
Minutes of an ordinary meeting of the Development Support Special Committee held via Zoom (electronic conferencing) on Wednesday, 15 April 2020 commencing at 6.00pm

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

Land Use Planning Group Leader (Ms Mary-Ann Edwards)
Director Infrastructure Services (Mr Paul Breaden)
Director Organisational Services (Mr Ian Stoneman)
Executive Services Officer (Mrs Lou Brooke)

Employee apologies

Director Community Services (Mrs Jackie Harvey)

Public attendance

Due to COVID-19 restrictions, the public were not able to attend.

CONFIRMATION OF MINUTES OF THE COMMITTEE

1/2020 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 28 October 2019 have already been circulated. The minutes are required to be confirmed for their accuracy.

The *Local Government (Meeting Procedures) Regulations 2015* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

- Cr Viney moved and Cr Fuller seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 28 October 2019 be confirmed.”

Carried unanimously

MAYOR’S COMMUNICATIONS

2/2020 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

3/2020 **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 Executive Services Officer 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

4/2020 **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 6.07pm. The workshop having been concluded, the Mayor resumed the meeting at 6.08pm.

DEPUTATIONS

5/2020 Deputations

The Executive Services Officer reported as follows:

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

OPEN REPORTS

6/2020 Residential (outbuildings – shed and carport) – variation to rear and side setback standards and outside required building envelope at 11 Leighlands Avenue, Ulverstone – Application No. DA2020053

The Director Community Services reports as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2020053
<i>PROPOSAL:</i>	Residential (outbuildings – shed and carport) – variation to rear and side setback standards and outside required building envelope
<i>APPLICANT:</i>	Abel Drafting Services Pty Ltd
<i>LOCATION:</i>	11 Leighlands Avenue, Ulverstone
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)
<i>ADVERTISED:</i>	7 March 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	24 March 2020
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	13 April 2020 – extension of time granted until 20 April 2020.
<i>DECISION DUE:</i>	20 April 2020
<i>PURPOSE</i>	

The purpose of this report is to consider an application for a combined 16m x 8m x 4.5m high shed and carport at 11 Leighlands Avenue, Ulverstone. The outbuilding is proposed to be located in the far north-western corner of the lot and would be positioned along the property’s northern side boundary and western rear boundary.

Accompanying the report are the following documents:

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

BACKGROUND

Development description -

Application is made for a combined shed and carport. The outbuilding would be 16m in length (along the northern side boundary) and 8m wide (along the western rear boundary). The outbuilding would have a solid wall height of 4.5m along the northern side boundary, being 16m in total length. The outbuilding would taper down slightly to 3.5m, outwards from the side boundary and into the subject site. The outbuilding would have a carport to the front which would have open facings towards Leighlands Avenue and into the subject site.

The proposal includes the demolition of an existing 9m x 4.6m outbuilding. This outbuilding has a solid wall along the northern boundary that is 3m in height.

Site description and surrounding area -

The subject site is zoned General Residential and contains a single dwelling and outbuilding.

Existing development on the subject site is similar to the existing development within the vicinity, all of which are zoned General Residential and contain primarily single dwellings and outbuildings.

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

History -

The dwelling was approved for the subject site in 1972 and the outbuilding (garage) was approved in 1975.

DISCUSSION

The following table is an assessment of the relevant Planning 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 adverse impact on amenity for use on adjacent land in the zone.</p>	<p>Not applicable.</p> <p>Residential use is No Permit Required.</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>Use is residential.</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.</p> <p>Use is residential.</p>

10.4.1 Residential density for multiple dwellings	
<p>10.4.1-(A1) Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 325m²; or</p> <p>(b) if within a density area specified in Table 10.4.1 below and shown on the Planning Scheme maps, that specified for the density area.</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>
10.4.2 Setbacks and building envelope for all dwellings	
<p>10.4.2-(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p> <p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p>	<p>(a) Compliant. Outbuilding would be setback 22.4m from the front boundary.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Not applicable. Land does not abut the Bass Highway.</p>

<p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	
<p>10.4.2-(A2) A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1.0m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1.0m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10.0m from the frontage.</p>	<p>(a) Compliant. Outbuilding would be setback 22.4m from the front boundary.</p> <p>(b) Not applicable. Addressed in (a).</p> <p>(c) Not applicable. Addressed in (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>(a)(i) Compliant. Outbuilding would be setback from frontage boundary as discussed above.</p> <p>(a)(ii) Non-compliant. The outbuilding would be outside the required building envelope as shown on the plans provided. The outbuilding would also be located on the rear boundary.</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>(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>Refer to the “Issues” section of this report.</p> <p>(b)(i) Not applicable. Addressed in (b)(ii).</p> <p>(b)(ii) Non-compliant. The outbuilding would be 16m in total wall length and would be located on the northern side boundary.</p> <p>Refer to the “Issues” section of this report.</p>
<p>10.4.3 Site coverage and private open space for all dwellings</p>	
<p>10.4.3-(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p>	<p>(a) Compliant. Site coverage would be approximately 37%.</p> <p>(b) Not applicable. Not multiple dwelling development.</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>(c) Compliant. Approximately 42% of the site area is free from impervious surfaces.</p>
<p>10.4.3–(A2) A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24.0m²; or</p> <p>(ii) 12.0m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4.0m; or</p> <p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	<p>(a)(i) Compliant. Existing dwelling would have private open space greater than 24m² and located in one location.</p> <p>(a)(ii) Not applicable. Satisfied by (a)(i).</p> <p>(b)(i) Compliant. Existing dwelling would have minimum dimension of private open space greater than 4m.</p> <p>(b)(ii) Not applicable. Satisfied by (b)(i).</p> <p>(c) Compliant. Existing dwelling private open space would be accessible from the existing living areas.</p> <p>(d) Compliant. Existing private open space located mainly north and west.</p> <p>(e) Compliant. Existing private open space is not located between the dwelling and the primary frontage.</p> <p>(f) Compliant. Site is reasonably flat.</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>(g) Compliant. Existing private open space areas are clear of vehicle access and parking areas.</p>
<p>10.4.4 Sunlight and overshadowing for all dwellings</p>	
<p>10.4.4-(A1) A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>	<p>Compliant. Existing dwelling.</p>
<p>10.4.4-(A2) A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p>	<p>Not applicable. Not multiple dwelling development.</p>

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

<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. <p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> (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. 	
<p>10.4.5 Width of openings for garages and carports for all dwellings</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. Outbuilding would be setback 22.4m from the frontage.</p>

10.4.6 Privacy for all dwellings

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

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

Not applicable.

Application is for an outbuilding.

<p>10.4.6-(A2) A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1.0m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> (i) is to have a setback of at least 3.0m from a side boundary; and (ii) is to have a setback of at least 4.0m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6.0m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6.0m from the private open space of another dwelling on the same site. <p>(b) The window or glazed door:</p> <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 	<p>Not applicable.</p> <p>Application is for an outbuilding.</p>
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<p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	
<p>10.4.6–(A3) A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <p>(a) 2.5m; or</p> <p>(b) 1.0m if:</p> <p>(i) it is separated by a screen of at least 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</p>	<p>Not applicable. No shared driveway.</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>Not applicable.</p> <p>No frontage fence proposed.</p>

<ul style="list-style-type: none"> (a) 1.2m if the fence is solid; or (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). 	
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> <ul style="list-style-type: none"> (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: <ul style="list-style-type: none"> (i) has a setback of at least 4.5m from a frontage; and (ii) is at least 5.5m from any dwelling; and (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>Not applicable. No multiple dwelling proposed.</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>(b) if intended for a building, contain a building area of not less than 10.0m x 15.0m:</p> <p>(i) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(ii) clear of any applicable setback from a zone boundary;</p> <p>(iii) clear of any registered easement;</p> <p>(iv) clear of any registered right of way benefiting other land;</p> <p>(v) clear of any restriction imposed by a Utility;</p> <p>(vi) not including an access strip;</p> <p>(vii) accessible from a frontage or access strip; and</p> <p>(viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north.</p>	<p>(a) Compliant. Overall site area is 771m².</p> <p>(b)(i) Non-compliant. The proposal triggers a discretion in relation to the side and rear setback standards and building envelope standard. These matters are addressed under Clause 10.4.2-(A3) above and in the “Issues” section of this report against the Performance Criteria for Clause 10.4.2-(P3).</p> <p>Refer to the “Issues” section of this report.</p> <p>(b)(ii) Not applicable. No zone boundary.</p> <p>(b)(iii) Not applicable. No registered easements.</p> <p>(b)(iv) Not applicable. No registered right of way.</p> <p>(b)(v) Not applicable. No restriction imposed by a Utility.</p> <p>(b)(vi) Not applicable. No access strip.</p> <p>(b)(vii) Compliant. Land is accessible from Leighlands Avenue.</p> <p>(b)(viii) Not applicable. Not a new residential lot.</p>
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<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 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 –</p> <p style="padding-left: 20px;">(i) 3.6m for a single dwelling development; or</p> <p style="padding-left: 20px;">(ii) 6.0m for multiple dwelling development or development for a non-residential use; and</p>	<p>(a) Compliant. Existing access to a frontage to Leighlands Avenue.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c)(i) Not applicable. Satisfied by (a).</p> <p>(c)(ii) Not applicable. Satisfied by (a).</p> <p>(d)(i) Compliant. Width of frontage approximately 20m.</p> <p>(d)(ii) Not applicable. Not multiple dwelling or non-residential development.</p> <p>(e) Compliant. Site has existing legal access to Leighlands Avenue. No changes proposed to this access. Council, acting as a Road Authority, have no issues.</p>
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<p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	
<p>10.4.9-(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant. 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>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>(a)(i) Compliant. Site area is 771m².</p>

10.4.11 Development other than a single or multiple dwelling	
10.4.11.1 Location and configuration of development	
<p>10.4.11.1-(A1) The wall of a building must be set back from a frontage –</p> <ul style="list-style-type: none"> (a) not less than 4.5m from a primary frontage; and (b) not less than 3.0m from any secondary frontage; or (c) not less than and not more than the setbacks for any existing building on adjoining sites; (d) not less than for any building retained on the site; (e) in accordance with any building area shown on a sealed plan; or (f) not less than 50.0m if the site abuts the Bass Highway. 	<p>Not applicable.</p> <p>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"> (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; 	<p>Not applicable.</p> <p>Development is residential.</p>

(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 –

(i) not less than 1.5m from each side boundary; or

(ii) less than 1.5m from a side boundary if –

a. built against an existing wall of an adjoining building; or

b. the wall or walls –

i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;

ii. there is no door or window in the wall of the building; and

iii. overshadowing does not result in 50% of the private open space of an adjoining dwelling receiving less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June.

(d) in accordance with any building envelope shown on a sealed plan of subdivision.	
10.4.11.1-(A3) Site coverage must: (a) not be more than 50%; or (b) not be more than any building area shown on a sealed plan.	Not applicable. Development is residential.
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.	Not applicable. Development is residential.
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: (a) 6.0m; or (b) half the width of the frontage.	Not applicable. Development is residential.
10.4.11.2 Visual and acoustic privacy for residential development	
10.4.11.2-(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building must:	Not applicable. Development is residential.

<p>(a) if the finished floor level is more than 1.0m above natural ground level:</p> <ul style="list-style-type: none">(i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;(ii) be not less than 3.0m from a side boundary;(iii) be not less than 4.0m from a rear boundary; and(iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or <p>(b) if less than the setbacks in clause A1(a):</p> <ul style="list-style-type: none">(i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling;(ii) have a window sill height of not less than 1.8m above floor level;(iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or	
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<p>(iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.</p>	
<p>10.4.11.2–(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Not applicable. Development is residential.</p>
<p>10.4.11.3 Frontage fences</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. Development is residential.</p>
<p>10.4.12 Setback of development for sensitive use</p>	
<p>10.4.12–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p>	<p>(a) Not applicable. No zone boundary.</p> <p>(b) Not applicable. No zone boundary.</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>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 500m from the Bass Highway.</p> <p>(b) Compliant. Development would be approximately 434m from a railway line.</p> <p>(c) Not applicable. No land designated for future road or rail.</p> <p>(d) Not applicable. The nearest proclaimed wharf area is in Devonport approximately 15km to the east.</p>
<p>10.4.13 Subdivision</p>	
<p>10.4.13–(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) intended for residential use;</p> <p>(b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a Statutory authority.</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

10.4.13–(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot	Not applicable. No subdivision proposed.
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.	Not applicable. No subdivision proposed.
CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Not a subdivision, hazardous or vulnerable use.
E2 Airport Impact Management Code	Not applicable. No Code in the Planning Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of vegetation.
E4 Change in Ground Level Code	Not applicable. No change in ground level greater than 1m or retaining walls closer than 1m and higher than 0.5m.
E5 Local Heritage Code	Not applicable. No Local Heritage Code in the Planning Scheme.
E6 Hazard Management Code	Not applicable. Not within a hazard mapped area.
E7 Sign Code	Not applicable. No signage proposed.
E8 Telecommunication Code	Not applicable. No telecommunications proposed.

E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Code applies to all development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Planning 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. Site has existing provision for two car parking spaces.
E9.5.2 Provision for loading and unloading of vehicles	
E9.5.2-(A1) There must be provision within a site for: (a) on-site loading area in accordance with the requirement in the Table to this Code; and (b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.	Not applicable for residential 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> <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>	Not applicable for residential use.

(g) Be formed and constructed with compacted sub-base and an all-weather surface.	
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.	Not applicable. Land is zoned General Residential.
E10 Water and Waterways Code	Not applicable. Subject site is situated more than 30m to a watercourse.
Specific Area Plans	No Specific Area Plans apply to this location.

Issues –

1 Variation to the rear and side setback standards and outside the required building envelope –

The Planning Scheme's Acceptable Solution for Clause 10.4.2–(A3)(a)(i)(ii) and (b)(ii) states that a dwelling (which includes an outbuilding) must be 4.5m from a rear boundary, fit within the prescribed building envelope and, if within 1.5m to a side boundary, the total wall length is to be no longer than 9m.

The proposed outbuilding would be positioned on the rear boundary, and along the northern side boundary, with a wall length of 16m and a wall height of 4.5m. The proposed outbuilding does not satisfy the Acceptable Solution for this Clause. The proposal seeks a variation to this Clause and an exercise of discretion is required.

The Planning Scheme's Performance Criteria for Clause 10.4.2–(P3) states that the siting and scale of a dwelling (which includes an outbuilding) must not cause unreasonable loss of amenity by –

- (a)(i) reduction in sunlight to a habitable room of a dwelling on an adjoining lot; or

Compliant. The application includes shadow plans that demonstrate that the majority of shadow resulting from the proposed outbuilding would cast into the development site and slightly into adjoining vacant land to the west. No unreasonable loss of amenity would be caused by the proposed outbuilding in terms of overshadow into a habitable room of a dwelling on an adjoining lot.

- (a)(ii) overshadowing the private open space of a dwelling on an adjoining lot; or

Compliant. Shadow plans provided demonstrate that no unreasonable overshadowing to an area of private open space on an adjoining lot would occur.

- (a)(iii) overshadowing on an adjoining vacant lot; or

Compliant. Shadow plans provided demonstrate that between 9.00am and 11.00am on June 22 some shadow will be cast into the adjoining vacant land to the west of the development site. This is not considered to be unreasonable as the said land

would be clear of this shadow by 12 noon, allowing three hours of sunlight to the land between 12 noon and 3.00pm.

- (a)(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and

Non-compliant. The proposed outbuilding would result with a solid 16m long by 4.5m high wall along the development sites' northern side boundary. This boundary adjoins 13 Leighlands Avenue, Ulverstone.

Currently located within 1.5m of this boundary at 13 Leighlands Avenue, Ulverstone is a 5.8m (along said boundary) x 5.8m and 2.45m high outbuilding and a 2m x 2.5m glass house. An existing 9m (along said boundary) x 5m outbuilding, which has a wall height of 3m, is located at 11 Leighlands Avenue, Ulverstone.

The proposal is for the demolition of the existing 9m x 5m x 3m high outbuilding located at 11 Leighlands Avenue, Ulverstone to allow the construction of the proposed 16m x 8m x 4.5m high outbuilding.

Clause 10.4.2-(P3)(a)(iv) requires the siting and scale of the proposed outbuilding to not cause an unreasonable loss of amenity by visual impacts caused by the apparent scale, bulk or proportions of the outbuilding when viewed from an adjoining property. In this case, the adjoining property to be most impacted by this development would be 13 Leighlands Avenue, Ulverstone.

With regards to the provision above, apparent is defined in the Macquarie Dictionary as "*capable of being clearly perceived or understood; plain or clear*".

Amenity is defined by the Planning Scheme as "*in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable*."

As seen in the image below, 13 Leighlands Avenue, Ulverstone have primarily all their private open space within the rear of their property. Currently, when looking from the private open space at 13 Leighlands Avenue, Ulverstone and some rooms

inside the dwelling along this boundary, the occupants can see the boundary fence, a small glasshouse located on 13 Leighlands Avenue, Ulverstone and a portion of the 9m long x 3m high solid wall location on 11 Leighlands Avenue, Ulverstone. This existing outbuilding is positioned approximately 10.5m away from the rear boundary and somewhat in line with the dwelling located at 13 Leighlands Avenue, Ulverstone. Therefore, the existing view currently observed from 13 Leighlands Avenue, Ulverstone is mainly openness along this boundary except for the boundary fence, small glasshouse, some of the existing outbuilding wall and a relatively small portion of the adjoining dwelling. This is typical within a developed General Residential zoned area.



This analysis of the existing amenity in terms of view along this boundary is validated with the images provided within the representation received from the occupants of 13 Leighlands Avenue, Ulverstone (refer to Annexure 3).

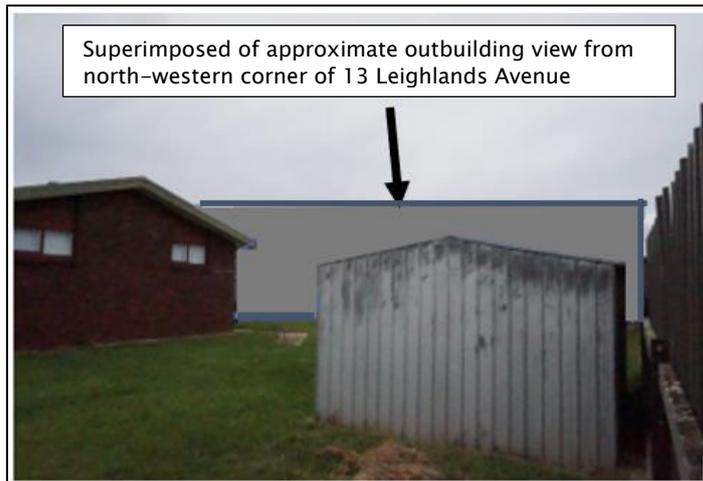
The proposed outbuilding would be positioned in the development sites' far north-west corner and would occupy nearly half of the development sites northern side boundary. This boundary length is 39.01m with the wall length of the proposed outbuilding to be 16m. The outbuilding would also

be a solid 4.5m wall the entire length of this section along the boundary.

The proposed outbuilding would be 1.5m higher and nearly double the length of the existing outbuilding located on the development site.

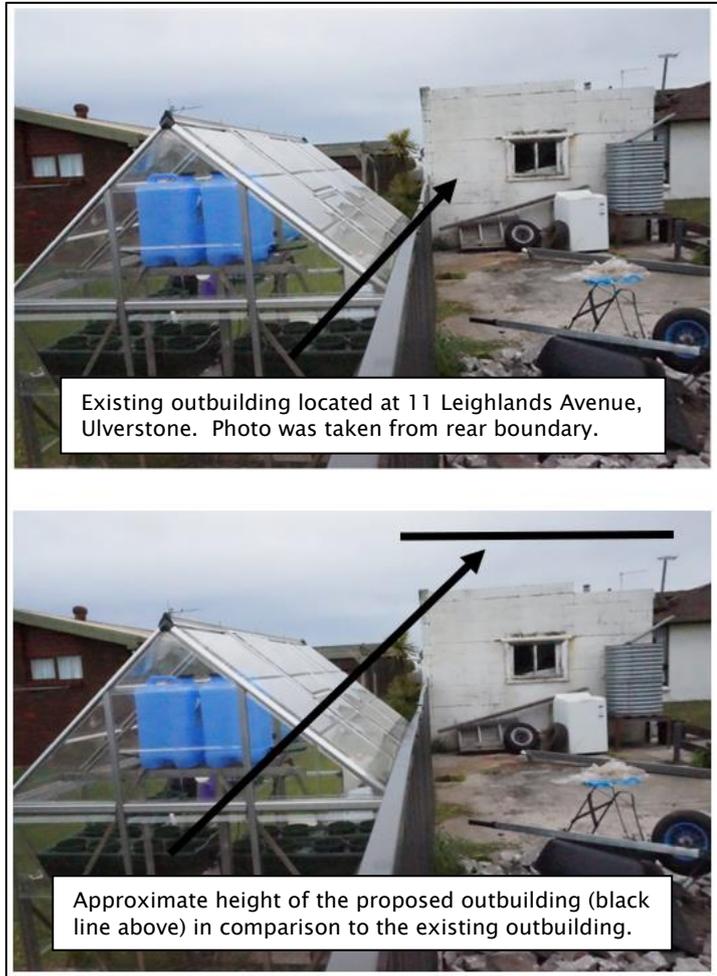
The proposed outbuilding (as shown in the image below) would be visually prominent along this boundary from 13 Leighlands Avenue, Ulverstone private open space area and some rooms inside the dwelling.





This analysis of the existing and proposed view along this boundary is validated with the images provided within the representation received from the occupants of 13 Leighlands Avenue, Ulverstone (refer to Annexure 3).

The solid 4.5m high x 16m wall along the boundary would increase the visual impact when viewed from 13 Leighlands Avenue, Ulverstone and would appear to be bulky and large scale in comparison to what is existing. The amenity when viewed from 13 Leighlands Avenue, Ulverstone would go from being a relative open area along this portion of the boundary to a large scale solid, blank facade with no articulation and modulation outbuilding.



The Resource Management Planning and Appeals Tribunal states that if there is a loss in amenity to adjoining lots, whether the loss would be so unreasonable as to qualify as “*immoderate*” or “*exorbitant*”.

The proposed outbuilding, due to reasons outlined above, would result with an unreasonable loss of amenity in terms of apparent scale bulk or proportions. The visual impact from the proposed outbuilding would be immoderate for reasons explained above, mainly that the outbuilding would dominate nearly half of the boundary, nearly double the length of an existing outbuilding and would be a solid wall height of 4.5m which is 1.5m higher than the existing outbuilding located on the development site.

-
- (b) provide separation between dwellings on adjoining lots that is compatible with that of prevailing in the surrounding area.

Non-compliant. The proposed outbuilding would be positioned on the rear boundary for 8m and the northern side boundary for 16m.

An analysis of outbuilding development along Leighlands Avenue indicates that most, if not all, properties have outbuildings. In most cases, these outbuildings are located on one or more of the property's boundaries. An analysis indicates that there are no other outbuildings along Leighlands Avenue the size proposed for the subject site.

The surrounding area is predominately 9m x 5m long outbuildings. Where the outbuildings may be longer, they generally abut adjoining property's outbuildings. There are no other outbuildings along Leighlands Avenue of similar wall height onto the boundary. It is noted that some outbuildings provide a separation to boundaries in some cases 1.5m or more.

The applicant did make reference to 8 Leighlands Avenue being of similar height. The Council's records indicate that this outbuilding is 9m x 5m and has a wall height of 3.2m with an apex height of 3.7m. The proposed outbuilding wall height is 1.3m higher and 7m longer than that of 8 Leighlands Avenue. It is not considered this is similar in size, shape and height of the proposed outbuilding.

Furthermore, the applicant made reference to some outbuildings along Leighlands Avenue, Ulverstone. The outbuildings mentioned at 14 and 16 Leighlands Avenue, Ulverstone are abutting each other and therefore reduces the capability to create bulk and scale from each property respectively when viewed.

The applicant also mentioned 18 Leighlands Avenue, Ulverstone to compare existing outbuildings in the area and the proposed outbuilding. The outbuilding at 18 Leighlands Avenue, Ulverstone is 13m long which is the longest outbuilding located in properties along Leighlands Avenue, however the wall height of this outbuilding is only 3m. Again, the outbuilding at 18 Leighlands Avenue, Ulverstone is not similar in size or height

of the proposed outbuilding at the subject site. Furthermore, the outbuilding located at 18 Leighlands Avenue was approved in 1984 which was before the outbuilding required approval and assessment under the *Land Use Planning and Approvals Act 1993*.

In addition to the analysis above, it has been mentioned by the Resource Management Planning and Appeals Tribunal that the separation test cannot just be undertaken for an outbuilding if that is the proposed development. It must include all dwellings as well. It is noted that the majority of dwellings along Leighlands Avenue provide some separation to boundaries, usually approximately 2m.

The prevailing separation distance between development along Leighlands Avenue would be considered approximately 2m for dwellings and in some cases outbuildings as well. Where the outbuildings are located closer or along the boundaries, the outbuildings are generally 9m in length with a wall height no higher than 3m.

It is not considered that the proposed outbuilding is compatible with that of prevailing in the surrounding area.

It is considered that the proposed outbuilding would dominate the rear of the development site and would have an unreasonable impact for the adjoining property being 13 Leighlands Avenue, Ulverstone.

Referral advice -

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	No comment. Discussed at Planning and Assessment meeting 27 February 2020. Road and Stormwater Authority officer

	mentioned no issues at this meeting.
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.

Representations -

Two representations were received within the prescribed time, copies of which are provided at Annexure 3.

The representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
REPRESENTATION 1	
1 Visual impact from the outbuilding would be grossly unpleasant from side windows and back yard.	It is agreed that the proposed outbuilding would cause an unreasonable loss of amenity by visual impacts caused by the apparent scale, bulk or proportions

	<p>of the outbuilding when viewed from 13 Leighlands Avenue.</p> <p>Please refer to comments made in the “Issues” section above in relation to apparent scale, bulk or proportions.</p>
<p>2 Proposed wall would be unaesthetic, industrial appearance and reduce open view.</p>	<p>It is agreed that the proposed outbuilding would cause an unreasonable loss of amenity by visual impacts caused by the apparent scale, bulk or proportions of the outbuilding when viewed from 13 Leighlands Avenue.</p> <p>Please refer to comments made in the “Issues” section above in relation to apparent scale, bulk or proportions.</p>
<p>3 Separation distance not compatible with prevailing in the surrounding area.</p>	<p>It is agreed that the proposed outbuilding would not be compatible with that prevailing in the surrounding area.</p> <p>Please refer to comments made in the “Issues” section above in relation to separation between dwellings.</p>
<p>REPRESENTATION 2</p>	
<p>1 Not keeping with surrounding area.</p>	<p>It is agreed that the proposed outbuilding would not be compatible with that prevailing in the surrounding area.</p> <p>Please refer to comments made in the “Issues” section above in relation to separation between dwellings.</p>

<p>2 Structure is too large.</p>	<p>It is agreed that the proposed outbuilding would cause an unreasonable loss of amenity by visual impacts caused by the apparent scale, bulk or proportions of the outbuilding when viewed from 13 Leighlands Avenue.</p> <p>Please refer to comments made in the “Issues” section above in relation to apparent scale, bulk or proportions.</p>
<p>3 Structure not within the building envelope.</p>	<p>It is agreed that the proposed outbuilding would cause an unreasonable loss of amenity by visual impacts caused by the apparent scale, bulk or proportions of the outbuilding when viewed from 13 Leighlands Avenue.</p> <p>Please refer to comments made in the “Issues” section above in relation to apparent scale, bulk or proportions.</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 Planning Scheme provides two pathways for assessing development. If the development has satisfied the applicable Acceptable Solution, then the

development has been considered to satisfy the standard and approval is granted. If the development does not satisfy the Acceptable Solution the development needs to demonstrate compliance with the applicable Performance Criteria. Compliance with the applicable Performance Criteria is mandatory. If this cannot be achieved, then the development must be refused.

As discussed above, the proposed outbuilding cannot satisfy the applicable Performance Criteria, in that the outbuilding would cause an unreasonable loss of amenity by visual impacts caused by the apparent scale, bulk or proportions of the outbuilding when viewed from 13 Leighlands Avenue, Ulverstone and would not provide separation between the outbuilding and adjoining lots that is compatible with that prevailing in the surrounding area.

The representations contain sufficient merit to refuse the development under the Planning Scheme.

It is considered the proposal has not satisfied the mandatory Performance Criteria and cannot be approved.

It is considered appropriate the proposed development be refused.

Recommendation –

It is recommended that the application for Residential (outbuildings – shed and carport) – variation to rear and side setback standards and outside required building envelope at 11 Leighlands Avenue, Ulverstone be refused for the following reasons:

- 1 The proposal does not satisfy Clause 10.4.3–(P3) in that the development would cause unreasonable loss of amenity by –
 - (a) apparent scale, bulk proportions when viewed from 13 Leighlands Avenue, Ulverstone; and
 - (b) separation between the proposed outbuilding and adjoining lots is not compatible with that prevailing in the surrounding area.’

The report is supported.”

The Executive Services Officer reports as follows:

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

■ Cr van Rooyen moved and Cr Carpenter seconded, “That the application for Residential (outbuildings – shed and carport) – variation to rear and side setback standards and outside required building envelope at 11 Leighlands Avenue, Ulverstone be refused for the following reasons:

- 1 The proposal does not satisfy Clause 10.4.3–(P3) in that the development would cause unreasonable loss of amenity by –
 - (a) apparent scale, bulk proportions when viewed from 13 Leighlands Avenue, Ulverstone; and
 - (b) separation between the proposed outbuilding and adjoining lots is not compatible with that prevailing in the surrounding area.”

Carried unanimously

7/2020 Residential (second storey extension) – variation to building envelope, front and side boundary setback standard, privacy for all dwellings and proximity of sensitive use to the railway line – 2 Hogarth Road, Sulphur Creek – Application No. DA2020045

The Director Community Services reports as follows:

“The Planning Officer has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2020045
<i>PROPOSAL:</i>	Residential (second storey extension) – variation to building envelope, front and side boundary setback standard, privacy for all dwellings and proximity of sensitive use to the railway line
<i>APPLICANT:</i>	ECLO Designs – Chloe Overton
<i>LOCATION:</i>	2 Hogarth Road, Sulphur Creek
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)
<i>ADVERTISED:</i>	11 March 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	25 March 2020
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	17 April 2020 – extension of time granted until 20 April 2020.
<i>DECISION DUE:</i>	20 April 2020

PURPOSE

The purpose of this report is to consider an application to construct a residential second storey extension to a dwelling on land at 2 Hogarth Road, Sulphur Creek.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – Statement of Compliance;
- . Annexure 5 – correspondence from TasNetworks; and
- . Annexure 6 – photographs.

BACKGROUND

Development description –

Application is made to construct a second storey extension to the existing dwelling located at 2 Hogarth Street, Sulphur Creek.

The existing single storey dwelling has a floor area of 132.3m². The proposed 132.3m² two-storey extension would comprise a kitchen, dining and lounge room area, balcony and master bedroom with ensuite and walk-in-wardrobe. The ground floor portion of the existing dwelling would be renovated to accommodate three bedrooms, rumpus room, bathroom and new double garage with new vehicular access from Hogarth Road.

The two-storey extension would result in a total floor area of 306.9m², including all external decks.

Site description and surrounding area –

The 702m² site is located within the general residential area of Hogarth Road, Sulphur Creek and accommodates a single dwelling and garage.

Surrounding land to the west and east is also zoned General Residential and accommodates single and double storey dwellings and outbuildings. The site adjoins a Utilities zone to the north that accommodates Preservation Drive.

The Western Rail Line is located approximately 48m north of the existing dwelling.

History -

No history relevant to this application.

DISCUSSION

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

General Residential

CLAUSE	COMMENT
10.3.1 Discretionary Permit Use	
<p>10.3.1-(P1) Discretionary permit use must:</p> <p>(a) be consistent with local area objectives;</p> <p>(b) be consistent with any applicable desired future character statement; and</p> <p>(c) minimise likelihood for adverse impact on amenity for use on adjacent land in the zone.</p>	<p>Not applicable.</p> <p>Residential use is Permitted.</p>
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>Use is contained within a dwelling.</p>
<p>10.3.2-(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.</p>	<p>Not applicable.</p> <p>Use is contained within a dwelling.</p>
<p>10.3.2-(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.</p>	<p>Not applicable.</p> <p>Use is residential.</p>

10.4.1 Residential density for multiple dwellings	
<p>10.4.1–(A1) Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 325m²; or</p> <p>(b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.</p>	<p>Not applicable.</p> <p>Not an application for multiple dwellings.</p>
10.4.2 Setbacks and building envelope for all dwellings	
<p>10.4.2–(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p> <p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p>	<p>(a) Non-compliant. The new garage forming part of the dwelling extension would be setback 3.3m from the primary frontage to Hogarth Road.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Compliant. The development is not on land that abuts the Bass Highway.</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. The proposed garage forming part of the dwelling extension would be setback 3.3m from Hogarth Road. Refer to the “Issues” section of this report.</p> <p>(b) Not applicable. Refer to (a) above.</p> <p>(c) Not applicable. Refer to (a) above.</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>(a)(i) Non-compliant. The proposed garage forming part of the extension would be setback 3.3m from Hogarth Road. Refer to the “Issues” section of this report.</p> <p>(a)(ii) Compliant. The proposed extension would be setback 13m from the western rear boundary.</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>(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)(i) Compliant. The dwelling extension would be located more than 1.5m from both side boundaries.</p> <p>(b)(ii) Compliant. The dwelling extension would be located more than 1.5m from both side boundaries.</p>
<p>10.4.3 Site coverage and private open space for all dwellings</p>	
<p>10.4.3-(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p>	<p>(a) Compliant. The land area is 702m². The existing dwelling and shed have a building area of 289m². The total site coverage would be 34%.</p>

<p>(b) for multiple dwellings, a total area of private open space of not less than 60.0m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>(b) Not applicable. The proposed development is not for multiple dwellings.</p> <p>(c) Compliant. The site has an area of 65% free from impervious surfaces.</p>
<p>10.4.3–(A2) A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24.0m²; or</p> <p>(ii) 12.0m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4.0m; or</p> <p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	<p>(a)(i) Compliant. The existing private open space has an area greater than 24m².</p> <p>(a)(ii) Not applicable. Development satisfied by (a)(i).</p> <p>(b)(i) Compliant. The dwelling has private open space with a minimum 15m horizontal dimension</p> <p>(c) Compliant. The proposed rumpus room area on the ground floor would have direct access to the private open space.</p> <p>(d) Compliant. The private open space is located to the north-west and south of the dwelling.</p> <p>(e) Compliant. The existing private open space is not located between the dwelling and the frontage. The site has numerous locations of private open space on site.</p> <p>(f) Compliant. The existing private open space is reasonably flat.</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>(g) Compliant. The area for private open space would not be used for vehicle access or parking.</p>
<p>10.4.4 Sunlight and overshadowing for all dwellings</p>	
<p>10.4.4-(A1) A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>	<p>Compliant.</p> <p>The dwelling has existing windows that face north. The proposed upper level extension accommodates north facing windows.</p>
<p>10.4.4-(A2) A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

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

<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. <p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> (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. 	
<p>10.4.5 Width of openings for garages and carports for all dwellings</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.</p> <p>The proposed garage forming part of the extension would have a 5.5m opening to the Hogarth Road street frontage.</p>

10.4.6 Privacy for all dwellings

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

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

- (a) Non-compliant. The development would have a second storey deck within 2.8m of the western side boundary. The proposed deck would have a 1.7m privacy screen along the western side of the deck, however the privacy screen does not wrap around the northern side of the deck that would be within 3m of the side boundary.

Refer to the “Issues” section of this report.

- (b) Compliant. The proposed deck would be setback more than 15m from the rear boundary.
- (c) Not applicable. There is no additional dwelling on the site.

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):

(a) The window or glazed door:

- (i) is to have a setback of at least 3.0m from a side boundary; and
- (ii) is to have a setback of at least 4.0m from a rear boundary; and
- (iii) if the dwelling is a multiple dwelling, is to be at least 6.0m from a window or glazed door, to a habitable room, of another dwelling on the same site; and
- (iv) if the dwelling is a multiple dwelling, is to be at least 6.0m from the private open space of another dwelling on the same site.

(b) The window or glazed door:

- (i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or

(a)(i) Non-compliant. Development relies upon (b).

(a)(ii) Non-compliant. Development relies upon (b).

(a)(iii) Non-compliant. Development relies upon (b).

(a)(iv) Non-compliant. Development relies upon (b).

(b)(i) Non-compliant. Development relies upon (b)(ii).

(b)(ii) Non-compliant. The proposed dwelling would have a bedroom window located on the southern elevation with a sill height of 1.5m.

Refer to the “Issues” section of this report.

(b)(iii) Non-compliant. Development relies upon (b)(ii).

<ul style="list-style-type: none"> (ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%. 	
<p>10.4.6–(A3) A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <ul style="list-style-type: none"> (a) 2.5m; or (b) 1.0m if: <ul style="list-style-type: none"> (i) it is separated by a screen of at least 1.7m in height; or (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>Not applicable.</p> <p>No shared driveway or parking spaces.</p>

10.4.7 Frontage fences for all dwellings	
<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>
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>Not applicable.</p> <p>Not multiple dwelling development.</p>

<p>(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>	
<p>10.4.9 Suitability of a site or lot for use or development</p>	
<p>10.4.9–(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) have an area of not less than 330m² excluding any access strip; and</p> <p>(b) if intended for a building, contain a building area of not less than 10.0m x 15.0m:</p> <p>(i) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(ii) clear of any applicable setback from a zone boundary;</p> <p>(iii) clear of any registered easement;</p> <p>(iv) clear of any registered right of way benefiting other land;</p> <p>(v) clear of any restriction imposed by a Utility;</p> <p>(vi) not including an access strip;</p>	<p>(a) Compliant. The site has an area of 702m².</p> <p>(b)(i) Non-compliant. The proposed garage forming part of the dwelling extension would be constructed 3.37m from the front boundary.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b)(ii) Compliant. The proposed extension would be setback 15m from the Utilities zone.</p> <p>(b)(iii) Not applicable. No registered easements.</p> <p>(b)(iv) Not applicable. No registered right of way.</p> <p>(b)(v) Compliant. See Annexure 5 – correspondence from TasNetworks.</p> <p>(b)(vi) Not applicable. No access strip.</p> <p>(b)(vii) Compliant. Land is accessible from Hogarth Road.</p> <p>(b)(viii) Not applicable. Not a new residential lot.</p>

<ul style="list-style-type: none"> (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>10.4.9–(A2) A site or each lot on a subdivision plan must have a separate access from a road –</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has a right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or (c) by a right of way connecting to a road – <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; and (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 (d) with a width of frontage and any access strip or right of way of not less than – <ul style="list-style-type: none"> (i) 3.6m for a single dwelling development; or 	<ul style="list-style-type: none"> (a) Compliant. Access and frontage to Hogarth Road. (b) Not applicable. Not an internal lot. (c)(i) Not applicable. Satisfied by (a). (c)(ii) Not applicable. Satisfied by (a). (d)(i) Compliant. Site has a 28m wide frontage to Hogarth Road. (d)(ii) Not applicable. Not multiple dwelling or non-residential development. (e) Compliant. A Statement of Compliance for the Council, in its capacity as the Road Authority, is required for access.

<p>(ii) 6.0m for multiple dwelling development or development for a non-residential use; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	
<p>10.4.9-(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is capable of connecting 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.</p> <p>The site is capable of draining to the reticulated sewerage system.</p>
<p>10.4.9-(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>.</p>	<p>Compliant.</p> <p>The site is capable of connecting to the reticulated stormwater system.</p>

10.4.10 Dwelling density for single dwelling development	
10.4.10-(A1) (a) The site area per dwelling for a single dwelling must – (i) be not less than 325m ² .	(a)(i) Compliant. Site area is 702m ² .
10.4.11 Development other than a single or multiple dwelling.	
10.4.11.1 Location and configuration of development	
10.4.11.1-(A1) The wall of a building must be set back from a frontage – (a) not less than 4.5m from a primary frontage; and (b) not less than 3.0m from any secondary frontage; or (c) not less than and not more than the setbacks for any existing building on adjoining sites; (d) not less than for any building retained on the site; (e) in accordance with any building area shown on a sealed plan; or (f) not less than 50.0m if the site abuts the Bass Highway.	Not applicable. Proposed development is residential.

<p>10.4.11.1-(A2) All buildings must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> (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 b. the wall or walls – <ul style="list-style-type: none"> i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land; 	<p>Not applicable.</p> <p>Proposed development is residential.</p>
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<p>ii. there is no door or window in the wall of the building; and</p> <p>iii. overshadowing does not result in 50% of the private open space of an adjoining dwelling receiving less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(d) in accordance with any building envelope shown on a sealed plan of subdivision.</p>	
<p>10.4.11.1-(A3) Site coverage must:</p> <p>(a) not be more than 50%; or</p> <p>(b) not be more than any building area shown on a sealed plan.</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>
<p>10.4.11.1-(A4) A garage, carport or external parking area and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building.</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>
<p>10.4.11.1-(A5) Other than for a dwelling, the total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of:</p> <p>(a) 6.0m; or</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>

(b) half the width of the frontage.	
10.4.11.2 Visual and acoustic privacy for residential development	
<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> <ul style="list-style-type: none"> (i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site; (ii) be not less than 3.0m from a side boundary; (iii) be not less than 4.0m from a rear boundary; and (iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or <p>(b) if less than the setbacks in clause A1(a):</p> <ul style="list-style-type: none"> (i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling; (ii) have a window sill height of not less than 1.8m above floor level; 	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<p>(iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or</p> <p>(iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.</p>	
<p>10.4.11.2–(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>
<p>10.4.11.3 Frontage fences</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.</p> <p>Proposed development is residential.</p>

10.4.12 Setback of development for sensitive use	
<p>10.4.12–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown in the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the required setback distance from the zone boundary.</p>	<p>(a) Compliant. The dwelling extension would be setback more than 15m from the Utilities zone.</p> <p>(b) Compliant. The dwelling extension would be setback more than 15m from the Utilities zone.</p>
<p>10.4.12–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) Bass Highway;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(a) Compliant. Development would be greater than 1.5km from the Bass Highway.</p> <p>(b) Non-compliant. Development would be setback approximately 45m from a railway line. Refer to the “Issues” section of this report.</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 Burnie approximately 20km to the west.</p>

10.4.13 Subdivision	
10.4.13–(A1) Each new lot on a plan of subdivision must be – (a) intended for residential use; (b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a Statutory authority.	Not applicable. No subdivision proposed.
10.4.13–(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot	Not applicable. No subdivision proposed.
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.	Not applicable. No subdivision proposed.
CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Not a subdivision, hazardous or vulnerable use.
E2 Airport Impact Management Code	Not applicable. No Code in the Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of vegetation.
E4 Change in Ground Level Code	Not applicable. No change in ground level.

E5 Local Heritage Code	Not applicable. No Local Heritage Code in the Scheme.
E6 Hazard Management Code	Not applicable. The site is shown on the coastal inundation maps as having a low risk of coastal inundation.
E7 Sign Code	Not applicable. No signage proposed.
E8 Telecommunication Code	Not applicable. No telecommunications proposed.
E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Code applies to all development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme applies to the site.
E9.5 Use Standards	
E9.5.1 Provision for parking	
E9.5.1-(A1) Provision for parking must be: (a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;	(a) Compliant. Table E9A requires two car parking spaces for a residential dwelling. The proposed garage forming part of the development would accommodate two car parking spaces. The requirement for two car parking spaces has been satisfied.

E9.5.2 Provision for loading and unloading of vehicles	
E9.5.2-(A1) There must be provision within a site for: (a) on-site loading area in accordance with the requirement in the Table to this Code; and (b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.	Not applicable for the development of a single dwelling.
E9.6 Development Standards	
E9.6.2 Design of vehicle parking and loading areas	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by a Condition to be placed on the Permit.
E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must – (a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking; (b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles; (c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;	Not applicable for the development of a single dwelling.

<p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</p> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	
<p>E9.6.2-(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Not applicable.</p> <p>Land is zoned General Residential.</p>
<p>E10 Water and Waterways Code</p>	<p>Not applicable. The development is not within 30m of a waterway, watercourse or shoreline.</p>
<p>Specific Area Plans</p>	<p>No Specific Area Plans apply to this location.</p>

Issues –

1 *10.4.2 Setbacks and building envelope for all dwellings – frontage setback – Primary frontage setback –*

The Planning Scheme's Acceptable Solution 10.4.2–(A1) and (A2) require that 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 primary frontage of at least 4.5m, or, if the setbacks from the primary frontage is less 4.5m, not less than the setback from a primary frontage of any existing dwelling on the site.

The applicant seeks a variation to this standard, seeking to construct the proposed garage within 3.3m of Hogarth Road, in front of the existing dwelling. An exercise of discretion is required to determine if a Permit may be issued.

The Performance Criteria 10.4.2–(P1) requires that for variations to primary frontage setbacks, a dwelling must have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints.

The proposed garage forming part of the proposed dwelling extension would extend into the primary frontage by an additional 2.6m, changing the primary frontage setback of the existing development to be from 6.2m to 3.37m from Hogarth Road. The location of other dwellings in Hogarth Road have setbacks that vary from 3.4m to be more than 4m. The proposed setback for the garage would be generally consistent with the existing dwellings in Hogarth Road, bearing in mind that a majority of the dwellings do not demonstrate the required 4.5m primary setback frontage as required under the Planning Scheme (refer to aerial map layout).

The proposed development is considered to have satisfied Performance Criteria 10.4.2–(P1).



10.4.2 Setbacks and building envelope for all dwellings – including frontage setback and garage and carport setback

The Planning 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 or alternatively be:

- 1 m behind the façade of the dwelling; or
- the same as the dwelling façade if a portion of the dwelling’s gross floor area is located above the garage; or
- setback only 1m if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.

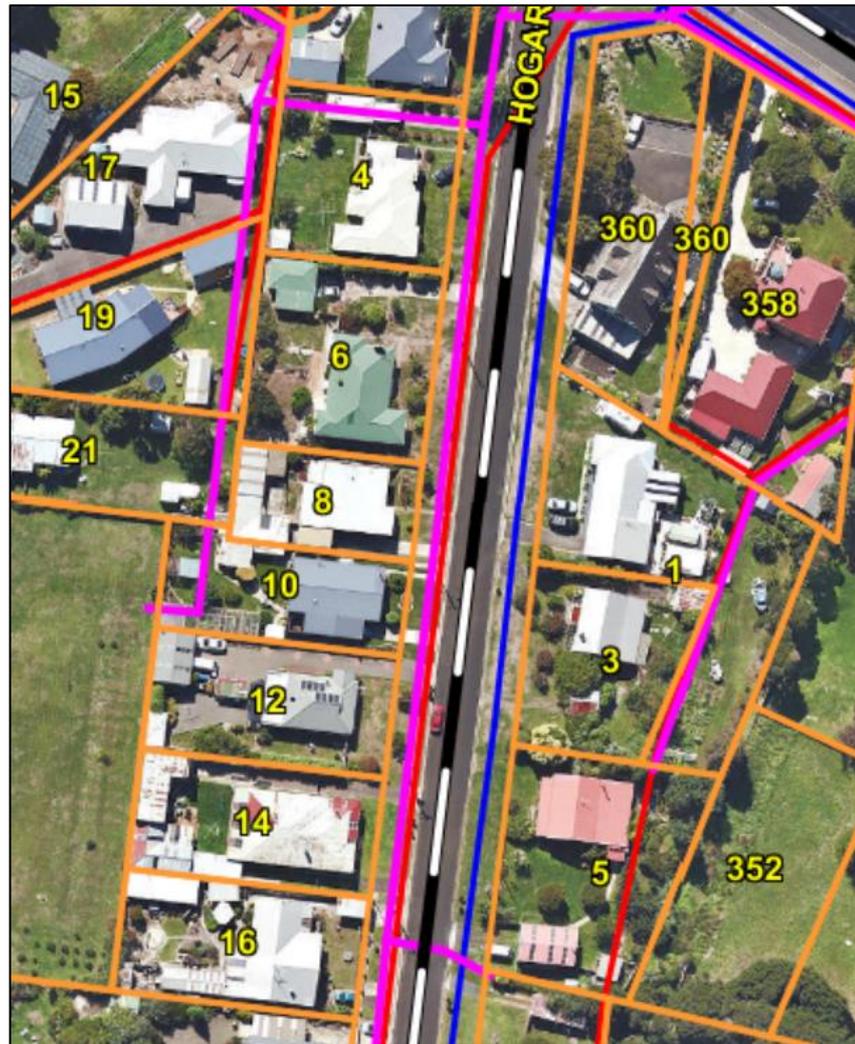
The proposal seeks a variation to this standard seeking to construct the proposed garage within 3.3m of Hogarth Road in front of the existing dwelling. An exercise of discretion is required to determine if a Permit may be issued.

The Performance Criteria 10.4.2–(P2) requires that variations to primary frontage setbacks for garages and carports must have a setback from a primary frontage that is compatible within the existing garages and carports in the street; taking into account any topographical constraints.

Existing garages in Hogarth Road vary as shown in the aerial below. Garages are located in front of dwellings at 360 Preservation Drive, 1 Hogarth Road and 5 Hogarth Road. The setback for the proposed garage would be 3.3m. Given the varying locations of garages relative

to street frontages in the vicinity, the proposed garage with a setback of 3.3m is considered to be compatible with other garage locations.

The proposed development is considered to have satisfied Performance Criteria 10.4.2-(P2).



*10.4.2 Setbacks and building envelope for all dwellings -
Building envelope -*

The Planning Scheme's Acceptable Solution 10.4.2-(A3)(a)(ii) requires that 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 be contained within a building envelope determined by a line projecting at an angle of 45° from the horizontal

at a height of 3m above natural ground level at the side boundaries and at a distance of 4m from the rear boundary.

Building height must be not more than 8.5m above natural ground level.

The proposal seeks a variation to this standard. The proposed dwelling would be outside the standard building envelope on the north-western and south-eastern side boundaries. An exercise of discretion is required to determine if a Permit may be issued.

Performance Criteria 10.4.2-(P3) requires that for variations to boundary setback and building envelope standards, there be no unreasonable loss of amenity through the loss of sunlight to the habitable rooms of an adjoining dwelling, overshadowing of private open space area or visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from an adjoining lot; and that there is adequate separation between buildings that is compatible with that prevailing in the surrounding area.

The proposed dwelling extension adjoins the side boundaries of 362 Preservation Drive and the northern side boundary of 4 Hogarth Road. The impact of development on each allotment is examined below:

4 Hogarth Road -

The site at 4 Hogarth Road comprises of a single-storey dwelling setback approximately 8m from the northern side boundary and an outbuilding with a wall length of approximately 12m located between the dwelling along the northern side boundary adjoining the development site.

Overshadowing - Non-compliant -

The proposed extension would be setback approximately 10m from the dwelling located at 4 Hogarth Road and due to the design of the dwelling's southern wall, the extension would be outside the building envelope on the southern side boundary. The applicant has provided shadow pattern diagrams demonstrating the increase in overshadowing over 4 Hogarth Road. The existing garage located on this property, and the existing boundary fence separating the two properties, do not cast a shadow over the dwelling at 4 Hogarth Road at 9.00am. The shadow diagrams show that overshadowing would increase from 9.00am over a portion of the habitable rooms of the

dwelling at 4 Hogarth Road (living and dining rooms), reducing sunlight to this portion of the dwelling. The two habitable room windows, as shown in the photographs below, would be in shadow from 9.00am until after 3.00pm on the 21 June. The shadow cast would result in overshadowing of the dining room for a majority of the day. The windows of both habitable rooms on the northern side of the dwelling would be in shadow for more than three continuous hours throughout the day, resulting in an unreasonable loss of amenity to the occupants of 4 Hogarth Road.

The private open space of 4 Hogarth Road would be marginally affected by the increased shadow cast at approximately 9.00am, however would be clear of any increased shadow cast by 12 noon. The increase of shadow to the private open space would be unlikely to result in an unreasonable loss of amenity.

Due to the continuous overshadowing of the habitable rooms of the dwelling at 4 Hogarth Road, the proposed development is considered to have not satisfied Performance Criteria 10.4.2-(P3)(a)(i).



*The windows of the two habitable rooms at
4 Hogarth Road, Sulphur Creek.*

Visual impact due to the bulk and scale of the building – Non-compliant –

The proposed dwelling extension would be setback 2.2m from the north side boundary of 4 Hogarth Road and would have total overall height of 7.4m. Due to the design of the wall, the proposed extension would be outside the required building envelope (as shown on Elevations Plan, Drawing No. A06. Refer to Appendix 1).

The proposed design would result in a high wall along the southern elevation that adjoins the northern boundary of 4 Hogarth Road. The

applicant mentions that the aim of the design submitted is to reduce the overall height of the building, sloping the roof to the south and keeping the ceiling height and pitch as low as possible.

However, the design presents as a 7.4m high wall along the southern elevation with no variation or visual relief to the profile of this wall. In other words, the wall extends straight up to a total of height 7.4m, apart from the proposed new garage to the east of this elevation. If the design of this elevation had included recession, this elevation could have been designed to fit within the required building envelope and would have subsequently lessened the overshadow impacts and reduced the visual impact from 4 Hogarth Road. It is noted that there is ample area on the development site for an alternate design that would result in less impact to 4 Hogarth Road.

The applicant has provided documentation addressing the building separation and overshadow, however has failed to address the scale and bulk of the proposed design when viewed from 4 Hogarth Road.



Current view from 4 Hogarth Road. Standing in front of dining room window. Typical view within the existing developed residential area.



*Current view from 4 Hogarth Road.
Standing in front of porch/living area window. Typical view
within the existing developed residential area.*

Therefore, due to the proposed scale and bulk of the proposed development when viewed from 4 Hogarth Road the development is considered to have not satisfied Performance Criteria 10.4.2–(P3)(a)(iv).

Pattern of Separation – Non-compliant –

The pattern of separation between residential buildings in the vicinity is based on both single and double-storey development.

There are other double-storey dwellings in the vicinity of 2 Hogarth Road. The current impacts on visual amenity as a result of the double-storey dwellings is relatively low, due to the separation and placement of buildings on land, existing landscaping and the land areas of the sites.



View to the adjoining western property from 4 Hogarth Road.



View south down Hogarth Road. All single-storey dwellings.



View to 360 Preservation Drive. Across the road from the development site. Double-storey dwelling. Refer to comments below. The property at 360 Preservation Drive has ample private open space to the front of the dwelling. Even though double-storey bulk/scale etc. is reduced due to this large private open space area.

362 Preservation Drive –

The proposed dwelling extension would be setback approximately 2.8m from the side boundary of 362 Preservation Drive. The dwelling located at 362 Preservation Drive is constructed forward of the dwelling at 2 Hogarth Road. Due to the location and northern orientation of the dwelling at 362 Preservation Drive, the impact to habitable rooms and

private open space of this adjoining property by the proposed development would be relatively low. This is demonstrated in the aerial photo below and on the shadow diagrams provided with the application.



View from development site to adjoining north-western property. View includes two-storey, however design within development site includes enclosed outdoor area which reduces apparent bulk etc. when viewed from the development site.



2 *Privacy for all dwellings – deck and Bedroom 1 window*

The proposed extension includes a deck and a bedroom window that would be within 3m of side boundaries. The Planning Scheme requires that privacy issues be mitigated by the setback of buildings from boundaries and the installation of screening, or window heights and/or fixed obscure glazing. These matters are discussed below:

The Scheme's Acceptable Solution 10.4.6–(A1) requires:

That 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 1m 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%, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary.

The proposed dwelling extension includes a deck that would be within 2.8m of the side western boundary adjoining 362 Preservation Drive. The western side of the deck would have a 1.8m timber privacy screen however a small portion of the northern corner of the deck would be within 3m of the boundary and would not have a privacy screen.

An exercise of discretion is required to determine if a Permit may be issued.

Performance Criteria 10.4.6–(P1) requires that the deck must be screened, or otherwise designed, to minimise overlooking of a dwelling on an adjoining lot or its private open space.

The land at 362 Preservation Drive accommodates a two-storey dwelling that is orientated to the north (as shown in aerial photo above). The western elevation of the proposed deck facing 362 Preservation Drive would be screened accordingly, satisfying the requirements for privacy for both the dwelling and the private open space. The minor portion of the northern elevation (approximately 200mm) of the deck would be unscreened. However, given the northerly orientation of the dwelling and the location of the private open space and driveway and parking areas at 362 Preservation Drive, overlooking from the northern side of the proposed deck would be minimal.

The proposed development is considered to have satisfied the Performance Criteria 10.4.6–P1(a) demonstrating that the design would minimise overlooking to the adjoining property at 362 Preservation Drive.

Based on the above, the proposed development is considered to have satisfied Performance Criteria 10.4.6–(P1).

The Planning Scheme’s Acceptable Solution 10.4.6–(A2) requires:

that a window or glazed door to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level, must have either a 3m setback from a side boundary or the window or a glazed window or door must be either offset in a horizontal plane at least 1.5m from the edge of the window or glazed door, or have a sill height of at least 1.7m above floor level, or have fixed obscure glazing extending to a height of at least 1.7m above floor level, or have a permanently fixed external screen for the full length of the window or glazed door.

The proposed dwelling extension would have a bedroom window with a sill height of 1.5m located in the south elevation within 3m of the side southern boundary adjoining 4 Hogarth Road.

An exercise of discretion is required to determine if a Permit may be issued.

Performance Criteria 10.4.6–(P2) requires a window or glazed door more than 1m above the natural ground level, must be screened, or otherwise located or designed to minimise direct views to windows or glazed door, to a habitable room of another dwelling and private open space of another dwelling.

The proposed dwelling extension includes a window in the southern elevation with a sill height of 1.5m. Given the setback of the dwelling at 4 Hogarth Road, it is unlikely that overlooking from the window would occur. However, the Planning Scheme does require either a 3m setback from the side boundary, or design methods such as glazed windows or screening, to prevent overlooking.

Based on the applications supporting documentation and plans, the proposed design of the dwelling extension does not satisfy Performance Criteria 10.4.6–(P2). However, a Permit could be conditioned to require the window on the southern elevation to be

raised to be 1.7m above floor level, or have obscure glass fitted or contain a permanently fixed external screen.

3 *Proximity to the railway line –*

The Scheme's Acceptable Solution 10.4.12–(A2) requires that the development of a sensitive use must be not less than 50m from a major road or a railway.

The proposed dwelling extension would be within 45m of the railway line located to the north of Preservation Drive.

An exercise of discretion is required to determine if a Permit may be issued.

Performance Criteria 10.4.12–(P2) requires that development for a sensitive use must have a minimal impact for safety and efficient operation of the transport infrastructure and incorporate appropriate measures to mitigate likely impact of light, noise, odour particulate, radiation or vibration emissions.

The proposed dwelling extension would be setback approximately 45m from the railway line. Due to the existing residential precinct that is along Preservation Drive, the proposed extension is unlikely to cause any constraints or interference to the continued operation or upgrades to the railway line. If a Permit is issued, then a note could be applied that double glazing of windows be considered at the building stage, to mitigate and minimise the noise impacts on the residential amenity due to the operations of the railway line.

The proposed development is considered to have satisfied Performance Criteria 10.4.12–(P2).

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 dated 20 March 2020.

Building	Building note to be applied to any Permit issued.
TasWater	Referral not required.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Standard TasRail notes.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Tas Networks	Correspondence from TasNetworks dated 23 March 2020.

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 Concerned about the visual impacts caused by the development due to overshadowing, the scale and bulk and the separation of the proposed dwelling extension	The representation raises issues surrounding overshadowing of the dwelling, the scale and bulk and the separation of the proposed dwelling extension when viewed from 4 Hogarth Road.

<p>when viewed from their adjoining property.</p>	<p>It is agreed that the overshadowing, apparent bulk and scale and separation of the proposed dwelling extension would impact on the residential amenity of the occupants of 4 Hogarth Road.</p> <p>Please refer to the “Issues” section of the report where a full analysis of the impacts has been undertaken.</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 proposed dwelling extension does not satisfy the Planning Scheme’s applicable Performance Criteria, in that the dwelling extension would cause an unreasonable loss of amenity by overshadowing and the visual impact caused by the apparent scale and bulk of the development when viewed from 4 Hogarth Road, and would not provide adequate separation between the dwelling and adjoining lots that is compatible with that prevailing in the surrounding area.

The development relies upon a number of the Planning Scheme’s mandatory Performance Criteria. If compliance cannot be achieved or justified, then the development must be refused.

It is considered the proposal has not satisfied the Performance Criteria and it is appropriate the proposed development be refused.

Recommendation –

It is recommended that the application for Residential (second storey extension) – variation to building envelope, front and side boundary setback standard, privacy for all dwellings and proximity of sensitive use to the railway line at 2 Hogarth Road, Sulphur Creek be refused for the following reasons:

- 1 The proposal does not satisfy Clause 10.4.3–(P3) in that the development would cause unreasonable loss of amenity by –
 - (a) the overshadowing of habitable rooms at 4 Hogarth Road, Sulphur Creek; and
 - (b) the apparent scale, bulk and proportions of the building when viewed from 4 Hogarth Road, Sulphur Creek; and
 - (c) a resulting separation, between the proposed dwelling extension and adjoining lots, that is not compatible with that prevailing in the surrounding area.’

The report is supported.”

The Executive Services Officer reports as follows:

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

■ Cr Viney moved and Cr Fuller seconded “That the application for Residential (second storey extension) – variation to building envelope, front and side boundary setback standard, privacy for all dwellings and proximity of sensitive use to the railway line at 2 Hogarth Road, Sulphur Creek be refused for the following reasons:

- 1 The proposal does not satisfy Clause 10.4.3–(P3) in that the development would cause unreasonable loss of amenity by –
 - (a) the overshadowing of habitable rooms at 4 Hogarth Road, Sulphur Creek; and
 - (b) the apparent scale, bulk and proportions of the building when viewed from 4 Hogarth Road, Sulphur Creek; and
 - (c) a resulting separation, between the proposed dwelling extension and adjoining lots, that is not compatible with that prevailing in the surrounding area.”

Carried unanimously

8/2020 Residential (multiple dwellings x 10) – variation to secondary frontage setback standard at 3 Sunnyridge Avenue, Penguin – Application No. DA2020046

The Director Community Services reports as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2020046
<i>PROPOSAL:</i>	Residential (multiple dwellings x 10) – variation to secondary frontage setback standard
<i>APPLICANT:</i>	Salvatore Puglisi Cradle Coast Building Design
<i>LOCATION:</i>	3 Sunnyridge Avenue, Penguin
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)
<i>ADVERTISED:</i>	7 March 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	24 March 2020
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	13 April 2020 – extension of time granted until 20 April 2020
<i>DECISION DUE:</i>	15 April 2020
<i>PURPOSE</i>	

The purpose of this report is to consider an application for the construction of 10 multiple dwellings at 3 Sunnyridge Avenue, Penguin. The multiple dwellings are proposed across two parcels of land located on the southern side of Sunnyridge Avenue.

Accompanying the report are the following documents:

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

BACKGROUND

Development description -

Application is made for the construction of 10 multiple dwellings over two parcels of land, known as 3 Sunnyridge Avenue, Penguin.

Three dwellings types are to be constructed -

- . Type A - two bedrooms, ensuite, bathroom, open plan kitchen/dining/living area, laundry and single garage. Type A would comprise Units 2, 4, 5, 8, 9 and 10 as shown on the plans provided (refer to Annexure 2).
- . Type B - two bedrooms, ensuite, bathroom, open plan kitchen/dining/living, laundry and single garage. Type B would comprise Units 1 and 3 and squarer in shape than Type A.
- . Type C - three bedrooms, ensuite, bathroom, open plan kitchen/dining/kitchen, laundry and double garage. Type C would comprise Units 6 and 7.

The proposal includes the construction of a shared driveway with access from Sunnyridge Avenue. Car parking is proposed across the site.

Site description and surrounding area -

The subject site is zoned General Residential and is across two parcels of land. The smaller parcel of land has frontage to Sunnyridge Avenue. The second parcel of land, located to the south, has frontage to an unmade road shown as "road" on the title plan. All access to the proposed development would be off Sunnyridge Avenue (refer to aerial image in Annexure 4).

The smaller parcel of land (the one fronting Sunnyridge Avenue) has an existing dwelling on the site that has been approved to be demolished under Planning Permit DA2020031.

The site has a stormwater main that intersects the south-western corner of the southern parcel of land and a sewer main that runs along the entire eastern side of the southern parcel of land and into a small portion of the northern parcel of land. All development is clear of both infrastructure mains.

The subject site is surrounded to the north and east by General Residential zoned properties, all developed for residential purposes. The property to the immediate west of the smaller parcel of land is zoned Local Business.

The land to the east is vacant General Residential zoned land. The Coroneagh Park Nursing Home is located to the north of Sunnyridge Avenue at the end of the cul-de-sac.

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

History -

The dwelling that is located on the smaller parcel of land has been approved to be demolished under Planning Permit DA2020031.

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 adverse impact on amenity for use on adjacent land in the zone.</p>	<p>Not applicable.</p> <p>Residential use for multiple dwellings 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>Use is residential.</p>
<p>10.3.2-(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.</p>	<p>Not applicable.</p> <p>Use is residential.</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.</p> <p>Use is residential.</p>

10.4.1 Residential density for multiple dwellings	
<p>10.4.1–(A1) Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 325m²; or</p> <p>(b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.</p>	<p>(a) Compliant. Combined site area would be 3,417m² divided by 325m² that would allow a total of 10 dwellings permissible on the site.</p> <p>(b) Not applicable. Site not subject to Table of this clause.</p>
10.4.2 Setbacks and building envelope for all dwellings	
<p>10.4.2–(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p> <p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p>	<p>(a) Compliant. Unit 1 would be the closest dwelling to the primary frontage (Sunnyridge Avenue) and would be setback 4.5m.</p> <p>(b) Non-compliant. Units 8, 9 and 10 are all to be setback 1.5m from the western secondary frontage. Refer to the “Issues” section of this report.</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Not applicable. Land does not abut the Bass Highway.</p>

<p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	
<p>10.4.2-(A2) A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1.0m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1.0m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10.0m from the frontage.</p>	<p>(a) Compliant. The garage attached to Unit 1 would be setback 10m from the primary frontage. This would be the closest garage to the primary frontage.</p> <p>(b) Not applicable. Addressed in (a).</p> <p>(c) Not applicable. Addressed in (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>(a)(i) Non-compliant. Development would not satisfy the secondary frontage setback as discussed above.</p> <p>Refer to the “Issues” section of this report that addresses Clause 10.4.2-(P1) in relation to the variation to the secondary frontage.</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>(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>(a)(ii) Compliant. All dwellings would be within the required building envelope. Site would not have a rear boundary due to having two frontages.</p> <p>(b)(i) Not applicable. No dwelling would be closer than 1.5m to side boundaries.</p> <p>(b)(ii) Not applicable. No dwelling would be closer than 1.5m to side boundaries.</p>
<p>10.4.3 Site coverage and private open space for all dwellings</p>	
<p>10.4.3-(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p>	<p>(a) Compliant. Site coverage would be 33.9%.</p> <p>(b) Compliant. Each multiple dwelling would have greater than 60m² of private open space.</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>(c) Compliant. Site area of which is free from impervious surfaces would be 36%.</p>
<p>10.4.3–(A2) A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24.0m²; or</p> <p>(ii) 12.0m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4.0m; or</p> <p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	<p>(a)(i) Compliant.</p> <p>Unit 1 – 83.1m²</p> <p>Unit 2 – 69.9m²</p> <p>Unit 3 – 103.4m²</p> <p>Unit 4 – 132.5m²</p> <p>Unit 5 – 136.5m²</p> <p>Unit 6 – 217.9m²</p> <p>Unit 7 – 262.5m²</p> <p>Unit 8 – 74.3m²</p> <p>Unit 9 – 74.5m²</p> <p>Unit 10 – 76.6m²</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>(a)(ii) Not applicable. Satisfied by (a)(i).</p> <p>(b)(i) Compliant.</p> <p>Unit 1 - 12.5m</p> <p>Unit 2 - 14m</p> <p>Unit 3 - 17m</p> <p>Unit 4 - 17m</p> <p>Unit 5 - 17m</p> <p>Unit 6 - 17m</p> <p>Unit 7 - 22m</p> <p>Unit 8 - 14m</p> <p>Unit 9 - 16.5m</p> <p>Unit 10 - 16m</p> <p>(b)(ii) Not applicable. Satisfied by (b)(i).</p> <p>(c) Compliant. All private open space will be directly accessible from each units habitable room (either dining/living area, dining room or lounge room).</p>
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	<p>(d) Compliant. Private open space for each dwelling would be located to the north and north-east of the dwelling, except for Unit 7, which would be located to the north and west of the dwelling.</p> <p>(e) Compliant. Unit 1 private open space would be located between the dwelling and the frontage and would be orientated between 30 degrees west of north and 30 degrees east of north.</p> <p>(f) Compliant. Site is reasonably flat.</p> <p>(g) Compliant. No private open space would be used for vehicle access or parking.</p>
<p>10.4.4 Sunlight and overshadowing for all dwellings</p>	
<p>10.4.4-(A1) A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>	<p>Compliant.</p> <p>Unit 1 - living room window.</p> <p>Unit 2 - dining room window.</p> <p>Unit 3 - living room window.</p> <p>Unit 4 - dining room window.</p> <p>Unit 5 - dining room window.</p>

	<p>Unit 6 - lounge room window.</p> <p>Unit 7 - lounge room window.</p> <p>Unit 8 - dining room window.</p> <p>Unit 9 - dining room window.</p> <p>Unit 10 - dining room window.</p>
<p>10.4.4-(A2) A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</p> <p>(i) at a distance of 3.0m from the window; and</p> <p>(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</p> <p>(b) The multiple dwelling does not cause 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>	<p>(a)(i) Compliant.</p> <p>Unit 1 is north of Unit 2 with a 7.9m separation to a window of a habitable room.</p> <p>Unit 2 is north of Unit 3 with a 7.7m separation to a window of a habitable room.</p> <p>Unit 3 is north of Unit 4 with a 11.2m separation to a window of a habitable room.</p> <p>Unit 4 is north of Unit 5 with a 10.2m separation to a window of a habitable room.</p> <p>Unit 5 is north of Unit 6 with a 9m separation to a window of a habitable room.</p> <p>Unit 8 is north of Unit 7 with a 6.9m separation to a window of a habitable room.</p>

<ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling. 	<p>Unit 9 is north of Unit 8 with an 8m separation to a window of a habitable room.</p> <p>Unit 10 is north of Unit 9 with an 8m separation to a window of a habitable room.</p> <p>(a)(ii) Not applicable. Satisfied by (a)(i).</p> <p>(b) Not applicable. Satisfied by (a)(i).</p> <p>(c) Not applicable. Satisfied by (a)(i).</p>
<p>10.4.4-(A3) A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <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. 	<p>(a) Not applicable. Satisfied by (b).</p> <p>(b) Compliant. Applicant has provided shadow plans to demonstrate that the location of a dwelling north of an adjoining private open space would not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am to 3.00pm on 21 June.</p> <p>(c) Not applicable. Satisfied by (b).</p>

<p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <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. 	
<p>10.4.5 Width of openings for garages and carports for all dwellings</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. Unit 1 has a single garage within 12m to the primary frontage, but the openings face the internal driveway and not to the primary frontage.</p>
<p>10.4.6 Privacy for all dwellings</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</p>	<p>Not applicable. The proposed dwellings would not have 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 1m above natural ground level.</p>

<p>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 (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4.0m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6.0m: <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site. 	
<p>10.4.6-(A2) A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1.0m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <ul style="list-style-type: none"> (a) The window or glazed door: <ul style="list-style-type: none"> (i) is to have a setback of at least 3.0m from a side boundary; and 	<p>Not applicable. The dwellings would not have a window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level.</p>

<ul style="list-style-type: none"> (ii) is to have a setback of at least 4.0m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6.0m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6.0m from the private open space of another dwelling on the same site. <p>(b) The window or glazed door:</p> <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%. 	
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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>(a) Not applicable. Satisfied by (b)(i) and (ii).</p> <p>(b)(i) Compliant. Screens to 1.7m high are proposed along habitable windows along the shared driveway for Units 2, 4, 5, 6, 7, 8 and 9.</p> <p>(b)(ii) Compliant. Window sill height to 1.7m for Units 1 and 3 are proposed for windows to habitable rooms along the shared driveway.</p> <p>Unit 10 is separated to the shared driveway by 1m. The only window facing the shared driveway is a bathroom window which is not included within the definition of a habitable room. It is noted on the elevation plan that the bathroom window will be obscure.</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. Will place a condition on the Permit in relation to front fences.</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>(a) Compliant. Plans show a 1.5m storage area for each dwelling.</p> <p>(b) Not applicable. Satisfied by (a).</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>(b) if intended for a building, contain a building area of not less than 10.0m x 15.0m:</p>	<p>(a) Compliant. Combined site would be 3,417m².</p> <p>(b)(i) Non-compliant. The proposal triggers a discretion in relation to the secondary frontage setback. This matter is addressed under Clause 10.4.2-(A1) above and in the “Issues” section of this report against the Performance Criteria for Clause 10.4.2-(P1).</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>Refer to the “Issues” section of this report.</p> <p>(b)(ii) Non-compliant. The subject site adjoins Local Business zone. This matter is addressed under Clause 10.4.10-(A1) below and in the “Issues” section of this report against the Performance Criteria for Clause 10.4.10-(P1).</p> <p>Refer to the “Issues” section of this report.</p> <p>(b)(iii) Not applicable. No registered easements.</p> <p>(b)(iv) Not applicable. No registered right of way.</p> <p>(b)(v) Not applicable. No restriction imposed by a Utility.</p> <p>(b)(vi) Not applicable. No access strip.</p> <p>(b)(vii) Compliant. Land is accessible from Sunnyridge Avenue.</p> <p>(b)(viii) Not applicable. Not a new residential lot.</p>
<p>10.4.9-(A2) A site or each lot on a subdivision plan must have a separate access from a road –</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has a right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or 	<p>(a) Compliant. Existing access to a frontage to Sunnyridge Avenue.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c)(i) Not applicable. Satisfied by (a).</p> <p>(c)(ii) Not applicable. Satisfied by (a).</p>

<p>(c) by a right of way connecting to a road –</p> <p>(i) over land not required as the means of access to any other land; and</p> <p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than –</p> <p>(i) 3.6m for a single dwelling development; or</p> <p>(ii) 6.0m for multiple dwelling development or development for a non-residential use; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	<p>(d)(i) Not applicable. Not a single dwelling.</p> <p>(d)(ii) Compliant. Access width would be 6m.</p> <p>(e) Compliant. Site has existing legal access to Sunnyridge Avenue. Statement of Compliance for Vehicular Access has been issued by the Council acting as a 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 connected to the reticulated water system.</p>

	Application was referred to TasWater who have provided a Submission to Planning Authority Notice (refer to Annexure 5).
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> .	Compliant. The site is connected to the reticulated sewerage system. Application was referred to TasWater who have provided a Submission to Planning Authority Notice (refer to Annexure 5).
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> .	Compliant. The site is connected to the reticulated stormwater system. Statement of Compliance for Drainage Access has been issued by the Council acting as a Stormwater Authority.
10.4.10 Dwelling density for single dwelling development	
10.4.10-(A1) (a) The site area per dwelling for a single dwelling must – (i) be not less than 325m ² .	Not applicable. Development is residential.

10.4.11 Development other than a single or multiple dwelling	
10.4.11.1 Location and configuration of development	
<p>10.4.11.1-(A1) The wall of a building must be set back from a frontage –</p> <ul style="list-style-type: none"> (a) not less than 4.5m from a primary frontage; and (b) not less than 3.0m from any secondary frontage; or (c) not less than and not more than the setbacks for any existing building on adjoining sites; (d) not less than for any building retained on the site; (e) in accordance with any building area shown on a sealed plan; or (f) not less than 50.0m if the site abuts the Bass Highway. 	<p>Not applicable.</p> <p>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"> (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; 	<p>Not applicable.</p> <p>Development is residential.</p>

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| <p>(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 –</p> <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; orb. the wall or walls –<ul style="list-style-type: none">i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;ii. there is no door or window in the wall of the building; andiii. 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. | |
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(d) in accordance with any building envelope shown on a sealed plan of subdivision.	
10.4.11.1-(A3) Site coverage must: (a) not be more than 50%; or (b) not be more than any building area shown on a sealed plan.	Not applicable. Development is residential.
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.	Not applicable. Development is residential.
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: (a) 6.0m; or (b) half the width of the frontage.	Not applicable. Development is residential.
10.4.11.2 Visual and acoustic privacy for residential development	
10.4.11.2-(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building must:	Not applicable. Development is residential.

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| <p>(a) if the finished floor level is more than 1.0m above natural ground level:</p> <ul style="list-style-type: none">(i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;(ii) be not less than 3.0m from a side boundary;(iii) be not less than 4.0m from a rear boundary; and(iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or <p>(b) if less than the setbacks in clause A1(a):</p> <ul style="list-style-type: none">(i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling;(ii) have a window sill height of not less than 1.8m above floor level;(iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or | |
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<p>(iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.</p>	
<p>10.4.11.2–(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Not applicable. Development is residential.</p>
<p>10.4.11.3 Frontage fences</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. Development is residential.</p>
<p>10.4.12 Setback of development for sensitive use</p>	
<p>10.4.12–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p>	<p>(a) Non-compliant. The subject site adjoins Local Business zone.</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>Refer to the “Issues” section of this report.</p> <p>(b) Non-compliant. The subject site adjoins Local Business zone.</p> <p>Refer to the “Issues” section of this report.</p>
<p>10.4.12–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) Bass Highway;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(a) Compliant. Development would be approximately 215m from the Bass Highway.</p> <p>(b) Compliant. Development would be approximately 720m from a railway line.</p> <p>(c) Not applicable. No land designated for future road or rail.</p> <p>(d) Not applicable. The nearest proclaimed wharf area is in Devonport approximately 15km to the east.</p>
<p>10.4.13 Subdivision</p>	
<p>10.4.13–(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) intended for residential use;</p> <p>(b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a Statutory authority.</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

10.4.13–(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot	Not applicable. No subdivision proposed.
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.	Not applicable. No subdivision proposed.
CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Not a subdivision, hazardous or vulnerable use.
E2 Airport Impact Management Code	Not applicable. No Code in the Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of vegetation.
E4 Change in Ground Level Code	Not applicable. No change in ground level greater than 1m or retaining walls closer than 1m and higher than 0.5m.
E5 Local Heritage Code	Not applicable. No Local Heritage Code in the Scheme.
E6 Hazard Management Code	Not applicable. Not within a hazard mapped area.
E7 Sign Code	Not applicable. No signage proposed.
E8 Telecommunication Code	Not applicable. No telecommunications proposed.

E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Code applies to all development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme applies to the site.
E9.5 Use Standards	
E9.5.1 Provision for parking	
<p>E9.5.1-(A1) Provision for parking must be:</p> <p>(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;</p>	<p>(a) Compliant. Table E9A requires two car parking spaces per dwelling and one additional car parking space per three dwellings or part thereof.</p> <p>Proposal is for 10 dwellings. Proposal would therefore require 20 car parking spaces (two for each dwelling) plus an additional four car parking spaces for visitor/overflow car parking spaces.</p> <p>A total of 24 car parking spaces would be required. The proposal shows the provisions for 24 car parking spaces.</p> <p>The proposal satisfies the Planning Scheme requirements for car parking.</p>

E9.5.2 Provision for loading and unloading of vehicles	
E9.5.2-(A1) There must be provision within a site for: (a) on-site loading area in accordance with the requirement in the Table to this Code; and (b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.	Not applicable for residential 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.
E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must – (a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking; (b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles; (c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;	Not applicable for residential use.

<p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</p> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	
<p>E9.6.2-(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Not applicable.</p> <p>Land is zoned General Residential.</p>
<p>E10 Water and Waterways Code</p>	<p>Not applicable. There is a creek that passes through an adjoining western property, this creek is approximately 40m from the development site.</p>
<p>Specific Area Plans</p>	<p>No Specific Area Plans apply to this location.</p>

Issues –

1 Variation to the secondary frontage –

Clause 10.4.2–(A1)(b) of the Planning Scheme states that a dwelling must be setback from a secondary frontage not less than 3m.

The subject site has two frontages, being Sunnyridge Avenue and the unmade “road” that is along the western boundary of the larger southern parcel of land. Sunnyridge Avenue is considered the primary frontage as it is the shortest frontage. This makes the unmade “road” the secondary frontage for this subject site.

Units 8, 9 and 10 are all proposed to be setback 1.5m from the secondary frontage. The proposal therefore relies on the Performance Criteria for this Clause and is a discretionary element of the application.

Clause 10.4.2–(P1) of the Planning Scheme states that a dwelling must:

- (a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and

Compliant. The unmade section of road intersects with the northern section of Park Avenue. Several buildings along this section of Park Avenue are built to the road frontage boundary.

The proposed dwellings along this section of frontage would be setback 1.5m which is setback greater than other buildings along this section of road.

The proposed development would therefore be compatible with the existing dwellings (including outbuildings and other structures) in the street. Furthermore, the design of the multiple dwellings, including those 1.5m from the secondary frontage allows for optimal use of the subject site.

- (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other determinantal impacts associated with proximity to the road.

Not applicable. The subject site does not abut Bass Highway.

2 *Setback to an adjoining zone boundary -*

Clause 10.4.12-(A1)(a) of the Planning Scheme states that a building containing a sensitive use must be contained within a building envelope determined by the setback distance from the zone boundary as shown in the Table to this clause.

The subject site (smaller parcel) adjoins land zoned Local Business under the Planning Scheme. The setback required from this zone as stipulated in the Table to this clause as 4m.

Proposed Unit 1 would be setback 1.5m from this zone. The proposal therefore relies on the Performance Criteria for this Clause and is a discretionary element of the application.

Clause 10.4.12-(P1) of the Planning Scheme states that the location of a building containing a sensitive use must -

- (a) minimise the likelihood for conflict, constraint or interference by the sensitive use on existing and potential use of the land in the adjoining zone;

Compliant. The adjoining land that is zoned Local Business contain buildings that used to be a corner shop. Records indicate that the site has for some time been used for residential purposes and prior use rights have lapsed. The proposed multiple dwellings, being a residential use, would not create any likely impact to the adjoining land as the site is currently used for residential purposes. Adjoining residential uses do not create a likelihood for conflict, constraint or interference. Furthermore, the building located on the Local Business zone would be separated from proposed Unit 1 by approximately 33.5m which would also reduce any potential impacts.

- (b) minimise likely impact from existing and potential use of land in the adjoining zone on the amenity of the sensitive use.

Compliant. As stated above, the Local Business zone contains buildings that are used for residential purposes. Even though the site is zoned Local Business, the use of the site is residential which is the same use proposed on the subject site. No impact would occur between both residential uses. Furthermore, the building located on the Local Business zone would be separated from proposed Unit 1 by 33.5m which would also reduce any potential impacts.

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Referral not required.
Infrastructure Services	Statement of Compliance for Vehicular Access and Drainage Access has been issued by the Council acting as a Road and Stormwater Authority (refer to Annexure 6).
Building Services	Building Note to be included as a note on the Permit.
TasWater	Submission to Planning Authority Notice TWDA 2020/00294-CC (refer to Annexure 5).
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Other	Referral not required.

CONSULTATION

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

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

Representations -

Two representations were received within the prescribed time, copies of which are provided at Annexure 3.

The representations are summarised and responded to as follows:

MATTER RAISED	RESPONSE
REPRESENTATION 1	
1 View from 68 Ironcliffe Road will change from green space and farmland to view of proposed development. This will also impact on privacy to the occupants of 68 Ironcliffe Road.	<p>It is acknowledged that the view across the subject site will change as it is currently vacant. The subject site is zoned General Residential under the Planning Scheme. The proposed multiple dwelling is a residential use and is Permitted in this zone. The application was deemed to be discretionary due to the variation to the secondary frontage and the proximity to Local Business zone.</p> <p>The proposed development satisfies all setback requirements along the side boundaries, including the boundary between the subject site and 68 Ironcliffe Road.</p>
	<p>Privacy provisions are outlined in Clause 10.4.6 of the Planning Scheme. As per comments made in this reports assessment table, the proposed development has satisfied the Acceptable Solution in relation to privacy provisions.</p> <p>In accordance with the plans provided with the application, occupants of 68 Ironcliffe Road would be able to primarily see Units 3 and 4. The view from 68 Ironcliffe Road would include:</p>

	<ul style="list-style-type: none"> . the eastern elevation wall of Unit 3. This unit would be setback approximately 34m from the dwelling located at 68 Ironcliffe Road and 3.9m from the wall elevation of the unit and the boundary between the subject site and 68 Ironcliffe Road. . the eastern elevation wall of Unit 4 and sliding doors into the units bedroom. This unit would be setback approximately 33m from the dwelling located at 68 Ironcliffe Road and 3.6m from the wall elevation of the unit and 10m from the bedroom sliding door of the unit and the boundary between the subject site and 68 Ironcliffe Road. <p>Due to the proposed development satisfying the setback and privacy provisions along the side boundary and the separation between the proposed development and 68 Ironcliffe Road, it is not considered that the multiple dwellings would negatively impact on privacy to the occupants of 68 Ironcliffe Road.</p>
<p>2 Concern regarding the type of demographic the units will accommodate.</p>	<p>This is not a planning matter.</p>
<p>3 Number 68 Ironcliffe needs to be connected to reticulated stormwater at the same time as the proposed development and at no costs to the</p>	<p>Noted.</p> <p>The following are comments from the Council, acting as a Stormwater Authority –</p>

<p>occupants of 68 Ironcliffe Road.</p>	<ul style="list-style-type: none"> . It would appear that a stormwater connection is not available for 68 Ironcliffe Road, and further to that, an extension of the Council's stormwater infrastructure would be required to service 68 Ironcliffe Road and adjoining properties. . This is something we may discuss with the developer of 3 Sunnyridge Avenue and coordinate these works, when/if they proceed. . We will consider this as part of the upcoming budget process to include for future works.
<p>4 A much higher fence needs to be erected between the development site and number 68 Ironcliffe Road.</p>	<p>The boundary between both 3 Sunnyridge Avenue and 68 Ironcliffe Road would be considered a side fence, if one is erected. Boundary fences are a civil matter between individual property owners and is not a Council matter. Notwithstanding, plans provided show a fence proposed along this boundary. If the occupants of 68 Ironcliffe Road would like a higher fence, then this is a matter they need to discuss with the owners of 3 Sunnyridge Avenue.</p>
<p>5 The value of 68 Ironcliffe will decline due to the proposed development.</p>	<p>This is not a planning matter.</p>

REPRESENTATION 2

1 Increase traffic volume and existing parking issues along Sunnyridge Avenue. The proposed development would only intensify the parking issues.

As outlined in the Planning Scheme's *E9 Traffic Generating Use and Parking Code* (table above), the proposed development requires 24 car parking spaces. The proposed development would provide the provisions for 24 car parking spaces. The proposed development satisfies the Planning Scheme's Acceptable Solution in relation to car parking spaces.

The Permit issued for the Coroneagh Park Nursing Home was checked in relation to car parking spaces provided on the site. The latest Permits issued for the site, being Planning Permits DA211307 and DA213081, included extensions to the nursing home buildings. The plans and assessment provided for the site demonstrated adequate car parking spaces in accordance with the Planning Scheme requirements.

The following comments are from the Council's Inspector in relation to parking along Sunnyridge Avenue.

. In relation to parking requirements at Sunnyridge Avenue, Penguin, vehicles can legally park on either side of the road in a parallel arrangement as long as they are not parked in a manner to cause hazard to other traffic or pedestrians.

	<p>As per the <i>Traffic Act 1925</i> and <i>Road Rules 2009</i> no vehicle is allowed to park over a driveway, over a formed footpath, a continuous yellow line or within ten metres of a road corner. Any illegal parking will be dealt with by way of an infringement notice.</p> <p>To date, the Council Inspector has had no written complaints regarding parking in Sunnyridge Avenue, Penguin, nor had to issue an infringement notice for an illegally parked vehicle.</p>
<p>2 Traffic safety particularly at the Ironcliffe Road/ Sunnyridge Avenue intersection.</p>	<p>Noted.</p> <p>The following comments are from the Council, acting as a Road Authority.</p> <p>The configuration and arrangement of the two intersections (Sunnyridge Avenue/Ironcliffe Road and South Road/Ironcliffe Road) is an existing situation. The Road Authority considers that the additional traffic generated by the development will not significantly change the likelihood of accidents at the two intersections.</p>

	Some improvement works at the Sunnyridge Avenue and Ironcliffe Road intersection are listed in the Council's long-term financial plan.
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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 representations do not contain sufficient merit to justify the addition of any restrictive condition to a Permit issued, or refusal of the development.

The proposed multiple dwelling development is Permitted in the General Residential zone. The application was discretionary due to the variation to the secondary frontage and proximity to the adjoining Local Business zone. The proposed development as discussed in the "Issues" section of this report is considered to have satisfied the applicable Planning Scheme's Performance Criteria.

The proposed multiple dwelling development is considered to be reasonable development on the General Residential zoned land and would be in keeping within the characteristics of the surrounding area. It is considered appropriate that the proposed multiple dwelling development be approved, subject to conditions.

Recommendation –

It is recommended that the application for Residential (multiple dwellings x 10) – variation to secondary frontage setback standard at 3 Sunnyridge Avenue, Penguin be approved subject to the following conditions and notes:

-
- 1 The development must be substantially in accordance with the plans by Cradle Coast Building Design, Job No. 19.006, Drawing Nos. da01, da02, da03, da04, da05, da06, da07, da08, da09, da10, da11, Revision A dated 2 March 2020 and plans by Australian Consulting Engineers, Project No. 200011, Drawing Nos. 000, 101, 102, 103, 104, 105, Issue A dated 30 January 2020.
 - 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2020/00294-CC dated 16 March 2020.
 - 3 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 31 March 2020 issued by the Council acting in its capacity as the Road Authority and Stormwater Authority.
 - 4 A minimum of 24 car parking spaces must be provided on-site and enable the forward movement of vehicles entering and egressing the site.
 - 5 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and all-weather surface.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 "Substantial commencement" is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 The proposed development fits within the criteria of Category 4 – Building Permit Work and Category 4 – Plumbing Permit Work when assessed against the 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 Plumbing Permit 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.'

The report is supported."

The Executive Services Officer reports as follows:

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

■ Cr Fuller moved and Cr Carpenter seconded "That the application for Residential (multiple dwellings x 10) – variation to secondary frontage setback standard at 3 Sunnyridge Avenue, Penguin be approved subject to the following conditions and notes.

- 1 The development must be substantially in accordance with the plans by Cradle Coast Building Design, Job No. 19.006, Drawing Nos. da01, da02, da03, da04, da05, da06, da07, da08, da09, da10, da11, Revision A dated 2 March 2020 and plans by Australian Consulting Engineers, Project No. 200011, Drawing Nos. 000, 101, 102, 103, 104, 105, Issue A dated 30 January 2020.
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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."

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 6.17pm.

CONFIRMED THIS DAY OF , 2020.

Chairperson

(lb:km)

Appendices

Nil.

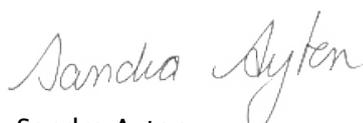
QUALIFIED PERSON'S ADVICE

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