



CENTRAL COAST COUNCIL

DEVELOPMENT SUPPORT SPECIAL COMMITTEE

# Minutes

of Meeting

28 February 2011

Minutes subject to confirmation at  
a meeting of the Development Support Special Committee to be held on  
Tuesday 15 March 2011

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**Minutes of an ordinary meeting of the Development Support Special Committee held in the Council Chamber of the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 28 February 2011 commencing at 6.00pm**

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**Members attendance**

Cr Jan Bonde (Mayor)  
Cr John Deacon  
Cr Philip Viney

Cr Tony van Rooyen (Deputy Mayor)  
Cr Amanda Diprose  
Ms Sandra Ayton

**Members apologies**

Nil

**Employees attendance**

Director Development & Regulatory Services (Mr Michael Stretton)  
Town Planner (Mr Thomas Reilly)

**Employees apologies**

Nil

**Public attendance**

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

**CONFIRMATION OF MINUTES OF THE COMMITTEE**

**10/2011 Confirmation of minutes**

The Director Development & Regulatory Services reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 14 February 2011 have already been circulated. The minutes are required to be confirmed for their accuracy.

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The *Local Government (Meeting Procedures) Regulations 2005* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

- Cr Viney moved and Cr Diprose seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 14 February 2011 be confirmed.”

Carried unanimously

## **MAYOR'S COMMUNICATIONS**

### **11/2011 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 2005* 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 Deacon moved and Cr Viney seconded, “That the Mayor's report be received.”

Carried unanimously

## **PECUNIARY INTEREST DECLARATIONS**

### **12/2011 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.”

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The Director Development & Regulatory 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**

##### **13/2011 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 having been concluded, the Mayor resumed the meeting.

#### **DEPUTATIONS**

##### **14/2011 Deputations**

The Director Development & Regulatory Services reported as follows:

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

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## OPEN REPORTS

### 15/2011      **Two lot subdivision in area of doubtful land stability – 3 Davis Street, Lieth** **Application No. DA210247**

The Director Development & Regulatory Services reported as follows:

<i>“DEVELOPMENT APPLICATION NO.:</i>	DA210247
<i>APPLICANT:</i>	Land & Sea Surveys obo P & S Bird
<i>LOCATION:</i>	3 Davis Street, Leith
<i>ZONING:</i>	Low Density Residential
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	9 February 2011
<i>REPRESENTATIONS EXPIRY DATE:</i>	23 February 2011
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	18 March 2011
<i>DECISION DUE:</i>	28 February 2011

#### PURPOSE

The purpose of this report is to consider an application for a two lot subdivision at 3 Davis Street, Leith and to consider the merits of a representation received in respect of the application.

#### BACKGROUND

Annexure 1 is a copy of the application. Annexure 2 is a location plan.

The subject site has an area of 1.015ha and contains an existing residence on the proposed Lot 1.

A discretionary planning application is required on the basis that the proposal is located in an area identified by Mineral Resources Tasmania as being of doubtful land stability and therefore the proposal must rely on a Performance Criteria 6.4.1(P1).

#### DISCUSSION

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

<i>CLAUSE</i>	<i>ASSESSMENT AND COMMENT</i>
2.0 Objectives for Planning 2.1(a)	Complies.  The most relevant objective is 2.1 (b) which states ‘...new residential development is to be the infill or orderly extension of existing urban areas.’ The proposal represents infill development.
7.1 Zone purpose	Complies.  The proposal is for residential development on larger lots and is located in the semi-rural landscape of Leith.
7.2.1 Use table	Complies.  Residential Use is permitted in the Low Density Zone.
7.4.1 (A1) Subdivision Each lot must:	Complies.
(a) have a minimum lot size of 4,000m <sup>2</sup>	Lot 1: 5,300m <sup>2</sup> Lot 2: 4,800m <sup>2</sup>
(b) have a frontage of at least 6m	Lot 1: 70m              Lot 2: 10m
(c) be able to contain a 40m diameter circle	40m circles demonstrated on site plan in accordance with Planning Scheme requirements.
(d) have a maximum depth to width ratio of 4:1 ...	On average Lot 2 has an approximate ratio of 1:1.
(e) have new boundaries aligned from buildings that satisfy the setback standards	The nearest new boundary to dwelling on Lot 1 is 16m.

A3 (e) not result in more than three adjoining access strips	One existing access and one new access strip proposed.
7.4.1 (A2) Access to Municipal Standard road	Complies. Access provided to Davis Street.
Connection to a 200kPa pressure supply (10l per sec)	Water connection available.
Be capable of accommodating an on-site wastewater management system	A report from an appropriately qualified Environmental Management consultant has demonstrated that the site is capable of accommodating an on-site wastewater management system.
Be capable of on-site stormwater absorption and disposal	A report from an appropriately qualified Environmental Management consultant has demonstrated that the site is capable of on-site stormwater absorption and disposal.
Connection to telecommunications system	Connection available.
Connection to an electricity supply	Connection available.
<i>RELEVANT SCHEDULES</i>	
S1.0 Application requirements	Complies. Sufficient information was provided with the application.
S2.0 Road and Rail Schedule	Conditional compliance.

<p>S1.5.1 (105m required sight distance)</p> <p>S1.5.3 (1 x 2 way access or 2 x 1 way accesses)</p>	<p>105m sight distance is provided along Davis Street to the north. The street cul-de-sacs to the south providing a sight distance of 67m. See Environmental Engineer's condition 4.</p> <p>One x 2-way access proposed for both lots.</p>
<p>S6.0 Land Stability</p> <p>S6.4.1 (P1) A land stability report is required to demonstrate that:</p> <ul style="list-style-type: none"> <li>• Each lot to have a stable building envelope and risk to life and property is acceptable</li> <li>• Infrastructure and works will not adversely affect stability of any land.</li> </ul>	<p>Complies.</p> <p>A Landslide Risk Assessment report has been provided by an appropriately qualified Geotechnical Engineer which demonstrates compliance with the Performance Criteria.</p>

*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;
- an advertisement was placed in the Public Notices section of The Advocate newspaper.

The application was referred to the Council's Planning and Assessment Team. Any relevant comments received from the Planning and Assessment Team are included in the recommendation of the application.

One representation was received in respect of this application, a copy of which is provided at Annexure 3.

The representation is considered in more detail in the following section.



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*REPRESENTATION*

One representation was received raising questions concerning the proposal. These questions are summarised in the following table.

ISSUES	CONSIDERATIONS
'I would like to be assured that there will be no increase in run-off of water to my property as a consequence of the development of Lot 2.'	<p>The site suitability assessment undertaken by the Environmental Management consultant addresses this concern for the most part. The assessment report indicates that the site is capable of accommodating either a septic tank system or an Aerated Wastewater Treatment System (AWTS). For the septic tank system, the consultant recommends that absorption trenches are located a minimum of 35m from the western boundary. However, they provide no such recommendation for an AWTS irrigation area or stormwater absorption trenches.</p> <p>Given that the consultant has identified that the western portion of this property is a damp low lying area, it would be prudent to apply a similar control for the AWTS irrigation area and stormwater management system and accordingly, it is recommended that a condition will be applied to the planning permit.</p>

*IMPACT ON RESOURCES*

This report has no impact on resources other than the usual resources in assessment of the application and preparation of a report. Additional resources required in the event of an appeal are unknown.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

The Shape of the Place

- Adopt an integrated approach to land use planning

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The Environment and Sustainable Infrastructure

- Contribute to a safe and healthy environment

The proposal is consistent with these strategies and key actions.

*CONCLUSION*

The proposed development adequately complies with the relevant development requirements of the Scheme. A discretionary planning application was triggered on the basis that the development is located in an area of doubtful land stability. In accordance with the above assessment it is recommended that the Council approve the development.

*RECOMMENDATION*

It is recommended that the application for a two lot subdivision at 3 Davis Street, Leith be approved, with the conditions and notes listed below:

- 1 The development must be substantially in accordance with the application for the permit, unless modified by a condition of the permit.
- 2 A water connection must be provided to each lot.
- 3 A sealed vehicular access must be provided to each lot, in accordance with Standard Drawing SD-1009 Rural Roads – Typical Standard Access.
- 4 Any new accesses must be located in accordance with the Safe Intersection Sight Distance Table S1.6.2 of the Central Coast Planning Scheme 2005, unless a traffic impact assessment indicates otherwise.
- 5 Separate power mains and services must be provided to each lot, together with associated street lighting.
- 6 Telstra must be advised in relation to the provision of telecommunication services to each lot.
- 7 Existing house connection drains and services must be relocated to within respective lot boundaries.
- 8 Water supply and drainage easements must be provided, if necessary.
- 9 The provision, upgrading, re-routing or extension of Council infrastructure and services required as a result of the subdivision, shall be to the satisfaction of the Council's Director Engineering Services, or his representative.

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- 10 Any damage or disturbance to roads, nature strips or existing services must be rectified at the developer's expense, to the satisfaction of Council's Director Engineering Services, or his representative.
- 11 A Road Reserve Permit must be issued by the Council's Public Safety Officer, or his representative, prior to any works or activity being undertaken within the road reservation. Application forms are available from the Engineering Services Department and a fee applies.
- 12 No absorption area or irrigation area associated with the on-site wastewater management system or stormwater system on Lot 2 is to be located within 35m of the lot's western boundary.
- 13 Each lot appears to be suitable for the following on-site sewage and sullage effluent disposal methods. The Final Plan is to be endorsed in the following format:

'On-site sewage and sullage disposal:

- (a) Lots 1 and 2 are suitable for the installation of a septic tank subject to a minimum 500m<sup>2</sup> of suitable land on each lot (approximately square in shape) being dedicated to the on-site disposal of sullage and sewage effluent;
- (b) Lot 2 is suitable for the installation of an aerated wastewater treatment system subject to a minimum 500m<sup>2</sup> of suitable land (approximately square in shape) being dedicated to the on-site irrigation disposal of treated sullage and sewage effluent.'

Please note:

- A 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.
- B An area of land for public open space, equivalent to 5% of the total area being subdivided, to be provided in an appropriate location to the satisfaction of the Director Development & Regulatory Services.
- C All works required by this permit must be completed prior to the sealing of the Final Plan.
- D 'Substantial commencement' is the submission and approval of a building permit or engineering drawings and the physical commencement of

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infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.

- E The suitability of Lots 1 and 2 for an on-site wastewater management system is based upon the generally accepted understanding that many factors affect the successful operation of a system. Following initial installation, it may be necessary that additional work will be required to be done on the system to maintain it in an operational condition and free of nuisance. This is the responsibility of the owner.”

The Director Development & Regulatory Services further reported as follows:

“Copies of the annexures referred to in the report have been circulated to all members.”

■ Cr Deacon moved and Cr Viney seconded, “That the application for a two lot subdivision at 3 Davis Street, Leith be approved, with the conditions and notes listed below:

- 1 The development must be substantially in accordance with the application for the permit, unless modified by a condition of the permit.
- 2 A water connection must be provided to each lot.
- 3 A sealed vehicular access must be provided to each lot, in accordance with Standard Drawing SD-1009 Rural Roads – Typical Standard Access.
- 4 Any new accesses must be located in accordance with the Safe Intersection Sight Distance Table S1.6.2 of the Central Coast Planning Scheme 2005, unless a traffic impact assessment indicates otherwise.
- 5 Separate power mains and services must be provided to each lot, together with associated street lighting.
- 6 Telstra must be advised in relation to the provision of telecommunication services to each lot.
- 7 Existing house connection drains and services must be relocated to within respective lot boundaries.
- 8 Water supply and drainage easements must be provided, if necessary.
- 9 The provision, upgrading, re-routing or extension of Council infrastructure and services required as a result of the subdivision, shall be to the satisfaction of the Council's Director Engineering Services, or his representative.

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- 10 Any damage or disturbance to roads, nature strips or existing services must be rectified at the developer's expense, to the satisfaction of Council's Director Engineering Services, or his representative.
- 11 A Road Reserve Permit must be issued by the Council's Public Safety Officer, or his representative, prior to any works or activity being undertaken within the road reservation. Application forms are available from the Engineering Services Department and a fee applies.
- 12 No absorption area or irrigation area associated with the on-site wastewater management system or stormwater system on Lot 2 is to be located within 35m of the lot's western boundary.
- 13 Each lot appears to be suitable for the following on-site sewage and sullage effluent disposal methods. The Final Plan is to be endorsed in the following format:
- ‘On-site sewage and sullage disposal:
- (a) Lots 1 and 2 are suitable for the installation of a septic tank subject to a minimum 500m<sup>2</sup> of suitable land on each lot (approximately square in shape) being dedicated to the on-site disposal of sullage and sewage effluent;
  - (b) Lot 2 is suitable for the installation of an aerated wastewater treatment system subject to a minimum 500m<sup>2</sup> of suitable land (approximately square in shape) being dedicated to the on-site irrigation disposal of treated sullage and sewage effluent.’

Please note:

- A 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.
- B An area of land for public open space, equivalent to 5% of the total area being subdivided, to be provided in an appropriate location to the satisfaction of the Director Development & Regulatory Services.
- C All works required by this permit must be completed prior to the sealing of the Final Plan.
- D ‘Substantial commencement’ is the submission and approval of a building permit or engineering drawings and the physical commencement of infrastructure works

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on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.

- E The suitability of Lots 1 and 2 for an on-site wastewater management system is based upon the generally accepted understanding that many factors affect the successful operation of a system. Following initial installation, it may be necessary that additional work will be required to be done on the system to maintain it in an operational condition and free of nuisance. This is the responsibility of the owner.”

Carried unanimously

**16/2011 Dwelling (variation to rear setback) at 9A Revell Lane, Penguin – Application No. DA210239**

The Director Development & Regulatory Services reported as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION No.:</i>	DA210239
<i>APPLICANT:</i>	Jeffrey Grimme
<i>LOCATION:</i>	9A Revell Lane, Penguin
<i>ZONING:</i>	Rural Resource Zone
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	5 February 2011
<i>REPRESENTATIONS EXPIRY DATE:</i>	19 February 2011
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	11 March 2011
<i>DECISION DUE:</i>	28 February 2011

*PURPOSE*

The purpose of this report is to consider a proposal for a dwelling, a carport and a shipping container and to consider one representation made in response to the proposal.

*BACKGROUND*

A copy of the application is provided at Annexure 1. Annexure 2 is a location plan.

*DISCUSSION*

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

<i>CLAUSE</i>	<i>ASSESSMENT AND COMMENT</i>
<i>OBJECTIVES FOR PLANNING</i>	
2.0 – Objectives for Planning	<p>Compliant.</p> <p>The proposal is consistent with the Objectives for Planning, particularly 2.1(a) and (b), which are that:</p> <p><i>(a) Residential, commercial, industrial and community facilities are to be concentrated in the existing urban areas.</i></p> <p><i>(b) The residential settlement strategy is to reinforce the existing residential pattern and any new residential development is to be the infill or orderly extension of existing urban areas.</i></p>
<i>ZONE STANDARDS ( Rural Resource Zone)</i>	
15.1 – Zone Purpose	<p>Compliant.</p> <p>The proposed dwelling and outbuildings are consistent with the purpose of the Rural Resource Zone which, in summary, is that the agricultural potential of agricultural land is protected and that rural values are maintained.</p>
<i>DEVELOPMENT STANDARDS</i>	
15.4.3 A2 – Protection of Agricultural Land	<p>Compliant.</p> <p>The title plan for 9A Revell Lane is P133893 and was registered on 19 May 2000. Therefore, the lot was in separate ownership from all other adjoining lots as at 6 October 2000.</p>

	<p>The agronomists report with the application states that the land upon which the dwelling is sited is Class 4. Accordingly it is not prime agricultural land.</p> <p>The agronomists report with the application states that the proposal will not unreasonably fetter agricultural use as, “[T]here is no commercial agricultural enterprises conducted anywhere near the subject lot”. On this basis, the proposal is not closer than 100m to agricultural land on another lot.</p> <p>Note: agricultural land is defined as “land in agricultural use or with the potential for agricultural use”.</p>
<p>15.4.4 A1 – Maximum height</p>	<p>Compliant.</p> <p>The dwelling height of 5.5m is under the 8m height limit.</p> <p>The carport has a height above natural ground level between 1.5m and 2.5m due to a cut into the site. This is below the 8m height limit.</p> <p>The shipping container is 2.4m in height. This is below the 8m height limit.</p>
<p>15.4.4 A3 – Boundary setbacks</p>	<p>Non-compliant.</p> <p>The dwelling setback shown is 4m but the actual setback of the dwelling will be 1.5m. This was confirmed by the applicant as an error by the draftsman and the representor is aware of this. The 1.5m setback is less than the required 10m setback from the rear boundary.</p> <p>The carport setback is 4m and is less than the required 10m setback from the rear boundary.</p>



	<p>Setbacks for the shipping container and to all other boundaries comply.</p>
<p>15.4.4 P3 – Corresponding Performance Criteria</p>	<p>Compliant.</p> <p>Siting the dwelling and carport within the 10m setback provides more manoeuvring space for vehicles and allows for the efficient use of the lot.</p> <p>The area is on the periphery of the residential zone and is not densely populated but not sparsely populated either. There is no clearly established pattern or character for the siting of buildings. The siting of the dwelling and carport is closer than other buildings in the immediate locality are to the boundary, but not so much closer as to be out of character.</p> <p>An aerial photograph is provided at Annexure 3.</p>
<p>15.4.5 A1 – Access and services</p>	<p>Compliant.</p> <p>Access matters are addressed by recommended permit conditions of the Environmental Engineer.</p> <p>Wastewater matters are covered by the On-site Wastewater Site &amp; Soil Evaluation and Design report and further addressed by recommended permit conditions of the Environmental Health Officer.</p> <p>Stormwater, telecommunications and electricity are all available.</p>
<p>15.4.6 – Wetlands and watercourses</p>	<p>A watercourse runs through the north-eastern corner of the lot and is approximately 50m from the development. Conditions are recommended regarding protection of the waterway and the supporting vegetation.</p>

<i>RELEVANT SCHEDULES</i>	
Car parking	Complies.  The development requires a total of two on-site parking spaces. The proposal allows for at least five.

*CONSULTATION*

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

- . a site notice was posted;
- . an advertisement was placed in the Public Notices section of "The Advocate" newspaper;
- . adjoining owners were sent a letter advising of the application and inviting comment.

The application was referred to the Council's Planning and Assessment Team. Any relevant comments received from the Planning and Assessment Team are included in the recommendation of the application.

One representation was received dated 18 February 2011, a copy of which is attached at Annexure 4. Each matter is addressed in the same order it is raised:

<i>MATTER RAISED</i>	<i>RESPONSE</i>
Due process	The application has been assessed in accordance with the <i>Land Use Planning and Approvals Act 1993</i> . There are no matters of undue process relating to this application. Matters of process or merit regarding this or previous decisions may be contested by the representor at the Resource Management and Planning Appeals Tribunal.
Compliance with the Scheme	No matters raised by the representor carry sufficient weight to undermine the above assessment of 15.4.3 or 15.4.4.
Shipping container	The shipping container is the second outbuilding. It has been assessed as if it were permanent.

Three bedroom house	The On-site Wastewater Site & Soil Evaluation and Design report refers to a three bedroom dwelling for the purpose of anticipating future development on the site. That future development is not part of this application.
Unanswered questions	The application provides sufficient information to determine compliance with the Scheme.

*IMPACT ON RESOURCES*

This report has no impact on resources other than the usual resources in assessment of the application and preparation of a report. Additional resources required in the event of an appeal are unknown.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

The Shape of the Place

- . Adopt an integrated approach to land use planning

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment

The proposal is consistent with these strategies and key actions.

*CONCLUSION*

The proposed development complies with the Scheme.

*RECOMMENDATION*

It is recommended that the application is approved, with the conditions and notes listed below:

- 1 The development must be substantially in accordance with the application for the permit unless altered by a condition of the permit;
- 2 A wetland or watercourse must not be filled, drained or adversely affected;
- 3 The natural flow of water into or out of a wetland or watercourse must not be adversely affected;

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- 4 A wetland or watercourse must not be adversely affected by increased erosion or sedimentation;
  - 5 Native vegetation must not be removed or destroyed within 30m of the bank of a wetland or watercourse other than in accordance with the *Forest Practices Code 2000*;
  - 6 A separate application detailing the design and type of onsite wastewater management system is required at the building application stage. Approval of a specific system will be subject to a site assessment by the Council's Environmental Health Officer. It is recommended that the applicant contact the Council's Environmental Health Officer prior to commencement of site or road works to ensure an adequate area remains for installation of a wastewater system;
  - 7 The on-site wastewater management system for the proposed dwelling being installed in accordance with the Australian/New Zealand Standard AS/NZS 1547:2000 – Onsite Domestic Wastewater Management.

Please note:

- A The permit expires two (2) years from the date of notice unless substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time.
- B In regard to condition 6 – The property appears suitable for the installation of an aerated wastewater treatment system subject to a minimum area of suitable land being dedicated to the on-site disposal of sullage and sewage effluent.
- C Building, plumbing and special plumbing permits are required for the proposed development.'

The report is supported.”

The Director Development & Regulatory Services reported as follows:

“Copies of the annexures referred to in the Town Planner’s report have been circulated to all members.”

■ Cr van Rooyen moved and Cr Diprose seconded, “The application for a dwelling, carport and shipping container at 9A Revell Lane, Penguin is approved subject to the following conditions:

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- 1 The development must be substantially in accordance with the application for the permit unless altered by a condition of the permit;
  - 2 A wetland or watercourse must not be filled, drained or adversely affected;
  - 3 The natural flow of water into or out of a wetland or watercourse must not be adversely affected;
  - 4 A wetland or watercourse must not be adversely affected by increased erosion or sedimentation;
  - 5 Native vegetation must not be removed or destroyed within 30m of the bank of a wetland or watercourse other than in accordance with the *Forest Practices Code 2000*;
  - 6 A separate application detailing the design and type of onsite wastewater management system is required at the building application stage. Approval of a specific system will be subject to a site assessment by the Council's Environmental Health Officer. It is recommended that the applicant contact the Council's Environmental Health Officer prior to commencement of site or road works to ensure an adequate area remains for installation of a wastewater system;
  - 7 The on-site wastewater management system for the proposed dwelling being installed in accordance with the Australian/New Zealand Standard AS/NZS 1547:2000 – Onsite Domestic Wastewater Management;
  - 8 The large carport which is proposed to be located in close proximity to the dwelling would not be in keeping with the open space character of the locality and therefore would not meet Clause 15.4.4 Building design and siting P3(c) in the Rural Resource Zone. Accordingly, the carport is to be re-located to the satisfaction of the Council's Director Development and Regulatory Services to provide a setback of at least 10m from the rear boundary.

Please note:

- A The permit expires two (2) years from the date of notice unless substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time.
- B In regard to condition 6: The property appears suitable for the installation of an aerated wastewater treatment system subject to a minimum area of suitable land being dedicated to the on-site disposal of sillage and sewage effluent.

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C Building, plumbing and special permits are required for the proposed development.”

Carried unanimously

**Closure**

There being no further business, the Mayor declared the meeting closed at 6.12pm.

CONFIRMED THIS                  DAY OF                                  , 2011.

**Chairperson**

(ms:jar)

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## QUALIFIED PERSON'S ADVICE

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

- . A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- . A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

I therefore certify that with respect to all advice, information or recommendation provided to the Development Support Special Committee within these minutes:

- (i) the advice, information or recommendation was given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- (ii) where any advice was directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Sandra Ayton  
GENERAL MANAGER