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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, 11 September 2017 commencing at 6.07pm**

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**Members attendance**

Cr Jan Bonde (Mayor)  
Cr Amanda Diprose  
Ms Sandra Ayton

Cr Garry Carpenter  
Cr Kathleen Downie

**Members apologies**

Cr Philip Viney

**Employees attendance**

Director Community Services (Mr Cor Vander Vlist)  
Director Infrastructure Services (Mr John Kersnovski)  
Town Planner (Ms Mary–Ann Edwards)

**Public attendance**

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

**CONFIRMATION OF MINUTES OF THE COMMITTEE**

**40/2017 Confirmation of minutes**

The Director Community Services reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 10 July 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 Carpenter moved and Cr Diprose seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 10 July 2017 be confirmed.”

Carried unanimously

## MAYOR’S COMMUNICATIONS

### 41/2017 Mayor’s communications

The Mayor reported as follows:

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

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

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

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

Carried unanimously

## DECLARATIONS OF INTEREST

### 42/2017 Declarations of interest

The Mayor reported as follows:

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

The Director Community Services reported as follows:

“The *Local Government Act 1993* provides that a member must not participate at any meeting of a special committee in any discussion, nor vote on any matter, in respect

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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**

#### **43/2017 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 6.08pm. The workshop having been concluded, the Mayor resumed the meeting at 6.09pm.

#### **DEPUTATIONS**

#### **44/2017 Deputations**

The Director Community Services reported as follows:

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

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## OPEN REPORTS

### 45/2017 Residential (outbuilding – shed) – variation to the rear boundary setback standard at 149 Gawler Road, Gawler – Application No. DA217010

The Director Community Services reported as follows:

“The Graduate Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA217010
<i>PROPOSAL:</i>	Residential (outbuilding – shed) – variation to the rear boundary setback standard
<i>APPLICANT:</i>	Helen Rappolt
<i>LOCATION:</i>	149 Gawler Road, Gawler
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013 (the Scheme)</i>
<i>ADVERTISED:</i>	2 August 2017
<i>REPRESENTATIONS EXPIRY DATE:</i>	16 August 2017
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	8 September 2017 (extension granted until 18 September 2017)
<i>DECISION DUE:</i>	11 September 2017

#### *PURPOSE*

The purpose of this report is to consider an application to construct a small shed at 149 Gawler Road, Gawler.

Accompanying the report are the following documents:

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

#### *BACKGROUND*

##### *Development description –*

Application is made to construct an 18.5m<sup>2</sup> shed at 149 Gawler Road, Gawler. The small shed would be for residential purposes (storage).

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*Site description and surrounding area -*

The subject site is a 921m<sup>2</sup> residential allotment that contains two rear boundaries because of the shape of the allotment. The allotment adjoins a larger parcel of land to the north identified as 147 Gawler Road, Gawler. The 147 Gawler Road property is zoned both General Residential and Rural Resource. The shed would adjoin the boundary of 147 Gawler Road, Gawler zoned Rural Resource.

General Residential allotments located along Gawler Road share a zone boundary to the east with the Rural Resource zone.

*History -*

The application for the shed is a result of a complaint. The outbuilding is constructed.

*DISCUSSION*

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

**General Residential**

CLAUSE	COMMENT
<b>10.3.1 Discretionary Permit Use</b>	
<p>10.3.1-(P1) Discretionary permit use must:</p> <p>(a) be consistent with local area objectives;</p> <p>(b) be consistent with any applicable desired future character statement; and</p> <p>(c) minimise likelihood for adverse impact on amenity for use on adjacent land in the zone.</p>	<p>Not applicable.</p> <p>Residential use is Permitted.</p>
<b>10.3.2 Impact of Use</b>	
<p>10.3.2-(A1) Permitted non-residential use must adjoin at least one residential use on the same street frontage.</p>	<p>Not applicable.</p> <p>Use is contained within a dwelling.</p>
<p>10.3.2-(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.</p>	<p>Not applicable.</p> <p>Use is contained within a dwelling.</p>

<p>10.3.2-(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.</p>	<p>Not applicable. Use is residential.</p>
<p><b>10.4.1 Residential density for multiple dwellings</b></p>	
<p>10.4.1-(A1) Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 325m<sup>2</sup>; or</p> <p>(b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.</p>	<p>Not applicable. Not an application for multiple dwellings.</p>
<p><b>10.4.2 Setbacks and building envelope for all dwellings</b></p>	
<p>10.4.2-(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p>	<p>(a) Compliant. Setback from primary frontage would be 30m.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Not applicable. Land does not abut the Bass Highway.</p>

<p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	
<p>10.4.2–(A2) A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1.0m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1.0m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10.0m from the frontage.</p>	<p>(a) Compliant. Shed would be setback 30m from Gawler Road.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p>
<p>10.4.2–(A3) A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p>	<p>(a)(i) Not applicable. Lot is not an internal lot.</p> <p>(a)(ii) Non-compliant. Rear boundary setback would be 500mm.</p>



<p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at the side boundaries and a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</li> </ul> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or</li> <li>(ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser).</li> </ul>	<p>Refer to the “Issues” section of the report.</p> <p>(b)(i) Not applicable. Satisfied by (b)(ii).</p> <p>(b)(ii) Compliant. The proposed outbuilding would have a setback of 11m from the northern side boundary and 5m from the southern boundary.</p>
<p><b>10.4.3 Site coverage and private open space for all dwellings</b></p>	
<p>10.4.3–(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p>	<p>(a) Compliant. Proposed site coverage would be less than 50%.</p> <p>(b) Not applicable. No multiple dwellings.</p>

<p>(b) for multiple dwellings, a total area of private open space of not less than 60.0m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>(c) Compliant. The site is 70% 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) 24.0m<sup>2</sup>; or</p> <p>(ii) 12.0m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4.0m; or</p> <p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	<p>(a)(i) Compliant. Existing dwelling has ample private open space area exceeding 50m<sup>2</sup>.</p> <p>(a)(ii) Not applicable. Satisfied by (a)(i).</p> <p>(b)(i) Compliant. Existing private open space has a horizontal dimension of approximately 8m.</p> <p>(b)(ii) Not applicable. Not multiple dwellings.</p> <p>(c) Compliant. Dwelling is existing and has private open space that would be directly accessible from the dwelling. The shed would not impede this area.</p> <p>(d) Compliant. Private open space is located to the north-east and south-west of the dwelling.</p> <p>(e) Compliant. Private open space is existing and approved.</p>

<p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	<p>(f) Compliant. Land is flat.</p> <p>(g) Compliant. Private open space is clear of the area proposed for car parking.</p>
<p><b>10.4.4 Sunlight and overshadowing for all dwellings</b></p>	
<p>10.4.4-(A1) A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>	<p>Compliant. Dwelling has existing habitable rooms facing north.</p>
<p>10.4.4-(A2) A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

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

<p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <ul style="list-style-type: none"> <li>(i) at a distance of 3.0m from the northern edge of the private open space; and</li> <li>(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</li> </ul> <p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height no more than 2.4m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling.</li> </ul>	
<p><b>10.4.5 Width of openings for garages and carports for all dwellings</b></p>	
<p>10.4.5-(A1) A garage or carport within 12.0m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6.0m or half the width of the frontage (whichever is the lesser).</p>	<p>Compliant. Shed would be setback approximately 30m from the Gawler Road frontage.</p>

<b>10.4.6 Privacy for all dwellings</b>	
<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"> <li>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3.0m from the side boundary; and</li> <li>(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</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6.0m: <ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</li> </ul> </li> </ul>	<p>Not applicable. No deck, parking space or carport with a surface or floor area more than 1m.</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</p>	<p>Not applicable. No window or glazed door to a dwelling with a floor level greater than 1m.</p>

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ground level, must be in accordance with (a), unless it is in accordance with (b):

(a) The window or glazed door:

- (i) is to have a setback of at least 3.0m from a side boundary; and
- (ii) is to have a setback of at least 4.0m from a rear boundary; and
- (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.

(b) The window or glazed door:

- (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

<p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	
<p>10.4.6–(A3) A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <p>(a) 2.5m; or</p> <p>(b) 1.0m if:</p> <p>(i) it is separated by a screen of at least 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</p>	<p>Not applicable.</p> <p>No shared driveway or parking spaces.</p>
<p><b>10.4.7 Frontage fences for all dwellings</b></p>	
<p>10.4.7–(A1) A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:</p> <p>(a) 1.2m if the fence is solid; or</p>	<p>Not applicable.</p> <p>No front fence proposed.</p>



<p>(b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).</p>	
<p><b>10.4.8 Waste storage for multiple dwellings</b></p>	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a communal storage area with an impervious surface that:</p> <p>(i) has a setback of at least 4.5m from a frontage; and</p> <p>(ii) is at least 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>
<p><b>10.4.9 Suitability of a site or lot for use or development</b></p>	
<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 330m<sup>2</sup> excluding any access strip; and</p>	<p>(a) Compliant. Site area is 921m<sup>2</sup>.</p> <p>(b)(i) Non-compliant. The shed would be constructed 500mm from the rear boundary.</p>

<p>(b) if intended for a building, contain a building area of not less than 10.0m x 15.0m:</p> <ul style="list-style-type: none"> <li>(i) clear of any applicable setback from a frontage, side or rear boundary;</li> <li>(ii) clear of any applicable setback from a zone boundary;</li> <li>(iii) clear of any registered easement;</li> <li>(iv) clear of any registered right of way benefiting other land;</li> <li>(v) clear of any restriction imposed by a Utility;</li> <li>(vi) not including an access strip;</li> <li>(vii) accessible from a frontage or access strip; and</li> <li>(viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north.</li> </ul>	<p>Refer to the “Issues” section of the report.</p> <ul style="list-style-type: none"> <li>(b)(ii) Compliant. No applicable zone boundary.</li> <li>(b)(iii) Compliant. Shed would be clear of drainage and easement shown on Title.</li> <li>(b)(iv) Compliant. No registered right of way benefiting other land.</li> <li>(b)(v) Compliant. Shed would be clear of utilities.</li> <li>(b)(vi) Compliant. Shed would be clear of access strip.</li> <li>(b)(vii) Compliant. Land is accessible from Gawler Road.</li> <li>(b)(viii) Not applicable. Not a new residential lot.</li> </ul>
<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"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Existing separate access to Gawler Road provided.</li> <li>(b) Not applicable. Not an internal allotment.</li> <li>(c) Not applicable. Satisfied by (a).</li> </ul>

<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) Compliant. Width of frontage is 23.5m.</p> <p>(e) Compliant. The Road Authority have advised that the existing access is suitable for the development.</p>
<p>10.4.9-(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated water system.</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 sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated sewerage system.</p>
<p>10.4.9–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated stormwater system. The Council’s Planning Permit would require a condition regarding stormwater management and disposal.</p>
<p><b>10.4.10 Dwelling density for single dwelling development</b></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 325m<sup>2</sup>.</p>	<p>(a) Compliant. Site area is 921m<sup>2</sup>.</p>
<p><b>10.4.11 Development other than a single or multiple dwelling.</b></p>	
<p><b>10.4.11.1 Location and configuration of development</b></p>	
<p>10.4.11.1–(A1) The wall of a building must be set back 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>Not applicable.</p> <p>Proposed development is residential.</p>

<ul style="list-style-type: none"> <li>(c) not less than and not more than the setbacks for any existing building on adjoining sites;</li> <li>(d) not less than for any building retained on the site;</li> <li>(e) in accordance with any building area shown on a sealed plan; or</li> <li>(f) not less than 50.0m if the site abuts the Bass Highway.</li> </ul>	
<p>10.4.11.1-(A2) All buildings must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> <li>(a) the applicable frontage setback;</li> <li>(b) a distance of not less than 4.0m from the rear boundary or if an internal lot, a distance of 4.5m from the boundary abutting the rear boundary of the adjoining frontage site;</li> <li>(c) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level if walls are setback – <ul style="list-style-type: none"> <li>(i) not less than 1.5m from each side boundary; or</li> <li>(ii) less than 1.5m from a side boundary if –</li> </ul> </li> </ul>	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<p>a. built against an existing wall of an adjoining building; or</p> <p>b. the wall or walls –</p> <p>i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;</p> <p>ii. there is no door or window in the wall of the building; and</p> <p>iii. overshadowing does not result in 50% of the private open space of an adjoining dwelling receiving less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(d) in accordance with any building envelope shown on a sealed plan of subdivision.</p>	
<p>10.4.11.1–(A3) Site coverage must:</p> <p>(a) not be more than 50%; or</p> <p>(b) not be more than any building area shown on a sealed plan.</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<p>10.4.11.1-(A4) A garage, carport or external parking area and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building.</p>	<p>Not applicable. Proposed development is residential.</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. Proposed development is residential.</p>
<p><b>10.4.11.2 Visual and acoustic privacy for residential development</b></p>	
<p>10.4.11.2-(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building must:</p> <p>(a) if the finished floor level is more than 1.0m above natural ground level:</p> <p>(i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;</p> <p>(ii) be not less than 3.0m from a side boundary;</p> <p>(iii) be not less than 4.0m from a rear boundary; and</p>	<p>Not applicable. Proposed development is residential.</p>

<p>(iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or</p> <p>(b) if less than the setbacks in clause A1(a):</p> <p>(i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling;</p> <p>(ii) have a window sill height of not less than 1.8m above floor level;</p> <p>(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</p> <p>(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>	
<p>10.4.11.2-(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>



<b>10.4.11.3 Frontage fences</b>	
<p>10.4.11.3-(A1) The height of a fence, including any supporting retaining wall, on or within a frontage setback must be:</p> <p>(a) not more than 1.2m if the fence is solid; or</p> <p>(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>	<p>Not applicable.</p> <p>Proposed development is residential.</p>
<b>10.4.12 Setback of development for sensitive use</b>	
<p>10.4.12-(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown in the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the required setback distance from the zone boundary.</p>	<p>(a) Compliant. The shed is ancillary to an existing sensitive use.</p> <p>(b) Compliant. The shed is ancillary to an existing sensitive use.</p>
<p>10.4.12-(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) Bass Highway;</p> <p>(b) a railway;</p>	<p>(a) Not applicable. The development is not for a new sensitive use.</p> <p>(b) Not applicable. The development is not for a new sensitive use.</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>(c) Not applicable. The land is not designated a future road.</p> <p>(d) Compliant. The nearest proclaimed wharf is located at Burnie approximately 25km west.</p>
<p><b>10.4.13 Subdivision</b></p>	
<p>10.4.13-(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>No subdivision proposed.</p>
<p>10.4.13-(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>
<p><b>10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision</b></p>	
<p>10.4.14-(A1) Electricity reticulation and site connections must be installed underground.</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Site is not in a bushfire-prone area.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in the Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of vegetation.
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level greater than 1m.
<b>E5 Local Heritage Code</b>	Not applicable. No Local Heritage Code in the Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. Not within a hazard mapped area.
<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Code applies to all development.
<b>E9.4 Use or development exempt from this Code</b>	Not exempt.  No local Area Parking Scheme applies to the site.

<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
E9.5.1-(A1) Provision for parking must be:	(a) Compliant. Table E9A requires two car parking spaces for a residential dwelling. The dwelling is existing. The construction of the outbuilding would not intensify the use or development of the site to require additional car parking requirements.
(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;	
<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
E9.5.2-(A1) There must be provision within a site for:	Not applicable for the development of a single dwelling.
(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.	
<b>E9.6 Development Standards</b>	
<b>E9.6.2 Design of vehicle parking and loading areas</b>	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by a Condition to be placed on the Permit.

<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> <ul style="list-style-type: none"> <li>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</li> <li>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</li> <li>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</li> <li>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</li> <li>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</li> <li>(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</li> <li>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</li> </ul>	<p>Not applicable for the development of a single dwelling.</p>
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<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. Land is zoned General Residential.</p>
<p><b>E10 Water and Waterways Code</b></p>	<p>Not applicable. Site is not within 30m of a waterway or waterbody.</p>
<p><b>Specific Area Plans</b></p>	<p>No Specific Area Plans apply to this location.</p>

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*Issues -*

1 *Setback and building envelope for all dwellings -*

The Scheme's Acceptable Solution standard 10.4.2-(A3) "setbacks and building envelope for all dwellings" requires development to have a setback of 4m from the rear boundary.

Performance Criteria 10.4.2-(A3) states:

"The siting and scale of a dwelling must:

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

The shed would have a setback of 500mm from the rear boundary to 147 Gawler Road.

The dwelling located at 147 Gawler Road is located approximately 8m from the side property boundary and approximately 20m from the shed location. No habitable room of the dwelling at 147 Gawler Road would be affected by the shed in its current location.

The shed is not located within the proximity of the private open space located at 147 Gawler Road. The existing vegetation between the two properties, and the location of the shed on the property at 147 Gawler Road assists with maintaining the privacy between the two properties and restricts overshadowing.

The small shed would be screened by the existing boundary fence, and existing vegetation, there is no visual impact caused to the adjoining lot from the scale of bulk of the shed. The small shed is barely noticeable from the adjoining allotments. The shed is a relatively small outbuilding and considered minor development.

The shed would not change the separation between the dwellings on adjoining lots given the location to the rear of the allotment.

*Referral advice -*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	No comment.
TasWater	Not required.
Department of State Growth	Not required.
Environment Protection Authority	Not required.
TasRail	Not required.
Heritage Tasmania	Not required.
Crown Land Services	Not required.
Other	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.



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*Representations –*

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

The representations are summarised and responded to as follows:

MATTER RAISED	RESPONSE
1 Representor considers the building is too close to the boundary fence as it will impact on future repairs to the fence and it is an invasion of privacy. The proximity of the building to the fence constitutes a fire source, as there is combustible material on the representors property.	<p>The shed has satisfied the Scheme's Performance Criteria as outlined under the "Issues" section of this report.</p> <p>The location of the shed does not restrict future repairs to the fence. Access to the fence from 147 Gawler Road (representors property) is restricted due to growth and debris. The fence has concrete footings and is constructed from tin, repairs would be minimal.</p> <p>The shed does not constitute a fire hazard. Individual property owners are responsible for fire hazard management on their own property. Combustible materials located on the representors property are not the responsibility of the applicant and is not an issue that can be addressed through the planning legislation.</p>

*RESOURCE, FINANCIAL AND RISK IMPACTS*

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, and possibly costs associated with an appeal against the Council's determination should one be instituted.

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*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

*CONCLUSION*

The representation received does not have sufficient merit on planning grounds to justify any additional conditions to the Permit issued.

The proposal is deemed to satisfy the standards of the Scheme relating to “setbacks and building envelopes for all dwellings” and should be approved subject to the standard conditions.

*Recommendation –*

It is recommended that the application for Residential (outbuilding – shed) – variation to the rear boundary setback standard at 149 Gawler Road, Gawler be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans and documentation drawn by the applicant dated June 2017, unless modified by a condition of this Permit.
- 2 The development must provide for the collection, drainage and disposal of stormwater.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work of the proposed building and/or plumbing work is defined using the Determinations issued under the Building Act 2016

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by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work.’

The report is supported.”

The Director Community Services reported as follows:

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

■ Cr Carpenter moved and Cr Downie seconded, “That the application for Residential (outbuilding – shed) – variation to the rear boundary setback standard at 149 Gawler Road, Gawler be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans and documentation drawn by the applicant dated June 2017, unless modified by a condition of this Permit.
- 2 The development must provide for the collection, drainage and disposal of stormwater.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work of the proposed building and/or plumbing work is defined using the Determinations issued under the Building Act 2016 by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work.”

Carried unanimously

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**46/2017 Residential (dwelling and retaining walls) and outbuilding (shed) – variation to rear boundary setback and proximity of a sensitive use to Rural Resource zone boundary at 4 Mollie Place, Turners Beach – Application No. DA217025**

The Director Community Services reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA217025
<i>PROPOSAL:</i>	Residential (dwelling and retaining walls) and outbuilding (shed) – variation to rear boundary setback and proximity of a sensitive use to Rural Resource zone boundary
<i>APPLICANT:</i>	David George
<i>LOCATION:</i>	4 Mollie Place, Turners Beach
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	9 August 2017
<i>REPRESENTATIONS EXPIRY DATE:</i>	23 August 2017
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	15 September 2017 (extension granted until 18 September 2017)
<i>DECISION DUE:</i>	15 September 2017
<i>PURPOSE</i>	

The purpose of this report is to consider an application to construct a 324.58m<sup>2</sup> two-storey dwelling and 102m<sup>2</sup> shed on General Residential land at 4 Mollie Place, Turners Beach. The application also details ‘cut and fill’ works and stepped retaining walls that would each have a maximum height of 1m.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – photographs;
- . Annexure 5 – TasWater Submission to Planning Authority Notice TWDA 2017/01239-CC.

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## *BACKGROUND*

### *Development description -*

Application is made to construct a 324.58m<sup>2</sup> two-storey brick dwelling on an internal vacant parcel of land at 4 Mollie Place, Turners Beach. The dwelling would have a maximum height of 7m above natural ground level and would be of brick and rendered "Rendex" cladding materials. The upper level would be the primary living space, access via an internal stairwell. The upper level would comprise three bedrooms, bathroom and laundry facilities, an ensuite and a separate lounge and open plan kitchen/living/dining area that would have access to a north facing deck. The lower level would accommodate a two car garage and rumpus room.

Development also comprises a 102m<sup>2</sup> shed and tiered retaining walls that would each have a maximum height of 1m.

### *Site description and surrounding area -*

The subject site is a 1,486m<sup>2</sup> residential allotment that forms part of the "Explorer Drive" staged subdivision area of Turners Beach. The lot was sealed by the Council in 2016. The allotment is an unusual shape, with the land accessed via a 10m long, 7m wide access strip off Mollie Place. This means the lot is considered to be 'internal' and the western boundary is deemed to be the rear of the allotment (although it would appear as a side boundary).

The land has a relatively steep slope, falling over 6m from south to north and is identified as subject to low level landslide risk.

The land is connected to reticulated stormwater, sewer and water systems.

The land falls within a bushfire-prone overlay area and would be subject to the recommendations of a bushfire hazard management plan at the time of application for a Building Permit.

Surrounding land to the east, west and north is characterized by single dwelling development. Land to the immediate south is zoned Rural Resource. The area is not subject to the Turners Beach Specific Area Plan.

### *History -*

No history relevant to this application.

## *DISCUSSION*

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

**General Residential**

CLAUSE	COMMENT
<b>10.3.1 Discretionary Permit Use</b>	
<p>10.3.1-(P1) Discretionary permit use must:</p> <p>(a) be consistent with local area objectives;</p> <p>(b) be consistent with any applicable desired future character statement; and</p> <p>(c) minimise likelihood for adverse impact on amenity for use on adjacent land in the zone.</p>	<p>Not applicable.</p> <p>Residential use is Permitted.</p>
<b>10.3.2 Impact of Use</b>	
<p>10.3.2-(A1) Permitted non-residential use must adjoin at least one residential use on the same street frontage.</p>	<p>Not applicable.</p> <p>Use is contained within a dwelling.</p>
<p>10.3.2-(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.</p>	<p>Not applicable.</p> <p>Use is contained within a dwelling.</p>

<p>10.3.2-(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.</p>	<p>Not applicable. Use is residential.</p>
<p><b>10.4.1 Residential density for multiple dwellings</b></p>	
<p>10.4.1-(A1) Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 325m<sup>2</sup>; or</p> <p>(b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.</p>	<p>Not applicable. Not an application for multiple dwellings.</p>
<p><b>10.4.2 Setbacks and building envelope for all dwellings</b></p>	
<p>10.4.2-(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p>	<p>(a) Compliant. Setback from primary frontage would be 25m.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Not applicable. Land does not abut the Bass Highway.</p>

<p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	
<p>10.4.2–(A2) A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1.0m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1.0m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10.0m from the frontage.</p>	<p>(a) Compliant. Shed would be setback 25m from the primary frontage, Mollie Place.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p>
<p>10.4.2–(A3) A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p>	<p>(a)(i) Non-compliant. Outbuilding would not be contained in building envelope 10.4.2A. Outbuilding would be setback 300mm from the rear boundary.</p>



<p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at the side boundaries and a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</li> </ul> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or</li> <li>(ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser).</li> </ul>	<p>(a)(ii) Non-compliant. Outbuilding would not be contained in building envelope 10.4.2A. Outbuilding would be setback 300mm from the rear boundary and would have a wall height greater than 3m.</p> <p>Refer to “Issues” section of this report.</p> <p>(b)(i) Not applicable. Satisfied by (b)(ii).</p> <p>(b)(ii) Compliant. Development (shed) would be setback 1m from the northern side boundary and (retaining walls) 10m from southern side boundary. Dwelling development meets the Scheme’s setback standards.</p>
<p><b>10.4.3 Site coverage and private open space for all dwellings</b></p>	
<p>10.4.3-(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p>	<p>(a) Compliant. Site coverage of proposed development would be 28%.</p>

<p>(b) for multiple dwellings, a total area of private open space of not less than 60.0m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>(b) Not applicable. No multiple dwelling development proposed.</p> <p>(c) Compliant. Area free from impervious surfaces would be 72%.</p>
<p>10.4.3–(A2) A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24.0m<sup>2</sup>; or</p> <p>(ii) 12.0m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4.0m; or</p> <p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	<p>(a)(i) Compliant. Dwelling would have ample open space area, including a 26.4m<sup>2</sup> deck accessed from the upper level of the dwelling.</p> <p>(a)(ii) Not applicable. Not a multiple dwelling.</p> <p>(b)(i) Compliant. Dwelling would have a raised deck area with a minimum horizontal dimension of 8.04m.</p> <p>(b)(ii) Not applicable. Satisfied by (b)(i).</p> <p>(c) Compliant. Private open space would be directly accessible from habitable rooms.</p> <p>(d) Compliant. Private open space is to the north of the dwelling.</p> <p>(e) Compliant. Private open space is not located between the dwelling and the primary frontage.</p>

<p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	<p>(f) Compliant. Deck is flat.</p> <p>(g) Compliant. Dwelling would have private open space area clear of vehicle access and parking areas.</p>
<p><b>10.4.4 Sunlight and overshadowing for all dwellings</b></p>	
<p>10.4.4-(A1) A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>	<p>Compliant.</p> <p>Habitable rooms face north.</p>
<p>10.4.4-(A2) A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

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

<p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <ul style="list-style-type: none"> <li>(i) at a distance of 3.0m from the northern edge of the private open space; and</li> <li>(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</li> </ul> <p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height no more than 2.4m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling.</li> </ul>	
<p><b>10.4.5 Width of openings for garages and carports for all dwellings</b></p>	
<p>10.4.5-(A1) A garage or carport within 12.0m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6.0m or half the width of the frontage (whichever is the lesser).</p>	<p>Not applicable.</p> <p>Shed would be setback 25m from the frontage.</p>

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#### 10.4.6 Privacy for all dwellings

10.4.6-(A1) A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1.0m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:

- (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3.0m from the side boundary; and
- (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4.0m from the rear boundary; and
- (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6.0m:
  - (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or
  - (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.

- (a) Compliant. Upper level deck would be setback 23m from northern side boundary and 3m from eastern side boundary.
- (b) Compliant. Upper level deck setback 7.1m from western rear boundary.
- (c)(i) Not applicable. Not a multiple dwelling.
- (c)(ii) Not applicable. Not a multiple dwelling.

<p>10.4.6-(A2) A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1.0m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of at least 3.0m from a side boundary; and</li> <li>(ii) is to have a setback of at least 4.0m from a rear boundary; and</li> <li>(iii) if the dwelling is a multiple dwelling, is to be at least 6.0m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be at least 6.0m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) The window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</li> </ul>	<ul style="list-style-type: none"> <li>(a)(i) Compliant. Upper level habitable rooms would be setback 23m from northern side boundary and 3m from eastern side boundary.</li> <li>(a)(ii) Compliant. Upper level habitable rooms would be setback 7.1m from western rear boundary.</li> <li>(a)(iii) Not applicable. Not a multiple dwelling.</li> <li>(a)(iv) Not applicable. Not a multiple dwelling.</li> <li>(b)(i) Not applicable. Satisfied by (a).</li> <li>(b)(ii) Not applicable. Satisfied by (a).</li> <li>(b)(iii) Not applicable. Satisfied by (a).</li> </ul>
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<ul style="list-style-type: none"> <li>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or</li> <li>(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%.</li> </ul>	
<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> <ul style="list-style-type: none"> <li>(a) 2.5m; or</li> <li>(b) 1.0m if: <ul style="list-style-type: none"> <li>(i) it is separated by a screen of at least 1.7m in height; or</li> <li>(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.</li> </ul> </li> </ul>	<p>Not applicable.</p> <p>No shared driveway or parking spaces.</p>



<b>10.4.7 Frontage fences for all dwellings</b>	
<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.</p> <p>No front fence proposed.</p>
<b>10.4.8 Waste storage for multiple dwellings</b>	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a communal storage area with an impervious surface that:</p> <p>(i) has a setback of at least 4.5m from a frontage; and</p> <p>(ii) is at least 5.5m from any dwelling; and</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</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><b>10.4.9 Suitability of a site or lot for use or development</b></p>	
<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 330m<sup>2</sup> 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>(i) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(ii) clear of any applicable setback from a zone boundary;</p> <p>(iii) clear of any registered easement;</p> <p>(iv) clear of any registered right of way benefiting other land;</p> <p>(v) clear of any restriction imposed by a Utility;</p> <p>(vi) not including an access strip;</p> <p>(vii) accessible from a frontage or access strip; and</p>	<p>(a) Compliant. Site area is 1,486m<sup>2</sup>.</p> <p>(b)(i) Non-compliant. The development would not satisfy rear boundary setback requirements (shed).  The building area of the dwelling would be clear of front, rear and side boundaries.  Refer to “Issues” section of this report.</p> <p>(b)(ii) Non-compliant. The lot was sealed in 2016. Development would be setback 15.5m from Rural Resource zone boundary. The Scheme requires a 50m setback for lots sealed after 2013.  Refer to “Issues” section of this report.</p> <p>(b)(iii) Not applicable. No registered easements.</p> <p>(b)(iv) Not applicable. No registered right of way.</p> <p>(b)(v) Not applicable. No restriction imposed by a Utility.</p>

<p>(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>	<p>(b)(vi) Compliant. Development would be clear of access strip.</p> <p>(b)(vii) Compliant. Land is accessible from Mollie Place.</p> <p>(b)(viii) Not applicable. Not a new residential lot.</p>
<p>10.4.9-(A2) A site or each lot on a subdivision plan must have a separate access from a road –</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road –</p> <p>(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>(a) Compliant. Existing access to a frontage to Mollie Place.</p> <p>(b) Compliant. Dedicated access strip provides access to Mollie Place.</p> <p>(c)(i) Not applicable. Satisfied by (a) and (b).</p> <p>(c)(ii) Not applicable. Satisfied by (a) and (b).</p> <p>(d)(i) Compliant. Development would have 6m wide frontage to Mollie Place.</p> <p>(d)(ii) Not applicable. Not multiple dwelling or non-residential development.</p> <p>(e) Compliant. Site has existing legal access to Mollie Place.</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>10.4.9-(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated water system. The Council's Planning Permit would require compliance with TasWater's approval, included as an attachment to the Planning Permit.</p>
<p>10.4.9-(A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and wastewater to a sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated sewerage system. The Council's Planning Permit would require compliance with TasWater's approval, included as an attachment to the Planning Permit.</p>
<p>10.4.9-(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated stormwater system.</p>

<b>10.4.10 Dwelling density for single dwelling development</b>	
10.4.10-(A1)  (a) The site area per dwelling for a single dwelling must –  (i) be not less than 325m <sup>2</sup> .	(a)(i) Compliant. Site area is 1,486m <sup>2</sup> .
<b>10.4.11 Development other than a single or multiple dwelling.</b>	
<b>10.4.11.1 Location and configuration of development</b>	
10.4.11.1-(A1) The wall of a building must be set back from a frontage –  (a) not less than 4.5m from a primary frontage; and  (b) not less than 3.0m from any secondary frontage; or  (c) not less than and not more than the setbacks for any existing building on adjoining sites;  (d) not less than for any building retained on the site;  (e) in accordance with any building area shown on a sealed plan; or  (f) not less than 50.0m if the site abuts the Bass Highway.	Not applicable.  Proposed development is residential.

<p>10.4.11.1–(A2) All buildings must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> <li>(a) the applicable frontage setback;</li> <li>(b) a distance of not less than 4.0m from the rear boundary or if an internal lot, a distance of 4.5m from the boundary abutting the rear boundary of the adjoining frontage site;</li> <li>(c) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level if walls are setback – <ul style="list-style-type: none"> <li>(i) not less than 1.5m from each side boundary; or</li> <li>(ii) less than 1.5m from a side boundary if – <ul style="list-style-type: none"> <li>a. built against an existing wall of an adjoining building; or</li> </ul> </li> <li>(iii) the wall or walls – <ul style="list-style-type: none"> <li>a. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;</li> <li>b. there is no door or window in the wall of the building; and</li> </ul> </li> </ul> </li> </ul>	<p>Not applicable.</p> <p>Proposed development is residential.</p>
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<p>c. overshadowing does not result in 50% of the private open space of an adjoining dwelling receiving less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(d) in accordance with any building envelope shown on a sealed plan of subdivision.</p>	
<p>10.4.11.1-(A3) Site coverage must:</p> <p>(a) not be more than 50%; or</p> <p>(b) not be more than any building area shown on a sealed plan.</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>
<p>10.4.11.1-(A4) A garage, carport or external parking area and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building.</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>
<p>10.4.11.1-(A5) Other than for a dwelling, the total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of:</p> <p>(a) 6.0m; or</p> <p>(b) half the width of the frontage.</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>

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

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

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

Not applicable.

Proposed development is residential.



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

<b>10.4.12 Setback of development for sensitive use</b>	
<p>10.4.12-(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown in the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the required setback distance from the zone boundary.</p>	<p>(a) Non-compliant. The lot was sealed in 2016. Dwelling development would be setback 15.5m to the Rural Resource zone boundary. The Scheme requires a 50m setback where a lot is sealed after 2013.</p> <p>(b) Non-compliant. The lot was sealed in 2016. Dwelling development would be setback 15.5m to the Rural Resource zone boundary. The Scheme requires a 50m setback where a lot is sealed after 2013.</p> <p>Refer to "Issues" section of this report.</p>
<p>10.4.12-(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) Bass Highway;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(a) Compliant. Development would be greater than 692m from the Bass Highway.</p> <p>(b) Compliant. Development would be 973m from a railway line.</p> <p>(c) Not applicable. No land designated for future road or rail.</p> <p>(d) Not applicable. The nearest proclaimed wharf area is in Devonport approximately 15km to the east.</p>

<b>10.4.13 Subdivision</b>	
10.4.13-(A1) Each new lot on a plan of subdivision must be –  (a) intended for residential use;  (b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a Statutory authority.	Not applicable.  No subdivision proposed.
10.4.13-(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot.	Not applicable.  No subdivision proposed.
<b>10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision</b>	
10.4.14-(A1) Electricity reticulation and site connections must be installed underground.	Not applicable.  No subdivision proposed.
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Not a subdivision, hazardous or vulnerable use.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in the Scheme.

<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of vegetation.
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level greater than 1m.
<b>E5 Local Heritage Code</b>	Not applicable. No Local Heritage Code in the Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. Not within a hazard mapped area.
<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Code applies to all development.
<b>E9.4 Use or development exempt from this Code</b>	Not exempt.  No Local Area Parking Scheme applies to the site.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
E9.5.1-(A1) Provision for parking must be:  (a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;	(a) Compliant. Table E9A requires two car parking spaces for a residential dwelling. Development comprises an internal two car garage.

<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
E9.5.2-(A1) There must be provision within a site for:	Not applicable for the development of a single dwelling.
(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.	
<b>E9.6 Development Standards</b>	
<b>E9.6.2 Design of vehicle parking and loading areas</b>	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by a Condition to be placed on the Permit.
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 –	Not applicable for the development of a single dwelling.
(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;	
(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;	

<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>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	
<p>E9.6.2–(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Not applicable.</p> <p>Land is zoned General Residential.</p>
<p><b>E10 Water and Waterways Code</b></p>	<p>Not applicable. Site is 1.1 km off Bass Strait.</p>
<p><b>Specific Area Plans</b></p>	<p>No Specific Area Plans apply to this location.</p>

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*Issues -*

1 *Setback of shed from the rear boundary -*

The Scheme's Acceptable Solution 10.4.2-(A3) requires that a dwelling, including outbuildings with a wall height greater than 2.4m, be contained within a building envelope incorporating a setback distance of 4m from the rear boundary of a lot.

The proposal seeks a variation to this standard. The subject site is an internal allotment with no shared rear boundary to an allotment with the same frontage (as is usually the case with an internal allotment and as is defined in the Scheme). The rear boundary, whilst directly opposite to the allotment's frontage to Mollie Place, appears on first examination as a western side boundary to adjoining land at 1 Christina Court, Turners Beach. For the purposes of assessment, the western boundary is deemed to be the rear boundary, and the application was deemed to be discretionary due to the proposed 300mm setback from this western boundary. The shed's setback to the northern side boundary adjoining 33 Explorer Drive, is compliant.

Due to the slope of the land, the proposed shed would have a western elevation wall height ranging from 4.2m to 4.8m, supported by a foundation wall approximately 500mm above natural ground level in the north-western corner of the lot. The building would be setback 300mm from the allotment's western rear boundary, as defined and described above. The proposed shed thus falls outside the required building envelope in this area of the site.

Performance Criteria 10.4.2-(P3) requires that for variations to building envelope standards, there be no unreasonable loss of amenity through loss of sunlight to the habitable rooms of an adjoining dwelling, or overshadowing of private open space or a negative visual impact; and that there is adequate separation between buildings that is compatible with that prevailing in the surrounding area.

*Overshadowing -*

The proposed construction of the shed to within 300mm of the western rear boundary would not have a material overshadowing impact on adjoining allotments. The subject allotment is orientated north-south. The subject and adjoining lots receive direct or proportional amounts of sunlight from the east, then north and west

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for much of the day. Any shadow effect would primarily fall on the development site, not on adjoining land, and shadow would be well clear of any habitable rooms or north facing private open space areas of adjoining property.

*Visual Impact –*

The shed, with a 500mm foundation above natural ground level, would be 4.7m to 5.3m above natural ground in the north-western corner of the lot, due to a sloping ground level. Whilst the shed meets the northern boundary setback, which allows a development length of 9m to the property boundary, the height of the shed means the building would protrude outside the standard building envelope. The shed would block out some of the immediate view of the adjoining property owner to the north at 33 Explorer Drive, however the setback from the northern boundary is compliant with the Scheme standards and locating the shed in the proposed position, whilst visually apparent due to the built-up footing, is not unusual in this area.

*Pattern of Separation –*

The pattern of separation between residential buildings would not be materially different to other residential development approved in this area. Dwellings and associated outbuildings are constructed to achieve maximum site coverage and, despite the variation in boundary setback, the proposed shed would not be disparate from the established pattern of development in the area.

2 *Proximity of development to Rural Resource zone boundary –*

The Scheme's Acceptable Solution 10.4.9-(A1) requires that development in the General Residential zone be setback 50m from a Rural Resource zone boundary, where a lot was sealed after the Scheme came into effect. The Scheme came into effect in 2013. The subject allotment was sealed in 2016. The development on the site would be setback 15.5m from a Rural Resource zone boundary that is located to the south of the allotment.

Rural land that adjoins the allotment is steep, heavily vegetated with trees and has a cleared 'fire break' for approximately a 30m width; setback from the adjoining General Residential zone. The subdivision of land in this area of Turners Beach (Explorer Drive) was approved by the Council in January 2008. The developer has been progressively releasing allotments, with the subject lot sealed by the Council in



2016. The proximity of the dwelling to a Rural Resource zone boundary will not result in a fettering of activity on rural land. Further, it is considered to be unwarranted that development meet a setback standard that was ratified in 2013; when the staged subdivision was approved by the Planning Authority in 2008. Nevertheless, the developer will need to meet stringent bushfire mitigation development standards when construction plans are examined by a Building Surveyor, due to the proximity of the lot to rural land.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	No comment.
TasWater	Refer to Submission to Planning Authority Notice TWDA 2017/01239-CC at Annexure 5.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Other	Referral not required.

*CONSULTATION*

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

- . a site notice was posted;
- . letters to adjoining owners were sent; and

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

*Representations –*

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

The representations are summarised and responded to as follows:

MATTER RAISED	RESPONSE
REPRESENTATION 1	
<p>1 The development of the dwelling would reduce views from 33 Explorer Drive and decrease the value of that adjoining property.</p>	<p>The subject allotment is to the rear of 33 Explorer Drive, where the representation suggests enjoyment of views to the south will be impaired.</p> <p>The proposed dwelling at 4 Mollie Place meets the majority of the Scheme standards, other than being in close proximity to the Rural Resource zone boundary. The dwelling does not exceed the height standard of 8.5m above natural ground level and the Scheme does not protect views that may be experienced from adjoining property, where development is within the required setback and height standards.</p> <p>The representation may be referring to the location of the proposed shed, where the rear setback (in this case deemed to be the western boundary of the subject lot) does not meet Scheme standards and the building would be outside the standard building envelope due to the slope of the land in this area.</p>

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	For further discussion on the development of the shed, refer to the "Issues" section of this report.
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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 representation does not contain sufficient merit to justify the addition of any restrictive condition to a Permit issued, or refusal of the development.

Given the orientation of allotments in this area and the slope of the land, it is justifiable that development would rely on tiered cut and fill and elevated footings to achieve a level build surface and vehicular access to the shed.

It is considered that ample sunlight falls on all properties throughout the day and the shed location would not result in a negative overshadowing impact on adjoining property. Further, the proximity of the dwelling to a Rural Resource zone boundary will not result in the fettering of activity on rural land, although the proximity to the zone may result in a higher standard of construction detail than is generally the case, to mitigate the risk of bushfire.

It is considered the proposal satisfies the Scheme's relevant Performance Criteria and approval of the dwelling, retaining walls and shed is justified.

The land is zoned General Residential. In summary, the development satisfies the key Local Area Objectives for the zone:

- 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.

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- 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.

It is considered appropriate the proposed development be approved, subject to conditions.

*Recommendation –*

It is recommended that the application for Residential (dwelling and retaining walls) and outbuilding (shed) – variation to rear boundary setback and proximity of a sensitive use to Rural Resource zone boundary at 4 Mollie Place, Turners Beach be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the Site Plan and Drainage Plan by Yaxley Design and Drafting dated July 2017 and Drawing Nos. 216182-4, 216182-5, 216182-7, 216182-8 and 216182-11 dated July 2017, unless modified by a condition of this Permit.
- 2 The development must be in accordance with the conditions of the Submission to Planning Authority Notice from TasWater, Reference No. TWDA 2017/01239-CC (copy attached).
- 3 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work of the proposed building and/or plumbing work is defined using the Determinations issued under the Building Act 2016 by the Director of Building Control. Any notifications or permits

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required in accordance with the defined category of work must be attained prior to the commencement of work.’

The report is supported.”

The Director Community Services reported as follows:

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

■ Cr Diprose moved and Cr Carpenter seconded “That the application for Residential (dwelling and retaining walls) and outbuilding (shed) – variation to rear boundary setback and proximity of a sensitive use to Rural Resource zone boundary at 4 Mollie Place, Turners Beach be approved subject to the following conditions and notes:

1. The development must be substantially in accordance with the Site Plan and Drainage Plan by Yaxley Design and Drafting dated July 2017 and Drawing Nos. 216182-4, 216182-5, 216182-7, 216182-8 and 216182-11 dated July 2017, unless modified by a condition of this Permit.
2. The development must be in accordance with the conditions of the Submission to Planning Authority Notice from TasWater, Reference No. TWDA 2017/01239-CC (copy attached) (a copy being appended to and forming part of these minutes).
- 3 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 ‘Substantial commencement’ is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work of the proposed building and/or plumbing work is defined using the Determinations issued under the Building Act 2016 by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work.”

Carried unanimously

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### **Closure**

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

CONFIRMED THIS                      DAY OF                      , 2017.

### **Chairperson**

(cvv:km)

### **Appendices**

Minute No. 46/2017 - Submission to Planning Authority Notice from TasWater, Reference No. TWDA 2017/01239-CC - 4 Mollie Place, Turners Beach - Application No. DA217025

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## QUALIFIED PERSON'S ADVICE

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

. A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

. A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

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

(i) the advice, information or recommendation was given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and

(ii) where any advice was directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.



Sandra Ayton  
GENERAL MANAGER

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# Appendices



## Submission to Planning Authority Notice


Council Planning Permit No.	DA217025	Council notice date	4/08/2017
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2017/01239-CC	Date of response	15/08/2017
TasWater Contact	David Boyle	Phone No.	6345 6323
<b>Response issued to</b>			
Council name	CENTRAL COAST COUNCIL		
Contact details	planning.cmw@centralcoast.tas.gov.au		
<b>Development details</b>			
Address	4 MOLLIE PL, TURNERS BEACH	Property ID (PID)	3470892
Description of development	Residential (dwelling, retaining walls and outbuilding - shed)		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Yaxley Design & Drafting	219182-2	2	July 1017
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater does not object to the proposed development and no conditions are imposed.			
<b>Advice</b>			
Nil			
<b>Declaration</b>			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			

**Authorised by**

**Jason Taylor**

Development Assessment Manager

<b>TasWater Contact Details</b>			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

<b>CENTRAL COAST COUNCIL</b> I certify that this is <i>the submission to Planning Authority</i> <i>Notice - TasWater Ref No TWDA 2017/01239-CC - 4 Mollie Place, Turners Beach; App No DA217025</i> referred to in Minute No. <i>46/2017</i> of a meeting of the <i>Development Special Support Committee</i> <del>Council</del> held on <i>11/9/2017</i>  <b>Executive Services Officer</b>
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