
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 van Rooyen moved and Cr Carpenter seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 10 September 2018 be confirmed.”

Carried unanimously

MAYOR’S COMMUNICATIONS

25/2018 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 Carpenter moved and Cr Viney seconded, “That the Mayor’s report be received.”

Carried unanimously

DECLARATIONS OF INTEREST

26/2018 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 Community Services reported as follows:

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

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

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

No interests were declared at this time.

ADJOURNMENT OF MEETING

27/2018 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 6.01pm. The workshop having been concluded, the Mayor resumed the meeting at 6.07pm.

DEPUTATIONS

28/2018 Deputations

The Director Community Services reported as follows:

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

OPEN REPORTS

29/2018 Utilities (Telecommunication monopole and associated structures) – discretionary use in Rural Resource zone, variation to building height and height above vegetation canopy and reliance on E8 Telecommunications Code at Preston Road, Preston (CT 137634/2) incorporating 1810 Preston Road, Preston – Application No. DA2018059

The Director Community Services reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION No.:</i>	DA2018059
<i>PROPOSAL:</i>	Utilities (Telecommunication monopole and associated structures) – discretionary use in Rural Resource zone, variation to building height and height above vegetation canopy and reliance on E8 Telecommunications Code
<i>APPLICANT:</i>	Visionstream Pty Ltd obo Telstra Corporation
<i>LOCATION:</i>	Preston Road, Preston (CT 137634/2) incorporating 1810 Preston Road, Preston
<i>ZONE:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	8 September 2018
<i>REPRESENTATIONS EXPIRY DATE:</i>	24 September 2018
<i>REPRESENTATIONS RECEIVED:</i>	Four
<i>42-DAY EXPIRY DATE:</i>	16 October 2018
<i>DECISION DUE:</i>	8 October 2018

PURPOSE

The purpose of this report is to consider an application to erect a telecommunications monopole and associated structures at Preston Road, Preston (CT 137634/2) incorporating 1810 Preston Road, Preston.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;

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- . Annexure 2 – application documentation;
 - . Annexure 3 – representations;
 - . Annexure 4 – photographs; and
 - . Annexure 5 – Statement of Compliance from the Road Authority.

BACKGROUND

Development description –

Application is made to construct a 35m telecommunications monopole on rural land at Preston Road, Preston (CT 137634/2) incorporating 1810 Preston Road, Preston. The monopole would be funded under the Federal Government Black Spot Program to provide mobile telecommunication coverage to the Preston/Gunns Plains area.

The proposed development includes the installation of a new 10m x 10m compound area to house the proposed facility. The compound would be surrounded by a stock fence, and would accommodate the following:

- . a 35m telecommunications monopole;
- . installation tower of six panel antennas on a new triangular headframe at a height of 30m;
- . installation of one, 3m x 2.5m Telstra equipment shelter used to house equipment associated with the facility; and
- . installation of ancillary equipment (including cabling and other small equipment that is essential to the operation of the telecommunication facility).

The development site would be accessed via Stuarts Road (over an existing access track at 1810 Preston Road, Preston).

Site description and surrounding area –

The subject site is part of a 100ha rural parcel owned by RMS Australian Forest Assets. The site is used for ongoing forestry purposes. The proposed telecommunication monopole is proposed to be located atop of an elevated section of the site which has been previously cleared in recent years.

The land is surrounded by similar forestry uses with some higher intensity agricultural uses to the south and north. Preston Creek is approximately 400m away from the proposed telecommunications tower. The closest dwelling is approximately 380m south of the development site.

History -

No history relevant to this application.

DISCUSSION

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

26.0 Rural Resource Zone

CLAUSE	COMMENT
26.1.2 Local Area Objectives	
<p>(a) The priority purpose for rural land is primary industry dependent upon access to a naturally occurring resource;</p> <p>(b) Air, land and water resources are of importance for current and potential primary industry and other permitted use;</p> <p>(c) Air, land and water resources are protected against –</p> <p style="padding-left: 20px;">(i) permanent loss to a use or development that has no need or reason to locate on land containing such a resource; and</p> <p style="padding-left: 20px;">(ii) use or development that has potential to exclude or unduly conflict, constraint, or interfere with the practice of primary industry or any other use dependent on access to a naturally occurring resource;</p>	<p>(a) Proposal does not satisfy the Objective. The proposed use is not a primary industry use on the site and would not be dependent upon access to a primary industry that is dependent upon a naturally occurring resource.</p> <p>(b) Proposal does not satisfy the Objective. The proposed development is not a Permitted use and is not reliant on air, land or water resources for primary industry production.</p> <p>(c)(i) Proposal does not satisfy the Objective. The proposal would result in the permanent loss of land by the development of a Utility.</p> <p>(c)(ii) Proposal satisfies the Objective. The proposed telecommunications tower would not unduly conflict, constrain or otherwise interfere with the practice of primary industry on site which is forestry.</p> <p>(d) Proposal does not satisfy the Objective. The proposed use of the land is not a primary industry use.</p>

<p>(d) Primary industry is diverse, dynamic, and innovative; and may occur on a range of lot sizes and at different levels of intensity;</p> <p>(e) All agricultural land is a valuable resource to be protected for sustainable agricultural production;</p> <p>(f) Rural land may be used and developed for economic, community, and utility activity that cannot reasonably be accommodated on land within a settlement or nature conservation area;</p> <p>(g) Rural land may be used and developed for tourism and recreation use dependent upon a rural location or undertaken in association with primary industry;</p> <p>(h) Residential use and development on rural land is appropriate only if –</p> <p style="padding-left: 40px;">(i) required by a primary industry or a resource based activity; or</p> <p style="padding-left: 40px;">(ii) without permanent loss of land significant for primary industry use and without constraint or interference to existing and potential use of land for primary industry purposes.</p>	<p>(e) Proposal satisfies the Objective. The proposed telecommunications monopole would not unduly restrict sustainable agricultural production.</p> <p>(f) Proposal satisfies the Objective. Proposed development site is identified as an area most reasonably able to accommodate a utility infrastructure (telecommunications monopole).</p> <p>(g) Proposal does not satisfy the Objective. The proposal is not tourism or recreation use.</p> <p>(h)(i) Not applicable. Not Residential use.</p> <p>(h)(ii) Not applicable. Not Residential use.</p>
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26.1.3 Desired Future Character Statements

Use or development on rural land –

- (a) may create a dynamic, extensively cultivated, highly modified, and relatively sparsely settled working landscape featuring –
 - (i) expansive areas for agriculture and forestry;
 - (ii) mining and extraction sites;
 - (iii) utility and transport sites and extended corridors; and
 - (iv) service and support buildings and work areas of substantial size, utilitarian character, and visual prominence that are sited and managed with priority for operational efficiency
- (b) may be interspersed with –
 - (i) small-scale residential settlement nodes;
 - (ii) places of ecological, scientific, cultural, or aesthetic value; and

- (a)(i) Proposal is not consistent with the Desired Future Character Statement. Proposed development is not associated with a working landscape featuring agriculture or forestry.
- (a)(ii) Proposal is not consistent with the Desired Future Character Statement. Proposed development is not associated with mining and extraction.
- (a)(iii) Proposal is consistent with the Desired Future Character Statement. Proposed development is for utility infrastructure.
- (a)(iv) Proposal is consistent with the Desired Future Character Statement. Proposed 7.5m² shed would be a utility service building.
- (b)(i) Proposal is consistent with the Desired Future Character Statement. Proposal is located so as to be interspersed between existing residential settlement nodes.
- (b)(ii) Proposal is not consistent with the Desired Future Character Statement. Proposed development would not impact on a place of ecological, scientific or cultural value, but may impact on the aesthetic values of the area.

<p>(iii) pockets of remnant native vegetation</p> <p>(c) will seek to minimise disturbance to –</p> <p>(i) physical terrain;</p> <p>(ii) natural biodiversity and ecological systems;</p> <p>(iii) scenic attributes; and</p> <p>(iv) rural residential and visitor amenity;</p> <p>(d) may involve sites of varying size –</p> <p>(i) in accordance with the type, scale and intensity of primary industry; and</p> <p>(ii) to reduce loss and constraint on use of land important for sustainable commercial production based on naturally occurring resources;</p> <p>(e) is significantly influenced in temporal nature, character, scale, frequency, and intensity by external factors, including changes in technology, production techniques, and in economic, management, and marketing systems.</p>	<p>(b)(iii) Not applicable. The site is cleared of native vegetation.</p> <p>(c)(i) Proposal is consistent with the Desired Future Character Statement. The proposal would require the construction of a small service building and the construction of a monopole within a 10m x 10m compound area. It is considered this level of development would create minimal disturbance to the physical terrain.</p> <p>(c)(ii) Proposal is consistent with the Desired Future Character Statement. The proposal would not disturb biodiversity or ecological systems on the site.</p> <p>(c)(iii) Proposal is not consistent with the Desired Future Character Statement. Proposed development could disturb existing scenic attributes of the site and surrounding land and for those persons travelling along Raymond Road and McPhersons Road.</p> <p>(c)(iv) Proposal is not consistent with the Desired Future Character Statement. Development could impact on the visual rural residential amenity in this area.</p> <p>(d)(i) Proposal is not consistent with the Desired Future Character Statement. Development would not be associated with primary industry.</p>
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	<p>(d)(ii) Proposal is not consistent with the Desired Future Character Statement. Development would not be associated with sustainable commercial production based on a naturally occurring resource.</p> <p>(e) Proposal is consistent with the Desired Future Character Statement. Proposal is for a telecommunications monopole which allows for development and implementation of better communications for changes in technology.</p>
<p>26.3.1 Requirement for discretionary non-residential use to locate on rural resource land</p>	
<p>26.3.1-(P1) Other than for residential use, 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) be required to locate on rural resource land for operational efficiency:</p> <p>(i) to access a specific naturally occurring resource on the site or on adjacent land in the zone;</p> <p>(ii) to access infrastructure only available on the site or on adjacent land in the zone;</p>	<p>(a) Non-compliant. Proposal can satisfy Local Area Objectives (c)(ii), (e) and (f).</p> <p>(b) Non-compliant. Proposal can satisfy Desired Future Character Statements (a)(iii), (a)(iv), (b)(i), (c)(i) and (e).</p> <p>(c)(i) Not applicable. Satisfied by (c)(vii).</p> <p>(c)(ii) Not applicable. Satisfied by (c)(vii).</p> <p>(c)(iii) Not applicable. Satisfied by (c)(vii).</p> <p>(c)(iv) Not applicable. Satisfied by (c)(vii).</p> <p>(c)(v)(a) Not applicable. Satisfied by (c)(vii).</p>

<p>(iii) to access a product of primary industry from a use on the site or on adjacent land in the zone;</p> <p>(iv) to service or support a primary industry or other permitted use on the site or on adjacent land in the zone;</p> <p>(v) if required</p> <p style="padding-left: 20px;">a. to acquire access to a mandatory site area not otherwise available in a zone intended for that purpose;</p> <p style="padding-left: 20px;">b. for security;</p> <p style="padding-left: 20px;">c. for public health or safety if all measures to minimise impact could create an unacceptable level of risk to human health, life or property if located on land in a zone intended for that purpose;</p> <p>(vi) to provide opportunity for diversification, innovation, and value-adding to secure existing or potential primary industry use of the site or of adjacent land;</p>	<p>(c)(v)(b) Not applicable. Satisfied by (c)(vii).</p> <p>(c)(v)(c) Not applicable. Satisfied by (c)(vii).</p> <p>(c)(vi) Not applicable. Satisfied by (c)(vii).</p> <p>(c)(vii) Compliant. Proposal would provide essential utility infrastructure for Preston/Gunns Plains area.</p> <p>(c)(viii) Not applicable. Satisfied by (c)(vii).</p> <p>(d)(i) Compliant. The proposal would result in the loss of a small area of forestry land (100m²). This is considered to be a minimal loss of land for primary industry use.</p> <p>(d)(ii) Compliant. There is minimal likelihood the proposal would constrain, fetter or otherwise interfere with existing and potential primary industry use on the site and on adjacent land.</p> <p>(d)(iii) Not applicable. The land does not fall within a proclaimed irrigation district.</p> <p>Refer to “Issues” section of this report.</p>
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<ul style="list-style-type: none"> (vii) to provide an essential utility or community service infrastructure for the municipal or regional community or that is of significance for Tasmania; or (viii) if a cost-benefit analysis in economic, environmental, and social terms indicates significant benefits to the region; and <p>(d) minimise likelihood for:</p> <ul style="list-style-type: none"> (i) permanent loss of land for existing and potential primary industry use; (ii) constraint or interference to existing and potential primary industry use on the site and on adjacent land; and (iii) loss of land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i> or land that may benefit from the application of broad-scale irrigation development. 	
<p>26.3.2 Required Residential Use</p>	
<p>26.3.2-(A1) Residential use required as part of a use must:</p> <ul style="list-style-type: none"> (a) be an alteration or addition to an existing lawful and structurally sound residential building; 	<p>Not applicable.</p> <p>The development is not a required residential use.</p>

<ul style="list-style-type: none"> (b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling; (c) not intensify an existing lawful residential use; (d) replace a lawful existing residential use; (e) not create a new residential use through conversion of an existing building; or (f) be home based business in association with occupation of an existing lawful and structurally sound residential building; and (g) there is no change in the title description of the site on which the residential use is located. 	
<p>26.3.3 Residential use</p>	
<p>26.3.3-(A1) Residential use that is not required as part of an other use must:</p> <ul style="list-style-type: none"> (a) be an alteration or addition to an existing lawful and structurally sound residential building; (b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling; 	<p>Not applicable.</p> <p>The development is not a non-required residential use.</p>

<p>(c) not intensify an existing lawful residential use;</p> <p>(d) not replace an existing residential use;</p> <p>(e) not create a new residential use through conversion of an existing building;</p> <p>(f) be an outbuilding with a floor area of not more than 100m² appurtenant to an existing lawful and structurally sound residential building; or</p> <p>(g) be home based business in association with occupation of an existing lawful and structurally sound residential building; and</p> <p>(h) there is no change in the title description of the site on which the residential use is located.</p>	
<p>26.4 Development Standards</p>	
<p>26.4.1 Suitability of a site or lot on a plan of subdivision for use or development</p>	
<p>26.4.1-(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) unless for agricultural use, have an area of not less than 1.0 hectare not including any access strip; and</p>	<p>(a) Compliant. The site area is 100ha.</p> <p>(b)(i) Compliant. The telecommunications compound area would be 100m².</p>

<p>(b) if intended for a building, contain a building area</p> <ul style="list-style-type: none"> (i) of not more than 2,000m² or 20% of the area of the site, whichever is the greater unless a crop protection structure for an agricultural use; (ii) clear of any applicable setback from a frontage, side or rear boundary; (iii) clear of any applicable setback from a zone boundary; (iv) clear of any registered easement; (v) clear of any registered right of way benefiting other land; (vi) clear of any restriction imposed by a utility; (vii) not including an access strip; (viii) accessible from a frontage or access strip. 	<ul style="list-style-type: none"> (b)(ii) Compliant. The 100m² telecommunications compound area would be setback approximately 150m from a frontage boundary and approximately 199m from the closest side boundary. Site has no rear boundary. (b)(iii) Compliant. There is no zone boundary setback applicable to the site. (b)(iv) Not applicable. There is no registered easement. (b)(v) Not applicable. There is no registered right of way. (b)(vi) Compliant. There is no restriction imposed by a utility. (b)(vii) Compliant. There is no access strip. (b)(viii) Compliant. The site has access frontage from Stuarts Road.
<p>26.4.1–(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has a right of access; and 	<ul style="list-style-type: none"> (a) Compliant. The site could have access off either Goulds Road or Raymond Road. Proposal is to continue to have access off Stuarts Road through land in the same ownership as the development site. (b) Not applicable. Satisfied by (a).

<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 style="padding-left: 20px;">(i) over land not required as the means of access to any other land; and</p> <p style="padding-left: 20px;">(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 6.0m; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	<p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Compliant. Frontage to Stuarts Road is approximately 250m wide.</p> <p>(e) Compliant by condition that development be in accordance with Statement of Compliance from the Road Authority.</p>
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<p>26.4.1–(A3) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of connecting to a water supply:</p> <ul style="list-style-type: none"> (a) provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or (b) from a rechargeable drinking water system ^{R31} with a storage capacity of not less than 10,000 litres if: <ul style="list-style-type: none"> (i) there is not a reticulated water supply; and (ii) development is for: <ul style="list-style-type: none"> a. a single dwelling; or b. a use with an equivalent population of not more than 10 people per day. 	<p>Not applicable.</p> <p>The development does not require a water connection.</p>
<p>26.4.1–(A4) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and liquid trade waste:</p>	<p>Not applicable.</p> <p>The development does not require a sewer connection.</p>

<p>(a) to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) by on-site disposal if:</p> <p>(i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development:</p> <p>a. is for a single dwelling; or</p> <p>b. provides for an equivalent population of not more than 10 people per day; or</p> <p>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS 1547:2012 On-site domestic-wastewater management clear of any defined building area or access strip.</p>	
<p>26.4.1-(A5) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p>	<p>Compliant.</p> <p>The site is able to dispose of stormwater.</p>

<p>(a) to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <ul style="list-style-type: none">(i) for discharge to a natural drainage line, water body or watercourse; or(ii) for disposal within the site if:<ul style="list-style-type: none">a. the site has an area of not less than 5,000m²;b. the disposal area is not within any defined building area;c. the disposal area is not within any area required for the disposal of sewage;d. the disposal area is not within any access strip; ande. not more than 50% of the site is impervious surface.	
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26.4.2 Location and configuration of development	
<p>26.4.2–(A1) A building or a utility structure, other than a crop protection structure for an agriculture use, must be setback:</p> <p>(a) not less than 20.0m from the frontage; or</p> <p>(b) not less than 50.0m if the development is for sensitive use on land that adjoins the Bass Highway;</p> <p>(c) not less than 10.0m from each side boundary; and</p> <p>(d) not less than 10.0m from the rear boundary; or;</p> <p>(e) in accordance with any applicable building area shown on a sealed plan.</p>	<p>(a) Compliant. Telecommunications compound is setback approximately 150m from a frontage.</p> <p>(b) Not applicable. The development is not for sensitive use on land that adjoins the Bass Highway.</p> <p>(c) Compliant. The telecommunications compound area would be setback approximately 199m from the closest side setback.</p> <p>(d) No applicable. No rear boundary.</p> <p>(e) Not applicable. There is no building area shown on a sealed plan.</p>
<p>26.4.2–(A2) Building height must be not more than 8.5m.</p>	<p>Non-compliant. The monopole would be 35m high.</p> <p>Refer to “Issues” section of this report.</p>
<p>26.4.2–(A3.1) A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must –</p> <p>(a) not project above an elevation 15m below the closest ridgeline;</p>	<p>(a) Compliant. The proposed telecommunications monopole would be setback 30m below the ridgeline.</p> <p>(b) Compliant. The proposed development is setback approximately 128m from a watercourse that transects the site.</p>

<p>(b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland;</p> <p>(c) be below the canopy level of any adjacent forest or woodland vegetation; and</p> <p>(d) clad and roofed with materials with a light reflectance value of less than 40%.</p>	<p>(c) Non-compliant. The proposed development would not sit below the canopy of nearest forest.</p> <p>(d) Compliant. The proposed telecommunications monopole would be finished in muted colours.</p> <p>Refer to “Issues” section of this report.</p>
<p>26.4.2–(A3.2) Wind power turbines and wind power pumps must not exceed 20m in height.</p>	<p>A3.2 Not applicable. The proposed development is not a wind power turbine.</p>
<p>26.4.3 Location of development for sensitive uses</p>	
<p>26.4.3–(A1) New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must –</p> <p>(a) be located not less than:</p> <p>(i) 200m from any agricultural land;</p> <p>(ii) 200m from aquaculture, or controlled environment agriculture;</p> <p>(iii) 500m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does not occur; or</p>	<p>Not applicable.</p> <p>Not a sensitive use.</p>

<ul style="list-style-type: none"> (iv) 1,000m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does occur; or (v) 500m from intensive animal husbandry; (vi) 100m from land under a reserve management plan; (vii) 100m from land designated for production forestry; (viii) 50.0m from a boundary of the land to the Bass Highway, or to a railway line; and (ix) clear of any restriction imposed by a utility; and <p>(b) not be on land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i> or land that may benefit from the application of broad-scale irrigation development.</p>	
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26.4.4 Subdivision	
26.4.4-(A1) Each new lot on a plan of subdivision must be – (a) to create a lot required for public use either 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. Not a subdivision.
26.4.5 Buildings for Controlled Environment Agriculture	
26.4.5-(A1) A building for controlled environment agriculture use must be a crop protection structure and the agricultural use inside the building must satisfy one of the following: (a) rely on the soil as a growth medium into which plants are directly sown; (b) not alter, disturb or damage the existing soil profile if conducted in a manner which does not rely on the soil as a growth medium.	Not applicable. Not controlled environment agriculture.
CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Development is not a subdivision, vulnerable or hazardous use.

E2 Airport Impact Management Code	Not applicable. Code not used in this Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No land clearance proposed.
E4 Change in Ground Level Code	Not applicable. No cut and fill >1 m.
E5 Local Heritage Code	Not applicable. No places of local heritage listed in this Scheme.
E6 Hazard Management Code	Not applicable. Site has some low and medium landslip however, the area to which the proposed telecommunications compound area is situated is clear of any landslip area.
E7 Sign Code	Not applicable. No signage proposed.
E8 Telecommunication Code	
E8.2 Application of this Code	Code applies to telecommunications monopole.
E8.4 Use or development exempt from this Code	Not exempt. Not a low impact facility.
E8.6 Development Standards	
E8.6.1 Shared use and co-location	
E8.6.1-(A1) A new freestanding aerial, tower, or mast must be structurally and technically designed to accommodate comparable additional users, including by the subsequent rearrangement of existing antenna and the mounting of antenna at different heights.	Compliant. The applicant states that the proposed 35m telecommunications monopole is designed to have technical and structural capacity to facilitate additional equipment from other carriers (subject to design of future co-location).

<p>E8.6.1-(A2) New antenna must be located on an existing freestanding aerial, tower, or mast.</p>	<p>Non-compliant. A new monopole is proposed.</p> <p>Refer to "Issues" section of this report.</p>
<p>E8.6.2 Health, safety and visual impact</p>	
<p>E8.6.2-(A1) Telecommunication infrastructure must;</p> <p>(a) be located within an existing utility corridor or site; or</p> <p>(b) only erect and operate aerial telecommunication lines or additional supporting structures in residential and commercial areas if overhead cables are operated by other existing utilities;</p> <p>(c) only clear vegetation if required for functional and safety requirements;</p> <p>(d) locate telecommunication infrastructure to:</p> <p>(i) avoid skyline positions and potential to be seen in silhouette;</p> <p>(ii) cross hills diagonal to the principal slope;</p> <p>(iii) cross at the low point of a saddle between hills; or</p> <p>(iv) be located around the base of hills or along the edge of existing clearings; and</p>	<p>(a) Non-compliant. Not an existing utility corridor. A new monopole is proposed for "black spot" area.</p> <p>(b) Not applicable. No aerial lines proposed.</p> <p>(c) Compliant. Land already cleared as part of previous forestry activities.</p> <p>(d)(i) Non-compliant. Tower would be located on a ridgeline.</p> <p>Refer to "Issues" section of this report.</p> <p>(d)(ii) Not applicable. Applies to cable and line construction.</p> <p>(d)(iii) Not applicable. Applies to cable and line construction.</p> <p>(d)(iv) Not applicable. Tower and shed located on a ridgeline.</p> <p>(e) Compliant. Land is surrounded by vast forestry vegetation.</p>

<p>(e) screen equipment housing and other visually intrusive telecommunication infrastructure to view from public areas.</p>	
<p>E8.6.2-(A2) The height of a freestanding aerial, tower, or mast must not be more than:</p> <p>(a) 60.0m on land within the Rural Resource or Rural Living zones;</p> <p>(b) 45.0m on land within the Light Industrial, General Industrial, Commercial, Utility, or Port and Marine zone;</p> <p>(c) 40.0m on land within the Local Business, General Business, or Central Business zone; and</p> <p>(d) 20.0m on land within the General Residential, Low Density Residential, Urban Mixed Use, Village, Environmental Living, Environmental Management, Major Tourism, Open Space, Community Purpose or Recreation zones.</p>	<p>(a) Compliant. Monopole would be 35m high.</p> <p>(b) Not applicable. Rural Resource zone.</p> <p>(c) Not applicable. Rural Resource zone.</p> <p>(d) Not applicable. Rural Resource zone.</p>
<p>E8.6.2-(A3) A freestanding aerial, tower, or mast must be setback from the base of the tower to the exterior boundary of the site by:</p> <p>(a) not less than 60.0m or 300% of the height of the tower, whichever is the greater, in any residential zone; and</p>	<p>(a) Not applicable. Not a residential zone.</p> <p>(b) Compliant. Tower would be setback 230m from the northern boundary (includes Raymond Road).</p>

<p>(b) not less than 30.0m or 100% of the height of the tower, whichever is the greater, in any other zone.</p>	
<p>E8.6.2-(A4) Telecommunication infrastructure servicing a network (facilities not requiring installation on an individual street basis) must not be located on land in a residential zone.</p>	<p>Compliant. Tower would be located in Rural Resource zone.</p>
<p>E8.6.2-(A5) A freestanding aerial, tower, or mast must:</p> <p>(a) be finished and maintained with a galvanised steel surface or painted a neutral colour so as to reduce visual obtrusiveness;</p> <p>(b) not affix or mount a sign other than necessary warning or equipment information;</p> <p>(c) not be artificially lit or illuminated unless required for air navigation safety or for security;</p> <p>(d) if security fencing is required, such fencing must be of a design, material, and colour that reflect the character of the location; and</p> <p>(e) provide a buffer not less than 2.0m wide outside the perimeter of the compound of plant material to effectively screen the tower compound from public view and from adjacent land.</p>	<p>(a) Compliant. Applicant states that the proposed facility would consist of non-reflective material, coloured in neutral, muted tones.</p> <p>(b) Compliant. No fixed signs.</p> <p>(c) Compliant. No illumination proposed.</p> <p>(d) Compliant. Transparent wire security fencing proposed.</p> <p>(e) Compliant. The site is surrounded by forestry land which acts as a buffer.</p>

<p>E8.6.2-(A6) If an antenna is installed on a structure other than a tower, the antenna and the support equipment must be painted a neutral colour that is identical to or closely comparable with the colour of the supporting structure so as to make the antenna and equipment as visually unobtrusive as possible.</p>	<p>Compliant.</p> <p>Fixed antennas would be of a neutral colour.</p>
<p>E8.6.2-(A7) If an aerial, tower or mast is modified or replaced to facilitate collocation of additional antenna:</p> <p>(a) the modified or reconstructed tower must be of the same type as the existing tower unless reconstructed as a monopole tower;</p> <p>(b) the reconstructed tower must satisfy the applicable setback and separation distances; and</p> <p>(c) if there is more than one tower on a site, reconstruction must not occur unless the outcome is that only one tower is to remain on the site.</p>	<p>Not applicable.</p> <p>Not replacement or modification of an existing tower, mast or aerial.</p>
<p>E8.6.2-(A8) The location of aerial telecommunication infrastructure must:</p> <p>(a) provide clearance for vehicular traffic; and</p> <p>(b) not pose a danger or encumbrance to other users or aircraft.</p>	<p>(a) Compliant. Aerial infrastructure would be placed on a 35m high monopole, clear of vehicular traffic.</p> <p>(b) Compliant. Proposed facility is not within the operational airspace of Burnie Airport or Devonport Airport.</p>

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. The site must provide car parking spaces for the number of workers on the site. There is approximately 25,700m ² of cleared, reasonably flat land which is ample space for workers to install and maintain the proposed telecommunications monopole.
E9.5.2 Provision for loading and unloading of vehicles	
E9.5.2-(A1) There must be provision within a site for: (a) on-site loading area in accordance with the requirement in the Table to this Code; and (b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.	(a) Compliant. Site has ample area for the loading and unloading of equipment. (b) Not applicable. Not for business, commercial, educational and retail use.

E9.6 Development Standards	
E9.6.2 Design of vehicle parking and loading areas	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	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> <p>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</p> <p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</p> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p>	Compliant. Land has ample area for on-site manoeuvring.

<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>Compliant by a condition to be placed on the Permit.</p>
<p>E10 Water and Waterways Code</p>	<p>Not applicable. Site is not within 30m of a waterway.</p>
<p>Specific Area Plans</p>	<p>No Specific Area Plans apply to this location.</p>

Issues –

1 *Local Area Objectives and Desired Future Character Statements –*

The purpose of the Rural Resource zone is to provide for the sustainable use and development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunity for resource production. The Rural Resource zones Local Area Objectives and Desired Future Character Statements together seek to promote use and development that is for primary industry purpose, referencing the requirement of use and development to be reliant upon, be associated with, or have an intention to use a naturally occurring resource (air, land and/or water) that is located on the subject site or adjoining land. The zone may provide for other use and development that does not constrain or conflict with resource development uses and allows for the develop of utility infrastructure that cannot reasonably be accommodated on land within a settlement or nature conservation area.

The subject proposal is for the development of utility infrastructure in Preston, an area that is recognised as a “black spot” for mobile phone coverage. In this regard, the proposed utility use of the land satisfies Local Area Objective 26.1.2(c)(ii), (e) and (f), in that the proposed telecommunications monopole would not unduly conflict, constrain or otherwise interfere with the practice of primary industry on the site which is forestry, it would not unduly restrict sustainable agricultural production and the site is identified as an area most reasonably to accommodate utility infrastructure.

Furthermore, the proposal satisfies Desired Future Character Statement 26.1.2(a)(iii), (a)(iv), (b)(i), (c)(i) and (e) in that the proposed telecommunications monopole is for a utility infrastructure, it would be located so as to be interspersed between existing residential settlement nodes, there would be minimal disturbance to the physical terrain on the site and the proposed telecommunication monopole would allow for development and implementation of better communications for changes in technology.

2 *Building height greater than 8.5m –*

The proposed telecommunications monopole would be 35m high. The Scheme’s 26.4.2-(A2) Acceptable Solution requires that the building height is 8.5m.

The Scheme's Performance Criteria 26.4.2-(P2) requires that building height must minimise likelihood for overshadowing of a habitable room; minimise apparent scale, bulk, massing and proportion in relation to any adjacent building; be consistent with the streetscape and rural landscape; respond to the effect of the slope and orientation of the site; and take into account the effect and durability of screening other than vegetation to attenuate impact.

The proposed telecommunication monopole is 35m high which is required to ensure the radio signal is transmitted properly. The closest dwelling is approximately 380m south of the proposed development. There is no potential for overshadowing to this dwelling. The development site contains mature vegetation which would act as a buffer to adjoining roads and residential settlement. The proposed monopole is a slim-line pole which would be finished with muted colours and materials which would assist with the monopole to blend within the surrounding landscape.

3 *Height above vegetation canopy –*

Acceptable Solution 26.4.2-(A3.1) requires that development be below the canopy of any adjacent forest or woodland vegetation.

The proposed telecommunications monopole has been positioned on an elevated site to ensure the best vantage point is attained.

The Scheme's Performance Criteria 26.4.2-(P3.1) requires that the location, height and visual appearance of a structure have regard to minimising visual impact on the skyline; minimise height above adjoining vegetation canopy; minimise visual impact on a shoreline, watercourse or wetland; and minimise reflection of light from external surfaces.

The nature of a Utility such as a telecommunications monopole is that it seeks to be located in an area of high elevation, so as to achieve maximum coverage.

Although the proposed telecommunications monopole would be located on an elevated section of land, the potential visual impact is considered to be minimal as the site is surrounded by mature vegetation. The monopole and associated structures would be finished with muted colours to assist the monopole to blend within the surrounding vegetation.

4 *E8 Telecommunications Code –*

The Scheme's Acceptable Solution E8.6.1-(A2) requires that a new antenna must be located on an existing freestanding aerial, tower, or mast.

The proposal is for a new telecommunications monopole.

The Scheme's Performance Criteria for E8.6.1-(P2) states that there must be no existing tower or structure located within the network area with technical capacity to meet requirements for an antenna.

As stated by the applicant, any telecommunications facilities within the Preston area have been investigated for potential co-location opportunities. There are no other structures, including towers associated with other carriers in close proximity to the development site.

The Scheme's Acceptable Solution E8.6.2-(A1)(a) requires that telecommunication infrastructure must be located within an existing utility corridor.

The proposed monopole would not be located within an existing utility corridor.

The Scheme's Acceptable Solution E8.6.2-(A1)(d)(i) requires that telecommunication infrastructure be located to avoid skyline positions and potential to be seen in silhouette.

The proposed telecommunications monopole has been positioned on an elevated site to ensure the best vantage point is attained.

The Scheme's Performance Criteria for E8.6.2-(P1) requires that telecommunication infrastructure must minimise the visual impact of infrastructure within the surrounding natural or built environment.

Although the proposed telecommunications monopole would be located on an elevated section of land, the potential visual impact is considered to be minimal as the site is surrounded by mature vegetation. The monopole and associated structures would be finished with muted colours to assist with the monopole to blend within the surrounding vegetation.

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No conditions.
Infrastructure Services	Refer to Statement of Compliance from the Road Authority – Annexure 5.
TasWater	Referral was not required.
Department of State Growth	Referral was not required.
Environment Protection Authority	Referral was not required.
TasRail	Referral was not required.
Heritage Tasmania	Referral was not required.
Crown Land Services	Referral was not required.
Other	Referral was not required.

CONSULTATION

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

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

Representations –

Four representations were received within the prescribed time, a copy of each representation is provided at Annexure 3.

Each representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
REPRESENTATION 1	
<p>1 The representor is concerned regarding the installation route for cable and power. Namely, Goulds Road and then into the representor's driveway. The concern relates to the potential impacts from trenching and ongoing maintenance.</p> <p>The representor proposes an alternate route for the installation of cable and power to minimise disturbance impacts to the roads.</p>	<p>The position of the installation of cable and power is not a planning matter.</p> <p>Following receipt of the representation, the Town Planner discussed with the applicant the concerns raised in the representation.</p> <p>The applicant stated that cables are buried between 450mm to 600mm below ground level with a 3m wide footprint for machinery. Existing services running under the road associated with dwellings would be avoided.</p> <p>The applicant is happy to discuss an alternate route for the installation of fibre cables. It is suggested the representor email the preferred installation route to the applicant. This is now a matter between the representor and the applicant.</p> <p>A Statement of Compliance from Council acting as the Road and Stormwater Authority forms part of the Permit conditions. The Statement of Compliance requires that the applicant consults with Council prior to undertaking any works within the road reserve. Any disturbance to the road reserve would need to be minimal and would need to be reinstated.</p>

REPRESENTATION 2

1 The representor raises concerns regarding the proposed location of the telecommunications monopole and whether the location would adequately address the Gunns Plains “Black Spot” as identified by the Federal Government.

The location of the proposed telecommunication monopole is not a planning matter.

Following receipt of the representation, the Town Planner discussed with the applicant the concerns raised in the representation.

The applicant states that from their modelling, the proposed base station would not provide coverage to the Gunns Plains Caves. However, it should improve the surrounding coverage. The caves are located under a hill and is difficult to provide coverage.

Furthermore, increasing the tower height will not provide additional coverage to the Gunns Plains Caves as they are shadowed by a hill.

A mobile tower at Clarkes Road would unlikely provide coverage to the Gunns Plains Caves due to terrain and surrounding vegetation. A base station at Haywoods Road would significantly reduce coverage to Gunns Plains and surrounds.

Telstra carefully examined a range of possible deployment options in the area before concluding that a new Telecommunications facility at Preston Road, Preston would be the most appropriate solution to provide phone coverage to the Preston/ Gunns Plains areas.

	<p>The applicant further states that the proposal would ensure that customers in Gunns Plains, Preston and the surrounds will have access to the best possible mobile phone and mobile broadband service.</p>
<p>REPRESENTATION 3</p>	
<p>1 The representor raises concerns regarding the proposed location of the telecommunications monopole and whether the location would adequately address the Gunns Plains “Black Spot” as identified by the Federal Government.</p>	<p>The location of the proposed telecommunication monopole is not a planning matter.</p> <p>Following receipt of the representation, the Town Planner discussed with the applicant the concerns raised in the representation.</p> <p>The applicant states that from their modelling, the proposed base station would not provide coverage to the Gunns Plains Caves. However, it should improve the surrounding coverage. The caves are located under a hill and is difficult to provide coverage.</p> <p>Furthermore, increasing the tower height will not provide additional coverage to the Gunns Plains Caves as they are shadowed by a hill.</p> <p>A mobile tower at Clarkes Road would unlikely provide coverage to the Gunns Plains Caves due to terrain and surrounding vegetation. A base station at Haywoods Road would significantly reduce coverage to Gunns Plains and surrounds.</p> <p>Telstra carefully examined a range of possible deployment options in the area before concluding that a new Telecommunications facility at</p>

	<p>Preston Road, Preston would be the most appropriate solution to provide phone coverage to the Preston/Gunns Plains areas.</p> <p>The applicant further states that the proposal would ensure that customers in Gunns Plains, Preston and the surrounds will have access to the best possible mobile phone and mobile broadband service.</p>
<p>REPRESENTATION 4</p>	
<p>1 The representor raises concerns regarding the proposed location of the telecommunications monopole and whether the location would adequately address the Gunns Plains “Black Spot” as identified by the Federal Government.</p>	<p>The location of the proposed telecommunication monopole is not a planning matter.</p> <p>Following receipt of the representation, the Town Planner discussed with the applicant the concerns raised in the representation.</p> <p>The applicant states that from their modelling, the proposed base station would not provide coverage to the Gunns Plains Caves. However, it should improve the surrounding coverage. The caves are located under a hill and is difficult to provide coverage.</p> <p>Furthermore, increasing the tower height will not provide additional coverage to the Gunns Plains Caves as they are shadowed by a hill.</p> <p>A mobile tower at Clarkes Road would unlikely provide coverage to the Gunns Plains Caves due to terrain and surrounding vegetation. A base station at Haywoods Road would significantly reduce coverage to Gunns Plains and surrounds.</p>

	<p>Telstra carefully examined a range of possible deployment options in the area before concluding that a new Telecommunications facility at Preston Road, Preston would be the most appropriate solution to provide phone coverage to the Preston/Gunns Plains areas.</p> <p>The applicant further states that the proposal would ensure that customers in Gunns Plains, Preston and the surrounds will have access to the best possible mobile phone and mobile broadband service.</p>
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RESOURCE, FINANCIAL AND RISK IMPACTS

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

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

CONCLUSION

The construction of the monopole has been identified to be necessary for the Preston/Gunns Plains area to allow for improved telecommunications services. The proposed telecommunication monopole will ensure that customers in Gunns Plains and Preston and the surrounds will have access to the best available mobile phone and mobile broadband service. It is considered the erection of a telecommunications monopole is justified.

Recommendation –

It is recommended that the application for Utilities (Telecommunication monopole and associated structures) – discretionary use in Rural Resource zone, variation to building height and height above vegetation canopy and

reliance on E8 Telecommunications Code at Preston Road, Preston (CT 137634/2) incorporating 1810 Preston Road, Preston be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the application for this Permit, unless modified by a condition of this Permit.
- 2 Vehicle access, parking and manoeuvring areas must be designed and constructed in accordance with the Unsealed Roads Manual – Guideline for Good Practice ARRB.
- 3 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 1 October 2018 issued by the Council acting in its capacity as the Road Authority and Stormwater Authority (copy attached).

Please note:

- 1 A Planning Permit remains valid for two years. If the use and/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 The proposed development fits within the criteria of Category 3 – Notifiable Building Work when assessed against the Determinations issued under the *Building Act 2016*. Accordingly, a notification (Certificate of Likely Compliance) issued by a Building Surveyor is to be forwarded to the Council's Building Permit Authority within seven business days of issuing the notification.’

The report is supported.”

The Director Community Services reported as follows:

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

■ Cr Viney moved and Cr Carpenter seconded “That the application for Utilities (Telecommunication monopole and associated structures) – discretionary use in Rural Resource zone, variation to building height and height above vegetation canopy and reliance on E8 Telecommunications Code at Preston Road, Preston (CT 137634/2) incorporating 1810 Preston Road, Preston be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the application for this Permit, unless modified by a condition of this Permit.
- 2 Vehicle access, parking and manoeuvring areas must be designed and constructed in accordance with the Unsealed Roads Manual – Guideline for Good Practice ARRB.
- 3 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 1 October 2018 issued by the Council acting in its capacity as the Road Authority and Stormwater Authority (copy attached) (a copy being appended to and forming part of the minutes).

Please note:

- 1 A Planning Permit remains valid for two years. If the use and/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 The proposed development fits within the criteria of Category 3 – Notifiable Building Work when assessed against the Determinations issued under the *Building Act 2016*. Accordingly, a notification (Certificate of Likely Compliance) issued by a Building Surveyor is to be forwarded to the Council's Building Permit Authority within seven business days of issuing the notification.”

Carried unanimously

ADJOURNMENT OF MEETING

30/2018 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 6.10pm. The workshop having been concluded, the Mayor resumed the meeting at 6.17pm.

31/2018 Residential (subdivision – 36 lots) – reliance on E10 Water and Waterways Code at 4 & 6 Southwood Avenue including 69 Ironcliffe Road, Penguin – Application No. DA2018017

The Director Community Services reported as follows:

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

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2018017
<i>PROPOSAL:</i>	Residential (subdivision – 36 lots) – reliance on E10 Water and Waterways Code
<i>APPLICANT:</i>	Landscape Now Civil Pty Ltd
<i>LOCATION:</i>	4 & 6 Southwood Avenue including 69 Ironcliffe Road, Penguin
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	25 August 2018
<i>REPRESENTATIONS EXPIRY DATE:</i>	10 September 2018
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	26 October 2018
<i>DECISION DUE:</i>	8 October 2018
 <i>PURPOSE</i>	

The purpose of this report is to consider an application to subdivide land to create 36 residential lots at 4 & 6 Southwood Avenue, Penguin including

69 Ironcliffe Road, Penguin. The proposed subdivision is to be undertaken in five stages.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – photographs;
- . Annexure 5 – Statement of Compliance for Vehicular Access and Drainage Access; and
- . Annexure 6 – TasWater Submission to Planning Authority Notice.

BACKGROUND

Development description –

Application is made to subdivide land known as 4 & 6 Southwood Avenue, Penguin.

The proposed subdivision will result with the creation of 36 lots and a road lot over five stages.

There is an existing dwelling at 4 Southwood Avenue and at 6 Southwood Avenue. Each respective dwelling will be included in the subdivision and will result with each dwelling being contained on smaller residential lots.

It is proposed as part of the subdivision that all stormwater and sewer be disposed of through an easement over 69 Ironcliffe Road and into the outlets located on Ironcliffe Road.

The applicant is proposing a walkway between Southwood Avenue and the northern end of the proposed cul-de-sac. This would allow for easier walking connectivity from Ironcliffe Road to the cul-de-sac.

The Change in Ground Level Code has been addressed due to the slope of the land and the construction of the proposed road.

The Water and Waterways Code has been addressed as the development site is within 30m of a watercourse.

Site description and surrounding area -

The property at 6 Southwood Avenue is a large residential zoned portion of land (3.107ha) off the eastern end of Southwood Avenue. The site contains an existing residential dwelling located to the west of the site. The site is relatively steep.

The property at 4 Southwood Avenue is a relatively large residential zoned portion of land (3,440m²) which contains an existing dwelling to the northern front of the site.

Both sites are surrounded by residential zoned land, all varying in sizes. There is a watercourse that runs to the south of the development site.

History -

The Central Coast Open Space and Recreation Plan 2012–2022 (the Plan) states that the area around South Road/Quinn Street/Southwood Avenue is currently under-serviced by local open space. Additionally, the Plan stated that in order to adequately service this area, an additional local open space area will need to be provided on the 3.11ha lot at 6 Southwood Avenue, Penguin when it is eventually subdivided.

An on-site meeting was held between Carolyn Harris (Town Planner), Mary-Ann Edwards (Land Use Planning Group Leader), Greg Osborne (Assets Group Leader) and the applicant to discuss the open space requirement.

It was determined at this meeting, that the site was not capable of satisfying the land description standards for an open space area. This is due to the varying contours at 6 Southwood Avenue.

Consequently, a 5% cash-in-lieu contribution based on the unimproved value of the new lots, to be determined by a registered valuer, is required. The Public Open Space contribution is required to provide for the provision or improvement of public open space of local, district or regional value. This will require a condition on the Permit.

DISCUSSION

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

General Residential

CLAUSE	COMMENT
10.3.1 Discretionary Permit Use	
<p>10.3.1-(P1) Discretionary permit use must:</p> <p>(a) be consistent with local area objectives;</p> <p>(b) be consistent with any applicable desired future character statement; and</p> <p>(c) minimise likelihood for unreasonable impact on amenity for use on adjacent land in the zone.</p>	<p>Not applicable.</p> <p>Residential use is permitted.</p>
10.3.2 Impact of Use	
<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>Residential use is permitted.</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>Residential use is permitted.</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>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 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>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>Not applicable. Application is for subdivision only.</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 10.4.2m, at least that specified for that 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>Not applicable.</p> <p>Application is for subdivision only.</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) 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, 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>Not applicable.</p> <p>Application is for subdivision only.</p>
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10.4.3 Site coverage and private open space for all dwellings	
<p>10.4.3-(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60.0m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>Not applicable.</p> <p>Application is for subdivision only.</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>Not applicable.</p> <p>Application is for subdivision only.</p>

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| <p>(b) has a minimum horizontal dimension of:</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 <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> | |
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10.4.4 Sunlight and overshadowing for all dwellings	
10.4.4-(A1) A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Not applicable. Application is for subdivision only.
<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> <p style="padding-left: 40px;">(i) at a distance of 3.0m from the window; and</p> <p style="padding-left: 40px;">(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 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>	Not applicable. Application is not for multiple dwellings.

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

<ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling. 	
10.4.5 Width of openings for garages and carports for all dwellings	
<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>Application is for subdivision only.</p>
10.4.6 Privacy for all dwellings	
<p>10.4.6-(A1) A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1.0m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3.0m from the side boundary; and 	<p>Not applicable.</p> <p>Application is for subdivision only.</p>

<p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4.0m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6.0m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p>	
<p>10.4.6–(A2) A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1.0m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <p>(i) is to have a setback of at least 3.0m from a side boundary; and</p> <p>(ii) is to have a setback of at least 4.0m from a rear boundary; and</p>	<p>Not applicable.</p> <p>Application is for subdivision only.</p>

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

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

10.4.8 Waste storage for multiple dwellings	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a communal storage area with an impervious surface that:</p> <p>(i) has a setback of at least 4.5m from a frontage; and</p> <p>(ii) is at least 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>	<p>Not applicable.</p> <p>Application is not for multiple dwellings.</p>
10.4.9 Suitability of a site or lot for use or development	
<p>10.4.9-(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) have an area of not less than 330m² excluding any access strip; and</p>	<p>(a) Compliant.</p> <p>(Stage 1)</p> <p>Lot 1 = 3,812.49m² - contains existing dwelling Lot 36 = 743.60m² - contains existing dwelling</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"> (i) clear of any applicable setback from a frontage, side or rear boundary; (ii) clear of any applicable setback from a zone boundary; (iii) clear of any registered easement; (iv) clear of any registered right of way benefiting other land; (v) clear of any restriction imposed by a utility; (vi) not including an access strip; (vii) accessible from a frontage, or access strip; and (viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north. 	<p>(Stage 2)</p> <p>Lot 2 = 704.463m² Lot 3 = 669.201m² Lot 4 = 733.365m² Lot 5 = 655.488m² Lot 6 = 701.041m² Lot 7 = 876.538m² Lot 8 = 646.106m² Lot 34 = 527.562m² Lot 35 = 608.644m²</p> <p>(Stage 3)</p> <p>Lot 9 = 589.173m² Lot 10 = 467.486m² Lot 11 = 633.651m² Lot 12 = 663.404m² Lot 13 = 1,055.779m² Lot 30 = 546.872m² Lot 31 = 537.860m² Lot 32 = 466.343m² Lot 33 = 442.672m²</p> <p>(Stage 4)</p> <p>Lot 14 = 1,319.965m² Lot 15 = 1,644.443m² Lot 16 = 935.910m²</p>
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	<p>Lot 17 = 629.459m² Lot 18 = 636.122m² Lot 19 = 652.214m² Lot 28 = 402.357m² Lot 29 = 617.101m²</p> <p>(Stage 5)</p> <p>Lot 20 = 700.672m² Lot 21 = 555.896m² Lot 22 = 690.949m² Lot 23 = 619.983m² Lot 24 = 693.456m² Lot 25 = 491.645m² Lot 26 = 670.562m² Lot 27 = 510.303m²</p> <p>(b)(i) Compliant. Building areas clear of an applicable setback from a frontage, side or rear boundary.</p> <p>(b)(ii) Compliant. Building areas clear of zone boundary – Bass Highway (Utility zone) is approximately 189m from the development site.</p> <p>(b)(iii) Not applicable. No registered easements.</p> <p>(b)(iv) Not applicable. No registered right of way.</p>
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	<p>(b)(v) Not applicable. No restriction imposed by a Utility.</p> <p>(b)(vi) Compliant. Building areas would be clear of proposed road.</p> <p>(b)(vii) Compliant. Lots would be accessible from proposed new road lot and from existing access off Southwood Avenue. Statement of Compliance has been issued by Council acting as the Road Authority.</p> <p>(b)(viii) Compliant. All proposed lots have a long axis within the range 30 degrees east of north and 20 degrees west of north.</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>(a) Compliant. All lots would have access via a proposed new road lot and from existing access off Southwood Avenue.</p> <p>(b) Not applicable. No internal lots proposed.</p> <p>(c)(i) Not applicable. Satisfied by (a).</p> <p>(c)(ii) Not applicable. Satisfied by (a).</p> <p>(d)(i) Compliant. Plan indicates that all road frontages exceed 3.6m.</p> <p>(d)(ii) Not applicable. Satisfied by (d)(i).</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>(e) Compliant. Statement of Compliance has been issued by Council acting as the Road Authority.</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 capable to be connected to the reticulated water system. TasWater Planning Submission has been issued.</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 capable to be connected to the reticulated water system. TasWater Planning Submission has been issued.</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 capable of draining and disposing of stormwater. A Statement of Compliance has been issued by the Council acting as the Stormwater Authority.</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>Proposed development is residential.</p>
<p>10.4.11 Development other than single or multiple dwelling.</p>	
<p>10.4.11.1 Location and configuration of development</p>	
<p>10.4.11–(A1) The wall of a building (other than for a dwelling) must be setback from a frontage:</p> <p>(a) not less than 4.5m from a primary frontage; and</p> <p>(b) not less than 3.0m from any secondary frontage; or</p> <p>(c) not less than and not more than the setbacks for any existing building on adjoining sites;</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<ul style="list-style-type: none"> (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 (other than for a dwelling) 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: <ul style="list-style-type: none"> a. built against an existing wall of an adjoining building; or 	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<p>b. the wall or walls:</p> <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. <p>(d) in accordance with any building envelope shown on a sealed plan of subdivision.</p>	
<p>10.4.11.1-(A3) Site coverage (other than for a dwelling) must:</p> <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 of subdivision. 	<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 (other than for a dwelling), 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 (other than for a dwelling) 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 a lot 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 (other than for a dwelling), must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Not applicable.</p> <p>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 (other than for a dwelling) 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>Not applicable.</p> <p>Application is for subdivision only.</p>
<p>10.4.12-(A2) Development for a sensitive use must be not less than 50.0m from:</p>	<p>(a) Compliant. Development would be approximately 180m from the Bass Highway.</p>

<p>(a) a major road identified in the Table to this clause;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(b) Compliant. Development would be approximately 660m 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; or</p> <p>(c) for a purpose permissible in the zone.</p>	<p>(a) Compliant. Subdivision is for residential purpose.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Compliant. Proposal is for residential subdivision which is permissible in the General Residential zone.</p>
<p>10.4.13-(A2)</p> <p>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>

10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision	
10.4.14-(A1) Electricity reticulation and site connections must be installed underground.	All electricity reticulation and site connections will be installed underground. Condition of Permit is required regarding this requirement.
CODES	
E1 Bushfire-Prone Areas Code	Applicable. Subdivision is in a Bushfire-Prone area.
E1.2 Application of this Code	This Code applies to the proposed subdivision. Bushfire Risk Assessment Report and Certificates, as prepared by EnviroPlan Australia, was submitted with the application. A Bushfire Hazard Management Plan is required which includes management required by the owner at each stage of the subdivision.
E2 Airport Impact Management Code	Not applicable. Code not used in the Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of vegetation proposed.

E4 Change in Ground Level Code	Applicable. Construction of the road will result in change in ground level greater than 1m.
E4.2 Application of Code	<p>This Code applies to the proposed subdivision.</p> <p>Chris Martin from CSE Tasmania Pty Ltd has addressed this Code as part of the application.</p>
E4.6 Development Standards	
E4.6.1 Change in existing ground level or natural ground level	
<p>E4.6.1-(A1) Cut or fill must:</p> <p>(a) not be on land within the Environmental Living zone or the Environmental Management zone;</p> <p>(b) be required to:</p> <p>(i) provide a construction site for buildings and structures;</p> <p>(ii) facilitate vehicular access;</p> <p>(iii) mitigate exposure to a natural or environmental hazard;</p> <p>(iv) facilitate provision of a utility;</p>	<p>(a) Compliant. Development site is zoned General Residential.</p> <p>(b)(i) Compliant. The proposed road is required to enable access to each proposed lot.</p> <p>(b)(ii) Compliant. Cut and fill is required to construct the road.</p> <p>(b)(iii) Compliant. Will be achieved with appropriate advice from Council through a Statement of Compliance, grades and landscaping. A Statement of Compliance has been issued by Council acting as a Road and Stormwater Authority. The Statement of Compliance includes road construction requirements.</p>

<p>(v) assist the consolidation or intensification of development; or</p> <p>(vi) assist stormwater management;</p> <p>(c) not result in a modification of surface stormwater water flow to increase:</p> <p>(i) surface water drainage onto adjacent land;</p> <p>(ii) pooling of water on the site or on adjacent land; or</p> <p>(iii) the nature or capacity of discharge from land upstream in a natural or artificial drainage channel;</p> <p>(d) not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land;</p> <p>(e) manage disposal of intersected ground water;</p> <p>(f) safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009;</p>	<p>(b)(iv) Compliant. Cut and fill is to facilitate the construction of the road.</p> <p>(b)(v) Compliant. Cut and fill is required for the construction of the proposed road to enable access to the proposed lots.</p> <p>(b)(vi) Compliant. A Statement of Compliance has been issued by Council acting as a Road and Stormwater Authority. The Statement of Compliance includes stormwater management requirements.</p> <p>(c)(i) Compliant. Surface water drainage will be concentrated onto designated flow paths.</p> <p>(c)(ii) Compliant. No pooling of water will occur on the site or on adjacent land.</p> <p>(c)(iii) Compliant. There are no natural or artificial drainage channels flowing in the subject land.</p> <p>(d) Compliant. Cut and fill required for the construction of the road. No buildings proposed.</p> <p>(e) Compliant. Groundwater intercepted by road cuts will be collected in subsoil drainage channels flowing on the subject land.</p>
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<p>(g) not require a retaining or support structure that would result in a 'line of influence' of more than 450mm into any adjacent land unless the owner of adjacent land has provided written consent to enter into an agreement under Part 5 <i>Land Use Planning and Approvals Act 1993</i> registered on the title of adjacent land to provide for the level of constraint; and</p> <p>(h) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised:</p> <p>(i) it is satisfied the cut or fill will not result in harm to the utility; and</p> <p>(ii) any condition or requirement it determines are appropriate to protect the utility.</p>	<p>(f) Compliant. A sediment management plan will be developed and incorporated into the engineering drawings to minimise sediment contamination escaping the site. A Statement of Compliance has been issued by Council acting as a Road and Stormwater Authority. The Statement of Compliance includes stormwater management requirements.</p> <p>(g) Compliant. No retaining walls or support structures are proposed.</p> <p>(h) Compliant. No utilities will be impacted.</p>
<p>E5 Local Heritage Code</p>	<p>Not applicable. No local heritage schedule in the Scheme.</p>
<p>E6 Hazard Management Code</p>	<p>This Code is not applicable. Not within a landslip area.</p>
<p>E7 Sign Code</p>	<p>Not applicable. No signage proposed.</p>
<p>E8 Telecommunication Code</p>	<p>Not applicable. No telecommunications facilities proposed.</p>

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 for a residential dwelling. Each lot has ample space for car parking requirements for residential use and development.
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. Subdivision application only.

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 Statement of Compliance issued by Council acting as a Road and Stormwater Authority. The Statement of Compliance will form part of the Permit conditions.
<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <p>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</p> <p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</p> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p>	Not applicable. Subdivision application only.

<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>E10 Water and Waterways Code</p>	<p>Code applies. Watercourse is located within 30m of the development site.</p> <p>Refer to “Issues” section of this report.</p>
<p>E10.2 Application of this Code</p>	<p>This Code applies to the proposed subdivision.</p> <p>Chris Martin from CSE Tasmania Pty Ltd has addressed this code as part of the application.</p>

E10.6 Development Standards	
E10.6.1 Development in proximity to a water body, watercourse or wetland	
There is no acceptable Solution	<p>The subdivision application is discretionary under Code E10 Water and Waterways Code as any development within 30m of a watercourse relies on the Performance Criteria for this Clause.</p> <p>Refer to “Issues” section of this report.</p>
Specific Area Plans	No Specific Area Plans apply to this location.

Issues -

1 Proximity to a watercourse -

The Scheme states that E10 Water and Waterways Code applies for use or development on land within 30m of a watercourse. There is a watercourse south of the development site.

There is no Acceptable Solution for E10.6.1.

Performance Criteria E10.6.1-(P1) states that development must -

- (a) minimise risk to the function and values of a watercourse, including for-
 - (i) hydraulic performance;
 - (ii) economic value;
 - (iii) water based activity;
 - (iv) disturbance and change in natural ground level;
 - (v) control of sediment and contaminants;
 - (vi) public access and use;
 - (vii) aesthetic or scenic quality;
 - (viii) water quality management arrangements for stormwater and sewage disposal;
 - (ix) modification of a natural drainage channel;
 - (x) biodiversity and ecological function;
 - (xi) level or likely risk from exposure to natural hazards of flooding and inundations; and
 - (xii) community risk and public safety; and
- (b) be consistent with any advice or decision of relevant entity administering or enforcing compliance with an applicable protection and conservation regulation for -

-
- (i) impact of the development on the objectives and outcomes for protection of the water body, watercourse or wetland; and
 - (ii) any condition or requirement for protection of the water body, watercourse or wetland.

The applicant provided a statement from Chris Martin of CSE Tasmania Pty Ltd. The statement mentions that hydraulic performance will be returned to its original location south of the boundary. Some disturbance and change in natural ground level may occur to allow construction of fencing above water level. Sediment and contaminants will be minimised by a sediment control plan. Willows within the area will be unaffected by the proposed subdivision. The risk of flooding would not be hindered by the proposed subdivision with the risk perceived as low.

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	Statement of Compliance issued dated 21 August 2018. Condition of Permit required.
TasWater	Submission to Planning Authority Notice TWDA 2018/01384-CC issued 27 September 2018. Condition of Permit required.
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 representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
1 The number of proposed lots and the impact on the existing residential neighbourhood.	The land is zoned General Residential. Subdivision is Permitted in the General Residential zone. The number of lots proposed for the subdivision complies with the Scheme subdivision lot requirements, Clause 10.4.9 suitability of a site or lot. This Clause states that each lot of a plan of subdivision must have an area of not less than 330m ² . Each proposed lot exceeds the 330m ² requirement.
2 Provision of suitable traffic access.	The proposed road would need to be constructed in accordance with the Australian Standards.

	<p>Each access point to a lot must be constructed in accordance with the Standard Drawing TSD-R09-v1 Urban Roads – Driveway and in accordance with the Statement of Compliance for Vehicular Access and Drainage Access as issued by Council acting as a Road and Stormwater Authority.</p> <p>Engineering designed drawings, including supporting documentation and calculations must be submitted for the in-principle approval of the Council’s Director Infrastructure Services. These engineering drawings would need to be approved before the Final Plan of Survey is issued.</p>
<p>3 E10 Water and Waterways Code and the impact of rainfall runoff, flooding and erosion.</p>	<p>Code E10 Water and Waterways Code has been discussed in the “Issues” section of this report.</p> <p>The Statement of Compliance for Vehicular Access and Drainage Access as issued by Council acting as a Road and Stormwater Authority outlines specific requirements regarding downstream stormwater analysis. Any Council stormwater system where the downstream analysis indicates that there is a lack of capacity to adequately cope with the additional stormwater discharge from the subdivision must be upgraded.</p> <p>The Statement of Compliance includes several conditions regarding stormwater control.</p>

	<p>It is inevitable that there may be some rainfall, flooding and erosion problems that may occur. This is sometimes unavoidable in built up residential areas. This would be assessed if, and when it may arise.</p>
<p>4 Type of potential residential development if subdivision approved, including multiple dwellings, town houses.</p>	<p>The subdivision site is zoned General Residential. Residential use is either a No Permit Required or Permitted use in this zone. Development could include single dwellings and multiple dwellings.</p> <p>It would depend on whether any specific General Residential zone development standards cannot be satisfied, as to whether an application for development would require public notification (discretionary application).</p>
<p>5 Ongoing construction of the subdivision and impacts on adjoining properties.</p>	<p>The subdivision is for a staged lot development. Each stage would be more than likely done independently of another. In other words, one stage may be constructed, and lots sold before the next stage would commence. It is not anticipated that the proposed subdivision would be constructed in its entirety in one stage.</p> <p>All construction works would need to be undertaken in accordance with all conditions on the Permit.</p> <p>Noise works would need to be undertaken in accordance with <i>Environmental Management and Pollution Control Act 1994</i> (EMPCA).</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 proposed subdivision is Permitted in the General Residential zone. The application was discretionary due to the proximity of the development site to a watercourse. It is not considered that the proposed subdivision would have a negative impact on the watercourse.

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

Recommendation –

It is recommended that the application for Residential (subdivision – 36 lots) – reliance on E10 Water and Waterways Code at 4 & 6 Southwood Avenue including 69 Ironcliffe Road, Penguin 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. 4806–38 P01 (5 pages), 4806–38 P03, 4806–38 L01–L03, 4806–38 C01–C06, Revision P1 dated March 2016.
- 2 The development must be in accordance with the Bushfire Risk Assessment Report and Certificates, as prepared by EnviroPlan dated 4 June 2018.
- 3 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference

No. TWDA 2018/01384-CC issued 27 September 2018 (copy attached).

- 4 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 21 August 2018, issued by the Council acting in its capacity as the Road Authority and the Stormwater Authority (copy attached).
- 5 A cash-in-lieu of public open space contribution of 5% of the unimproved value of Lots 2-35 must be paid prior to the sealing of the Final Survey Plan. The value of the lots must be determined by a registered valuer.
- 6 All electricity reticulation and site connections to each lot must be installed underground.

Please note:

- 1 A Planning Permit remains valid for two years. If the use and/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.'

The report is supported."

The Director Community Services reported as follows:

"A copy of the Annexures referred to in the Town Planner's report have been circulated to all Councillors."

■ Cr Carpenter moved and Cr van Rooyen seconded "That the application for Residential (subdivision - 36 lots) - reliance on E10 Water and Waterways Code at 4 & 6 Southwood Avenue including 69 Ironcliffe Road, Penguin 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. 4806-38 P01 (5 pages), 4806-38 P03, 4806-38 L01-L03, 4806-38 C01-C06, Revision P1 dated March 2016.

-
- 2 The development must be in accordance with the Bushfire Risk Assessment Report and Certificates, as prepared by EnviroPlan dated 4 June 2018.
 - 3 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2018/01384-CC issued 27 September 2018 (copy attached) (a copy being appended to a forming part of these minutes).
 - 4 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 21 August 2018, issued by the Council acting in its capacity as the Road Authority and the Stormwater Authority (copy attached) (a copy being appended to a forming part of these minutes).
 - 5 A cash-in-lieu of public open space contribution of 5% of the unimproved value of Lots 2-35 must be paid prior to the sealing of the Final Survey Plan. The value of the lots must be determined by a registered valuer.
 - 6 All electricity reticulation and site connections to each lot must be installed underground.

Please note:

- 1 A Planning Permit remains valid for two years. If the use and/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."

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 6.18pm.

CONFIRMED THIS DAY OF , 2018.

Chairperson

(cvv:km)

Appendices

- Minute No. 29/2018 - Statement of Compliance for Road Infrastructure Telecommunications Monopole and Associated Structures dated 1 October 2018 - Preston Road, Preston (CT 137634/2) incorporating 1810 Preston Road, Preston - Application No. DA2018059
- Minute No. 31/2018 - Statement of Compliance for Vehicular Access and Drainage Access dated 21 August 2018 - 4 & 6 Southwood Avenue including 69 Ironcliffe Road, Penguin - Application No. DA2018017
- Minute No. 31/2018 - Submission to Planning Authority Notice from TasWater, Reference No. TWDA 2018/01384-CC - 4 & 6 Southwood Avenue including 69 Ironcliffe Road, Penguin - Application No. DA2018017

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

Associated Reports And Documents

Annexure 5

1 October 2018

Our ref.: DA2018059, paa:kaa

Doc ID:

Visionstream Pty Ltd
obo Telstra Corporation
Locked Bag 4001
MOORABIN VIC 3189

Dear Mr Northey

LOCAL GOVERNMENT (HIGHWAYS) ACT 1982
STATEMENT OF COMPLIANCE FOR ROAD INFRASTRUCTURE
TELECOMMUNICATIONS MONOPOLE AND ASSOCIATED STRUCTURES –
GOULDS ROAD, PRESTON

I refer to your application DA2018059 for a 35m Telecommunications monopole and associated structures at Goulds Road, Preston, and based on the information supplied with the application make the following determination in respect to existing Council infrastructure and working in the road reservation.

- 11 Engineering design drawings for the installation of the proposed U/G fibre to the proposed FAP that is proposed to be located in the road reservation adjacent to a Council road must be submitted for the in principle approval of the Council's Director Infrastructure Services;
- 12 The installation of the proposed U/G fibre to the proposed FAP that is proposed to be located in the road reservation adjacent to a Council road is not to commence until the relevant design drawings have been approved in principle by the Council's Director Infrastructure Services;
- 13 The installation of the proposed U/G fibre to the proposed FAP that is proposed to be located in the road reservation adjacent to a Council road is to be in accordance with the conditions detailed in the Council's Director Infrastructure Services in principle approval letter;
- 14 A separate conditioned approval (Road Reserve Permit) 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 the commencement of installation of the proposed U/G fibre to the proposed FAP. Please contact the Council's Public Safety Officer on 0419 103 887;

- 15 Any damage or disturbance to roads, roadside drains, roadside verges or other existing infrastructure and services resulting from activity associated with the development must be rectified, to the satisfaction of the Council's Director Infrastructure Services or his representative, at the developer's cost.

This 'Statement of Compliance' is not an approval to work in the road reservation or undertake trenching or other related works, nor is it a planning permit for the development. This 'Statement of Compliance' is valid for a period of two 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 DA2018059.

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

Yours sincerely

Philip Adams
ENVIRONMENTAL ENGINEER

Encl.

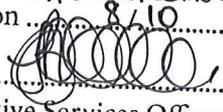
Administrative Assistant – Planning
Services Group Leader
Public Safety Officer

A COPY FOR YOUR INFORMATION

CENTRAL COAST COUNCIL

The statement of Compliance

I certify that this is for Road Infrastructure
Telecommunications Monopole & A set of
structures @ Preston Road, Preston/
Clouds Road, Preston.
DA 2018059 referred to in
Minute No. 29/2018 of a meeting of the
DEVELOPMENT SUPPORT SPECIAL COMMITTEE
held on 8/10/2018.



Executive Services Officer

Annexure 5



21 August 2018

Our ref.: DA2018017, paa:kaa

Doc ID:

Landscape Now Civil Pty Ltd
Attn: Darren Rawlings
PO Box 496
SOMERSET TAS 7322

Dear Darren

LOCAL GOVERNMENT (HIGHWAYS) ACT 1982 AND URBAN DRAINAGE ACT 2013
STATEMENT OF COMPLIANCE FOR VEHICULAR ACCESS AND DRAINAGE ACCESS
36 LOT SUBDIVISION - 6 SOUTHWOOD AVENUE, PENGUIN

I refer to your application DA2018017 for a 36 lot subdivision at 6 Southwood Avenue, Penguin, 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 6 Southwood Avenue, Penguin subject to the following:

- R1 Road, kerb and channel and footpath infrastructure must be extended from Southwood Avenue past the frontage of each lot;
- R2 A concrete vehicular access must be provided to each lot and must be constructed in accordance with Standard Drawing TSD-R09-v1 Urban Roads - Driveways (copy enclosed);
- R3 A separate conditioned approval (Road Reserve Permit) 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 Officer on 0419 103 887;
- R4 Any work associated with existing 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;

PO Box 220 / DX 70506
19 King Edward Street
Ulverstone Tasmania 7315
Tel 03 6429 8900
Fax 03 6425 1224
admin@centralcoast.tas.gov.au
www.centralcoast.tas.gov.au

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 owner's/developer's cost.

Access can be provided to the Council's stormwater network at 6 Southwood Avenue, Penguin to drain stormwater from the proposed subdivision subject to the following:

S1 Undertake a downstream analysis of the Council stormwater system in to which any stormwater from the subdivision is proposed to discharge;

S2 Any Council stormwater system where the downstream analysis indicates that there is a lack of capacity to adequately cope with the additional stormwater discharge from the subdivision must be upgraded, at the property owner's/developer's cost. (Note: At first glance it appears that the downstream system near Southwood Avenue will likely require upgrading through to Ironcliffe Road, and the downstream system to the south west of the subdivision will not likely require upgrading. However there is a risk that the outcomes of the detailed downstream analysis may be different);

S3 The Council's underground stormwater drainage system must be extended to service each lot, and a separate underground stormwater connection must be provided to each lot;

S4 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;

S5 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;

S6 Any damage or disturbance to existing stormwater infrastructure resulting from activity associated with the subdivision must be rectified;

S7 All works or activity listed above must be completed to the satisfaction of the Council's Director Infrastructure Services or his representative;

S8 All works or activity listed above shall be at the owner's/developer's cost;

S9 Easements must be established over existing Council stormwater infrastructure;

S10 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 subdivision and to any existing Council infrastructure.

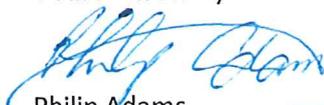
- 11 Engineering design drawings, including supporting documentation and calculations, for all road and stormwater infrastructure associated with the subdivision that will become an asset of the Council, must be submitted for the in principle approval of the Council's Director Infrastructure Services;
- 12 Construction is not to commence on any aspects of the subdivision 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, must be done in accordance with the relevant standards and any Council in principle approved drawings, 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 property owner's/developer's cost;
- 15 Any damage or disturbance to existing services resulting from activity associated with the subdivision development must be rectified at property owner's/developer's cost;
- 16 Drainage and/or pipeline easements must be aligned along property boundaries, to the satisfaction of the Council's Director Infrastructure Services or his representative.

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. This 'Statement of Compliance' is valid for a period of two years from the date of this letter.

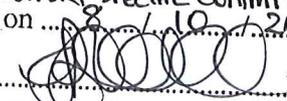
A copy of this 'Statement of Compliance' has been provided to the Council's Land Use Planning Group for consideration with planning permit application DA2018017.

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

Yours sincerely


 Philip Adams
 ENVIRONMENTAL ENGINEER

Encl.

CENTRAL COAST COUNCIL
 The Statement of Compliance
 I certify that this is for Vehicular & Drainage
 Access - 36 Lot SUBDIVISION @
 6 SOUTHWOOD AVENUE... PENGUIN...
 DA 2018017
referred to in
 Minute No. 31/2018 of a meeting of the
 DEVELOPMENT SUPPORT SPECIAL COMMITTEE
 held on ... 8 / 10 / 2018

 Executive Services Officer

Submission to Planning Authority Notice

Council Planning Permit No.	DA2018017	Council notice date	22/08/2018
TasWater details			
TasWater Reference No.	TWDA 2018/01384-CC	Date of response	27/09/2018
TasWater Contact	David Boyle	Phone No.	6345 6323
Response issued to			
Council name	CENTRAL COAST COUNCIL		
Contact details	planning.cmw@centralcoast.tas.gov.au		
Development details			
Address	6 SOUTHWOOD AV, PENGUIN	Property ID (PID)	6761935
Description of development	Subdivision 36 lots		
Schedule of drawings/documents			
	Prepared by	Drawing/document No.	Revision No.
	CSE Tasmania Pty Ltd	4806-38	P2
			Date of Issue
			26/06/2018
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>			
CONNECTIONS, METERING & BACKFLOW			
<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, any water connection utilised for construction must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. 			
ASSET CREATION & INFRASTRUCTURE WORKS			
<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 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 water and 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 water and sewerage infrastructure required to service the development, 			

generally as shown on the concept servicing plan "4806-38", are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.

9. After testing/disinfection, 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. 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 as evidence of compliance with these conditions when application for sealing is made.
Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.
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.

DEVELOPMENT ASSESSMENT FEES

16. The applicant or landowner as the case may be, must pay a development assessment 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. \$1,139.79 for development assessment; and
- b. \$149.20 for Consent to Register a Legal Document

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

17. In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.

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>

Works on adjoining land

TasWater advises that civil law requires that prior to the commencement of any works on adjoining land by the Developer or the Developer's authorised agents, the Developer must obtain permission from the adjoining land owner(s).

TasWater's maintains that no water and/or sewerage infrastructure works can commence on adjoining property (where the Developer for the permit is not the owner of the land) in respect of which the permit is required, without the adjoining land owner's consent and any possible issues which may arise as a result of the adjoining land owner's refusal to grant such permission is a civil matter between the Developer and the adjoining land owner(s).

The developer must amend the affected property owners titles to show and easement placed over the sewer connection and pay any remuneration asked by the affected property owner.

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

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CENTRAL COAST COUNCIL
The Submission to Planning Authority Notice

I certify that this is Authority Notice from Taswater TADA 2018/01384-CC & SOUTHWOOD AVENUE, PENNINGTON PA2018017 referred to in Minute No 31/2018 of a meeting of the DEVELOPMENT SUPPORT SPECIAL COMMITTEE held on 8/10/2018


Executive Services Officer