than for any building retained on the site;</p> <p>(e) in accordance with any building area shown on a sealed plan; or</p> <p>(f) not less than 50.0m if the site abuts the Bass Highway.</p>	Not applicable. Development proposal is for a dwelling.
<p>10.4.11.1-(A2) All buildings (other than for a dwelling) must be contained within a building envelope determined by:</p> <p>(a) the applicable frontage setback;</p>	Not applicable. Development proposal is for a dwelling.

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| <p>(b) a distance of not less than 4.0m from the rear boundary or if an internal lot, a distance of 4.5m from the boundary abutting the rear boundary of the adjoining frontage site;</p> <p>(c) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level if walls are setback:</p> <ul style="list-style-type: none">(i) not less than 1.5m from each side boundary, or(ii) less than 1.5m from a side boundary if:<ul style="list-style-type: none">a. built against an existing wall of an adjoining building; orb. the wall or walls:<ul style="list-style-type: none">i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;ii. there is no door or window in the wall of the building; andiii. overshadowing does not result in 50% of the private open space of an adjoining | |
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<p style="text-align: center;">dwelling receiving less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(d) in accordance with any building envelope shown on a sealed plan of subdivision.</p>	
<p>10.4.11.1–(A3) Site coverage (other than for a dwelling) must:</p> <p>(a) not be more than 50%; or</p> <p>(b) not be more than any building area shown on a sealed plan of subdivision.</p>	<p>Not applicable. Development proposal is for a dwelling.</p>
<p>10.4.11.1–(A4) A garage, carport or external parking area and any area for the display, handling, or storage of goods, materials or waste (other than for a dwelling), must be located behind the primary frontage of a building.</p>	<p>Not applicable. Development proposal is for a dwelling.</p>
<p>10.4.11.1–(A5) Other than for a dwelling, the total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of:</p> <p>(a) 6.0m; or</p> <p>(b) half the width of the frontage.</p>	<p>Not applicable. Development proposal is for a dwelling.</p>

10.4.11.2 Visual and acoustic privacy for residential development

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

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

Not applicable. Development proposal is for a dwelling.

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

10.4.12 Setback of sensitive use development	
<p>10.4.12–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown in the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the required setback distance from the zone boundary.</p>	<p>Compliant. Required setback of the proposed dwelling to a Utilities zone is 10m. In this case, the proposed dwelling is to be setback 17m.</p>
<p>10.4.12–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) a major road identified in the Table to this clause;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(a) Non-compliant. The development would be within 50m of the Bass Highway. See “Issues” section below.</p> <p>(b) Compliant. The development would be within 230m of a railway line.</p> <p>(c) Not applicable. No land is designated for future road or rail line.</p> <p>(d) Not applicable. The closest wharf is Burnie which is more than 25km away.</p>

10.4.13 Subdivision	
<p>10.4.13-(P1) Each new lot on a plan of subdivision must be:</p> <p>(a) intended for residential use;</p> <p>(b) a lot required for public use by the State Government, a Council, a statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority; or</p> <p>(c) for a purpose permissible in the zone.</p>	<p>(a) Not applicable. Not a subdivision.</p> <p>(b) Not applicable. Not a subdivision.</p> <p>(c) Not applicable. Not a subdivision.</p>
<p>10.4.13-(P2)</p> <p>(a) A lot must have a frontage to a road; or</p> <p>(b) An internal lot on a plan of subdivision must be:</p> <p>(i) reasonably required for the efficient use of land as a result of a restriction on the layout of lots with a frontage imposed by:</p> <p>a. slope, shape, orientation and topography of land;</p> <p>b. an established pattern of lots and development;</p>	<p>(a) Not applicable. Not a subdivision.</p> <p>(b) Not applicable. Not a subdivision.</p>

<ul style="list-style-type: none"> 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>10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision</p>	
<p>10.4.14-(A1) Electricity reticulation and site connections must be installed underground.</p>	<p>Compliant. There is an existing electricity supply to the land.</p>
<p style="text-align: center;">CODES</p>	
<p>E1 Bushfire-Prone Areas Code</p>	<p>Not applicable. Code does not apply in the General Residential zone.</p>
<p>E2 Airport Impact Management Code</p>	<p>Not applicable.</p>
<p>E3 Clearing and Conversion of Vegetation Code</p>	<p>Not applicable.</p>

E4 Change in Ground Level Code	Not applicable.
E5 Local Heritage Code	Not applicable.
E6 Hazard Management Code	Not applicable.
E7 Sign Code	Not applicable.
E8 Telecommunication Code	Not applicable.
E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Applicable. Applies to all use or development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme applies.
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>(a) Compliant. The application complies with the Traffic Generating Use and Parking Code standards. The Scheme requires two (2) car parking spaces on site. The development proposes two internal garage spaces.</p> <p>(b) Compliant. Requirement not triggered until 20 vehicle parking spaces are required or proposed.</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>(c) Compliant. Requirement not triggered until 20 vehicle parking spaces are required or proposed.</p> <p>(d) Compliant. Requirement not triggered until 20 vehicle parking spaces are required or proposed.</p>
<p>E9.5.2 Provision for loading and unloading of vehicles</p>	
<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>(a) Not applicable. On site loading not required in the General Residential zone.</p> <p>(b) Not applicable. Passenger pick-up and set-down facilities not required for residential use.</p>
<p>E9.6 Development Standards</p>	
<p>E9.6.1 Road access</p>	
<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>(a) Compliant. Access would be Permitted in accordance with the Local Government (Highways) Act.</p> <p>(b) Not applicable. Satisfied by E9.6.1-(A1)(a).</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>(c) Not applicable. Satisfied by E9.6.1–(A1)(a).</p>
<p>E9.6.2 Design of vehicle parking and loading areas</p>	
<p>E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p>	<p>Compliant. Development would connect to a reticulated stormwater system.</p>
<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village Zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <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>Not applicable. Provisions do not apply as development is in the General Residential zone.</p>

<p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space;</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	
<p>E9.6.2-(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Not applicable. Provisions do not apply as development is in the General Residential zone.</p>
<p>E10 Water and Waterways Code</p>	<p>Not applicable.</p>
<p>Specific Area Plans</p>	<p>Not applicable. No Specific Area Plans apply to this location.</p>

Issues –

1 Variation to site area standard –

The Scheme's Acceptable Solution standard 10.4.10–(A1) "Dwelling Density for Single Dwelling Development" requires that the site area per dwelling for a single dwelling is not more than 830m². The subject parcel of land has an area of 910m² and this matter is therefore a discretionary matter.

The land area is a direct consequence of an approved subdivision that permitted an allotment of 910m², possibly to allow for opportunity to develop multiple dwellings on site. The variation to the lot size and the subsequent development of a single dwelling is considered to be fair and reasonable, given that the residential use class is a Permitted use of the land and the lot size is a result of a subdivision approved by the Council, with no specific conditions relative to the future development of the lot applied to the land.

2 Setback from the Bass Highway –

A residential dwelling is classified as a "sensitive" use under the Scheme. The Scheme's Acceptable Solution standard 10.4.12–(A2) "Setback of Development for Sensitive Use" requires that a sensitive use must not be less than 50m from a major road, identified as the Bass Highway. The proposed dwelling would be approximately 32m from the Bass Highway.

The Scheme's Performance Criteria 10.4.12–(P2) requires that the development of the dwelling will have minimal impact on the safety and efficiency of the transport infrastructure and will incorporate measures to mitigate likely impact of noise, light, odour and vibration. The proximity of the proposed dwelling to the Bass Highway is considered to be fair and reasonable. The location of the subdivision, and the proposed lot in particular, mirror a pattern of residential development in this area and there is not an anticipated impact on the safety or operations of the adjoining transport infrastructure. The dwelling will need to meet energy rating standards to receive a Building Permit, and this typically includes the installation of double glazed windows. There is a dense line of trees and shrubs along this section of the Bass Highway, which will also help to ameliorate any highway impact on the proposed dwelling.

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No conditions required.
Infrastructure Services	No conditions required.
TasWater	No conditions required.
Department of State Growth	Referred. No response.
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 –

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

The representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
<p>1 The inclusion of a wood heater/fireplace in the floor plan and the subsequent smoke and vapour may cause a nuisance.</p>	<p>Domestic wood heaters are regulated by the <i>Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007</i> and apply to all heaters that burn solid fuel. Provisions of the Distributed Atmospheric Emissions Regulations include:</p> <ul style="list-style-type: none"> . a requirement for all solid fuel heaters manufactured, imported for sale or sold in Tasmania (including second-hand heaters) to comply with Australian Standard AS/NZS 4013-1999; . a prohibition on modifications to solid fuel heaters that may increase smoke emissions; . visible smoke limits for emissions from solid fuel heaters, fireplaces, hot water and cooking appliances and barbecues; and . the types of solid fuel that may be burnt in heaters. <p>The Regulations, nor any other legislative provisions, do not prohibit the installation of a domestic wood heater. Any repeated emissions from a wood heater that exceeds the visible smoke limits set down in the Regulations would need to be examined and prosecuted under the <i>Environmental Management and Pollution Control Act 1994</i>.</p>

<p>2 Dust nuisance during construction of other sites that are included in the subdivision.</p>	<p>The dust emissions described by the representor were the result of the subdivision works in the area, including the construction of roads and underground assets. Such works generally involve earthworks using heavy machinery. Any dust emitted during construction of the subject dwelling would be partially dependent upon weather conditions. Given that autumn is approaching, accompanied by less dry climatic conditions, there would be less dust produced as a result of the development. The flat topography of the subject site and the low key scale of the proposed development mean that the size of any machinery that would be used on site should not result in any dust nuisance.</p>
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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 land is zoned General Residential.

In summary, the key Local Area Objectives for the zone are:

- 1 Suburban residential areas make efficient use of land and optimise available and planned infrastructure provision through a balance of

infill and redevelopment of established residential areas and the incremental release of new land.

- 2 Suburban residential areas provide equivalent opportunity for single dwelling and multiple dwelling developments and for shared and supported accommodation through private, public and social investment.
- 3 Suburban residential areas enable opportunity for convenient access to basic level services and facilities for education, health care, retail, social and recreational purposes.

The proposed development is considered appropriate in relation to the residential use and the general form, location and design of the dwelling. Variations to site area and the proximity of the development to the Bass Highway are considered reasonable in that the development would be consistent with the relevant performance criteria, the Key Objectives of the General Residential zone and the Desired Future Character of the zone.

The matters raised in the representation are not considered to be relevant to the application of land use and land development Standards as articulated under the *Land Use Planning and Approvals Act 1993* and the *Central Coast Interim Planning Scheme 2013*. Rather, they are matters that are regulated under the *Environmental Management and Pollution Control Act 1994* (EMPCA). Any pollution that may occur as a result of the installation of a wood heater or be emitted during the construction of the dwelling is able to be addressed under the provisions of EMPCA, if so required and determined.

Recommendation –

It is recommended that the application for the development of a Residential (dwelling) – variation to site area standard and setback of sensitive use from the Bass Highway at 28 Overall Street, Sulphur Creek 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 No works are to occur on site until the issue of Title to the land by the Land Titles Office.

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 should be given to your building surveyor.’

The report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr Viney moved and Cr Carpenter seconded, “That the application for the development of a Residential (dwelling) – variation to site area standard and setback of sensitive use from the Bass Highway at 28 Overall Street, Sulphur Creek 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 No works are to occur on site until the issue of Title to the land by the Land Titles Office.

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 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

Nil.

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