
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, 12 February 2018 commencing at 6.00pm

Members attendance

Cr Jan Bonde (Mayor)
Cr Amanda Diprose
Cr Philip Viney

Cr Garry Carpenter
Cr Tony van Rooyen
Ms Sandra Ayton

Employees attendance

Land Use Planning Group Leader (Ms Mary-Ann Edwards)
Director Infrastructure Services (Mr John Kersnovski)

Employee apologies

Director Community Services (Mr Cor Vander Vlist)

CONFIRMATION OF MINUTES OF THE COMMITTEE

1/2018 Confirmation of minutes

The Director Infrastructure Services reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 30 October 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.”

- Cr Carpenter moved and Cr Viney seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 30 October 2017 be confirmed.”

Carried unanimously

MAYOR'S COMMUNICATIONS

2/2018 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 van Rooyen moved and Cr Diprose seconded, “That the Mayor's report be received.”

Carried unanimously

DECLARATIONS OF INTEREST

3/2018 Declarations of interest

The Mayor reported as follows:

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

The Director Infrastructure Services reported as follows:

“The *Local Government Act 1993* provides that a member must not participate at any meeting of a special committee in any discussion, nor vote on any matter, in respect of which the member has an interest or is aware or ought to be aware that a close associate has an interest.

Members are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a member must declare any interest in a matter before any discussion on that matter commences.

All interests declared will be recorded in the minutes at the commencement of the matter to which they relate.”

No interests were declared at this time.

DEPUTATIONS

4/2018 Deputations

The Director Infrastructure Services reported as follows:

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

OPEN REPORTS

5/2018 Residential (two lot subdivision and multiple dwellings x five) – proximity to the Utility zone, variation to sunlight and overshadowing for all dwellings and area for waste storage at CT146012/3 Forth Road, Turners Beach – Application No. DA217127

The Director Infrastructure Services reported as follows:

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

<i>DEVELOPMENT APPLICATION NO.:</i>	DA217127
<i>PROPOSAL:</i>	Residential (two lot subdivision and multiple dwellings x five) – proximity to the Utility zone, variation to sunlight and overshadowing for all dwellings and area for waste storage
<i>APPLICANT:</i>	R & D Rimmelzwaan Pty Ltd
<i>LOCATION:</i>	CT146012/3 Forth Road, Turners Beach
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	3 January 2018
<i>REPRESENTATIONS EXPIRY DATE:</i>	17 January 2018

REPRESENTATIONS RECEIVED: One
42-DAY EXPIRY DATE: 2 February 2018 (extension granted until 19 February 2018)
DECISION DUE: 12 February 2018

PURPOSE

The purpose of this report is to consider an application to subdivide residential land to form two lots. The land is zoned General Residential and is located on the corner of Forth Road and Westella Drive, Turners Beach and is identified as CT146012/3.

Application is also made to develop five, single storey multiple dwellings on Lot 1 of the proposed subdivision.

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 2018-00014-CC;
- . Annexure 6 – Statement of Compliance from the Council in its capacity as the Road Authority & Stormwater Authority.

BACKGROUND

Development description -

Application is made to subdivide a 7,302m² parcel of land to form two residential allotments.

Lot 1 would have a land area of 3,012m² and is subject to a combined application to construct five multiple dwellings on the land.

Lot 2 would have a land area of 4,461m² and would accommodate an open stormwater drain that currently transects the site north-south, emptying into a Council maintained culvert on Westella Drive.

It is also proposed that five, three bedroom multiple dwellings be developed on Lot 1 comprising:

Dwelling 1 – floor area of 136m²;

Dwelling 2 – floor area of 136m²;

Dwelling 3 – floor area of 160m²;

Dwelling 4 – floor area of 160m²;

Dwelling 5 – floor area of 160m².

Site description and surrounding area –

The land is a 7,302m² residential allotment, located on the corner of Forth Road and Westella Drive, Turners Beach, opposite the disused “Poyntons” nursery site. The land has frontage to Westella Drive and Forth Road and is accessed via Forth Road.

The land slopes gently to the north–west and an open stormwater drain transects the western portion of the land, emptying into an open drain along Westella Drive, that in turn drains across a Council owned parcel of land to the Bass Highway.

The land is able to connect to reticulated sewer and water systems.

Land to the north, east and south is also zoned General Residential and is characterised by single dwelling development. The site abuts a Utility zone to the west that accommodates Forth Road, and a Rural Resource zone to the north that accommodates a portion of Westella Drive and a small parcel of Council owned land.

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

<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>10.4.1 Residential density for multiple dwellings</p>	
<p>10.4.1-(A1) Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 325m²; or</p> <p>(b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.</p>	<p>(a) Compliant. Site area per dwelling would be 602m².</p> <p>(b) Not applicable. No Table to this Clause.</p>
<p>10.4.2 Setbacks and building envelope for all dwellings</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>(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</p>	<p>(a) Compliant. Setback from primary frontage would be 7m.</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>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. Garage for Dwelling 1 would be setback 7m from the primary frontage to Forth 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) Compliant. Dwelling 5 would be setback 6m 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"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at the side boundaries and a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level; and <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or (ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser). 	<p>(a)(ii) Compliant. Dwellings would be contained in building envelope 10.4.2A. Dwelling 5 would be setback 6m from the rear boundary and would have a standard wall height.</p> <p>(b)(i) Not applicable. Satisfied by (b)(ii).</p> <p>(b)(ii) Compliant. Development would be setback 3.3m from the eastern side boundary of proposed Lot 1 and 3.3m from the western side boundary.</p>
<p>10.4.3 Site coverage and private open space for all dwellings</p>	
<p>10.4.3-(A1) Dwellings must have:</p>	<p>(a) Compliant. Site coverage of proposed development would be 24%.</p>

<p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60.0m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>(b) Compliant.</p> <p>Dwelling 1 would have 138m² private open space.</p> <p>Dwelling 2 would have 140m² private open space.</p> <p>Dwelling 3 would have 116m² private open space</p> <p>Dwelling 4 would have 128m² private open space</p> <p>Dwelling 5 would have 202m² private open space.</p> <p>(c) Compliant. Area free from impervious surfaces would be approximately 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) 24.0m²; or</p> <p>(ii) 12.0m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p>	<p>(a)(i) Compliant. All dwellings would have ample private open space area in excess of 24m².</p> <p>(a)(ii) Not applicable. Satisfied by (a)(i).</p> <p>(b)(i) Compliant. All dwellings would have a private open space area with a minimum horizontal dimension of 4m.</p> <p>(b)(ii) Not applicable. Satisfied by (b)(i).</p> <p>(c) Compliant. Private open space areas would be directly accessible from habitable rooms.</p>

<ul style="list-style-type: none"> (i) 4.0m; or (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 (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (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 (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 (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking. 	<ul style="list-style-type: none"> (d) Compliant. Private open space areas are orientated between 30 degrees west of north and 30 degrees east of north of dwellings. (e) Compliant. Private open space areas are not located between dwellings and the primary frontage. (f) Compliant. Land on proposed Lot 1 is relatively flat. (g) Compliant. Dwellings would have private open space areas clear of vehicle access and parking areas.
<p>10.4.4 Sunlight and overshadowing for all dwellings</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</p>	<p>Compliant. Habitable rooms face north.</p>

<p>between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</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 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</p> <ul style="list-style-type: none"> (i) at a distance of 3.0m from the window; and (ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal. <p>(b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling. 	<p>(a)(i) Compliant. All dwellings have a setback of 6m between each dwelling.</p> <p>(a)(ii) Compliant. Dwellings have wall heights of 3m and angle back at 45°.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p>

<p>10.4.4–(A3) A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <p>(i) at a distance of 3.0m from the northern edge of the private open space; and</p> <p>(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</p> <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> <p>(i) an outbuilding with a building height no more than 2.4m; or</p> <p>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling.</p>	<p>(a)(i) Non-compliant.</p> <p>Dwelling 3 would be within 1.5m of the private open space of Dwelling 2.</p> <p>Dwelling 4 would be within 1.56m of the private open space of Dwelling 3.</p> <p>Dwelling 5 would be within 1.5m of the private open space of Dwelling 4.</p> <p>Refer to “Issues” section of this report.</p> <p>(b) Compliant. The private open space for each dwelling would not receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) Not applicable. No outbuildings or protrusions.</p>
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10.4.5 Width of openings for garages and carports for all dwellings	
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).	Compliant. Garage for Dwelling 1 would be setback 7m from primary frontage.
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:	Not applicable. The proposed dwellings do not have a balcony, deck, roof terrace, parking space or carport that has a finished floor level more than 1m above natural ground level.

<ul style="list-style-type: none"> (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. 	
<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"> (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. <p>(b) The window or glazed door:</p>	<p>Not applicable.</p> <p>The proposed dwellings do not have a window or glazed door to a dwelling with a floor level more than 1 m above natural ground level.</p>

<ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%. 	
<p>10.4.6–(A3) A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <ul style="list-style-type: none"> (a) 2.5m; or (b) 1.0m if: <ul style="list-style-type: none"> (i) it is separated by a screen of at least 1.7m in height; or 	<ul style="list-style-type: none"> (a) Compliant. Shared driveway and parking spaces are separated from windows to habitable rooms at a distance of 4m or greater. (b) Not applicable. Satisfied by (a).

<p>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</p>	
<p>10.4.7 Frontage fences for all dwellings</p>	
<p>10.4.7-(A1) A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:</p> <p>(a) 1.2m if the fence is solid; or</p> <p>(b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).</p>	<p>Not applicable.</p> <p>No front fence proposed.</p>
<p>10.4.8 Waste storage for multiple dwellings</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 1.5m² per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p>	<p>(a) Not applicable. Waste bins are shown stored in a communal storage area.</p> <p>(b)(i) Non-compliant. Communal waste storage bin area is shown setback approximately 200mm from the primary frontage.</p> <p>(b)(ii) Compliant. Communal waste bin area is shown to be 10m from closest dwelling.</p>

<p>(b) in a communal storage area with an impervious surface that:</p> <ul style="list-style-type: none"> (i) has a setback of at least 4.5m from a frontage; and (ii) is at least 5.5m from any dwelling; and (c) 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>(b)(iii) Non-compliant. Screen not shown on plan.</p> <p>Refer to “Issues” section of this report.</p>
<p>10.4.9 Suitability of a site or lot for use or development</p>	
<p>10.4.9-(A1) A site or each lot on a plan of subdivision must:</p> <ul style="list-style-type: none"> (a) have an area of not less than 330m² excluding any access strip; and (b) if intended for a building, contain a building area of not less than 10.0m x 15.0m: <ul style="list-style-type: none"> (i) clear of any applicable setback from a frontage, side or rear boundary; (ii) clear of any applicable setback from a zone boundary; 	<ul style="list-style-type: none"> (a) Compliant. Parent land has a site area of 7,302m². Proposed Lot 1 would have an area of 3,012m² and Lot 2 would have an area of 4,461m². (b)(i) Compliant. The development would be clear of front, side and rear boundary setback requirements. (b)(ii) Non-compliant. The parent lot was sealed in 2006. Development abuts a Rural Resource zone boundary to the north and Utility zone boundary to the west. <p>Refer to “Issues” section of this report.</p>

<ul style="list-style-type: none"> (iii) clear of any registered easement; (iv) clear of any registered right of way benefiting other land; (v) clear of any restriction imposed by a Utility; (vi) not including an access strip; (vii) accessible from a frontage or access strip; and (viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north. 	<ul style="list-style-type: none"> (b)(iii) Compliant. Development clear of Public Works Drain easement. (b)(iv) Not applicable. No registered right of way. (b)(v) Compliant. Development clear of Public Works Drain easement. (b)(vi) Compliant. Development would be clear of access strip. (b)(vii) Compliant. Land is accessible from Forth Road. (b)(viii) Compliant. New residential lots have long axis within range of 30 degrees east of north and 20 degrees west of north.
<p>10.4.9–(A2) A site or each lot on a subdivision plan must have a separate access from a road –</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has a right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or (c) by a right of way connecting to a road – <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; and 	<ul style="list-style-type: none"> (a) Compliant. Each lot would have access and a frontage to Forth Road. (b) Not applicable. No internal lot proposed. (c)(i) Not applicable. Satisfied by (a). (c)(ii) Not applicable. Satisfied by (a). (d)(i) Compliant. Lot 1 would have 26m wide frontage to Forth Road and Lot 2 would have 202m wide frontage to Forth Road.

<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)(ii) Compliant. Site of multiple dwelling development would have 26m wide frontage and 6m wide crossover to Forth Road</p> <p>(e) Compliant. Site has existing legal access to Forth Road.</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 able to connect to the reticulated water system. The Council’s Planning Permit would require compliance with TasWater’s approval, included as an attachment to the Planning Permit.</p>

<p>10.4.9–(A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and wastewater to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is able to connect to the reticulated sewerage system. The Council’s Planning Permit would require compliance with TasWater’s approval, included as an attachment to the Planning Permit.</p>
<p>10.4.9–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>.</p>	<p>Compliant.</p> <p>The site is able connected to the stormwater system in this area.</p>
<p>10.4.10 Dwelling density for single dwelling development</p>	
<p>10.4.10–(A1)</p> <p>(a) The site area per dwelling for a single dwelling must –</p> <p>(i) be not less than 325m².</p>	<p>Not applicable.</p> <p>No single dwelling development proposed.</p>
<p>10.4.11 Development other than a single or multiple dwelling</p>	
<p>10.4.11.1 Location and configuration of development</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"> (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. 	
<p>10.4.11.1-(A2) All buildings must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> (a) the applicable frontage setback; (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; (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"> (i) not less than 1.5m from each side boundary; or (ii) less than 1.5m from a side boundary if – 	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<ul style="list-style-type: none"> a. built against an existing wall of an adjoining building; or b. the wall or walls – <ul style="list-style-type: none"> i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land; ii. there is no door or window in the wall of the building; and 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. (d) in accordance with any building envelope shown on a sealed plan of subdivision. 	
<p>10.4.11.1–(A3) Site coverage must:</p> <ul style="list-style-type: none"> (a) not be more than 50%; or (b) not be more than any building area shown on a sealed plan. 	<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>10.4.11.2 Visual and acoustic privacy for residential development</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>

<ul style="list-style-type: none"> (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): <ul style="list-style-type: none"> (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; (iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or (iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport. 	
<p>10.4.11.2-(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, 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>

10.4.11.3 Frontage fences	
<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>
10.4.12 Setback of development for sensitive use	
<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. Dwelling 1 on proposed Lot 1 would be setback 7m to the Utility zone and Rural Resource zone boundaries. The Scheme requires a 50m setback where a lot is sealed after 2013.</p> <p>(b) Non-compliant. Dwelling 1 on proposed Lot 1 would be setback 7m to the Utility zone and Rural Resource zone boundaries. 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>(a) Compliant. Development would be approximately 80m from the 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>(b) Compliant. Development would be 330m 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>
<p>10.4.13 Subdivision</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>(a) Compliant. Subdivision is for residential purpose.</p> <p>(b) Not applicable. Subdivision not required for public use.</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>Compliant.</p> <p>No internal lots proposed.</p>
<p>10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision</p>	
<p>10.4.14-(A1) Electricity reticulation and site connections must be installed underground.</p>	<p>Compliant by a Condition to the permit.</p>

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

E9.5 Use Standards	
E9.5.1 Provision for parking	
E9.5.1-(A1) Provision for parking must be: (a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;	(a) Compliant. Table E9A requires two car parking spaces per residential dwelling and one visitor car parking space for every three dwellings. This equates to a requirement for 13 on-site car parking spaces. The proposed development makes provision for 13 car parking spaces on-site.
E9.5.2 Provision for loading and unloading of vehicles	
E9.5.2-(A1) There must be provision within a site for: (a) on-site loading area in accordance with the requirement in the Table to this Code; and (b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.	Not applicable for residential development.
E9.6 Development Standards	
E9.6.2 Design of vehicle parking and loading areas	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	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 –

- (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;
- (c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;
- (d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;
- (e) Each parking space must be separately accessed from the internal circulation aisle within the site;
- (f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and
- (g) Be formed and constructed with compacted sub-base and an all-weather surface.

Not applicable for residential development where less than 20 spaces are proposed or required.

<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>E10 Water and Waterways Code</p>	<p>Not applicable. Site is 580m from Bass Strait.</p>
<p>Specific Area Plans</p>	<p>No Specific Area Plans apply to this location.</p>

Issues –

1 *Sunlight and Overshadowing –*

Acceptable Solution 10.4.4–(A3)(a) of the Scheme requires that a multiple dwelling that is north of the private open space of another dwelling on the same site must have a 3m distance from the northern edge of the adjoining private open space.

The proposed multiple dwelling development does not meet this standard, whereby Dwellings 3, 4 and 5 are located within 1.5m of the private open space areas of dwellings to the north of another. In this regard:

Dwelling 3 would be within 1.5m of the private open space of Dwelling 2.

Dwelling 4 would be within 1.5m of the private open space of Dwelling 3.

Dwelling 5 would be within 1.5m of the private open space of Dwelling 4.

An exercise of discretion is required.

Performance Criteria 10.4.4–(P3) states:

“A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3”.

In each case, the dwellings encroach to within 1.5m of the separating fence line of an adjoining private space area. However, each dwelling has an ample area of private open space, well exceeding the Scheme’s requirement under Clause 10.4.3 in this regard. Private open space areas are located to the north and west of each dwelling. Dwellings and associated private open space areas, due to their orientation on the land, would receive direct or proportional amounts of sunlight from the east, then north and west for much of the day. As a result, there would be no unreasonable loss of amenity by the overshadowing of private open space areas by adjoining buildings.

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

The development site would adjoin a Rural Resource zone boundary that is located to the north of the allotment. 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 residential development would be on a new allotment, to be approved, or otherwise, under the current 2013 Scheme standards.

The area of Rural Resource land to the north accommodates a portion of Westella Drive; and a small parcel of vacant land 'left over' from the upgrade of the Bass Highway in this area. The land is owned by Central Coast Council and it is considered that the proximity of multiple dwelling development to the boundary of this parcel of Rural Resource zoned land would not result in the fettering, now or in the future, of primary industry activity in this area.

3 *Proximity of development to Utility zone boundary –*

The Scheme's Acceptable Solution 10.4.9–(A1) requires that sensitive use development in the General Residential zone be setback 10m from a Utility zone boundary.

The land adjoins a Utility zone to the west. The Utility zone accommodates Forth Road.

The Scheme's Performance Criteria 10.4.12–(P1) states:

The location of a building containing a sensitive use must –

- (a) *minimise likelihood for conflict, constraint or interference by the sensitive use on existing and potential use of land in the adjoining zone; and*
- (b) *minimise likely impact from existing and potential use of land in the adjoining zone on the amenity of the sensitive use.*

Proposed Dwelling 1 would be setback 7m from Forth Road. The setback of other established dwellings from Forth Road, in this area, vary from 4m to 10m. The proposed development setback would be consistent with the existing pattern of development along Forth Road. The location of Dwelling 1 is unlikely to increase or result in any

additional conflict, constraints or interferences to the continued use or upgrades to Forth Road infrastructure.

4 *Location of waste storage bins –*

The Scheme's Acceptable Solution 10.4.8–(A1)(b) requires that communal waste storage bin areas be setback 4.5m from the site frontage and be screened by a wall of 1.2m in height. The proposed development shows bins located approximately 200mm from the site frontage with no screening of the service area.

The Scheme's Performance Criteria 10.4.8–(P1) states that development must provide for the storage of waste bins that are screened from the property frontage and from dwellings. There is ample land area on Lot 1 to satisfy the Scheme's relevant criteria. It would be reasonable to apply a Condition to a Permit requiring such, if issued.

5 *Local Government (Building and Miscellaneous Provisions) Act 1993 –*

Section 84 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* 'LG(BMP)A' provides that a Council not approve a subdivision where lots do not have the qualities of a minimum lot or works involving drainage to a drain or culvert belonging to a State road, without State authority.

In this case, no sub–minimum lots would be created, and drainage is to Westella Drive, a Council owned culvert.

Section 85 of the LG(BMP)A provides the Council with power to refuse a subdivision where roads would not be satisfactory, drainage would not be satisfactory, land is not suitable for effluent disposal, site or layout would make servicing unduly expensive, the layout should be altered to include or omit various matters including blind roads, access to the rear of lots, littoral and riparian reserves, preservation of trees and shrubs, and whether adjoining land should be included in the subdivision.

Lot 1 is able to connect to reticulated services and exhibits the qualities of a minimum lot.

The whole of Lot 2 is not able to connect to reticulated sewer, with a portion of the land to be shown on the Certificate of Title as "not able

to be serviced". There is no proposal to further develop Lot 2, at this stage.

Both lots have access to the road network and meet the General Residential zone Scheme standards for allotment size and shape.

It is considered that the requirements of the LG(BMP)A have been satisfied.

6 Suitability of a lot for development –

Clause 10.4.9 of the Scheme requires that each lot on a plan of subdivision in the General Residential zone have an area of not less than 330m², excluding any access strip, and, if intended for a building, contain a building area of not less than 10m x 15m.

Lot 1 and Lot 2 are able to satisfy the Scheme's requirement in this regard.

7 Public Open Space contribution –

Section 116 of the LG(BMP)A allows the Council to secure public open space in a subdivision. The circumstances of where and the form of public open space that is to be required are provided for in the Council's Public Open Space Contributions Policy.

The Council's Public Open Space Contribution Policy requires a contribution for any residential subdivision where new lots are created. This is either by way of land, where there is a deficiency of public open space in the area, or a cash-in-lieu payment. In this instance, there is no land required to be taken for public open space. Consequently, a 5% cash-in-lieu contribution, based on the unimproved value of the new Lot 2, to be determined by a registered valuer, is required. The Public Open Space cash-in-lieu contribution is required to provide for the provision or improvement of public open space that may be of local, district or regional value. This will require a condition on the Permit.

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	Refer to the two Statements of Likely Compliance at Annexure 6.
TasWater	Refer to TasWater's Submission to Planning Authority Notice TWDA 2018/00014-CC at Annexure 5.
Department of State Growth	No comment received.
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
<p>1 Drainage in the area is inadequate and land between Westella Drive and the Bass Highway floods each year.</p> <p>The additional development would add ‘pressure’ to the system. There should be a long-term plan for stormwater in this area.</p>	<p>The Council, in its capacity as the Stormwater Authority, will require that the following works be undertaken to reduce the rate of stormwater flow in this area:</p> <p>“On-site detention storage(s) must be provided to limit the rate of total stormwater discharge from Lot 1 developed as proposed, to no more than the rate of total stormwater discharge from Lot 1 in the existing undeveloped state for a 5% AEP (1 in 20 year) rainfall event. The on-site detention storage(s) must be designed to accommodate a 1% AEP (1 in 100 year) rainfall event for the fully developed site”.</p> <p>Similar requirements would apply to any future development on Lot 2.</p>
<p>2 On-site detention of stormwater will have limited to no effect due to high ground-water levels in winter.</p>	<p>The design of any on-site detention system used to satisfy the rate of stormwater discharge requirement would need to demonstrate that water table issues have been appropriately considered, prior to in-principle approval by the Council.</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.

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. The Council, acting in its capacity as the Stormwater Authority, will require that on-site stormwater detention is incorporated into the design of the multiple dwelling site. This will alleviate stormwater issues somewhat, restricting the rate of stormwater flow into the drainage system in this area.

It is considered that ample sunlight falls on each dwelling's private open space area throughout the day, and a Permit could be conditioned to ensure the effective screening of waste bin storage areas.

The proximity of the development to a Rural Resource zone boundary and Utility zone boundary will not result in the fettering of primary industry activity on rural land or impose a negative impact of Forth Road infrastructure.

It is considered the proposal satisfies the Scheme's relevant Performance Criteria and that the two lot subdivision and development of five multiple dwellings be approved, subject to conditions.

Recommendation –

It is recommended that the application for Residential (two lot subdivision and multiple dwellings x five) – proximity to the Utility zone, variation to sunlight and overshadowing for all dwellings and area for waste storage at CT146012/3 Forth Road, Turners Beach be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by CSE Tasmania Pty Ltd, Drawing Nos. 1206-72 G01 to G03, dated 19 December 2017 and Drawing Nos. 1206-72 C01 to C08, dated 19 December 2017; and plans by RD Homes, Site Plan No 01 and Private Space Per Townhouse Vehicle Manoeuvring, Page 01, Reference No. 11-16-204 dated 25 November 2016; and Pages 02-05, Reference No. 01-14-090 dated 10 October 2017 and 25 November 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 2018/00014-CC (copy attached).

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- 3 The two lot subdivision must be in accordance with the Statement of Likely Compliance for Vehicular Access and Drainage Access issued by the Council in its capacity as Road Authority and Stormwater Authority, dated 22 January 2018 (copy attached).
 - 4 The multiple dwellings must be in accordance with the Statement of Likely Compliance for Vehicular Access & Drainage Access issued by the Council in its capacity as Road Authority and Stormwater Authority, dated 29 January 2018 (copy attached).
 - 5 Stormwater, including that from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
 - 6 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
 - 7 Communal waste bin storage areas must be screened from the property frontage and all dwellings.
 - 8 A cash-in-lieu of public open space contribution of 5% of the unimproved value of Lot 2 must be paid prior to the sealing of the Final Plan of Survey. The value of the lots must be determined by a registered valuer.
 - 9 The Final Plan of Survey must show the land area of Lot 2 that is not able to be serviced with reticulated sewer infrastructure.
 - 10 Underground electricity reticulation must be installed to each lot.

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.’

The report is supported.”

The Director Infrastructure Services reports as follows:

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

■ Cr Carpenter moved and Cr Viney seconded “That the application for Residential (two lot subdivision and multiple dwellings x five) – proximity to the Utility zone, variation to sunlight and overshadowing for all dwellings and area for waste storage at CT146012/3 Forth Road, Turners Beach be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by CSE Tasmania Pty Ltd, Drawing Nos. 1206-72 G01 to G03, dated 19 December 2017 and Drawing Nos. 1206-72 C01 to C08, dated 19 December 2017; and plans by RD Homes, Site Plan No 01 and Private Space Per Townhouse Vehicle Manoeuvring, Page 01, Reference No. 11-16-204 dated 25 November 2016; and Pages 02-05, Reference No. 01-14-090 dated 10 October 2017 and 25 November 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 2018/00014-CC (copy attached) (a copy being appended to and forming part of these minutes).
- 3 The two lot subdivision must be in accordance with the Statement of Likely Compliance for Vehicular Access and Drainage Access issued by the Council in its capacity as Road Authority and Stormwater Authority, dated 22 January 2018 (copy attached) (a copy being appended to and forming part of these minutes).
- 4 The multiple dwellings must be in accordance with the Statement of Likely Compliance for Vehicular Access & Drainage Access issued by the Council in its capacity as Road Authority and Stormwater Authority, dated 29 January 2018 (copy attached) (a copy being appended to and forming part of these minutes).
- 5 Stormwater, including that from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 6 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.

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- 7 Communal waste bin storage areas must be screened from the property frontage and all dwellings.
 - 8 A cash-in-lieu of public open space contribution of 5% of the unimproved value of Lot 2 must be paid prior to the sealing of the Final Plan of Survey. The value of the lots must be determined by a registered valuer.
 - 9 The Final Plan of Survey must show the land area of Lot 2 that is not able to be serviced with reticulated sewer infrastructure.
 - 10 Underground electricity reticulation must be installed to each lot.

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

Closure

There being no further business, the Mayor declared the meeting closed at 6.22pm.

CONFIRMED THIS DAY OF , 2018.

Chairperson

(mae:km)

Appendices

- Minute No. 5/2018 - Submission to Planning Authority Notice from TasWater, Reference No. TWDA 2018/00014-CC - CT146012/3 Forth Road, Turners Beach - Application No. DA217127
- Minute No. 5/2018 - Statement of Likely Compliance for Vehicular Access and Drainage Access dated 22 January 2018 - CT146012/3 Forth Road, Turners Beach - Application No. DA217127
- Minute No. 5/2018 - Statement of Likely Compliance for Vehicular Access and Drainage Access dated 29 January 2018 - CT146012/3 Forth Road, Turners Beach - Application No. DA217127

QUALIFIED PERSON'S ADVICE

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

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

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

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

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

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



Sandra Ayton
GENERAL MANAGER

Appendices

Submission to Planning Authority Notice

Council Planning Permit No.	DA217127	Council notice date	02/01/2018
TasWater details			
TasWater Reference No.	TWDA 2018/00014-CC	Date of response	08/01/2018
TasWater Contact	Amanda Craig	Phone No.	03) 6345 6318
Response issued to			
Council name	CENTRAL COAST COUNCIL		
Contact details	planning.cmw@centralcoast.tas.gov.au		
Development details			
Address	LOT 3 FORTH RD, TURNERS BEACH	Property ID (PID)	2729487
Description of development	Subdivision and Multiple dwellings		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
CSE Tasmania Pty Ltd	1206-72 C03 Sewer and Water Layout Plan	A	07/12/2017
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> 1. A suitably sized water supply with metered connections / sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. 2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. 3. Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. <p>ASSET CREATION & INFRASTRUCTURE WORKS</p> <ol style="list-style-type: none"> 4. Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains. 5. Prior to applying for a Permit to Construct new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a suitably qualified person showing the hydraulic servicing requirements for sewerage to TasWater's satisfaction. 6. Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction. 7. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements. 			

8. Prior to the issue of a Consent to Register a Legal Document all additions, extensions, alterations or upgrades to TasWater's sewerage infrastructure required to service the development, generally as shown on the concept servicing plan "CSE Tasmania Pty Ltd, 1206-72 C03 Sewer and Water Layout Plan, dated 07/12/217", are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
9. After testing, to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
10. At practical completion of the water and sewerage works and prior to TasWater issuing a Consent to a Register Legal Document, the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
 - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved;
 - b. A request for a joint on-site inspection with TasWater's authorised representative must be made;
 - c. TasWater may, at its discretion, require security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee;
 - d. As constructed drawings must be prepared by a suitably qualified person to TasWater's satisfaction and forwarded to TasWater.
11. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". The newly constructed infrastructure will be transferred to TasWater upon issue of this certificate and TasWater will release any security held for the defects liability period.
12. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
13. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.

FINAL PLANS, EASEMENTS & ENDORSEMENTS

14. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater and the certificate must be submitted to the Council as evidence of compliance with these conditions when application for sealing is made.
15. Pipeline easements, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions.
16. Pursuant to Section 83 of the Local Government (Building and Miscellaneous Provisions) Act 1993, the Plan of Subdivision Council Endorsement Page is to note that TasWater cannot guarantee sanitary drains will be able to discharge via gravity into TasWater's sewerage system.

Advice: See section 4.6.5 of the Sewerage Code.

DEVELOPMENT ASSESSMENT FEES

17. The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows:
- a. \$252.15 for development assessment; and
 - b. \$136.58 for Consent to Register a Legal Document

The payment is required within 30 days of the issue of an invoice by TasWater.

Advice

General

For information on TasWater development standards, please visit <http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

TasWater have a small number of townships that are on Boil Water and Do Not Consume Alerts. Please visit <http://www.taswater.com.au/News/Outages---Alerts> for a current list of these areas.

Declaration

The drawings/documents and conditions stated above constitute TasWater’s Submission to Planning Authority Notice.

Authorised by



Jason Taylor
Development Assessment Manager

TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

CENTRAL COAST COUNCIL

I certify that this is the Submission to
Planning Authority Notice Taswater
TWDA 2018/00014-CC-CT140612/3
Forth Road, Tunes Beach referred to in
DA 217127
 Minute No. 5/2018 of a meeting of the
 Council held on 12/1/2018

 Executive Services Officer

Annexure 6

22 January 2018

Our ref.: DA217127, paa:kaa

Doc ID: 285792

R & D Rimmelzwaan Pty Ltd
4 Heathcote Street
ULVERSTONE TAS 7315

Dear Robert

**LOCAL GOVERNMENT (HIGHWAYS) ACT 1982 AND URBAN DRAINAGE ACT 2013
STATEMENT OF LIKELY COMPLIANCE FOR VEHICULAR ACCESS AND DRAINAGE ACCESS
TWO LOT SUBDIVISION – FORTH ROAD, TURNERS BEACH**

I refer to your application DA21 7127 for a two lot subdivision at Forth Road, Turners Beach, and based on the information supplied with the application make the following determination in respect to vehicular access, stormwater disposal and Council infrastructure.

Access can be provided to the road network at Forth Road, Turners Beach subject to the following:

- R1 Kerb and channel and footpath infrastructure must be provided along the Forth Road frontage of Lot 1 and at least 18m along the Forth Road frontage of Lot 2;
- R2 A concrete vehicular access must be provided to each lot and may be located as shown on the CSE Tasmania Pty Ltd Site Plan, Drawing No. 1206-72 G03 dated 7 and 12 December 2017 (copy enclosed);
- R3 Any access must be constructed in accordance with Standard Drawing TSD-R09-v1 Urban Roads – Driveways (copy enclosed);
- R4 A separate conditioned approval from the Council acting in its capacity as the Road Authority will be required for any works or activity in the road reservation, and must be arranged prior to any work associated with the subdivision being undertaken. Please contact the Council's Public Safety Coordinator on 0419 103 887;
- R5 Any work associated with roads, footpaths, kerb and channel, nature strips, or street trees will be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services or his representative;
- R6 Any damage or disturbance to roads, footpaths, kerb and channel or nature strips resulting from activity associated with the subdivision must be rectified;

- R7 All works or activity listed above must be completed to the satisfaction of the Council's Director Infrastructure Services or his representative;
- R8 All works or activity listed above shall be at the property owner's cost.

Access can be provided to the Council's stormwater network at Forth Road, Turners Beach to drain stormwater from the proposed development subject to the following:

- S1 The Council's underground stormwater system must be extended as necessary to service Lot 1 and Lot 2;
- S2 Separate underground stormwater connections must be provided to each lot;
- S3 Stormwater and associated infrastructure must be provided in accordance with the Tasmanian Subdivision Guidelines and the Tasmanian Standard Drawings, unless otherwise required or approved by the Council's Director Infrastructure Services;
- S4 Any work associated with existing stormwater infrastructure will be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services or his representative;
- S5 Any damage or disturbance to existing stormwater infrastructure resulting from activity associated with the subdivision must be rectified;
- S6 All works or activity listed above must be completed to the satisfaction of the Council's Director Infrastructure Services or his representative;
- S7 All works or activity listed above shall be at the property owner's/developer's cost;
- S8 Appropriate easements must be established over the Council stormwater infrastructure;
- S9 The final survey plan must show areas that cannot be serviced by the stormwater drainage system;

In general the following shall apply in respect to the provision of infrastructure associated with the development and to any existing Council infrastructure.

- I1 Engineering design drawings, including supporting documentation and calculations, for all road and stormwater infrastructure associated with the subdivision that will become an asset of the Council, must be submitted for the in principle approval of the Council's Director Infrastructure Services;

- 12 Construction is not to commence until the relevant design drawings have been approved in principle by the Council's Director Infrastructure Services;
- 13 The provision, upgrading, re-routing, relocation or extension of Council infrastructure and services, required as a result of the subdivision, shall be done in accordance with the relevant standards and to the satisfaction of the Council's Director Infrastructure Services or his representative;
- 14 The provision, upgrading, re-routing, relocation or extension of Council infrastructure and services, required as a result of the subdivision, shall be at the developer's/property owner's cost;
- 15 Any damage or disturbance to existing services resulting from activity associated with the multiple dwelling development must be rectified at the developer's/property owner's cost.

This 'Statement of Compliance' is not an approval to create an access, work in the road reservation or undertake stormwater drainage works, nor is it a planning permit for the subdivision development. This 'Statement of Compliance' is valid for a period of 2 years from the date of this letter.

A copy of this 'Statement of Compliance' has been provided to the Council's Land Use Planning Group for consideration with planning permit application DA217127.

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

Yours sincerely



Philip Adams
ENVIRONMENTAL ENGINEER

Encl.

✓ Administrative Assistant – Planning
Public Safety Coordinator

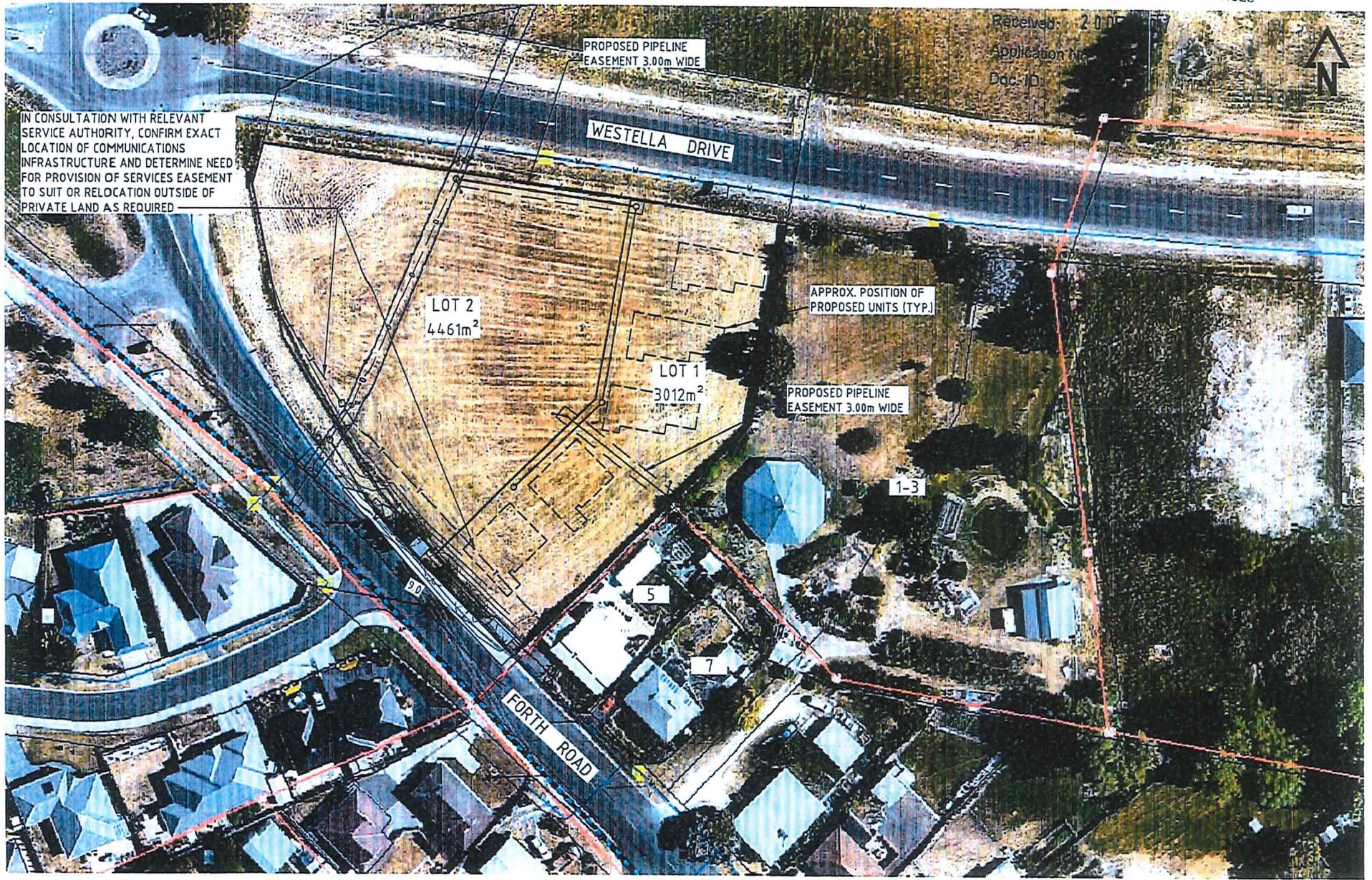
CSE Tasmania
PO Box 49
TURNERS BEACH TAS 7315

A COPY FOR YOUR INFORMATION

CENTRAL COAST COUNCIL
I certify that this is <u>The Statement of likely Compliance for</u>
<u>Vehicle access & Drainage access at</u>
<u>CT1460213 Forth Road, Turners</u>
<u>Beach DA217127</u>referred to in
Minute No. <u>5/2018</u>of a meeting of the
Council held on <u>12 / 2 / 2018</u>

Executive Services Officer

Received: 20/07/17
Application No: [blank]
Doc ID: [blank]



IN CONSULTATION WITH RELEVANT SERVICE AUTHORITY, CONFIRM EXACT LOCATION OF COMMUNICATIONS INFRASTRUCTURE AND DETERMINE NEED FOR PROVISION OF SERVICES EASEMENT TO SUIT OR RELOCATION OUTSIDE OF PRIVATE LAND AS REQUIRED

LOT 2
4461m²

LOT 1
3012m²

APPROX. POSITION OF PROPOSED UNITS (TYP.)

PROPOSED PIPELINE EASEMENT 3.00m WIDE

WESTELLA DRIVE

FORTH ROAD

1-3

5

7

CSE TASMANIA PTY LTD
civil · structural · environmental engineering

PO Box 49, Turners Beach TAS 7315
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t (03) 6428 3094
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DO NOT SCALE
Original Size A3
CONSTRUCTION

Scale:	1:750 HORIZ.	Designer:	CJM
Drawn:	HJM	Acad. No.:	CCA109V
Agreed:			
Date:			

No	Revision	Drawn	Date
0	ISSUED FOR CONSTRUCTION		19/12/17
A	ISSUED FOR COUNCIL & TASWATER APPROVAL	HJM	07.12.17

Client:	R & D HOMES
Project:	LOT 3 FORTH ROAD - SUBDIVISION
Title:	SITE PLAN
Drawing No.:	1206-72 G03
Revision:	0

29 January 2018

Our ref.: DA217127, paa:kaa

Doc ID: 285829

R & D Rimmelzwaan Pty Ltd
4 Heathcote Street
ULVERSTONE TAS 7315

Dear Robert

**LOCAL GOVERNMENT (HIGHWAYS) ACT 1982 AND URBAN DRAINAGE ACT 2013
STATEMENT OF LIKELY COMPLIANCE FOR VEHICULAR ACCESS & DRAINAGE ACCESS
MULTIPLE DWELLINGS – FORTH ROAD, TURNERS BEACH**

I refer to your application DA217127 for multiple dwellings at Forth Road, Turners Beach, and based on the information supplied with the application make the following determination in respect to vehicular access, stormwater disposal and Council infrastructure.

Access can be provided to the road network at Forth Road, Turners Beach subject to the following:

- R1 The 6.0 metre wide access on the Forth Road frontage created as part of the two lot subdivision may be used as the access to the property (Lot 1);
- R2 A separate conditioned approval from the Council acting in its capacity as the Road Authority will be required for any works or activity in the road reservation, and must be arranged prior to any work associated with the subdivision being undertaken. Please contact the Council's Public Safety Coordinator on 0419 103 887;
- R3 Sight triangle areas adjacent to all accesses/driveways must be kept clear of obstructions to visibility, as per Figure 3.3 Minimum Sight Lines for Pedestrian Safety of AS/NZS 2890.1 (copy enclosed);
- R4 Any work associated with roads, footpaths, kerb and channel, nature strips, or street trees will be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services or his representative;
- R5 Any damage or disturbance to roads, footpaths, kerb and channel or nature strips resulting from activity associated with the subdivision must be rectified;
- R6 All works or activity listed above must be completed to the satisfaction of the Council's Director Infrastructure Services or his representative;

R7 All works or activity listed above shall be at the property owner's cost.

Limited access can be provided to the Council's stormwater network at Forth Road, Turners Beach to drain stormwater from the proposed development subject to the following:

- S1 On-site detention storage(s) must be provided to limit the rate of total stormwater discharge from Lot 1 developed as proposed, to no more than the rate of total stormwater discharge from Lot 1 in the existing undeveloped state for a 5% AEP rainfall event;
- S2 The on-site detention storage(s) must be designed to accommodate a 1% AEP rainfall event;
- S3 Any on-site detention storage system must be designed by a civil engineer eligible for membership of IE Aust or equivalent;
- S4 Prior to the issuing of the Building Permit, the plans and calculations for any on-site detention storage(s) must be submitted to the Council, and be approved in principle by the Council's Director Infrastructure Services or his representative;
- S5 On completion, an "as constructed" plan complete with levels, must be submitted, complete with a certification that the storage(s) and adjacent floor levels have been constructed in accordance with the approved design;
- S6 Stormwater and associated infrastructure must be provided in accordance with the Tasmanian Subdivision Guidelines and the Tasmanian Standard Drawings, unless otherwise required or approved by the Council's Director Infrastructure Services;
- S7 Any work associated with existing stormwater infrastructure will be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services or his representative;
- S8 Any damage or disturbance to existing stormwater infrastructure resulting from activity associated with the subdivision must be rectified;
- S9 All works or activity listed above must be completed to the satisfaction of the Council's Director Infrastructure Services or his representative;
- S10 All works or activity listed above shall be at the property owner's/developer's cost.

In general the following shall apply in respect to the provision of infrastructure associated with the development and to any existing Council infrastructure.

- 11 The provision, upgrading, re-routing, relocation or extension of Council infrastructure and services, required as a result of the multiple dwelling development, shall be done in accordance with the relevant standards and to the satisfaction of the Council's Director Infrastructure Services or his representative;
- 12 The provision, upgrading, re-routing, relocation or extension of Council infrastructure and services, required as a result of the multiple dwelling development, shall be at the developer's/property owner's cost;
- 13 Any damage or disturbance to existing services resulting from activity associated with the multiple dwelling development must be rectified at the developer's/property owner's cost.

This 'Statement of Compliance' is not an approval to create an access, work in the road reservation or undertake stormwater drainage works, nor is it a planning permit for the multiple dwelling development. This 'Statement of Compliance' is valid for a period of 2 years from the date of this letter.

A copy of this 'Statement of Compliance' has been provided to the Council's Land Use Planning Group for consideration with planning permit application DA217127.

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

Yours sincerely



Philip Adams
ENVIRONMENTAL ENGINEER

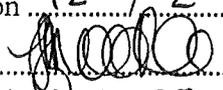
Encl.

- ✓Administrative Assistant - Planning
- Public Safety Coordinator
- Plumbing Inspector

A COPY FOR YOUR INFORMATION

CENTRAL COAST COUNCIL

I certify that this is the Statement of likely Compliance for Vehicular Access and Drainage Access at CT14601213 North Road, Turners Beach referred to in Minute No. 5/2018 of a meeting of the Council held on 12/2/2018


Executive Services Officer