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**Minutes of an ordinary meeting of the Development Support Special Committee held in the Council Chamber of the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 8 April 2019 commencing at 6.00pm**

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**Members attendance**

Cr Jan Bonde (Mayor)  
Cr Cheryl Fuller  
Cr Philip Viney

Cr Garry Carpenter  
Cr Tony van Rooyen  
Ms Sandra Ayton

**Members apologies**

Nil

**Employees attendance**

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

**Employee apologies**

Nil

**Public attendance**

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

**CONFIRMATION OF MINUTES OF THE COMMITTEE**

**7/2019 Confirmation of minutes**

The Director Community Services reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 12 March 2019 have already been circulated. The minutes are required to be confirmed for their accuracy.

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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 Viney seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 12 March 2019 be confirmed.”

Carried unanimously

## MAYOR’S COMMUNICATIONS

### 8/2019 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 Fuller seconded, “That the Mayor’s report be received.”

Carried unanimously

## DECLARATIONS OF INTEREST

### 9/2019 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.”

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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**

##### **10/2019      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 6.00pm. The workshop having been concluded, the Mayor resumed the meeting at 6.07pm.

#### **DEPUTATIONS**

##### **11/2019      Deputations**

The Director Community Services reported as follows:

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

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## OPEN REPORTS

12/2019      **Residential (dwelling) – variation to front and rear boundary setback standards and outside required building envelope at 79 Trevor Street, Ulverstone – Application No. DA2018213**

The Director Community Services reported as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DA2018213
<i>PROPOSAL:</i>	Residential (dwelling) – variation to front and rear boundary setback standards and outside required building envelope
<i>APPLICANT:</i>	PDA Surveyors
<i>LOCATION:</i>	79 Trevor Street, Ulverstone
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	27 February 2019
<i>REPRESENTATIONS EXPIRY DATE:</i>	14 March 2019
<i>REPRESENTATIONS RECEIVED:</i>	Three
<i>42-DAY EXPIRY DATE:</i>	4 April 2019
<i>EXTENSION OF TIME DATE:</i>	15 April 2019
<i>DECISION DUE:</i>	8 April 2019

### *PURPOSE*

The purpose of this report is to consider an application to construct a split-level dwelling on General Residential land known as 79 Trevor Street, Ulverstone and described in CT176403/1.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representations;
- . Annexure 4 – photographs; and
- . Annexure 5 – Diagram 10.4.2A.

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*BACKGROUND*

*Development description -*

The development would result in a split-level dwelling on vacant General Residential land.

The ground level comprises a porch and entry, bedroom, study, bathroom, open plan kitchen/meals/family room, north facing timber deck and an attached double garage. The double garage encompasses a laundry and store room.

The proposal includes an upper level master bedroom with an ensuite and dressing room and a family room. This level would be above the proposed ground level double garage and family room.

Minimal cut and retaining wall structures would be required to facilitate the construction of the dwelling.

*Site description and surrounding area -*

The 511m<sup>2</sup> allotment is a reasonably small General Residential zoned parcel of land located along Trevor Street. The subject site is situated slightly higher than adjoining northern properties, with an old night cart lane located along the site's western boundary.

The land has some development constraints, given the smaller lot size, however, is not impeded by any easements on the site.

Surrounding land is zoned General Residential and is characterised by single dwelling development.

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

*History -*

The subject site was created in late 2018 under subdivision DA217140.

*DISCUSSION*

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

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## General Residential

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

<p>10.3.2–(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.</p>	<p>Not applicable. Use is residential.</p>
<p><b>10.4.1 Residential density for multiple dwellings</b></p>	
<p>10.4.1–(A1) Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 325m<sup>2</sup>; or</p> <p>(b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.</p>	<p>Not applicable. Not an application for multiple dwellings.</p>
<p><b>10.4.2 Setbacks and building envelope for all dwellings</b></p>	
<p>10.4.2–(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p>	<p>(a) Compliant. Dwelling which includes an attached garage would be setback 5.3m from the primary frontage (Trevor Street).</p> <p>(b) Not applicable. No secondary frontage.</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Not applicable. Land does not abut the Bass Highway.</p>

<p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	
<p>10.4.2-(A2) A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1.0m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1.0m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10.0m from the frontage.</p>	<p>(a) Non-compliant. Garage would be setback 5.3m from the primary frontage (Trevor Street). Refer to “Issues” section of this report.</p> <p>(b) Not applicable. Addressed by (a).</p> <p>(c) Not applicable. Addressed by (a).</p>

<p>10.4.2–(A3) A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) 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> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(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> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or</p>	<p>(a)(i) Compliant. Dwelling which includes an attached garage would be contained within required frontage setback.</p> <p>(a)(ii) Non-compliant. Due to the proposed split-level design, the dwelling would be outside the required building envelope. Furthermore, the proposed north facing deck would be setback 1.9m from the rear boundary.</p> <p>Refer to “Issues” section of this report.</p> <p>(b)(i) Not applicable. Satisfied by (b).</p> <p>(b)(ii) Compliant.</p>
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<p>(ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser).</p>	
<p><b>10.4.3 Site coverage and private open space for all dwellings</b></p>	
<p>10.4.3-(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60.0m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>(a) Compliant. Site coverage of proposed development would be approximately 31%.</p> <p>(b) Not applicable. No multiple dwelling development proposed.</p> <p>(c) Compliant. Area free from impervious surfaces would be approximately 37%.</p>
<p>10.4.3-(A2) A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24.0m<sup>2</sup>; or</p> <p>(ii) 12.0m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m</p>	<p>(a)(i) Compliant. The dwelling would have ample open space area exceeding 24m<sup>2</sup>.</p> <p>(a)(ii) Not applicable. Not a multiple dwelling.</p> <p>(b)(i) Compliant. Private open space area would have a horizontal dimension of approximately 21 m.</p> <p>(b)(ii) Not applicable. Satisfied by (b)(i).</p>

<p>above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4.0m; or</p> <p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	<p>(c) Compliant. Private open space (deck) would be directly accessible from a habitable room, being the family room located on the ground level of the proposed dwelling.</p> <p>(d) Compliant. Private open space areas are primarily to the north and north-east of the dwelling.</p> <p>(e) Compliant. Private open space is not located between the dwelling and the primary frontage.</p> <p>(f) Compliant. Deck is flat.</p> <p>(g) Compliant. Private open space areas are clear of vehicle access and parking areas.</p>
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<b>10.4.4 Sunlight and overshadowing for all dwellings</b>	
10.4.4-(A1) A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Compliant.  Habitable rooms face north.
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):  (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):  (i) at a distance of 3.0m from the window; and  (ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.  (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.	Not applicable.  Not multiple dwelling development.

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

<p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height no more than 2.4m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling.</li> </ul>	
<p><b>10.4.5 Width of openings for garages and carports for all dwellings</b></p>	
<p>10.4.5-(A1) A garage or carport within 12.0m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6.0m or half the width of the frontage (whichever is the lesser).</p>	<p>Compliant. Proposed garage would have an opening facing Trevor Street (primary frontage) of 4.8m.</p>
<p><b>10.4.6 Privacy for all dwellings</b></p>	
<p>10.4.6-(A1) A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1.0m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p>	<p>Not applicable. The proposed deck would be 900mm above natural ground level.</p> <p>Both the plans and supporting planning report attest to this measurement.</p>

<p>(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> <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 style="padding-left: 40px;">(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p style="padding-left: 40px;">(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 style="padding-left: 40px;">(i) is to have a setback of at least 3.0m from a side boundary; and</p>	<p>(a)(i) Not applicable. Satisfied by (b)(i).</p> <p>(a)(ii) Compliant. The proposed master bedroom window would be setback 5m from the rear boundary.</p> <p>(a)(iii) Not applicable. Not a multiple dwelling.</p> <p>(a)(iv) Not applicable. Not a multiple dwelling.</p>

<p>(ii) is to have a setback of at least 4.0m from a rear boundary; and</p> <p>(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</p> <p>(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> <p>(b) The window or glazed door:</p> <p>(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</p> <p>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	<p>(b)(i) Compliant. The proposed dwelling would have a habitable window greater than 1m above natural ground level. The proposed dwelling would be setback 2m from the western side boundary with a master bedroom window located along this western elevation.</p> <p>The proposed window would be separated from the adjoining western property (2 Scurrah Street) by approximately 16m, with two outbuildings located between the proposed dwelling and the existing dwelling at 2 Scurrah Street.</p> <p>The proposed window would also be separated from the adjoining north-western property (4 Scurrah Street) by approximately 11m.</p> <p>Therefore, the window along the western elevation of the proposed dwelling would be off-set greater than 1.5m from any adjoining dwelling's window or glazed door to a habitable room.</p> <p>(b)(ii) Not applicable. Satisfied by (b)(i).</p> <p>(b)(iii) Not applicable. Satisfied by (b)(i).</p>
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<p>10.4.6–(A3) A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <p>(a) 2.5m; or</p> <p>(b) 1.0m if:</p> <p>(i) it is separated by a screen of at least 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</p>	<p>Not applicable.</p> <p>No shared driveway or parking spaces.</p>
<p><b>10.4.7 Frontage fences for all dwellings</b></p>	
<p>10.4.7–(A1) A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:</p> <p>(a) 1.2m if the fence is solid; or</p> <p>(b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).</p>	<p>Not applicable.</p> <p>No front fence proposed.</p> <p>Condition will be included on the Permit in relation to front fence requirements.</p>

<b>10.4.8 Waste storage for multiple dwellings</b>	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a communal storage area with an impervious surface that:</p> <p>(i) has a setback of at least 4.5m from a frontage; and</p> <p>(ii) is at least 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>
<b>10.4.9 Suitability of a site or lot for use or development</b>	
<p>10.4.9-(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) have an area of not less than 330m<sup>2</sup> excluding any access strip; and</p> <p>(b) if intended for a building, contain a building area of not less than 10.0m x 15.0m:</p>	<p>(a) Compliant. Site area is 511m<sup>2</sup>.</p> <p>(b)(i) Non-compliant. The dwelling would not satisfy the rear setback standard and would be outside the required building envelope. This discretion is addressed above under Clause 10.4.2-(A3) and is addressed below in the Issues section (No. 2).</p>

<ul style="list-style-type: none"> <li>(i) clear of any applicable setback from a frontage, side or rear boundary;</li> <li>(ii) clear of any applicable setback from a zone boundary;</li> <li>(iii) clear of any registered easement;</li> <li>(iv) clear of any registered right of way benefiting other land;</li> <li>(v) clear of any restriction imposed by a Utility;</li> <li>(vi) not including an access strip;</li> <li>(vii) accessible from a frontage or access strip; and</li> <li>(viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north.</li> </ul>	<p>Refer to “Issues” section of this report.</p> <ul style="list-style-type: none"> <li>(b)(ii) Not applicable. No zone boundary.</li> <li>(b)(iii) Not applicable. No registered easement.</li> <li>(b)(iv) Not applicable. No registered right of way.</li> <li>(b)(v) Not applicable. No restriction imposed by a Utility.</li> <li>(b)(vi) Compliant. Development would be clear of access strip.</li> <li>(b)(vii) Compliant. Land is accessible from Trevor Street.</li> <li>(b)(viii) Not applicable. Not a new residential lot.</li> </ul>
<p>10.4.9–(A2) A site or each lot on a subdivision plan must have a separate access from a road –</p> <ul style="list-style-type: none"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Existing access and frontage to Trevor Street.</li> <li>(b) Not applicable. Satisfied by (a).</li> <li>(c)(i) Not applicable. Satisfied by (a).</li> <li>(c)(ii) Not applicable. Satisfied by (a).</li> </ul>

<p>(c) by a right of way connecting to a road –</p> <p>(i) over land not required as the means of access to any other land; and</p> <p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than –</p> <p>(i) 3.6m for a single dwelling development; or</p> <p>(ii) 6.0m for multiple dwelling development or development for a non-residential use; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	<p>(d)(i) Compliant. Width of primary frontage is 25.19m.</p> <p>(d)(ii) Not applicable. Not multiple dwelling or non-residential development.</p> <p>(e) Compliant. Site has existing legal access to Trevor Street.</p>
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<p>10.4.9–(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant. The site is connected to the reticulated water system.</p>
<p>10.4.9–(A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and wastewater to a sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant. The site is connected to the reticulated sewerage system.</p>
<p>10.4.9–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>.</p>	<p>Compliant. The site is connected to the reticulated stormwater system.</p>
<p><b>10.4.10 Dwelling density for single dwelling development</b></p>	
<p>10.4.10–(A1)  (a) The site area per dwelling for a single dwelling must –  (i) be not less than 325m<sup>2</sup>.</p>	<p>(a)(i) Compliant. Site area is 511m<sup>2</sup>.</p>
<p><b>10.4.11 Development other than a single or multiple dwelling.</b></p>	
<p><b>10.4.11.1 Location and configuration of development</b></p>	
<p>10.4.11.1–(A1) The wall of a building must be set back from a frontage –</p>	<p>Not applicable.</p>

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

<ul style="list-style-type: none"> <li>(i) not less than 1.5m from each side boundary; or</li> <li>(ii) less than 1.5m from a side boundary if – <ul style="list-style-type: none"> <li>a. built against an existing wall of an adjoining building; or</li> <li>b. the wall or walls – <ul style="list-style-type: none"> <li>i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;</li> <li>ii. there is no door or window in the wall of the building; and</li> <li>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.</li> </ul> </li> </ul> </li> <li>(d) in accordance with any building envelope shown on a sealed plan of subdivision.</li> </ul>	
<p>10.4.11.1–(A3) Site coverage must:</p> <ul style="list-style-type: none"> <li>(a) not be more than 50%; or</li> </ul>	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<p>(b) not be more than any building area shown on a sealed plan.</p>	
<p>10.4.11.1–(A4) A garage, carport or external parking area and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building.</p>	<p>Not applicable. Proposed development is residential.</p>
<p>10.4.11.1–(A5) Other than for a dwelling, the total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of:</p> <p>(a) 6.0m; or</p> <p>(b) half the width of the frontage.</p>	<p>Not applicable. Proposed development is residential.</p>
<p><b>10.4.11.2 Visual and acoustic privacy for residential development</b></p>	
<p>10.4.11.2–(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building must:</p> <p>(a) if the finished floor level is more than 1.0m above natural ground level:</p> <p>(i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;</p>	<p>Not applicable. Proposed development is residential.</p>

<ul style="list-style-type: none"> <li>(ii) be not less than 3.0m from a side boundary;</li> <li>(iii) be not less than 4.0m from a rear boundary; and</li> <li>(iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or</li> </ul> <p>(b) if less than the setbacks in clause A1(a):</p> <ul style="list-style-type: none"> <li>(i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling;</li> <li>(ii) have a window sill height of not less than 1.8m above floor level;</li> <li>(iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or</li> <li>(iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.</li> </ul>	
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<p>10.4.11.2–(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Not applicable. Proposed development is residential.</p>
<p><b>10.4.11.3 Frontage fences</b></p>	
<p>10.4.11.3–(A1) The height of a fence, including any supporting retaining wall, on or within a frontage setback must be:</p> <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. Proposed development is residential.</p>
<p><b>10.4.12 Setback of development for sensitive use</b></p>	
<p>10.4.12–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown in the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the required setback distance from the zone boundary.</p>	<p>(a) Not applicable. Site does not adjoin a zone boundary.</p> <p>(b) Not applicable. Site does not adjoin a zone boundary.</p>

<p>10.4.12–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) Bass Highway;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(a) Compliant. Development would be approximately 277m from the Bass Highway.</p> <p>(b) Compliant. Development would be approximately 750m 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><b>10.4.13 Subdivision</b></p>	
<p>10.4.13–(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) intended for residential use;</p> <p>(b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a Statutory authority.</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>
<p>10.4.13–(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

<b>10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision</b>	
10.4.14-(A1) Electricity reticulation and site connections must be installed underground.	Not applicable. No subdivision proposed.
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Not a subdivision, hazardous or vulnerable use.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in the Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of vegetation.
<b>E4 Change in Ground Level Code</b>	Not applicable. Some cut and retaining wall structures are proposed to facilitate the development of the proposed dwelling. Both the plans and supporting report show that the proposed cut and retaining wall structures satisfy exemption E4.4.1(b)(ii) of this Code.
<b>E5 Local Heritage Code</b>	Not applicable. No Local Heritage Code in the Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. Not within a hazard mapped area.
<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.

<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Code applies to all development.
<b>E9.4 Use or development exempt from this Code</b>	Not exempt.  No Local Area Parking Scheme applies to the site.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
E9.5.1-(A1) Provision for parking must be:  (a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;	(a) Compliant. Table E9A requires two car parking spaces for a residential dwelling. Development comprises an attached two car garage.
<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
E9.5.2-(A1) There must be provision within a site for:  (a) on-site loading area in accordance with the requirement in the Table to this Code; and  (b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.	Not applicable for the development of a single dwelling.

<b>E9.6 Development Standards</b>	
<b>E9.6.2 Design of vehicle parking and loading areas</b>	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by a Condition to be placed on the Permit.
<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <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 for the development of a single dwelling.

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

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*Issues –*

*1 Setback of garage to the front boundary –*

The Scheme's Acceptable Solution 10.4.2–(A2) requires that a garage or carport must have a setback from a primary frontage of at least 5.5m.

The proposed attached garage would be setback 5.3m from the primary frontage. This proposed setback means that the proposal does not comply with the setback requirement by 200mm. The proposal therefore seeks a variation to this standard.

Performance Criteria 10.4.2–(P2) requires that a garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the street, taking into account any topographical constraints.

There are several garages and carports located within the 5.5m frontage setback along Trevor Street. The adjoining western property has a carport located approximately 1.5m from Trevor Street. It is not considered that the proposed location of the attached garage would be dissimilar to the existing development pattern of garages and carports along Trevor Street.

*2 Outside required building envelope – rear boundary and height standard –*

The Scheme's Acceptable Solution 10.4.2–(A3) requires that a dwelling must be contained within a building envelope (refer to Annexure 5). This includes that the dwelling be setback 4m from the rear boundary.

The proposed north facing deck would be setback 1.9m from the rear boundary. The proposed split-level design of the dwelling means that the dwelling would protrude outside the standard building envelope. The proposal therefore seeks a variation to this standard.

Performance Criteria 10.4.2–(P3) requires that the siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by
  - (i) reduction of sunlight to a habitable room of a dwelling on an adjoining lot; or

- 
- (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
  - (iii) overshadowing of an adjoining vacant lot; or
  - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with the prevailing in the surrounding area.

*Overshadowing –*

The development site adjoins three properties, being 2 Scurrah Street, 4 Scurrah Street and 81 Trevor Street. Due to the north facing orientation of the subject site, potential overshadow could occur onto 2 Scurrah Street, being the western adjoining site.

Shadow plans were provided as part of the application (refer to Annexure 2, Drawing No. 18-02096).

Shadow plans indicate that on June 21 some shadow would be cast onto 2 Scurrah Street. The shadow from the proposed dwelling would mainly cast over 2 Scurrah Street's carport and driveway access at 9am. However, by 11am no shadow would be cast onto 2 Scurrah Street.

No shadow would be cast onto 4 Scurrah Street or 81 Trevor Street.

The proposed dwelling would not cause an unreasonable loss of amenity by reduction of sunlight to a habitable room of a dwelling on an adjoining lot or overshadowing the private open space of a dwelling on an adjoining lot. Therefore, the proposed development on the subject site can satisfy 10.4.2-(P3)(i) and (iii). Clause 10.4.2-(P3)(iii) is not applicable as the development site does not adjoin a vacant lot.

*Visual Impact –*

The split-level dwelling is proposed on a small vacant residential allotment, being 79 Trevor Street. This is a newly subdivided lot and is the only vacant allotment within the subject site's immediate area.

Any development on a vacant allotment in a built-up area would be clearly viewed from adjoining properties. The test for this Performance

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Criteria is whether the visual impacts caused by the apparent scale, bulk or proportions of the dwelling, when viewed from an adjoining lot, would not cause an unreasonable loss of amenity.

As mentioned, the development site adjoins three properties, being 2 Scurrah Street, 4 Scurrah Street and 81 Trevor Street.

The proposed dwelling at 79 Trevor Street would be separated by approximately 16m to 2 Scurrah Street, approximately 14m to 4 Scurrah Street and approximately 29m to 81 Trevor Street.

There are two outbuildings between the proposed dwelling and the dwelling at 2 Scurrah Street. This would assist to reduce any negative impacts between both properties.

There are several reasons why it is considered the proposed dwelling would not cause an unreasonable loss of amenity for 4 Scurrah Street. These include the separation between the two dwellings, the spilt-level design of the proposed dwelling, the position of the dwelling at 4 Scurrah Street (being on the western side of the allotment) and ample area for private open space.

In terms of scale, 81 Trevor Street and 83 Trevor Street are both two-storey dwellings and are built into the slope of the land. The two-storey level part for both mentioned dwellings are located along the western elevation. This would be comparable to the proposed dwelling at 79 Trevor Street.

*Pattern of Separation –*

The pattern of separation between residential buildings would not be materially different to other urban residential development approved in this area. Dwellings and associated outbuildings in the area are constructed to achieve maximum site coverage. The proposed dwelling would not be disparate from the established pattern of development in the Ulverstone urban area.

*Referral advice –*

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

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SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	No issues with the proposal as no changes are proposed to the existing crossover.
TasWater	Referral not 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.

*Representation -*

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

The representations are summarised and responded to as follows:

MATTER RAISED	RESPONSE
REPRESENTATION 1	
<p>1 Loss of privacy to 4 Scurrah Street from proposed dwelling and deck</p>	<p>The test for privacy when assessing development for dwellings in the General Residential zone is primarily under Clause 10.4.6 of the Scheme.</p> <p>As discussed in the table above, the proposed dwelling at 79 Trevor Street satisfies the Acceptable Solution for privacy stipulated in the Scheme.</p> <p>Clause 10.4.6-(A1) states that if a deck is 1m above natural ground level and closer than 4m to a rear boundary (boundary that adjoins 4 Scurrah Street) then a privacy screen of up to 1.7m would be required.</p> <p>The deck would be 900mm above the natural ground level and would be 1.9m from the northern rear boundary. As the deck would be 900mm above natural ground level and not 1m above natural ground level, the test for privacy has been complied with.</p> <p>Furthermore, Clause 10.4.6-(A2) states that a window to a habitable room of a dwelling that has a floor level more than 1m above natural ground level must satisfy particular standards to comply with the acceptable solution privacy standards (refer to assessment table above).</p>

	<p>The dwelling would have a master bedroom (habitable room) window that would be 1m above natural ground level.</p> <p>The privacy test between the proposed window and 4 Scurrah Street is the distance between the window in relation to the rear boundary. Clause 10.4.6–(A2)(ii) states that the window is to have a setback of at least 4m from a rear boundary.</p> <p>The window would be setback 5m from the rear boundary. The privacy test for the window has been complied with under the Scheme.</p>
<p>2 Height of proposed dwelling</p>	<p>The proposed height of the dwelling would be 6.6m at the highest point. This point would be setback 5m from the rear boundary (common boundary with 4 Scurrah Street).</p> <p>The height of the dwelling is considered a discretion and has been addressed in the “Issues” section above.</p> <p>The proposed dwelling would not be dissimilar to dwellings located at 81 and 83 Trevor Street. These dwellings are two-storey and built into the slope of the land. The two-storey level part for both mentioned dwellings are located along the western elevation. This would be comparable to the proposed dwelling at 79 Trevor Street.</p>

	<p>The height of the proposed dwelling at 79 Trevor Street is considered compatible with the existing height pattern along Trevor Street.</p>
<p>3 Lack of consultation between neighbours before lodgement of application</p>	<p>The application was placed on public notification between 27 February 2019 and 14 March 2019 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>.</p> <p>Consultation between neighbours independent to the legislative requirements for public notification by the Council is not a matter for the Planning Authority.</p>
<p>REPRESENTATION 2</p>	
<p>1 Loss of privacy to 4 Scurrah Street from proposed dwelling and deck</p>	<p>Refer to comments made in Point 1 for Representation 1.</p> <p>The Acceptable Solution for privacy standards stipulated in the Scheme have been satisfied.</p>
<p>2 Height and overall size of proposed dwelling</p>	<p>Refer to comments made in Point 2 for Representation 1.</p> <p>Furthermore, the proposed design of the dwelling, being split-level, assists to reduce the bulk of the proposed dwelling when viewed from adjoining properties.</p> <p>The application has satisfied the Performance Criteria in relation to height standards as stipulated in the Scheme (refer to the "Issues" section).</p>

<p>3 Will hinder any future potential development for 4 Scurrah Street</p>	<p>This is not a planning matter. Any future development for 4 Scurrah Street would be assessed against the applicable requirements of the Scheme at the time of lodgement.</p> <p>The proposed development at 79 Trevor Street has demonstrated compliance with the Scheme's Acceptable Solutions and where compliance cannot be satisfied, the application has demonstrated compliance with the Scheme's relevant Performance Criteria.</p>
<p>REPRESENTATION 3</p>	
<p>1 Loss of privacy to 4 Scurrah Street from proposed dwelling and deck</p>	<p>Refer to comments made in Point 1 for Representation 1.</p> <p>Privacy standards have been satisfied.</p>
<p>2 Height and overall size of proposed dwelling</p>	<p>Refer to comments made in Point 2 for Representation 1.</p>
<p>3 Concern regarding potential impact to an internal retaining wall at 4 Scurrah Street</p>	<p>As per photos provided in the representation, the internal retaining wall does not appear to be right on the boundary between 4 Scurrah Street and 79 Trevor Street.</p> <p>The proposed bulk of the dwelling would be setback 5m from the common boundary.</p> <p>It is not considered that the location of the proposed dwelling would impact on the internal retaining wall. It would be anticipated that the retaining wall</p>

	located at 4 Scurrah Street was engineer designed which should safeguard the stability of the wall.
4 Fruit tree on boundary between 79 Trevor Street and 4 Scurrah Street	This is not a planning matter. This is a matter between the occupants of 4 Scurrah Street and 79 Trevor Street.

*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 representations do not contain sufficient merit to justify the addition of any restrictive condition to a Permit issued, or refusal of the development.

The variation to the front and rear setbacks and the height of the dwelling would not result in a negative impact on the amenity of adjoining land.

The matter of privacy has been satisfied by the design of the proposed dwelling.

The land is zoned General Residential.

In summary, the development satisfies the Key Local Area Objectives for the zone:

- 1 Suburban residential areas make efficient use of land and optimise available and planned infrastructure provision through a balance of infill and redevelopment of established residential areas and the incremental release of new land.

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- 2 Suburban residential areas provide equivalent opportunity for single dwelling and multiple dwelling developments and for shared and supported accommodation through private, public and social investment.

It is considered the relevant Performance Criteria of the Scheme have been addressed and adequately satisfied, and the issue of a Permit is justified, subject to conditions.

*Recommendation –*

It is recommended that the application for Residential (dwelling) – variation to front and rear boundary setback standards and outside required building envelope at 79 Trevor Street, Ulverstone be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by Harvan Design Building Designers, Job No. 18–02096, Issue No. E, Sheet Nos. 1, 2a, 2, 3, 4, 5, 6, 7, 9, 10 and 13 dated 20 February 2019.
- 2 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 3 The deck must be no higher than 900mm above natural ground level.

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 4 – Building Permit Work and Category 3 – Notifiable Plumbing Work when assessed against the Director’s Determinations issued under the *Building Act 2016*. Accordingly, an application for a Building Permit is to be made to the Council’s Building Permit Authority, and an application for a Certificate of Likely Compliance – Plumbing Work is to be made to the Council’s Plumbing Permit Authority.

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- 4 Fencing to the frontage of the property to a height of 1.2m is "exempt" and does not require planning approval. Front fencing that is 30% transparent above 1.2m, to a maximum height of 1.8m, requires that the fence be assessed for compliance and a "No Permit Required" Certificate be issued by the Planning Authority.
  - 5 Side boundary fencing is to angle down to the public road reserve boundary in accordance with AS/NZS 2890 Figure 3.3 Minimum Sight Lines for Pedestrian Safety.'

The report is supported."

The Director Community Services reports 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 Viney seconded, "That the application for Residential (dwelling) – variation to front and rear boundary setback standards and outside required building envelope at 79 Trevor Street, Ulverstone be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by Harvan Design Building Designers, Job No. 18-02096, Issue No. E, Sheet Nos. 1, 2a, 2, 3, 4, 5, 6, 7, 9, 10 and 13 dated 20 February 2019.
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a Building Permit is to be made to the Council's Building Permit Authority, and an application for a Certificate of Likely Compliance – Plumbing Work is to be made to the Council's Plumbing Permit Authority.

- 4 Fencing to the frontage of the property to a height of 1.2m is "exempt" and does not require planning approval. Front fencing that is 30% transparent above 1.2m, to a maximum height of 1.8m, requires that the fence be assessed for compliance and a "No Permit Required" Certificate be issued by the Planning Authority.
- 5 Side boundary fencing is to angle down to the public road reserve boundary in accordance with AS/NZS 2890 Figure 3.3 Minimum Sight Lines for Pedestrian Safety."

Carried unanimously

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### **Closure**

There being no further business, the Mayor declared the meeting closed at 6.08pm.

CONFIRMED THIS                      DAY OF                      , 2019.

### **Chairperson**

(cvv:km)

### **Appendices**

Nil

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*QUALIFIED PERSON'S ADVICE*

The *Local Government Act 1993* (the Act), Section 65 provides as follows:

- “(1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
- (a) the general manager certifies, in writing –
    - (i) that such advice was obtained; and
    - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and
  - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.”

In accordance with Section 65 of the Act, I certify:

- (i) that the reports within these Development Support Special Committee minutes contain advice, information and recommendations given by persons who have the qualifications and experience necessary to give such advice, information or recommendation;
- (ii) where any advice is directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account another person's general advice who is appropriately qualified or experienced; and
- (ii) that copies of advice received from an appropriately qualified or experienced professional have been provided to the Development Support Special Committee members.



Sandra Ayton  
GENERAL MANAGER