
Minutes of a special meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 31 August 2020 commencing at 6.00pm.

Councillors attendance

Cr Jan Bonde (Mayor)	Cr John Beswick
Cr Garry Carpenter (Deputy Mayor)	Cr Cheryl Fuller
Cr Casey Hiscutt	Cr Annette Overton
Cr Tony van Rooyen	Cr Philip Viney

Councillors apologies

Cr Amanda Diprose

Employees attendance

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

Media attendance

Due to COVID-19 restrictions, media representatives were not able to attend the meeting.

Public attendance

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

Prayer

The meeting opened in prayer.

MAYOR'S COMMUNICATIONS

260/2020 Authority for special meeting

The Mayor reported as follows:

“This special meeting of the Council has been convened at my direction. Only the items on the agenda may be discussed.”

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

Carried unanimously

261/2020 Declarations of interest

The Mayor reported as follows:

“Councillors 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 councillor must not participate at any meeting of a council in any discussion, nor vote on any matter, in respect of which the councillor has an interest or is aware or ought to be aware that a close associate has an interest.

Councillors 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 councillor 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.

COMMUNITY SERVICES

262/2020 Council acting as a planning authority

The Mayor reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide that if a council intends to act at a meeting as a planning authority under the *Land Use Planning and Approvals Act 1993*, the chairperson is to advise the meeting accordingly.

The General Manager has submitted the following report:

‘If any such actions arise out of Minute Ref No’s. 263/2020, 264/2020 and 265/2020, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Officer reported as follows:

“Councillors 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.”

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

Carried unanimously

263/2020 Residential (staged subdivision to form 79 lots, road, flood conveyancing channel and demolition of shed) – variation to suitability of a site for development, internal allotments and reliance on E4 Change in Ground Level Code, E6 Hazard Management Code and E10 Water and Waterways Code (re-advertised) at 18, 27 & 28 Parsons Street, Ulverstone – Application No. DA2020071

The Strategic Projects and Planning Consultant reported as follows:

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

‘DEVELOPMENT APPLICATION No.:	DA2020071
PROPOSAL:	Residential (staged subdivision to form 79 lots, road, flood conveyancing channel and demolition of shed) – variation to suitability of a site for

	development, internal allotments and reliance on E4 Change in Ground Level Code, E6 Hazard Management Code and E10 Water and Waterways Code (re-advertised)
<i>APPLICANT:</i>	PDA Surveyors on behalf of NAK Building Group
<i>LOCATION:</i>	18, 27 & 28 Parsons Street, Ulverstone
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)
<i>ADVERTISED:</i>	29 July 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	12 August 2020
<i>REPRESENTATIONS RECEIVED:</i>	Three
<i>42-DAY EXPIRY DATE:</i>	2 September 2020
<i>DECISION DUE:</i>	31 August 2020

PURPOSE

The purpose of this report is to consider an application for the staged subdivision of residential land that is located in the urban area of Ulverstone. The subdivision would comprise 79 lots and associated access roads.

The proposal also includes the development of a flood conveyance channel along the western edge of Buttons Creek.

Accompanying the report are the following documents:

- . Annexure 1 - location plan;
- . Annexure 2 - application documentation;
- . Annexure 3 - representations;
- . Annexure 4 - photographs;
- . Annexure 5 - TasWater Notice to Planning Authority; and
- . Annexure 6 - Statement of Compliance from Road Authority and Stormwater Authority.

BACKGROUND

Development description -

Application is made for the division of land at 18 Parsons Street, Ulverstone. The subdivision of the 7.98ha parcel of vacant, residential land would form 79 allotments with an associated two internal, one-way access roads and a flood mitigation channel.

The subdivision would be accessed via Parsons Street and would be a staged project, with works proposed as follows:

- . Stage 1 would comprise 27 allotments. Lots numbered 1–24 and Lots 77–79 on the draft layout plan would be accessed via a new 18m wide cul-de-sac road to be developed off Parsons Street (Road Lot 101). Three of the lots would be internal parcels of land, accessed via 4m wide, 28m long access strips, each with frontages to the proposed new road. This stage of the development would include the demolition of an existing shed that is located on the land.
- . Stage 2 would comprise Lots 25–29, 67–76 and 102–103 (15 allotments). Lots would be accessed via a second cul-de-sac road (Road Lot 102). Stage 2 would incorporate the construction of a 7,448m² flood conveyance channel that would run along the western side of the land, adjoining Buttons Creek. The channel would be approximately 10m wide (including side batters) and 1m deep. This land is proposed for flood and stormwater conveyancing purposes and would be transferred to the Council following construction. Council would have the ongoing responsibility of managing and maintaining the flood conveyance channel, including associated risks and maintenance costs. The channel would be a form of infrastructure, and, as such, is not to be a consideration of land given for public open space purposes. Stage 2 also includes a 6m wide public walkway, to be accessed via the residential estate, to allow for pedestrian and vehicular access to the flood conveyance area and the riparian land adjoining Buttons Creek.
- . Stage 3 would comprise Lots 30–36, 57–66 (17 allotments) and an extension of the second cul-de-sac road (Road Lot 104).
- . Stage 4 would comprise Lots 37–56 (20 allotments) and the final extension of the cul-de-sac roadway (Road Lot 105).

Nine of the allotments would be internal lots, ranging in land area from 643m² to 1,135m².

The remaining 70 lots would have land areas ranging from 380m² to 1,154m².

The proposal also includes land at 27 Parsons Street. This land is Council owned land, known as Haywoods Reserve. A portion of this land, not including any areas used for sport and recreation, is required as part of the flood mitigation proposal.

The proposal also includes works on land at 28 Parsons Street. This allotment would require works associated with the upgrade of a sewer access pit on the land.

Site description and surrounding area -

The subject site is zoned General Residential and is primarily a flat, grassed paddock that acts as a flood plain to Buttons Creek during excessive rainfall events.

The 7.98ha parcel of land is located in the eastern, suburban residential area of Ulverstone and is accessed via Parsons Street.

The eastern boundary is defined by Buttons Creek and the creek's associated riparian land.

The site adjoins Haywoods Reserve to the north, Production Drive and a Utilities zone to the south (Bass Highway slip road) and by existing residential development to the west.

The land is able to be serviced with water, sewer and stormwater infrastructure.

Documentation supporting the development application -

The application is accompanied by a Flood Impact Assessment by Pitt & Sherry. The flood analysis and hydraulic modelling examines the watercourse of Buttons Creek, including its 1,700ha catchment, likely flood water depths and velocities and the likely hazard of a 1% Annual Exceedance Probability (AEP) event.

The report determines that under existing conditions, modelling shows that the development site is likely to be affected by flood waters, with a low flood depth of approximately 250mm across most of the site.

The report then models and examines the flooding affect after the incorporation of flood management and mitigation measures.

The final recommendation of the report is that a flood 'bypass' channel be formed that would have a base width of 4m, a top width of 9m, a depth of 1m and batters of 1 in 2.5m.

The report also recommends that future habitable buildings in this area have a minimum lower floor level that is 300mm above the 1% Annual Exceedance Probability (AEP) flood level for the land.

The report also recommends that a low-level flood/stormwater detention basin be formed at the south-eastern end of Haywoods Reserve.

History -

There is 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>Subdivision is for Residential purpose.</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>Subdivision is for Residential purpose.</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. Use is Residential.</p>
<p>10.4.1 Residential density for multiple dwellings</p>	
<p>10.4.1–(A1) Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 325m²; or</p> <p>(b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.</p>	<p>Not applicable. Not multiple dwelling development.</p>
<p>10.4.2 Setbacks and building envelope for all dwellings</p>	
<p>10.4.2–(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p>	<p>Not applicable. No dwelling proposed.</p>

COMMUNITY SERVICES

<p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	
<p>10.4.2-(A2) A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1.0m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1.0m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10.0m from the frontage.</p>	<p>Not applicable.</p> <p>No garage or carport proposed.</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,</p>	<p>Not applicable.</p>

<p>and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at the side boundaries and a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level; and <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or (ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser). 	<p>No dwelling proposed.</p>
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10.4.3 Site coverage and private open space for all dwellings	
<p>10.4.3-(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60.0m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>Not applicable.</p> <p>No dwelling proposed.</p>
<p>10.4.3-(A2) A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24.0m²; or</p> <p>(ii) 12.0m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	<p>Not applicable.</p> <p>No dwelling proposed.</p>

<p>(b) has a minimum horizontal dimension of:</p> <ul style="list-style-type: none"> (i) 4.0m; or (ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	
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10.4.4 Sunlight and overshadowing for all dwellings	
<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>Not applicable.</p> <p>No dwelling proposed.</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 style="padding-left: 40px;">(i) at a distance of 3.0m from the window; and</p> <p style="padding-left: 40px;">(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</p> <p>(b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</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> <ul style="list-style-type: none"> (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): <ul style="list-style-type: none"> (i) at a distance of 3.0m from the northern edge of the private open space; and (ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June. (c) That part, of a multiple dwelling, consisting of: 	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

COMMUNITY SERVICES

<p>(i) an outbuilding with a building height no more than 2.4m; or</p> <p>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling.</p>	
<p>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>Not applicable.</p> <p>No garage or carport proposed.</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 uniform transparency of no more than 25%, along the sides facing a:</p>	<p>Not applicable.</p> <p>No dwelling proposed.</p>

<p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3.0m from the side boundary; and</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4.0m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6.0m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>	
<p>10.4.6-(A2) A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1.0m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <p>(i) is to have a setback of at least 3.0m from a side boundary; and</p>	<p>Not applicable.</p> <p>No dwelling proposed.</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%. 	
<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</p>	<p>Not applicable.</p>

<p>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 style="padding-left: 20px;">(i) it is separated by a screen of at least 1.7m in height; or</p> <p style="padding-left: 20px;">(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>No multiple dwelling proposed.</p>
<p>10.4.7 Frontage fences for all dwellings</p>	
<p>10.4.7-(A1) A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:</p> <p>(a) 1.2m if the fence is solid; or</p> <p>(b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).</p>	<p>Not applicable.</p> <p>No frontage fence proposed.</p>

10.4.8 Waste storage for multiple dwellings	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a communal storage area with an impervious surface that:</p> <p>(i) has a setback of at least 4.5m from a frontage; and</p> <p>(ii) is at least 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>	<p>Not applicable.</p> <p>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</p>	<p>(a) Compliant. Seventy nine lots are proposed. The minimum lot size would be 380m². The maximum lot size would be 1,154m².</p> <p>(b) All lots would be able to accommodate a 10m x 15m building area.</p>

<p>than 10.0m x 15.0m:</p> <ul style="list-style-type: none"> (i) clear of any applicable setback from a frontage, side or rear boundary; (ii) clear of any applicable setback from a zone boundary; (iii) clear of any registered easement; (iv) clear of any registered right of way benefiting other land; (v) clear of any restriction imposed by a Utility; (vi) not including an access strip; (vii) accessible from a frontage or access strip; and (viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north. 	<ul style="list-style-type: none"> (b)(i) Compliant. Building areas would be clear of all proposed boundaries. (b)(ii) Compliant. Building envelope on Lot 49 would be setback 50m from nearest Utility zone boundary. (b)(iii) Not applicable. No registered easement. (b)(iv) Compliant. Right of way accesses are proposed for Lots 72 and 75. Building areas would be clear of proposed rights of way. (b)(v) Compliant. Reticulated sewer and water infrastructure would be available to the land. Building areas would be clear of proposed utilities. (b)(vi) Compliant. Access strips are proposed for allotments 5, 8, 15, 39, 54, 57 and 58. Building areas would be clear of proposed access strips. (b)(vii) Compliant. Land is accessible from Parsons Street. (b)(viii) Compliant. Long axis would be within the range 30 degrees east of north and 20 degrees west of north.
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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> <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 (ii) 6.0m for multiple dwelling development or development for a non-residential use; and 	<ul style="list-style-type: none"> (a) Compliant. Lots would be accessible from Parsons Street and proposed new roads (Road Lots 101, 102, 104 and 105). (b) Compliant. Internal allotments would be accessible from proposed new roads (Road Lots 101, 102, 104 and 105). (c)(i) Compliant. Lots 72 and 75 would each be accessed via a 4m wide right of way not required as the means of access to any other land. (c)(ii) Compliant. Rights of way are not required to give the lots, of which it is a part, the minimum properties of a lot. (d)(i) Compliant. The frontages of internal allotments would have a minimum width of 4m connecting to a road or, where lots would have full frontage to a road, range in width from 5.8m to 21.4m. (d)(ii) Not applicable. Not multiple dwelling or non-residential development.
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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>(e) Compliant. Statement of Compliance to be issued by the Council, acting in its capacity as the Road Authority. Refer to Annexure 6.</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 lots are able to connect to the reticulated water system. Development would need to be in accordance with TasWater Submission to Planning Authority Notice. Refer to Annexure 5.</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 lots are able to connect to the reticulated sewerage system. Development would need to be in accordance with TasWater Submission to Planning Authority Notice. Refer to Annexure 5.</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 lots are able to connect to the reticulated stormwater system.</p>

	Statement of Compliance to be issued by the Council, acting in its capacity as the Stormwater Authority. Refer to Annexure 6.
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. No dwelling proposed.
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;	Not applicable. No development of a building proposed.

<p>(d) not less than for any building retained on the site;</p> <p>(e) in accordance with any building area shown on a sealed plan; or</p> <p>(f) not less than 50.0m if the site abuts the Bass Highway.</p>	
<p>10.4.11.1-(A2) All buildings must be contained within a building envelope determined by –</p> <p>(a) the applicable frontage setback;</p> <p>(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> <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> <p>(i) not less than 1.5m from each side boundary; or</p> <p>(ii) less than 1.5m from a side boundary if –</p>	<p>Not applicable.</p> <p>No development of a building proposed.</p>

COMMUNITY SERVICES

<ul style="list-style-type: none"> a. built against an existing wall of an adjoining building; or b. the wall or walls – <ul style="list-style-type: none"> i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land; ii. there is no door or window in the wall of the building; and iii. overshadowing does not result in 50% of the private open space of an adjoining dwelling receiving less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June. (d) in accordance with any building envelope shown on a sealed plan of subdivision. 	
<p>10.4.11.1–(A3) Site coverage must:</p> <ul style="list-style-type: none"> (a) not be more than 50%; or (b) not be more than any building area shown on a sealed plan. 	<p>Not applicable.</p> <p>No development of a building proposed.</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. No development of a building proposed.</p>
<p>10.4.11.1-(A5) Other than for a dwelling, the total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of:</p> <p>(a) 6.0m; or</p> <p>(b) half the width of the frontage.</p>	<p>Not applicable. No development of a building proposed.</p>
<p>10.4.11.2 Visual and acoustic privacy for residential development</p>	
<p>10.4.11.2-(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building must:</p> <p>(a) if the finished floor level is more than 1.0m above natural ground level:</p> <p>(i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;</p> <p>(ii) be not less than 3.0m from a side boundary;</p> <p>(iii) be not less than 4.0m from a rear boundary; and</p>	<p>Not applicable. No development of a building proposed.</p>

<ul style="list-style-type: none"> (iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or (b) if less than the setbacks in clause A1(a): <ul style="list-style-type: none"> (i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling; (ii) have a window sill height of not less than 1.8m above floor level; (iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or (iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport. 	
<p>10.4.11.2-(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or</p>	<p>Not applicable. No development of a building proposed.</p>

<p>window to a dwelling or any balcony, deck, or roof garden in a dwelling.</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. No frontage fence proposed.</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) the setback distance from the zone boundary as shown in the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the required setback distance from the zone boundary.</p>	<p>(a) Not applicable. No building proposed.</p> <p>(b) Not applicable. No building proposed.</p>

COMMUNITY SERVICES

<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 50m from the Bass Highway.</p> <p>(b) Compliant. Development would be approximately 1.4km 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; or</p> <p>(b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a Statutory authority.</p>	<p>(a) Compliant. Subdivision is for residential purpose.</p> <p>(b) Not applicable. Satisfied by (a).</p>
<p>10.4.13–(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot.</p>	<p>Non-compliant.</p> <p>Nine internal allotments are proposed.</p>

	Refer to the “Issues” section of this report.
10.4.14–(A1) Electricity reticulation and site connections must be installed underground.	Compliant. Electricity supply is to be underground.
CODES	
E1 Bushfire-Prone Areas Code	
E1.2 Application of this Code	Applicable. Code applies to subdivision.
E1.4 Use or development exempt from this Code	Not exempt. Land is in a bushfire-prone area.
E1.5 Use Standards	
E1.5.1 Vulnerable Uses	Not applicable. Not a vulnerable use.
E1.5.2 Hazardous uses	Not applicable. Not a hazardous use.
E1.6 Development Standards	
E1.6.1 Development standards for subdivision	

E1.6.1.1 Subdivision: Provision of hazard management areas	
<p>E1.6.1.1-(A1)</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <ul style="list-style-type: none"> (i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision; (ii) shows the building area for each lot; (iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of <i>Australian Standard AS 3959 - 2009 Construction of Buildings in bush-fire prone areas</i>; and (iv) is accompanied by a bushfire hazard management plan that addresses all the 	<p>(a) Not applicable Satisfied by (b).</p> <p>(b)(i) Compliant. Tasmania Fire Service accredited person, Scott Livingston, Accreditation Number BFP-105, has certified that the accompanying Bushfire Hazard Management Report and Certificate No. SRL20/07S3-5 dated 17 March 2020 is in accordance with the Chief Officer's requirements and can deliver an outcome for the use or development described that is constant with the objectives and relevant compliance tests for each of the applicable standards.</p> <p>(b)(ii) Compliant. Tasmania Fire Service accredited person, Scott Livingston, Accreditation Number BFP-105, has certified that the accompanying Bushfire Hazard Management Report and Certificate No. SRL20/07S3-5 dated 17 March 2020 is in accordance with the Chief Officer's requirements and can deliver an outcome for the use or development described that is constant with the objectives and relevant</p>

<p>individual lots and is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of <i>Australian Standard AS 3959 – 2009 Construction of Buildings in bush–fire prone areas</i>; and</p> <p>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p>compliance tests for each of the applicable standards.</p> <p>(b)(iii) Compliant. Tasmania Fire Service accredited person, Scott Livingston, Accreditation Number BFP-105, has certified that the accompanying Bushfire Hazard Management Report and Certificate No. SRL20/07S3-5 dated 17 March 2020 is in accordance with the Chief Officer’s requirements and can deliver an outcome for the use or development described that is constant with the objectives and relevant compliance tests for each of the applicable standards.</p> <p>(b)(iv) Compliant. Tasmania Fire Service accredited person, Scott Livingston, Accreditation Number BFP-105, has certified that the accompanying Bushfire Hazard Management Report and Certificate No. SRL20/07S3-5 dated 17 March 2020 is in accordance with the Chief Officer’s requirements and can deliver an outcome for the use or development described that is constant with the objectives and relevant compliance tests for each of the applicable standards.</p>
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	<p>(c) Not applicable. An Agreement under s.71 of the Act is not required for bushfire hazard management purposes.</p>
<p>E1.6.1.2 Subdivision: Public and fire fighting access</p>	
<p>E1.6.1.2-(A1)</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads and fire trails, and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trials will comply with Table E3; and</p> <p>(ii) is certified by the TFS or accredited person.</p>	<p>(a) Not applicable Satisfied by (b)(i) & (ii).</p> <p>(b)(i) Compliant. Bushfire Hazard Management Plan by Tasmania Fire Service accredited person, Scott Livingston, Accreditation Number BFP-105, demonstrates roads will comply with Table E1 and proposed private accesses will comply with Table E2 and proposed fire trials will comply with Table E3.</p> <p>(b)(ii) Compliant. Tasmania Fire Service accredited person, Scott Livingston, Accreditation Number BFP-105, has certified that the accompanying Bushfire Hazard Management Report and Certificate No. SRL20/07S3-5 dated 17 March 2020 is in accordance with the Chief Officer's requirements and can deliver an outcome for the use or development described that is constant with the objectives and relevant compliance tests for each of the applicable standards.</p>

E1.6.1.3 Subdivision: Provision of water supply for fire fighting purposes	
<p>E1.6.1.3-(A1) In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</p> <p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>	<p>(a) Not applicable. Satisfied by (b).</p> <p>(b) Compliant. Tasmania Fire Service accredited person, Scott Livingston, Accreditation Number BFP-105, has certified that the accompanying Bushfire Hazard Management Report and Certificate No. SRL20/07S3-5 dated 17 March 2020 is in accordance with the Chief Officer's requirements and can deliver an outcome for the use or development described that is constant with the objectives and relevant compliance tests for each of the applicable standards.</p> <p>(c) Not applicable. Satisfied by (b).</p>
<p>E1.6.1.3-(A2) In areas that are not serviced by reticulated water by the water corporation:</p> <p>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes; or</p> <p>(b) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water</p>	<p>Not applicable.</p> <p>Land is able to be serviced by a reticulated water supply.</p>

COMMUNITY SERVICES

<p>supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire; or</p> <p>(c) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E7.</p>	
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	
E4.2 Application of Code	Code applies. The subdivision would involve the excavation and formation of an artificial a flood conveyance channel to mitigate the impacts of flood events on the land.
E4.4 Exemption	
E4.4 Development exempt from this Code	
<p>E4.4.1</p> <p>Development is exempt if –</p> <p>(a) development is for –</p>	<p>(a)(i) Not exempt as not an agricultural use dependent on the soil as a growth medium.</p> <p>(a)(ii) Not exempt. Not for extractive industry.</p>

<p>(i) resource development being agricultural use dependent on the soil as a growth medium or controlled environment agriculture which does not alter, disturb or damage the existing soil profile; or</p> <p>(ii) extractive industry;</p> <p>(iii) for the Port and Shipping use class in the Port and Marine zone.</p> <p>(b) a change in ground level –</p> <p>(i) if more than 1.5m from a boundary to the site –</p> <p>a. has a depth of less than 1.0m;</p> <p>b. is not within a water course;</p> <p>c. is more than 1.0m from any easement, road, or right-of-way;</p> <p>d. is more than 1.0m from an underground utility service;</p> <p>e. involves an area of less than 200m²;</p>	<p>(a)(iii) Not exempt. Not for Port and Shipping use class in a Port and Marine zone.</p> <p>(b)(i) Applies as change in ground level would be more than 1.5m from a boundary.</p> <p>(b)(i)a. Development would be exempt under these standards.</p> <p>(b)(i)b. Development would be exempt under these standards.</p> <p>(b)(i)c. Development would be exempt under these standards.</p> <p>(b)(i)d. Development would be exempt under these standards.</p> <p>(b)(i)e. Not exempt. Change in ground level is more than 1.5m from a boundary, however involves an area greater than 200m².</p> <p>(b)(i)f. Development would be exempt under this standard. Batters would be less than 25%.</p> <p>(b)(i)g. Development would not be exempt under this standard. Code 6 Hazard Management applies.</p> <p>(b)(ii) Not applicable. Not less than 1.5m from a boundary.</p>
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<ul style="list-style-type: none"> f. has a finished slope batter of less than 25% or is supported by a retaining wall of less than 1.0m height; and g. is not on land to which Code E6 of this planning scheme applies (ii) if less than 1.5m from a boundary to the site – <ul style="list-style-type: none"> a. has a depth of not more than 0.5m; and b. has a finished slope batter of less than 25% and tapering to zero depth at the boundary; or c. is supported by a retaining wall of less than 0.5m height. 	
<p>E4.6 Development Standards</p>	
<p>E4.6.1 Change in existing ground level or natural ground level</p>	
<p>E4.6.1–(A1) Cut or fill must:</p> <ul style="list-style-type: none"> (a) not be on land within the Environmental Living zone or the Environmental Management zone; (b) be required to: 	<ul style="list-style-type: none"> (a) Compliant. Change in ground level would be on land zoned General Residential. (b)(i) Not applicable. Not required to provide a construction site for buildings and structures. (b)(ii) Not applicable. Not required for vehicular access.

<p>(i) provide a construction site for buildings and structures;</p> <p>(ii) facilitate vehicular access;</p> <p>(iii) mitigate exposure to a natural or environmental hazard;</p> <p>(iv) facilitate provision of a utility;</p> <p>(v) assist the consolidation or intensification of development; or</p> <p>(vi) assist stormwater management;</p> <p>(c) not result in a modification of surface stormwater water flow to increase:</p> <p>(i) surface water drainage onto adjacent land;</p> <p>(ii) pooling of water on the site or on adjacent land; or</p> <p>(iii) the nature or capacity of discharge from land upstream in a natural or artificial drainage channel;</p> <p>(d) not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land;</p>	<p>(b)(iii) Compliant. Required to mitigate exposure to a natural or environmental hazard.</p> <p>(b)(iv) Not applicable. Not required for the provision of a utility.</p> <p>(b)(v) Not applicable. Not required to assist the consolidation or intensification of development.</p> <p>(b)(vi) Compliant. Change in ground level is required to assist with stormwater management.</p> <p>(c)(i) Compliant. Change in ground level is required for the formation of a flood conveyance channel that will mitigate the flow of surface waters onto adjacent land.</p> <p>(c)(ii) Compliant. Change in ground level will not increase the pooling of water on adjacent land.</p> <p>(c)(iii) Compliant. Change in ground level works are required to modify surface stormwater flows but will not result in an increase to the nature or capacity to discharge upstream.</p> <p>(d) Not applicable. No existing buildings.</p> <p>(e) Not applicable. No identified ground water.</p>
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COMMUNITY SERVICES

<p>(e) manage disposal of intersected ground water;</p> <p>(f) safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009;</p> <p>(g) not require a retaining or support structure that would result in a 'line of influence' of more than 450mm into any adjacent land unless the owner of adjacent land has provided written consent to enter into an agreement under Part 5 <i>Land Use Planning and Approvals Act 1993</i> registered on the title of adjacent land to provide for the level of constraint; and</p> <p>(h) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised:</p> <p style="padding-left: 20px;">(i) it is satisfied the cut or fill will not result in harm to the utility; and</p> <p style="padding-left: 20px;">(ii) any condition or requirement it determines are appropriate to protect the utility.</p>	<p>(f) Compliant. Sediment control measures to be installed.</p> <p>(g) Compliant. No support structures required.</p> <p>(h)(i) Compliant. Development, including utility renewal, will not result in harm to any utility.</p> <p>(h)(ii) Compliant. Development, including utility renewal, will not result in harm to any utility.</p>
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E5 Local Heritage Code	Not applicable. No Local Heritage Code in the Scheme.
E6 Hazard Management Code	
E6.2 Application of the Code	
E6.4 Use or Development Exempt from this Code	Not exempt. Land is exposed to a natural hazard.
E6.5 Use Standards	
E6.5.1 Use on potentially contaminated land	
<p>E6.5.1-(A1) Use must not occur on land potentially contaminated by a previous use for an activity listed in Table E6.1 unless:</p> <ul style="list-style-type: none"> (a) soil disturbance and development is carried out in accordance with requirements in a hazard risk assessment for contamination; (b) a hazard risk assessment for potential contamination establishes the site can be remediated to provide a tolerable level of risk for the use; or (c) a hazard risk assessment establishes the site has been remediated to provide a tolerable level of risk. 	<p>Not applicable.</p> <p>Not potentially contaminated land.</p>

E6.5.2 Use likely to be exposed to a natural hazard	
<p>E6.5.2-(A1) If a use is on land within an area of risk from exposure to a natural hazard as shown on a map forming part of this planning scheme:</p> <p>(a) use must not be for a critical use, a hazardous use, or a vulnerable use;</p> <p>(b) use must not be residential use if the level of risk is medium or higher; and</p> <p>(c) a hazard risk assessment must demonstrate a tolerable level of risk can be achieved and maintained for the nature and duration of the use.</p>	<p>(a) Compliant. Use is Residential, not a critical, hazardous or vulnerable use.</p> <p>(b) Non-compliant. Existing level of risk is high. Refer to the “Issues” section of this report.</p> <p>(c) Compliant. A Flood Impact Assessment report by Pitt & Sherry, Revision No. 05 dated 10 March 2020 and addendum report and plans titled “Subdivision RFI Response” by Pitt & Sherry dated 15 June 2020, accompanies the application. The recommendation of the report is that a flood ‘bypass’ channel be formed that would have a base width of 4m, a top width of 9m, a depth of 1m and batters of 1 in 2.5m. The channel would provide for a tolerable level of risk to be achieved for the nature and duration of the development.</p>

E6.6 Development Standards	
E6.6.1 Development on potentially contaminated land	
<p>E6.6.1-(A1) Development must not occur on land potentially contaminated by a previous use for an activity listed in the Table E6.1 to this clause unless:</p> <p>(a) soil disturbance and development is carried out in accordance with the requirements of a hazard risk assessment for contamination;</p> <p>(b) a hazard risk assessment establishes the site can be remediated to provide a tolerable level of risk from the development; or</p> <p>(c) a hazard risk assessment establishes the site has been remediated to provide a tolerable level of risk from the development; and</p> <p>(d) if a hazard risk assessment establishes need to involve land on another title to manage risk consistent with the objective, the consent in writing of the owner of that land must be provided to enter into a Part 5 agreement to be registered on the title of the land and providing for the affected land to be managed in</p>	<p>Not applicable.</p> <p>Not potentially contaminated land.</p>

<p>accordance with recommendations for contamination management.</p>	
<p>E6.6.2 Development on land exposed to a natural hazard</p>	
<p>E6.6.2-(A1) If the site is within an area of risk shown on a natural hazard map forming part of this planning scheme:</p> <p>(a) a hazard risk assessment must determine:</p> <p>(i) there is an insufficient increase in risk to warrant any specific hazard reduction or protection measure; or</p> <p>(ii) a tolerable level of risk can be achieved for the type, form, scale and duration of the development; and</p> <p>(b) if a hazard risk assessment established need to involve land on another title for hazard management consistent with the objective, the consent in writing of the owner of that land must be provided to enter into a Part 5 agreement to be registered on the title of the land and providing for the affected land to be managed in accordance with recommendations for hazard management.</p>	<p>(a)(i) Not applicable. Satisfied by (a)(ii).</p> <p>(a)(ii) Compliant. A Flood Impact Assessment report by Pitt & Sherry, Revision No. 05 dated 10 March 2020 and addendum report and plans titled “Subdivision RFI Response” by Pitt & Sherry dated 15 June 2020, accompanies the application. The recommendation of the report is that a flood ‘bypass’ channel be formed that would have a base width of 4m, a top width of 9m, a depth of 1 m and batters of 1 in 2.5m. The channel would provide for a tolerable level of risk to be achieved for the type, form, scale and duration of the development.</p> <p>(b) Not applicable. Risk management not required on other land.</p>
<p>E7 Sign Code</p>	<p>Not applicable. No signage proposed.</p>
<p>E8 Telecommunication Code</p>	<p>Not applicable. No telecommunications proposed.</p>

E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Code applies to all development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme applies to the site.
E9.5 Use Standards	
E9.5.1 Provision for parking	
E9.5.1-(A1) Provision for parking must be: (a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code.	(a) Compliant. Table E9A requires two car parking spaces for a residential dwelling. The proposed new lots are able to meet this requirement.
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	(a) Not applicable to Residential subdivision. (b) Not applicable to Residential subdivision.

for every 50 parking spaces.	
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. A Statement of Compliance is to be issued by the Council, acting in its capacity as the Stormwater Authority. Refer to Annexure 6.
<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <ul style="list-style-type: none"> (a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking; (b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles; (c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities; (d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities; 	Not applicable for Residential subdivision.

<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>E10.2 Application of this Code</p>	<p>Code applies. Land is within 30m of Button Creek.</p>
<p>E10.4 Use or development exempt from this Code</p>	
<p>E10.4.1</p> <p>Use or development is exempt from this Code if –</p>	<p>(a) Not exempt. Flood mitigation channel works are exempt as works are for risk management proposes. However, subdivision works for</p>

COMMUNITY SERVICES

<p>(a) for risk management, emergency, or rescue purposes;</p> <p>(b) works undertaken in accordance with a reserve management plan;</p> <p>(c) control of declared weeds; or</p> <p>(d) crop protection structures on existing cleared agricultural land that do not collect stormwater for concentrated disposal.</p>	<p>Residential purpose would be within 30m of Buttons Creek waterway and so the Code applies.</p> <p>(b) Not applicable.</p> <p>(c) Not applicable.</p> <p>(d) Not applicable.</p>
<p>E10.6 Development Standards</p>	
<p>E10.6.1 Development in proximity to a water body, watercourse, or wetland</p>	
<p>E10.6.1–(P1) Development must:</p> <p>(a) minimise risk to the function and values of a water body, watercourse, or wetland ^{R37}, including for:</p> <p>(i) hydraulic performance;</p> <p>(ii) economic value;</p> <p>(iii) water based activity;</p> <p>(iv) disturbance and change in natural ground level;</p>	<p>(a)(i) Compliant. Residential subdivision within 30m of Buttons Creek would not impact on the hydraulic performance of the watercourse.</p> <p>(a)(ii) Compliant. Residential subdivision within 30m of Buttons Creek would not impact on the economic value of the watercourse.</p> <p>(a)(iii) Compliant. Residential subdivision within 30m of Buttons Creek would not impact on any water based activity of the watercourse.</p>

<ul style="list-style-type: none"> (v) control of sediment and contaminants; (vi) public access and use; (vii) aesthetic or scenic quality; (viii) water quality management arrangements for stormwater and sewage disposal; (ix) modification of a natural drainage channel; (x) biodiversity and ecological function; (xi) level of likely risk from exposure to natural hazards of flooding and inundation; and (xii) community risk and public safety; and <p>(b) be consistent with any advice or decision of a relevant entity administering or enforcing compliance with an applicable protection and conservation regulation for:</p> <ul style="list-style-type: none"> (i) impact of the development on the objectives and outcomes for protection of the water body, watercourse or wetland; and (ii) any condition or requirement for protection of the water 	<ul style="list-style-type: none"> (a)(iv) Compliant. No change in the natural ground level of Buttons Creek. (a)(v) Compliant. Development would include sediment controls for waters entering Buttons Creek. (a)(vi) Compliant. Development will enhance public access and use. (a)(vii) Compliant. Development will not have a negative impact of the aesthetic and scenic quality of Buttons Creek. (a)(viii) Compliant. Development will include water quality management arrangements for stormwater and sewage disposal. (a)(ix) Compliant. Development of the residential subdivision will not result in modification of the natural drainage channel of Buttons Creek. The flood plain adjoining Buttons Creek will be modified to form a flood conveyance channel alongside the creek. (a)(xii) Compliant. Development will not result in a community risk or impact on public safety.
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COMMUNITY SERVICES

<p>body, watercourse or wetland.</p>	<p>(b) Not applicable. No advice received in relation to any applicable protection and conservation regulation for Button Creek.</p>
<p>E10.6.2 Development in a shoreline area</p>	
<p>E10.6.2-(P1) Development must:</p> <p>(a) be required to locate in, over, on or under the shoreline, sea or tidal waters for operational efficiency;</p> <p>(b) avoid unreasonably or unnecessary impact on existing or potential access by the public to shoreline land or waters;</p> <p>(c) minimise impact on scenic quality of the sea-shore area;</p> <p>(d) minimise impact on amenity or aesthetic appearance of the sea-shore area as a result of:</p> <p style="padding-left: 20px;">(i) nature and operational characteristics of the development;</p> <p style="padding-left: 20px;">(ii) location;</p> <p style="padding-left: 20px;">(iii) bulk, size, and overall built form of any building or work;</p> <p style="padding-left: 20px;">(iv) overshadowing; or</p>	<p>Not applicable.</p> <p>Not a shoreline area.</p>

<p>(v) obstruction of views from a public place; and</p> <p>(e) minimise immediate or cumulative adverse effect for:</p> <p>(i) tidal, wave, current, or sediment movement processes;</p> <p>(ii) coastal landforms, seabed, and other geomorphic features, including sand dunes and mobile landforms;</p> <p>(iii) vulnerability to erosion and recession;</p> <p>(iv) natural cycles of deposition and erosion;</p> <p>(v) conservation of biodiversity and marine habitat, including during critical lifecycle stages of individual and migratory species;</p> <p>(vi) drainage from a water course, wetland, ground water, flood, stormwater, or tidal water;</p> <p>(vii) coastal water quality;</p> <p>(viii) likely interference or constraint on use of public areas;</p> <p>(ix) any scientific, architectural, aesthetic, historic or special cultural value;</p>	
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COMMUNITY SERVICES

<ul style="list-style-type: none"> (x) exposure to or increased risk from a natural hazard, including sea level rise, storm surge, or inundation as a result of climate change; (xi) coastal protection and rehabilitation works required to address erosion, instability, regression, or inundation; (xii) collection, treatment, and disposal of waste, including bilge waters and excavated or dredged sediment; (xiii) economic activity dependent for operational efficiency on a sea-shore location; (xiv) public safety and emergency services; (xv) marine navigation and communication systems; (xvi) safety of recreational boating; and (xvii) be consistent with the current edition of Tasmanian Coastal Works Manual DPIWWE 2011. 	
<p>Specific Area Plans</p>	<p>No Specific Area Plans apply to this location.</p>

Issues –

1 Nine internal allotments –

The *Central Coast Interim Planning Scheme 2013* (the Planning Scheme) Subdivision – Acceptable Solution 10.4.13–(A2) states that a lot, other than 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 the State, Council or statutory authority, must not be an internal lot.

Lots 5, 8, 15, 39, 54, 57, 58, 72 and 75 would be internal allotments, each accessed via separate, dedicated access strips with minimum 4m wide frontages to proposed new roads. The lots would have land areas ranging from 643m² to 1,135m². An exercise of discretion is required if the development is to be approved.

The Planning Scheme’s Performance Criteria 10.4.13–(P2) requires that an internal lot on a plan of subdivision must satisfy one of the following criteria:

be –

- (i) reasonably required for the efficient use of land as a result of a restriction on the layout of lots imposed by –
 - a. slope, shape, orientation and topography of land (all these tests are to apply);

The 7.98ha parcel of residential land at 18 Parsons Street is flat and is of a regular oblong shape. The nine internal allotments are the result of the subdivision layout design that includes two cul-de-sac roads, service infrastructure design, a flood conveyance channel and provision of a public access walkway to Buttons Creek. It is not evident that the internal lots are required due to restrictive matters associated with the topography, slope, shape or orientation of the land.

The development does not satisfy 10.4.13–(P2)(i)a.

- b. an established pattern of lot development;

The layout of lots, to include internal allotments, is not part of the established pattern of subdivision development in this area of Ulverstone, where lots generally have direct, wide frontages to a road network.

The development does not satisfy 10.4.13-(P2)(i)b.

- c. connection to a road network;

The proposed road design and subsequent allotment layout dictates that the nine internal allotments are required to maximise the number of lots to be derived from the division of the land.

The development satisfies 10.4.13-(P2)(i)c. as the internal lots would be reasonably required for the efficient use of the land.

- d. connection to available or planned utilities;

The proposed road layout and subsequent allotment layout, and the associated provision of services, has dictated that nine internal allotments would be required to maximise the number of lots to be derived from the division of the land.

The development satisfies 10.4.13-(P2)(i)d.

- e. a requirement to protect ecological, scientific, historic, cultural or aesthetic values, including vegetation or a water course; or

The internal lots are not required for the protection of ecological, scientific, historic, cultural or aesthetic values.

The development does not satisfy 10.4.13-(P2)(i)e.

- f. exposure to and unacceptable level of risk from a natural hazard; and

The land is subject to an identified flooding risk. However, the proposed internal lots are not required because of the risk hazard that applies to the land.

The development does not satisfy 10.4.13-(P2)(if).

- (ii) without impact on the amenity of adjacent land.

The proposed internal allotments would not result in impacts on the amenity of adjoining land. The proposed lots would have land areas ranging from 643m² to 1,135m². Each of these sized lots would be large enough to immediately satisfy zone lot size and dwelling density criteria and allow for the future development of dwellings that would not impact on the amenity of adjoining land. Future development would be able to satisfy boundary setbacks, dwelling density, site permeability, privacy and private open space standards and vehicle parking and manoeuvrability standards.

The development satisfies 10.4.13-(P2)(ii).

2 *Reliance on E6 Hazard Management Code and E10 Water & Waterways Code –*

The development would be located adjacent to the waterway of Buttons Creek. The subject land forms part of a flood plain that receives overflow stormwater from the Buttons Creek catchment during high rainfall events. The application relies on documentation addressing the Planning Scheme’s E6 Hazard Management Code and E10 Water & Waterways Code. The application has addressed proximity of the residential development to the waterway and assessment of the environmental hazard impacts and risks associated with the land.

A Flood Impact Assessment report by Pitt & Sherry, Revision No. 05 dated 10 March 2020 and addendum report and plans titled “Subdivision RFI Response” by Pitt & Sherry dated 15 June 2020, accompanies the application. The recommendation of the report is that a flood ‘bypass’ channel be formed that would have a base width of 4m, a top width of 9m, a depth of 1m and batters of 1 in 2.5m. The report concludes the proposed channel would modify and mitigate

flooding impacts and provide for a tolerable level of risk to be achieved for the nature and duration of the development.

The development propositions a flood conveyancing channel that would not impact on the riparian land or watercourse of Buttons Creek, but would provide for flood mitigation works. It is considered the proposal satisfies the relevant Performance Criteria associated with the Planning Scheme's E6 Hazard Management Code and E10 Water & Waterways Code. Refer to further assessment against the relevant Codes in this report and to associated flood mitigation documents in Annexure 2.

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

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

In this case, no sub-minimum lots would be created and no drainage to a State road would be required.

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

The proposed subdivision would be able to connect to reticulated services. Allotments would have access to a road network and would adequately satisfy the General Residential zone Planning Scheme criteria for allotment size and shape.

It is proposed however, that a condition be applied to a permit, if issued, requiring that the subdivision layout plan be amended to include the following:

- (a) that a lot be set aside and deemed to be “Road” at either Stage 3 or Stage 4 of the subdivision, so to allow for future traffic connectivity to either Main Street or Production Drive.
- (b) pedestrian walkways (2) a minimum 3.6m wide, linking the residential estate to the flood conveyance area and adjoining Buttons Creek, are to be inserted into Stage 3 and Stage 4 of the development.

Given application of the above amendments, which are justified under the Planning Scheme standards (LUPAA), it is considered the requirements of the LG(BMP)A would also be satisfied.

4 *Public Open Space Contribution –*

Section 116 of the LG(BMP)A allows the Council to secure public open space in a subdivision. The circumstances of when and where, and the form of public open space is to be required, are provided for in the Council’s Public Open Space Contributions Policy 2019 (the Policy).

The Council’s Policy requires a contribution for any residential subdivision where new lots are created. This is to be either by way of a land contribution, where there is a deficiency of public open space, or by a cash-in-lieu payment.

In this instance, whilst there will be the construction of a flood conveyance channel along the eastern boundary of the subdivision, adjacent to Buttons Creek, this area of land is not considered to be a public open space contribution. The conveyancing land is required for flood mitigation and as such is considered to be infrastructure.

In accordance with the Policy, a 5% cash-in-lieu contribution is to be paid, based on the unimproved value of each of the new lots. The public open space contribution can be allocated over the stages of the development of the subdivision and is required to provide for the provision, or improvement, of public open space of local, district or regional value. This will require a condition be applied to the Permit.

Referral advice –

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

COMMUNITY SERVICES

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	Statement of Compliance to be issued by the Council, acting in its capacity as the Road Authority and Stormwater Authority. Refer to Annexure 6.
TasWater	TasWater Notice to Planning Authority issued. Refer to Annexure 5.
Department of State Growth	Application was referred to State Growth who advised “the Department has no objection but wishes to advise that due to the proximity of the Stage 4 lots to the Bass Highway, any issues in relation to noise, vibration and so forth from traffic will be the responsibility of the proponent”.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services – Parks and Wildlife Division	Application was referred to Crown Land Services – Parks and Wildlife Division. No reply was received.
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 –

Three 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	
<p>1 Concerned that there is one entry/exit point to the subdivision – Parson Street. This will cause a significant increase in traffic and congestion. Traffic will not be able to flow freely and safely along Parsons Street. These concerns could be addressed by an additional exit/access point to the subdivision for either Main Street, Production Drive or Allambie Crescent.</p>	<p>A Traffic Impact Assessment (TIA) report, by a suitably qualified person, accompanies the application and Council’s Infrastructure Services have advised that they are satisfied with the conclusions and recommendations of the TIA. Nevertheless, it is agreed that an opportunity for future traffic connectivity would be a best practice outcome in this area, given the ‘no through road’ characteristic of Parsons Street.</p> <p>A condition is to be placed on the permit, requiring that a future “Road” lot be allocated, at either Stage 3 or Stage 4 of the development, to allow access to Main Street or Production Drive. This would allow the developer to examine options as the subdivision progresses, such as other land along Main Street becoming available or when/if other adjoining land is placed before the Planning Authority for subdivision.</p>

<p>2 There are safety risks to residents if there is an accident or an emergency in Parsons Street.</p>	<p>Refer to comment above.</p>
<p>REPRESENTATION 2</p>	
<p>1 Concerned there is only one entry/exit point to the subdivision via Parsons Street. This will result in traffic congestion and a significant increase in traffic.</p>	<p>A Traffic Impact Assessment (TIA) report, by a suitably qualified person, accompanies the application and Council's Infrastructure Services have advised that they are satisfied with the conclusions and recommendations of the TIA. Nevertheless, it is agreed that an opportunity for future traffic connectivity would be a best practice outcome in this area, given the one-way characteristic of Parsons Street.</p> <p>A condition is to be placed on the permit, requiring that a future "Road" lot be allocated, at either Stage 3 or Stage 4 of the development, to allow access to Main Street or Production Drive.</p>
<p>2 The Traffic Impact Assessment is not a fair representation given its point in time does not take into account the additional traffic generated from sport and other events at Haywoods Reserve.</p>	<p>A Traffic Impact Assessment (TIA) report, by a suitably qualified person, accompanies the application and Council's Infrastructure Services have advised that they are satisfied with the conclusions and recommendations of the TIA.</p>
<p>3 There is already an issue with the inability of traffic to flow freely and safely when cars are parked on either side of Parsons Street.</p>	<p>Refer to comments above.</p> <p>Council's Infrastructure Services will require the widening of a small section of Parsons Street.</p>

<p>4 If there is an emergency or accident there is only one way in and out for residents and/or emergency services (Police/Ambulance/Fire Brigade).</p>	<p>Refer to comments above.</p>
<p>REPRESENTATION 3</p>	
<p>1 The consultant planner's report states that "no tree clearance is proposed". The assessment of trees opposite 35 & 37 Allambie Court, by Council, is warranted as they are dangerous and have fallen into the creek (Buttons Creek). Also, willows are growing in the creek. These matters should be attended to while developing the flood conveyance channel.</p>	<p>This is not a planning matter. However, the Council manages the riparian reserve along Buttons Creek. The matter will be referred to Council's Natural Resource Management officer for investigation.</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 representations received do not hold sufficient merit to warrant the refusal of the residential subdivision, with associated new roads and the construction of a flood conveyance channel. There is however opportunity for the lot and

road layout plan to be amended, in a minor way, to address matters relating to future traffic connectivity to Main Street or Production Drive, and enhance pedestrian access to Buttons Creek.

The Scheme provides two pathways for assessing development. If the development has satisfied the applicable Acceptable Solution, then the development is 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.

The proposal is considered to satisfy the Planning Scheme's relevant Performance Criteria. The inclusion of nine internal allotments as part of the subdivision would be reasonably required for the efficient use of the land and would not result in a sustained or unreasonable loss of amenity to adjoining land.

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

Recommendation –

It is recommended that the application for Residential (staged subdivision to form 79 lots, road, flood conveyancing channel and demolition of shed) – variation to suitability of a site for development, internal allotments and reliance on E4 Change in Ground Level Code, E6 Hazard Management Code and E10 Water and Waterways Code (re-advertised) at 18, 27 & 28 Parsons Street, Ulverstone – Application No. DA2020071 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by PDA Surveyors, Reference No. 43728TR-1C, Sheet Nos. 1 to 6, Revision 1 dated 25 February 2020, unless modified by a condition of this Permit.
- 2 Prior to the progression of Stage 3 or 4 of the subdivision the Plans by PDA Surveyors, Reference No. 43728TR-1C, Sheet Nos. 1 to 6, Revision 1 dated 25 February 2020 are to be modified, if determined as necessary by the Director Infrastructure Services, to include a future road lot in the lot layout to allow for access to land adjoining Main Street or Production Drive.
- 3 Plans by PDA Surveyors, Reference No. 43728TR-1C, Sheet Nos. 1 to 6, Revision 1 dated 25 February 2020 must be modified to include in the lot layout, pedestrian walkways a minimum 3.6m wide for Stage 3 and Stage 4 of the development.

- 4 An acoustic sound barrier a minimum 2m high is to be installed along the rear boundaries of Lots 48, 49 & 50 (Stage 4).
- 5 The development must be substantially in accordance with the Flood Impact Assessment report by Pitt & Sherry, Revision No. 05 dated 10 March 2020 and addendum report and plans titled "Subdivision RFI Response" by Pitt & Sherry dated 15 June 2020, unless modified by a condition of this Permit.
- 6 The full conveyancing capacity of the flood conveyance channel must be maintained. In this regard, no obstructions are to be placed within the banks of the flood conveyance channel, including culverts, fences, gates, unless specifically designed by a suitably qualified person to the satisfaction of the Director Infrastructure Services.
- 7 Prior to the sealing of a Final Plan of Survey, a cash-in-lieu of public open space contribution of 5% of the unimproved value of each lot must be paid. The unimproved value of the lots must be determined by a registered valuer. The cash-in-lieu of public open space contribution may be staged in accordance with the approved plans. If staged then a new valuation must be determined for each stage.
- 8 In association with the lodgement of a Final Plan of Survey, all constructed road lots and the area that comprises the flood conveyance channel, are to be transferred to Central Coast Council at the developer's expense.
- 9 Prior to the sealing of the Final Plan of Survey, the developer must enter into a Part 5 Agreement with the Central Coast Council under section 71 of the *Land Use Planning and Approvals Act 1993*. The Part 5 Agreement is to set out and reference the following matters to the satisfaction of the General Manager:
 - (a) the Part 5 Agreement must be applied to all lots, but may exclude Lots 1 to 30 and Lots 78 & 79;
 - (b) a Flood Impact Assessment report by Pitt & Sherry, Revision No. 05 dated 10 March 2020 and addendum report and plans titled "Subdivision RFI Response" by Pitt & Sherry dated 15 June 2020 applies to the land;
 - (c) the development of a habitable building must have a minimum lower floor level that is 300mm above the 1% Annual Exceedance Probability (AEP) flood level for the land; and

- (d) no obstructions are to be placed within the banks of the flood conveyance channel, including culverts, fences, gates, unless specifically designed by a suitably qualified person to the satisfaction of the Director Infrastructure Services.

Execution of the Part 5 Agreement, including the drafting and registration of the Agreement against each of the subject lots with the Recorder of Titles, must be at the developer's expense.

- 10 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice TWDA 2020/00634-CC dated 28 May 2020.
- 11 The development must be in accordance with the conditions of the Statement of Compliance for Road Access and Drainage Access dated 25 June 2020 issued by the Council acting in its capacity as the Road Authority and Stormwater Authority.
- 12 The management of bushfire hazard management areas over the staged development must be in accordance with the Bushfire Hazard Management Report, Version No. 3 by Scott Livingston, TFS Accreditation No. BFP-105, dated 17 March 2020.
- 13 All demolition and excavation materials must be disposed of to an approved landfill site.
- 14 An underground electricity supply must be installed to the boundary of each lot.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 "Substantial commencement" is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 When a Final Plan of Survey is lodged with Council for sealing, the developer is to also submit a list of three preferred road names for consideration by the Council. Road names are to be in accordance with the *Place Names Act 2020* and the Tasmanian Place Naming Guidelines.'

The Land Use Planning Group Leader’s report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr van Rooyen moved and Cr Hiscutt seconded, “It is recommended that the application for Residential (staged subdivision to form 79 lots, road, flood conveyancing channel and demolition of shed) – variation to suitability of a site for development, internal allotments and reliance on E4 Change in Ground Level Code, E6 Hazard Management Code and E10 Water and Waterways Code (re-advertised) at 18, 27 & 28 Parsons Street, Ulverstone – Application No. DA2020071 be approved subject to the following conditions and notes:

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- 2 Prior to the progression of Stage 3 or 4 of the subdivision the Plans by PDA Surveyors, Reference No. 43728TR-1C, Sheet Nos. 1 to 6, Revision 1 dated 25 February 2020 are to be modified, if determined as necessary by the Director Infrastructure Services, to include a future road lot in the lot layout to allow for access to land adjoining Main Street or Production Drive.
- 3 Plans by PDA Surveyors, Reference No. 43728TR-1C, Sheet Nos. 1 to 6, Revision 1 dated 25 February 2020 must be modified to include in the lot layout, pedestrian walkways a minimum 3.6m wide for Stage 3 and Stage 4 of the development.
- 4 An acoustic sound barrier a minimum 2m high is to be installed along the rear boundaries of Lots 48, 49 & 50 (Stage 4).
- 5 The development must be substantially in accordance with the Flood Impact Assessment report by Pitt & Sherry, Revision No. 05 dated 10 March 2020 and addendum report and plans titled “Subdivision RFI Response” by Pitt & Sherry dated 15 June 2020, unless modified by a condition of this Permit.
- 6 The full conveyancing capacity of the flood conveyance channel must be maintained. In this regard, no obstructions are to be placed within the banks of the flood conveyance channel, including culverts, fences, gates, unless specifically designed by a suitably qualified person to the satisfaction of the Director Infrastructure Services.

- 7 Prior to the sealing of a Final Plan of Survey, a cash-in-lieu of public open space contribution of 5% of the unimproved value of each lot must be paid. The unimproved value of the lots must be determined by a registered valuer. The cash-in-lieu of public open space contribution may be staged in accordance with the approved plans. If staged then a new valuation must be determined for each stage.
- 8 In association with the lodgement of a Final Plan of Survey, all constructed road lots and the area that comprises the flood conveyance channel, are to be transferred to Central Coast Council at the developer's expense.
- 9 Prior to the sealing of the Final Plan of Survey, the developer must enter into a Part 5 Agreement with the Central Coast Council under section 71 of the *Land Use Planning and Approvals Act 1993*. The Part 5 Agreement is to set out and reference the following matters to the satisfaction of the General Manager:
- (a) the Part 5 Agreement must be applied to all lots, but may exclude Lots 1 to 30 and Lots 78 & 79;
 - (b) a Flood Impact Assessment report by Pitt & Sherry, Revision No. 05 dated 10 March 2020 and addendum report and plans titled "Subdivision RFI Response" by Pitt & Sherry dated 15 June 2020 applies to the land;
 - (c) the development of a habitable building must have a minimum lower floor level that is 300mm above the 1% Annual Exceedance Probability (AEP) flood level for the land; and
 - (d) no obstructions are to be placed within the banks of the flood conveyance channel, including culverts, fences, gates, unless specifically designed by a suitably qualified person to the satisfaction of the Director Infrastructure Services.
- Execution of the Part 5 Agreement, including the drafting and registration of the Agreement against each of the subject lots with the Recorder of Titles, must be at the developer's expense.
- 10 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice TWDA 2020/00634-CC dated 28 May 2020.
- 11 The development must be in accordance with the conditions of the Statement of Compliance for Road Access and Drainage Access dated 25 June 2020 issued by the Council acting in its capacity as the Road Authority and Stormwater Authority.

- 12 The management of bushfire hazard management areas over the staged development must be in accordance with the Bushfire Hazard Management Report, Version No. 3 by Scott Livingston, TFS Accreditation No. BFP-105, dated 17 March 2020.
- 13 All demolition and excavation materials must be disposed of to an approved landfill site.
- 14 An underground electricity supply must be installed to the boundary of each lot.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 When a Final Plan of Survey is lodged with Council for sealing, the developer is to also submit a list of three preferred road names for consideration by the Council. Road names are to be in accordance with the *Place Names Act 2020* and the Tasmanian Place Naming Guidelines.”

Carried unanimously

264/2020 Residential (outbuilding – shed) – variation to the building envelope at 114 Leven Street, Ulverstone – Application No. DA2020190

The Strategic Projects and Planning Consultant reported as follows:

“The Planning Officer has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2020190
<i>PROPOSAL:</i>	Residential (outbuilding – shed) – variation to the building envelope
<i>APPLICANT:</i>	Andrew Broadby
<i>LOCATION:</i>	114 Leven Street, Ulverstone
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)
<i>ADVERTISED:</i>	22 July 2020

<i>REPRESENTATIONS EXPIRY DATE:</i>	5 August 2020
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	27 August 2020
<i>EXTENSION OF TIME DATE:</i>	31 August 2020
<i>DECISION DUE:</i>	31 August 2020

PURPOSE

The purpose of this report is to consider an application for a 9m x 7m x 3m shed at 114 Leven Street, Ulverstone. The shed would be located in the centre of the lot, 2.5m from the southern rear boundary.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – shadow diagrams; and
- . Annexure 5 – photographs.

BACKGROUND

Development description –

Application is made for a residential shed. This outbuilding would be 9m in length, setback 2.5m from the rear southern boundary. The outbuilding would have a solid wall height of 2.4m with an overall height to the centre apex of 3m.

Site description and surrounding area –

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

The lot adjoins the northern boundary of 47 William Street which accommodates two units. Adjoining sites to the west and east contain single dwellings with associated outbuildings.

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

History –

The development site previously accommodated a 7m x 5m outbuilding/shed in a similar location to the proposed new outbuilding.



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 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 No Permit Required.</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. Use is Residential.</p>
<p>10.4.1 Residential density for multiple dwellings</p>	
<p>10.4.1-(A1) Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 325m²; or</p> <p>(b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.</p>	<p>Not applicable. Not multiple dwelling development.</p>
<p>10.4.2 Setbacks and building envelope for all dwellings</p>	
<p>10.4.2-(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p>	<p>(a) Compliant. Outbuilding would be setback 40m from the primary frontage to Leven Street.</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>

COMMUNITY SERVICES

<p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) (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 40m from the front boundary to Leven Street.</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,</p>	<p>(a)(i) Non-compliant. The proposed outbuilding would be located 2.5m from the southern rear boundary.</p>

<p>and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at the side boundaries and a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or</p> <p>(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) Non-compliant. The proposed outbuilding would be outside the required building envelope. The proposed outbuilding would be located 2.5m from the rear boundary.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b)(i) Not applicable. Addressed in (b)(ii).</p> <p>(b)(ii) Compliant. The outbuilding would have a length of 7m and setback more than 5.5m 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) Compliant. Site coverage would be 29%.</p>

COMMUNITY SERVICES

<p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60.0m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>(b) Not applicable. Not multiple dwelling development.</p> <p>(c) Compliant. Approximately 60% of the site would be 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 style="padding-left: 20px;">(i) 24.0m²; or</p> <p style="padding-left: 20px;">(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 style="padding-left: 20px;">(i) 4.0m; or</p>	<p>(a)(i) Compliant. The existing dwelling would have private open space greater than 24m² in one location.</p> <p>(a)(ii) Not applicable. Satisfied by (a)(i).</p> <p>(b)(i) Compliant. The 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. The existing dwelling's private open space would be accessible from existing living areas.</p>

<p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	<p>(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>(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</p>	<p>Compliant. Existing dwelling.</p>

<p>30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>	
<p>10.4.4-(A2) A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</p> <ul style="list-style-type: none"> (i) at a distance of 3.0m from the window; and (ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal. <p>(b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling. 	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

<p>10.4.4–(A3) A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <ul style="list-style-type: none"> (iii) at a distance of 3.0m from the northern edge of the private open space; and (iv) 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"> (iii) an outbuilding with a building height no more than 2.4m; or (iv) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling. 	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>
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10.4.5 Width of openings for garages and carports for all dwellings	
10.4.5-(A1) A garage or carport within 12.0m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6.0m or half the width of the frontage (whichever is the lesser).	Compliant. The proposed outbuilding would be setback 40m from the frontage.
10.4.6 Privacy for all dwellings	
10.4.6-(A1) A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1.0m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3.0m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4.0m from the rear boundary; and	Not applicable. Application is for an outbuilding.

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

<p>(iv) if the dwelling is a multiple dwelling, is to be at least 6.0m from the private open space of another dwelling on the same site.</p> <p>(b) The window or glazed door:</p> <p>(i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</p> <p>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	
<p>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>Not applicable.</p> <p>No shared driveway.</p>

<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>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> <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). 	<p>Not applicable.</p> <p>No frontage fence proposed.</p>
<p>10.4.8 Waste storage for multiple dwellings</p>	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations:</p>	<p>Not applicable.</p> <p>No multiple dwelling proposed.</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>10.4.9 Suitability of a site or lot for use or development</p>	
<p>10.4.9-(A1) A site or each lot on a plan of subdivision must:</p> <ul style="list-style-type: none"> (a) have an area of not less than 330m² excluding any access strip; and (b) if intended for a building, contain a building area of not less than 10.0m x 15.0m: <ul style="list-style-type: none"> (i) clear of any applicable setback from a frontage, side or rear boundary; (ii) clear of any applicable setback from a zone boundary; 	<ul style="list-style-type: none"> (b) Compliant. Site area is 984m². (b)(i) Non-compliant. The development requires an exercise of discretion in relation to the 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). Refer to the “Issues” section of this report. (b)(ii) Not applicable. No zone boundary.

<ul style="list-style-type: none"> (iii) clear of any registered easement; (iv) clear of any registered right of way benefiting other land; (v) clear of any restriction imposed by a Utility; (vi) not including an access strip; (vii) accessible from a frontage or access strip; and (viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north. 	<ul style="list-style-type: none"> (b)(iii) Not applicable. No registered easements. (b)(iv) Not applicable. No registered right of way. (b)(v) Not applicable. No restriction imposed by a Utility. (b)(vi) Not applicable. No access strip. (b)(vii) Compliant. Land is accessible from Leven Street. (b)(viii) Not applicable. Not a new residential lot.
<p>10.4.9-(A2) A site or each lot on a subdivision plan must have a separate access from a road –</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has a right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or (c) by a right of way connecting to a road – <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; and 	<ul style="list-style-type: none"> (a) Compliant. Existing access and frontage to Leven Street. (b) Not applicable. Satisfied by (a). (c)(i) Not applicable. Satisfied by (a). (c)(ii) Not applicable. Satisfied by (a). (d)(i) Compliant. Width of frontage 25m. (d)(ii) Not applicable. Not multiple dwelling or non-residential development.

COMMUNITY SERVICES

<p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than –</p> <p>(i) 3.6m for a single dwelling development; or</p> <p>(ii) 6.0m for multiple dwelling development or development for a non-residential use; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	<p>(e) Compliant. Site has existing legal access to Leven Street. No changes are proposed to this access. Council, acting as the Road Authority, has no issues.</p>
<p>10.4.9-(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated water system.</p>
<p>10.4.9-(A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and wastewater to a sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated sewerage system.</p>

<p>10.4.9–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated stormwater system.</p>
<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>(ii) be not less than 325m².</p>	<p>(a)(i) Compliant. Site area is 984m².</p>
<p>10.4.11 Development other than a single or multiple dwelling</p>	
<p>10.4.11.1 Location and configuration of development</p>	
<p>10.4.11.1–(A1) The wall of a building must be set back from a frontage –</p> <p>(a) not less than 4.5m from a primary frontage; and</p> <p>(b) not less than 3.0m from any secondary frontage; or</p> <p>(c) not less than and not more than the setbacks for any existing building on adjoining sites;</p> <p>(d) not less than for any building retained on the site;</p>	<p>Not applicable.</p> <p>Development is residential.</p>

<p>(e) in accordance with any building area shown on a sealed plan; or</p> <p>(f) not less than 50.0m if the site abuts the Bass Highway.</p>	
<p>10.4.11.1-(A2) All buildings must be contained within a building envelope determined by –</p> <p>(a) the applicable frontage setback;</p> <p>(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> <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> <p>(i) not less than 1.5m from each side boundary; or</p> <p>(ii) less than 1.5m from a side boundary if –</p> <p>a. built against an existing wall of an adjoining building; or</p>	<p>Not applicable.</p> <p>Development is residential.</p>

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

<p>10.4.11.1-(A5) Other than for a dwelling, the total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of:</p> <p>(a) 6.0m; or</p> <p>(b) half the width of the frontage.</p>	<p>Not applicable.</p> <p>Development is residential.</p>
<p>10.4.11.2 Visual and acoustic privacy for residential development</p>	
<p>10.4.11.2-(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building must:</p> <p>(a) if the finished floor level is more than 1.0m above natural ground level:</p> <p style="padding-left: 40px;">(i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;</p> <p style="padding-left: 40px;">(ii) be not less than 3.0m from a side boundary;</p> <p style="padding-left: 40px;">(iii) be not less than 4.0m from a rear boundary; and</p> <p style="padding-left: 40px;">(iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or</p>	<p>Not applicable.</p> <p>Development is residential.</p>

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

10.4.11.3 Frontage fences	
<p>10.4.11.3-(A1) The height of a fence, including any supporting retaining wall, on or within a frontage setback must be:</p> <p>(a) not more than 1.2m if the fence is solid; or</p> <p>(b) not more than 1.8m provided that part of the fence above 1.2m has openings that provide a uniform transparency of not less than 30%.</p>	<p>Not applicable.</p> <p>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) Not applicable. No zone boundary.</p> <p>(b) Not applicable. No zone boundary.</p>
<p>10.4.12-(A2) Development for a sensitive use must be not less than 50.0m from:</p>	<p>(a) Compliant. Development would be approximately 700m from the Bass Highway.</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>(b) Compliant. Development would be approximately 900m 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>
<p>10.4.13-(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

COMMUNITY SERVICES

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 1 m or retaining walls closer than 1 m 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	
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,	Not applicable for residential use.

COMMUNITY SERVICES

<p>commercial, educational and retail use at the rate of one space for every 50 parking spaces.</p>	
<p>E9.6 Development Standards</p>	
<p>E9.6.2 Design of vehicle parking and loading areas</p>	
<p>E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p>	<p>Compliant by a Condition to be placed on the Permit.</p>
<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <ul style="list-style-type: none"> (a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking; (b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles; (c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities; (d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities; 	<p>Not applicable for residential use.</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. Subject site is located more than 30m from a watercourse.</p>
<p>Specific Area Plans</p>	<p>No Specific Area Plans apply to this location.</p>

Issues –

1 Variation to the building envelope – rear boundary –

The Planning Scheme’s Acceptable Solution for Clause 10.4.2–(A3)(a)(ii) states that a dwelling (which includes an outbuilding) must be 4m from a rear boundary and be located within the prescribed building envelope.

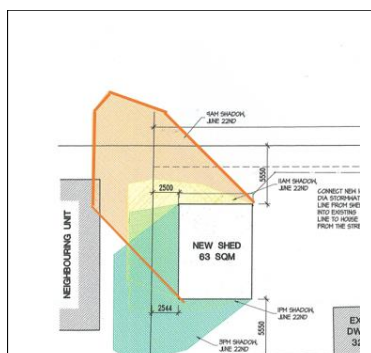
The proposed outbuilding would be positioned 2.5m from the rear southern boundary. The proposed outbuilding does not satisfy the Acceptable Solution. The development relies upon assessment against the Planning Scheme’s relevant Performance Criteria and an exercise of discretion is required.

The development site adjoins the rear northern boundary of 47 William Street. The property at 47 William Street accommodates two multiple dwellings. Unit 2 is located 4.5m from the southern rear boundary of the development site. Unit 2 has a private open space area, including an awning, that is located within the 4.5m rear setback of the units Strata Title.

The Planning Schemes Performance Criteria 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. Shadow diagrams provided with the application demonstrate that the shadow from the proposed shed would cast a minor shadow over a small portion of the north–western corner of Unit 2 at 9.00am (as outlined in orange). This portion of the Unit does not appear to contain habitable rooms, however the dwelling would be clear of any shadow cast by 11.00am.

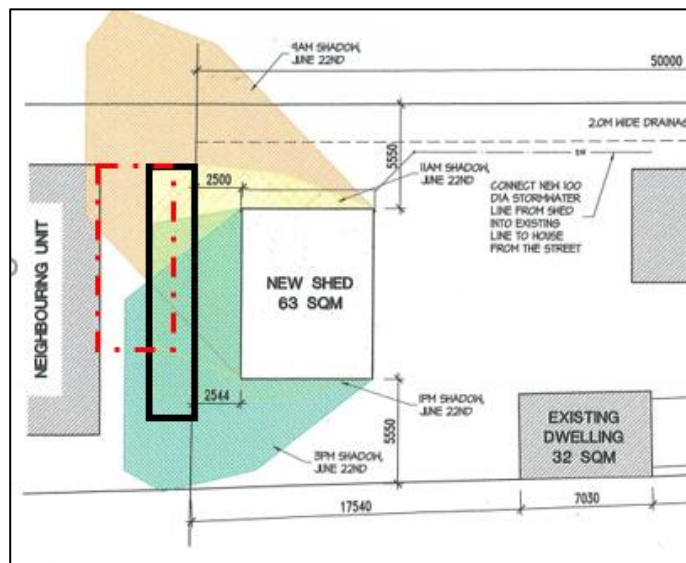


The photograph below demonstrates that the awning that forms part of Unit 2 would cause a greater shadow impact to the rooms of the unit, more so than the proposed shed. The photograph was taken on the 22 July at 2.30pm.



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

Compliant. The shadow diagram indicates a strip of land measuring 10m x 2m, approximately 20m² of the private open space of Unit 2, would be in shadow for the entirety of the day on the 22 June (shown in black below). Unit 2 has approximately 86m² of useable private open space including an area containing the awning (awning shown in red dotted line below). The shadow cast would result in less than 25% of the overall useable private open space area to be in continuous shadow, resulting in the remaining area of private open space to be free from a shadow at varying times throughout the day.



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

Not applicable. The adjoining lots are not vacant.

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

Compliant. The proposed shed would have a wall height of 2.4m and an overall height to the centre of the apex of 3m. The proposed shed would be constructed from Colorbond which is a standard material used for residential outbuildings. Construction heights and materials would be consistent with prevailing development of outbuildings within the vicinity.

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

Compliant. The pattern of separation between residential buildings, would be similar to other urban residential developments approved in this area. The proposed outbuilding would not be disparate from the established pattern and separation of development in the area, bearing in mind that the development site previously contained an outbuilding in a similar position.

It should also be noted that multiple dwelling development is increasing in this area of Ulverstone, with site density also, subsequently increasing.

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 conditions required. Development to use existing stormwater connection.

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 –

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
REPRESENTATION 1	
1 Setbacks and building envelope for all dwellings – proposed shadow.	The shadow diagrams indicate that the proposed shed would cast some shadow over various areas of the private open space throughout the day.

	<p>The shadow diagrams provided display four shadows, cast at varying times throughout the day on 22 June. The shadow diagrams appear busy and are difficult to interpret. However, the diagrams do demonstrate that no more than 25% of the overall private open space of Unit 2 would be subject to continuous shadow, allowing the remaining private open space area to be clear of shadow at varying times throughout the day. Refer to Annexure 4 of this report.</p> <p>The orientation of Unit 2 and its associated awning reveals that the awning itself would cast a shadow over the unit's private open space area.</p> <p>Please refer to comments made in the "Issues" section above.</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 Scheme provides two pathways for assessing development. If the development has satisfied the applicable Acceptable Solution, then the

development is 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.

The proposal is considered to satisfy the Planning Scheme's Performance Criteria in that the development of the shed would not result in a sustained or unreasonable loss of amenity due to overshadowing or visual impact on adjoining land, and would not be disparate from the established pattern of development in the area. It is considered appropriate the proposed development be approved, subject to conditions.

Recommendation –

It is recommended that the application for Residential (outbuilding – shed) – variation to the building envelope at 114 Leven Street, Ulverstone – Application No. DA2020190 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the Site Plan by Arplan Home Designs and Floor and Elevation plans by Ranbuild, Drawing No. 396588–GA received 13 July 2020, unless modified by a condition of this Permit.
- 2 Stormwater must be collected, drained and disposed of to an approved stormwater system.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 The proposed development fits within the criteria of Category 3 – Notifiable Building Work when assessed against the Determinations issued under the *Building Act 2016*. Accordingly, a notification by a Building Surveyor is to be forwarded to the Council's Building Permit Authority prior to the commencement of work. Note that

roofwater/stormwater is to be disposed of via connection to an existing stormwater disposal system if available. Alternatively, if no existing stormwater disposal system is available, the roofwater/stormwater is to be disposed of so as to not create a nuisance to neighbouring properties.

- 4 The outbuilding is approved as a non-habitable structure and must be used in conjunction with the dwelling. If the outbuilding is intended to be used for a purpose other than this, then a further Permit for a change of use would be required.'

The Planning Officer's report is supported."

The Executive Services Officer reported as follows:

"A copy of the Annexures referred to in the Planning Officer's report having been circulated to all Councillors."

■ Cr Beswick moved and Cr Fuller seconded, "That the application for Residential (outbuilding – shed) – variation to the building envelope at 114 Leven Street, Ulverstone – Application No. DA2020190 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the Site Plan by Arplan Home Designs and Floor and Elevation plans by Ranbuild, Drawing No. 396588-GA received 13 July 2020, unless modified by a condition of this Permit.
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- 4 The outbuilding is approved as a non-habitable structure and must be used in conjunction with the dwelling. If the outbuilding is intended to be used for a purpose other than this, then a further Permit for a change of use would be required.”

Carried unanimously

265/2020 Community meeting and entertainment – change of use from Resource development (barn) to function centre and a maximum of 250 persons on the site and Visitor accommodation (three cabins and eight 'glamping' tent sites) – variation to sensitive use development standards and suitability of site for use and development at 886 Ironcliffe Road, Penguin – Application No. DA2020072

The Strategic Planning and Projects Consultant reported as follows:

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

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2020072
<i>PROPOSAL:</i>	Community meeting and entertainment – change of use from Resource development (barn) to function centre and a maximum of 250 persons on the site and Visitor accommodation (three cabins and eight 'glamping' tent sites) – variation to sensitive use development standards and suitability of site for use and development
<i>APPLICANT:</i>	PLA Designs Pty Ltd
<i>LOCATION:</i>	886 Ironcliffe Road, Penguin
<i>ZONE:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)
<i>ADVERTISED:</i>	29 July 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	12 August 2020
<i>REPRESENTATIONS RECEIVED:</i>	Eight

42-DAY EXPIRY DATE: 29 August 2020 (clock stopped for 18 days – extension of time granted until 31 August 2020)

DECISION DUE: 31 August 2020

PURPOSE

The purpose of this report is to consider a retrospective application for a change of use over an existing, approved rural barn. The change of use components would be to legitimise the conversion of a Resource development barn into a function centre for weddings and other celebratory occasions, and to add a Visitor accommodation use to the land.

Application is made to further extend the floor area of the barn and to construct three Visitor accommodation cabins and eight ‘glamping’ tent sites.

Accompanying the report are the following documents:

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

BACKGROUND

Development description –

An existing timber clad, rural barn with a floor area of 360m² is located on land at 886 Ironcliffe Road, Penguin. The barn was approved and constructed in 2018.

Application is made to change the legal use of the building, from a rural barn to a function centre. The owner of the land has already undertaken works, without the necessary permits, to convert the barn into a building that caters for up to 250 persons attending functions and events, such as weddings and other celebrations.

It is proposed the barn/function centre be further expanded to include an 82.2m² amenities area and a 174m² verandah. Total additions to the proposed function centre would be 256.2m². The function centre building would then have a total floor area of 616.2m².

Application is also made for the construction of three double-storey, one-bedroom Visitor accommodation cabins. Each cabin would have a floor area

of 71.25m² comprising a ground floor area of 35m², including a 15m² deck, a living area, kitchen and bathroom facilities, and a 21.25m² upper floor bedroom. The total floor area of all three cabins would be 213.75m².

It is also proposed that eight 'glamping' tent sites be established on the land, near the cabins.

The total floor area of new development on-site would be 469.95m².

The proposal would require the upgrade of the wastewater management system on the land.

Access to the site, via Ironcliffe Road, requires the consent of the Crown for access over a gravel portion of road that terminates at the entry to the Dial Range reserve.

The proposal required the submission of a traffic impact assessment report, due to the narrow, underdeveloped nature of this section of Ironcliffe Road.

Site description and surrounding area -

The property is located 6km south of the township of Penguin.

The land is zoned Rural Resource and comprises 37ha of Class 2, 4 and 5 land. Upon inception, the primary industry enterprise on the land raised free range pork for the restaurant market. The producer has since diversified to include lamb and beef production.

The property accommodates an approved commercial butchery/kitchen for the processing of meat (associated with the resource production) and has approval for outdoor events that are to also be associated with the primary industry use of the land.

The land is accessed via Ironcliffe Road, over a portion of Crown land that has been developed as a gravel road. Ironcliffe Road is a 'no through' road, terminating at the entry to the Dial Recreation Reserve.

The land is located in the Dial Blythe Proclaimed Irrigation District, with the western rear portion of the land characterised by medium landslip.

History -

1996 - Approval granted for a rural barn and associated dwelling.

1997 - Approval granted for a rural machinery/implement shed.

2013 – Approval granted for a commercial butchery/kitchen (Resource processing) for the processing of meat, and approval granted for an event space (open air) for events associated with the primary industry use of the land.

2015 – Following receipt of a legal opinion, the Council issued a letter to the owner advising that the use of the land for Food services (Restaurant) had not been approved by the Planning Authority. The letter invited lodgment of a development application for the use as restaurant. No application was received, and there is no evidence that any further action has been taken in relation to the use. This matter has recently become know to Council’s planning office, upon examination of the 2015 file. The matter will be followed up with the property owner in due course.

2018 – Permit was issued for a rural barn.

2019 – Due to a telephone complaint to the Council and subsequent advertising on social media, the Council became aware that the land and barn building were being used for large scale functions and events. The applicant was asked to lodge a development application that was received for consideration on 18 March 2020. The application lacked the consent of the Crown and satisfactory traffic impact assessment and wastewater management reports. The application became valid on 30 June 2020, upon the submission of the necessary documentation that would allow the Planning Authority to make an informed decision.

DISCUSSION

The following table is an assessment of the relevant Scheme provisions against the discretionary matters evident

26.0 Rural Resource Zone

CLAUSE	COMMENT
26.1.2 Local Area Objectives	
<p>(a) The priority purpose for rural land is primary industry dependent upon access to a naturally occurring resource;</p> <p>(b) Air, land and water resources are of importance for current and potential primary industry and other permitted use;</p> <p>(c) Air, land and water resources are protected against -</p> <p style="padding-left: 20px;">(i) permanent loss to a use or development that has no need or reason to locate on land containing such a resource; and</p> <p style="padding-left: 20px;">(ii) use or development that has potential to exclude or unduly conflict, constraint, or interfere with the practice of primary industry or any other use dependent on access to a naturally occurring resource;</p>	<p>Community meeting and entertainment and Visitor accommodation are both Discretionary use of land in the Rural Resource zone.</p> <p>(a) Proposal does not satisfy the Local Area Objective. The proposed uses are ‘stand-alone’ operations. They are not a primary industry use of the site, would not be dependent upon access to a naturally occurring resource and would not augment ongoing farm operations.</p> <p>(b) Proposal does not satisfy the Local Area Objective. The proposed development is not a “Permitted” use and is not reliant on air, land or water resources for primary industry production.</p> <p>(c)(i) Proposal does not satisfy the Local Area Objective. The proposal is for use and development that has no need to locate on the land.</p>

COMMUNITY SERVICES

<p>(d) Primary industry is diverse, dynamic, and innovative; and may occur on a range of lot sizes and at different levels of intensity;</p> <p>(e) All agricultural land is a valuable resource to be protected for sustainable agricultural production;</p> <p>(f) Rural land may be used and developed for economic, community, and utility activity that cannot reasonably be accommodated on land within a settlement or nature conservation area;</p> <p>(g) Rural land may be used and developed for tourism and recreation use dependent upon a rural location or undertaken in association with primary industry;</p> <p>(h) Residential use and development on rural land is appropriate only if –</p> <p style="padding-left: 20px;">(i) required by a primary industry or a resource based activity; or</p> <p style="padding-left: 20px;">(ii) without permanent loss of land significant for primary industry use and without constraint or interference to existing and potential use of land for primary industry purposes.</p>	<p>(c)(ii) Proposal does not satisfy the Local Area Objective. The proposal is for the use and development of land that has the potential to unduly conflict, constrain or interfere with the practice of adjoining primary industry.</p> <p>(d) Proposal does not satisfy the Local Area Objective. Proposed Use Class is not associated with primary industry.</p> <p>(e) Proposal does not satisfy the Local Area Objective. Proposed Use Class is not associated with agricultural land.</p> <p>(f) Proposal does not satisfy the Local Area Objective. Proposed uses could be located in other zones, such as General and Local Business, Residential, Low Density Residential or Rural Living.</p> <p>(g) Proposal satisfies the Local Area Objective. Land would be used for tourism and entertainment.</p> <p>(h)(i) Proposal does not satisfy the Local Area Objective. Proposed Visitor accommodation and Community meeting and entertainment use and development is not required by a primary industry or resourced based activity.</p>
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	<p>(h)(ii) Proposal adequately satisfies the Local Area Objective. Proposed Community meeting and entertainment and Visitor accommodation use and development would not result in permanent loss of land for primary industry and/or constraint and/or interference with primary industry.</p>
<p>26.1.3 Desired Future Character Statements</p>	
<p>Use or development on rural land –</p> <p>(a) may create a dynamic, extensively cultivated, highly modified, and relatively sparsely settled working landscape featuring –</p> <ul style="list-style-type: none"> (i) expansive areas for agriculture and forestry; (ii) mining and extraction sites; (iii) utility and transport sites and extended corridors; and (iv) service and support buildings and work areas of substantial size, utilitarian character, and visual prominence that are sited and managed with priority for operational efficiency 	<p>(a)(i) Proposal is not consistent with Desired Future Character Statement. The proposed use and development is not associated with agriculture or forestry.</p> <p>(a)(ii) Proposal is not consistent with Desired Future Character Statement. The proposed use is not associated with mining and extraction.</p> <p>(a)(iii) Proposal is not consistent with Desired Future Character Statement. The proposed use is not associated with utility and transportation sites or corridors.</p> <p>(a)(iv) Proposal is not consistent with Desired Future Character Statement. The proposal would not result in service and/or support buildings for agriculture, forestry, mining, extraction, utility or transport corridors.</p>

<p>(b) may be interspersed with –</p> <ul style="list-style-type: none"> (i) small-scale residential settlement nodes; (ii) places of ecological, scientific, cultural, or aesthetic value; and (iii) pockets of remnant native vegetation <p>(c) will seek to minimise disturbance to –</p> <ul style="list-style-type: none"> (i) physical terrain; (ii) natural biodiversity and ecological systems; (iii) scenic attributes; and (iv) rural residential and visitor amenity; <p>(d) may involve sites of varying size –</p> <ul style="list-style-type: none"> (i) in accordance with the type, scale and intensity of primary industry; and 	<p>(b)(i) Proposal is not consistent with Desired Future Character Statement. Use and development is not within or interspersed by small scale residential settlement nodes.</p> <p>(b)(ii) Proposal is consistent with Desired Future Character Statement. The subject and surrounding land adjoins the Dial Recreation Reserve that has recreational, ecological and aesthetic value.</p> <p>(b)(iii) Proposal may be considered to be consistent with Desired Future Character Statement. The proposed use of the land for Visitor accommodation may support an area of native vegetation (Dial Recreation Reserve).</p> <p>(c)(i) Proposal is consistent with Desired Future Character Statements. The proposal would not unduly disturb the underlying physical terrain of the site.</p> <p>(c)(ii) Proposal is consistent with Desired Future Character Statements. The proposal would not unduly disturb biodiversity or ecological systems on the site.</p>
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<p>(ii) to reduce loss and constraint on use of land important for sustainable commercial production based on naturally occurring resources;</p> <p>(e) is significantly influenced in temporal nature, character, scale, frequency, and intensity by external factors, including changes in technology, production techniques, and in economic, management, and marketing systems.</p>	<p>(c)(iii) Proposal is consistent with Desired Future Character Statements. The proposed use would not disturb existing scenic attributes of the site.</p> <p>(c)(iv) Proposal is consistent with Desired Future Character Statement. The proposed use would not disturb residential or visitor amenity in this area.</p> <p>(d)(i) Proposal is not consistent with Desired Future Character Statement. The proposed use would not be associated with primary industry.</p> <p>(d)(ii) Proposal is not consistent with Desired Future Character Statement. Proposal is not sustainable commercial production based on a naturally occurring resource.</p> <p>(e) Proposal is not consistent with Desired Future Character Statement. The proposed use is not significantly influenced by changes in technology, production techniques or economic management and marketing systems.</p>
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26.3 Use Standards	
26.3.1 Requirement for discretionary non-residential use to locate on rural resource land	
<p>26.3.1-(P1) Other than for residential use, discretionary permit use must:</p> <p>(a) be consistent with local area objectives;</p> <p>(b) be consistent with any applicable desired future character statement;</p> <p>(c) be required to locate on rural resource land for operational efficiency:</p> <p>(i) to access a specific naturally occurring resource on the site or on adjacent land in the zone;</p> <p>(ii) to access infrastructure only available on the site or on adjacent land in the zone;</p> <p>(iii) to access a product of primary industry from a use on the site or on adjacent land in the zone;</p> <p>(iv) to service or support a primary industry or other permitted use on the site or on adjacent land in the zone;</p>	<p>(a) Non-compliant. Proposal does not satisfy eight out of 10 of the Local Area Objectives of the Rural Resource zone.</p> <p>(b) Non-compliant. Proposal is not consistent with eight of 14 of the Desired Future Character Statements.</p> <p>(c)(i) Non-compliant. A naturally occurring resource in the Rural Resource zone refers to air, water and land resources. Use and development is for Visitor accommodation and Community meeting and entertainment. It is not a requirement of the proposed use and development to locate on Rural Resource land to access a naturally occurring resource on the site.</p> <p>(c)(ii) Non-compliant. It is not a requirement of the proposed use and development to access infrastructure that is only available on the site or adjacent land.</p> <p>(c)(iii) Non-compliant. It is not a requirement of the proposed use and development to access a primary product from a use on the site or adjacent land.</p>

<p>(v) if required –</p> <p>a. to acquire access to a mandatory site area not otherwise available in a zone intended for that purpose;</p> <p>b. for security;</p> <p>c. for public health or safety if all measures to minimise impact could create an unacceptable level of risk to human health, life or property if located on land in a zone intended for that purpose;</p> <p>(vi) to provide opportunity for diversification, innovation, and value-adding to secure existing or potential primary industry use of the site or of adjacent land;</p> <p>(vii) to provide an essential utility or community service infrastructure for the municipal or regional community or that is of significance for Tasmania; or</p> <p>(viii) if a cost-benefit analysis in economic, environmental, and social terms indicates significant benefits to the region; and</p>	<p>(c)(iv) Non-compliant. It is not a requirement of the proposed use and development to service primary industry.</p> <p>(c)(v)a. Non-compliant. Land is otherwise available throughout the municipal area for the proposed use and development.</p> <p>(c)(v)b. Non-compliant. Proposal is not required to locate on Rural Resource land for security reasons.</p> <p>(c)(v)c. Non-compliant. Proposal is not required for public health or safety.</p> <p>(c)(vi) Compliant. Proposal would diversify and add value to the existing primary industry use of the site and possibly on adjacent land (Dial Recreation Reserve).</p> <p>(c)(vii) Non-compliant. Proposal would not provide essential utility or community service.</p> <p>(c)(viii) Non-compliant. No economic, social or environmental cost-benefit analysis has been submitted to demonstrate significant regional benefit.</p> <p>(d)(i) Compliant. Proposal would not result in the permanent loss of adjoining agricultural land that is located within</p>
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<p>(d) minimise likelihood for:</p> <ul style="list-style-type: none"> (i) permanent loss of land for existing and potential primary industry use; (ii) constraint or interference to existing and potential primary industry use on the site and on adjacent land; and (iii) loss of land within a proclaimed irrigation district under Part 9 Water Management Act 1999 or land that may benefit from the application of broad-scale irrigation development. 	<p>the Dial Blythe Proclaimed Irrigation District, for primary industry use.</p> <p>(d)(ii) Compliant. Proposal would constrain, fetter or otherwise interfere with existing and potential primary industry use on adjacent land. The subject site and surrounding land to the north, east and west is used for agricultural production. Land to the south is Crown land (Dial Recreation Reserve).</p> <p>(d)(iii) Compliant. The site is located within the Dial Blythe Proclaimed Irrigation District. It is considered the proposed use and development would not fetter adjoining land within a district that was proclaimed under Part 9 of the Water Management Act 1999 in February 2014.</p> <p>Refer to the “Issues” section of this report.</p>
<p>26.3.2 Required Residential Use</p>	
<p>26.3.2-(A1) Residential use required as part of a use must:</p> <ul style="list-style-type: none"> (a) be an alteration or addition to an existing lawful and structurally sound residential building; (b) be an ancillary dwelling to an existing lawful and structurally 	<p>Not applicable.</p> <p>The proposal is not for a required residential use.</p>

<p>sound single dwelling;</p> <p>(c) not intensify an existing lawful residential use;</p> <p>(d) replace a lawful existing residential use;</p> <p>(e) not create a new residential use through conversion of an existing building; or</p> <p>(f) be home based business in association with occupation of an existing lawful and structurally sound residential building; and</p> <p>(g) there is no change in the title description of the site on which the residential use is located.</p>	
<p>26.3.3 Residential use</p>	
<p>26.3.3-(A1) Residential use that is not required as part of an other use must:</p> <p>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</p> <p>(b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;</p>	<p>Not applicable.</p> <p>The proposal is not for a non-required residential use.</p>

COMMUNITY SERVICES

<p>(c) not intensify an existing lawful residential use;</p> <p>(d) not replace an existing residential use;</p> <p>(e) not create a new residential use through conversion of an existing building;</p> <p>(f) be an outbuilding with a floor area of not more than 100m² appurtenant to an existing lawful and structurally sound residential building; or</p> <p>(g) be home based business in association with occupation of an existing lawful and structurally sound residential building; and</p> <p>(h) there is no change in the title description of the site on which the residential use is located.</p>	
<p>26.4 Development Standards</p>	
<p>26.4.1 Suitability of a site or lot on a plan of subdivision for use or development</p>	
<p>26.4.1-(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) unless for agricultural use, have an area of not less than 1.0 hectare not including any access strip; and</p>	<p>(a) Compliant. Land area is 37ha.</p> <p>(b)(i) Compliant. Proposed building area would not encompass more than 20% of the land.</p>

<p>(b) if intended for a building, contain a building area</p> <ul style="list-style-type: none"> (i) of not more than 2,000m² or 20% of the area of the site, whichever is the greater unless a crop protection structure for an agricultural use; (ii) clear of any applicable setback from a frontage, side or rear boundary; (iii) clear of any applicable setback from a zone boundary; (i) clear of any registered easement; (ii) clear of any registered right of way benefiting other land; (iii) clear of any restriction imposed by a utility; (iv) not including an access strip; (v) accessible from a frontage or access strip. 	<ul style="list-style-type: none"> (b)(ii) Compliant. Development would be clear of boundaries. (b)(iii) Not applicable. No zone boundary setbacks apply. (b)(iv) Compliant. Development would be clear of registered easements. (b)(v) Not applicable. No right of way on the land. (b)(vi) Not applicable. No restriction imposed by a utility. (b)(vii) Not applicable. No access strip. (b)(viii) Compliant. Land is accessible over a parcel of licensed Crown land that links to Ironcliffe Road, Penguin.
<p>26.4.1-(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</p>	<ul style="list-style-type: none"> (a) Compliant. The property has frontage to Ironcliffe Road. (b) Not applicable. Not an internal lot.

<p>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 6.0m; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	<p>(c) Not applicable. No legal access to a right of way connecting to a road.</p> <p>(d) Compliant. The land has approximately 72m of frontage to Ironcliffe Road.</p> <p>(e) Compliant. Land is accessible over a parcel of licensed Crown land that links to Ironcliffe Road, Penguin. The Council, acting in its role as the Road Authority, has issued a Statement of Compliance. Refer to Annexure 5.</p>
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<p>26.4.1–(A3) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of connecting to a water supply:</p> <p>(a) provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) from a rechargeable drinking water system ^{R31} with a storage capacity of not less than 10,000 litres if:</p> <p>(i) there is not a reticulated water supply; and</p> <p>(ii) development is for:</p> <p>a. a single dwelling; or</p> <p>b. a use with an equivalent population of not more than 10 people per day.</p>	<p>(a) Not applicable. No reticulated water supply. Application relies on satisfying (b).</p> <p>(b) Non-compliant. Development is not for a single dwelling. On-site stormwater collection and storage must have the capacity to service a 250 person function centre, associated amenities and visitor accommodation cabins and tents.</p> <p>Refer to the “Issues” section of this report.</p>
<p>26.4.1–(A4) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and liquid trade waste:</p>	<p>(a) Not applicable. No reticulated sewerage system.</p> <p>(b)(i) Not applicable. No reticulated sewerage system.</p> <p>(b)(ii)a. Not applicable. Development is not for a single dwelling.</p>

COMMUNITY SERVICES

<p>(a) to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) by on-site disposal if:</p> <p>(i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development:</p> <p>a. is for a single dwelling; or</p> <p>b. provides for an equivalent population of not more than 10 people per day; or</p> <p>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS 1547:2000 On-site domestic-wastewater management clear of any defined building area or access strip.</p>	<p>(b)(ii)b. Not applicable. Development would need to provide for more than 10 persons per day.</p> <p>(b)(iii) Compliant. Application is accompanied by an “On-Site Wastewater Soil Evaluation and Design” report by GeoTon Pty Ltd, Reference No. GL 19595Ac dated 15 April 2020. The wastewater design is to AS/NZS1547:2012 and the report is to the satisfaction of Council’s Environmental Health Officer.</p>
<p>26.4.1–(A5) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p>	<p>(a) Not applicable. Satisfied by (b)(ii).</p> <p>(b)(i) Not applicable. Stormwater cannot discharge to a natural drainage line. Satisfied by (b)(ii).</p>

<p>(a) to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <p>(i) for discharge to a natural drainage line, water body or watercourse; or</p> <p>(ii) for disposal within the site if:</p> <p>a. the site has an area of not less than 5,000m²;</p> <p>b. the disposal area is not within any defined building area;</p> <p>c. the disposal area is not within any area required for the disposal of sewage;</p> <p>d. the disposal area is not within any access strip; and</p> <p>e. not more than 50% of the site is impervious surface.</p>	<p>(b)(ii)a. Compliant. Site has an area of 37ha. Stormwater would be captured and used on-site.</p> <p>(b)(ii)b. Compliant. Site has an area of 37ha. Stormwater would be captured and used on-site.</p> <p>(b)(ii)c. Compliant. Site has an area of 37ha. Stormwater would be captured and used on-site.</p> <p>(b)(ii)d. Compliant. Site has an area of 37ha. Stormwater would be captured and used on-site.</p> <p>(b)(ii)e. Compliant. Site has an area of 37ha. Stormwater would be captured and used on-site.</p>
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26.4.2 Location and configuration of development	
<p>26.4.2-(A1) A building or a utility structure, other than a crop protection structure for an agriculture use, must be setback:</p> <p>(a) not less than 20.0m from the frontage; or</p> <p>(b) if the development is for sensitive use on land that adjoins a road specified in the Table to this Clause, not less than the setback specified from that road;</p> <p>(c) not less than 10.0m from each side boundary; and</p> <p>(d) not less than 10.0m from the rear boundary; or</p> <p>(e) in accordance with any applicable building area shown on a sealed plan.</p>	<p>(a) Compliant. All development would be setback greater than 20m to Ironcliffe Road.</p> <p>(b) Not applicable. Site does not adjoin the Bass Highway.</p> <p>(c) Compliant. Development would be setback 10m or greater to side boundaries.</p> <p>(d) Compliant. Development would be setback greater than 10m from rear boundary.</p> <p>(e) Not applicable. No building area on a Sealed Plan.</p>
<p>26.4.2-(A2) Building height must be not more than 8.5m.</p>	<p>Compliant.</p> <p>Compliant. The Function Centre Building is existing, approved as a rural barn. Function centre extension would be 3.3m high. Cabins would be 6.3m high.</p>

<p>26.4.2 A3.1</p> <p>A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must –</p> <p>(a) not project above an elevation 15m below the closest ridgeline;</p> <p>(b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland;</p> <p>(c) be below the canopy level of any adjacent forest or woodland vegetation; and</p> <p>(d) clad and roofed with materials with a light reflectance value of less than 40%.</p> <p>A3.2</p> <p>Wind power turbines and wind power pumps must not exceed 20m in height.</p>	<p>A3.1</p> <p>(a) Compliant. Proposed development would not project above the Dial Range ridgeline which is located to the south of the subject site.</p> <p>(b) Compliant. No watercourse within 30m of the development site.</p> <p>(c) Compliant. Proposed development would be below the canopy level of vegetation located in the Dial Range.</p> <p>(d) Compliant. The buildings would be clad with timber and roofed with ‘Woodland Grey’ Colorbond cladding.</p> <p>A3.2.</p> <p>Not applicable. No wind turbine or wind power pumps.</p>
<p>26.4.3 Location of development for sensitive uses</p>	
<p>26.4.3–(A1) New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must –</p>	<p>(a)(i) Non-compliant. Proposed development would be setback approximately 120m from adjoining agricultural land to the north and east.</p>

<p>(a) be located not less than:</p> <ul style="list-style-type: none"> (i) 200m from any agricultural land; (ii) 200m from aquaculture, or controlled environment agriculture; (iii) 500m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does not occur; or (iv) 1000m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does occur; or (v) 500m from intensive animal husbandry; (vi) 100m from land under a reserve management plan; (vii) 100m from land designated for production forestry; (viii) 50.0m from a boundary of the land to the Bass Highway, or to a railway line; and 	<p>Refer to the “Issues” section of this report.</p> <ul style="list-style-type: none"> (a)(ii) Compliant. No aquaculture, or controlled environment agriculture. (a)(iii) Compliant. No non-blasting extractive industry in surrounding area. (a)(iv) Compliant. No blasting extractive industry in surrounding area. (a)(v) Compliant. No intensive animal husbandry on the site. ‘Free range’ animal husbandry would be within 500m of proposed function centre and visitor accommodation cabins. (a)(vi) Compliant. Development is not within 100m of land under a reserve management plan. (a)(vii) Compliant. No private timber reserve in this locality. (a)(viii) Compliant. Land is not within 50m of the Bass Highway or the Western Rail Line.
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<p>(ix) clear of any restriction imposed by a utility; and</p> <p>(b) not be on land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i>, or land that may benefit from the application of broad-scale irrigation development.</p>	<p>(a)(ix) Non-compliant. Land is located within the Dial Blythe Irrigation District proclaimed under Part 9 of the <i>Water Management Act 1999</i> in August 2012.</p> <p>Refer to the “Issues” section of this report.</p>
<p>26.4.4 Subdivision</p>	
<p>26.4.4-(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) a lot required for public use either State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority.</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>
<p>26.4.5 Buildings for Controlled Environment Agriculture</p>	
<p>26.4.5-(A1)</p> <p>A building for controlled environment agriculture use must be a crop protection structure and the agricultural use inside the building must satisfy one of the following:</p> <p>(a) rely on the soil as a growth medium into which plants are directly sown;</p>	<p>Not applicable.</p> <p>No controlled environment agriculture proposed.</p>

COMMUNITY SERVICES

(b) not alter, disturb or damage the existing soil profile if conducted in a manner which does not rely on the soil as a growth medium.	
CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Not a subdivision or vulnerable or hazardous use.
E2 Airport Impact Management Code	Not applicable. No Code in this Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of native threatened vegetation.
E4 Change in Ground Level Code	Not applicable. No cut or fill proposed greater than 1m.
E5 Local Heritage Code	Not applicable. No places of local significance listed in this Scheme.
E6 Hazard Management Code	Not applicable. Subject site has an area of landslide. Development clear of landslide area.
E7 Sign Code	Not applicable. No signs proposed.
E8 Telecommunication Code	Not applicable. No telecommunications proposed.

E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Applicable. Applies to all use and development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme.
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>Compliant by Condition.</p> <p>The E9 Traffic and Parking Code of the Scheme requires the following:</p> <ul style="list-style-type: none"> . for Community meeting and entertainment (function centre) – the provision of 15 car parking spaces for every 100m²; and . for Visitor accommodation – the provision of one space per cabin and tent site. <p>The function centre would have a floor area of 360m² (excluding amenities and service areas). This means a minimum of 54 car parking spaces would be required for the function centre.</p>

	<p>The Visitor accommodation component would include three cabins and eight tent sites. This means 11 car parking spaces would be required for the Visitor accommodation use.</p> <p>The new uses on the land would require a total of 65 car parking spaces.</p> <p>The site plan details provision of 84 car parking spaces which satisfies the Code.</p> <p>Note – the existing use of the land, as a restaurant/café, has not been examined by the Planning Authority (refer to the ‘History’ section of this report). The exact floor area of the café is not known, but on the plan, it appears to be approximately 60m² (excluding service areas and the butchery/kitchen). The Code requires 15 car parking spaces per 100m² of floor area. This means the café would require approximately 15 spaces.</p> <p>The land has ample area to also allocate this provision.</p>
<p>E9.5.2 Provision for loading and unloading of vehicles</p>	
<p>E9.5.2-(A1) There must be provision within a site for:</p> <p>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</p>	<p>(a) Compliant by Condition. The E9 Traffic and Parking Code of the Scheme requires that space be provided for a small, rigid delivery truck. The site has a land area of</p>

<p>(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.</p>	<p>37ha and is able to make provision for truck turning and parking on the site.</p> <p>(b) Compliant by Condition. The Code E9 Traffic and Parking of the Scheme requires that space be provided for bus passenger set-down and pick-up. The site has a land area of 37ha and is able to make provision for bus turning and parking on the site.</p>
<p>E9.6 Development Standards</p>	
<p>E9.6.2 Design of vehicle parking and loading areas</p>	
<p>E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p>	<p>Compliant by Condition. The site would be able to drain, collect and dispose of stormwater on-site, clear of building sites, wastewater site and access road. A Permit should require compliance with the Standard.</p>
<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</p>	<p>(a) Compliant by Condition. The site has ample area to make provision for circulation and parking areas and vehicle manoeuvring areas in accordance with AS/NZS 2890.1 (2004). A Permit, if issued, should require compliance with the Standard.</p> <p>(b) Compliant. Land area is available for commercial delivery vehicles.</p>

COMMUNITY SERVICES

<p>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> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	<p>(c) Compliant. Land area is available for bicycles.</p> <p>(d) Compliant. Site plan shows two car parking spaces for people with disabilities.</p> <p>(e) Compliant by Condition. The site has sufficient area to accommodate this requirement. A Permit should require compliance with the Standard.</p> <p>(f) Compliant by Condition. The site has sufficient area to accommodate this requirement. A Permit should require compliance with the Standard.</p> <p>(g) Compliant by Condition. Internal roadway and car parking areas would be constructed with a compacted sub-base and an all-weather gravel surface.</p>
<p>E9.6.2-(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Compliant by condition. Design and construction of access, vehicle circulation, movement and standing areas would be in accordance with the principles and requirements of the <i>Unsealed Roads Manual – Guideline for Good Practice</i> ARRB. A Permit should require compliance with the Standard.</p>

E10 Water and Waterways Code	Not applicable. Site not within 30m of a water course or water body.
Specific Area Plans	Not applicable. No Specific Area Plans apply to this area.

Issues –

1 Local Area Objectives and Desired Future Character Statements –

The purpose of the Rural Resource zone is to provide for the sustainable use and development of air, land and water resources for agriculture, aquaculture, forestry, mining and other primary industries, including quarrying.

The Rural Resource Zone's Local Area Objectives and Desired Future Character Statements together seek to promote use and development that is for primary industry purpose.

The Local Area Objectives seek to protect all agricultural land for sustainable agricultural production and collectively demonstrate that the primary intent of use and development in the Rural Resource zone is to minimise the loss of land for primary industry. Most particularly, minimise the loss of prime agricultural land, protect land that is located within a proclaimed irrigation district and to provide for uses that do not constrain, fetter or conflict with current or future primary industry activity.

The current use of land for resource development and resource production are clearly associated with primary industry.

The subject proposal for a function centre and Visitor accommodation use would be uses that are not associated with the primary use of the land.

However, it is considered the uses would not result in the loss of prime agricultural land, or a loss of land for irrigation and would not constrain or fetter current or future primary industry activity on the subject or adjoining land. The use and development, adjoining the Dial Range, has opportunity to increase the viability of the land and would provide accommodation for people who visit the North West region and the Dial Recreation Reserve; or who wish to make a booking for a special event in a rural setting, such as a wedding or corporate functions.

2 Development within the Dial Blythe Proclaimed Irrigation District –

The Central Coast municipal area accommodates two irrigation districts, proclaimed under Part 9 of the Water Management Act 1999. The two districts are the Kindred North Motton Irrigation District,

proclaimed in August 2012, and the Dial Blythe Irrigation District, proclaimed in February 2014.

The proposed development would be on land that is located within the Dial/Blythe Irrigation District that comprises 12,568ha and is expected to have the capacity to supply 2,855ML of water over the summer irrigation period, giving water security to affected lands. The Scheme is intended to service pasture and cropping land around the settlements of South Riana, Riana, Penguin, West Pine, Cuprona and Howth. Currently, the production of potatoes, other vegetables, poppies, pyrethrum, blueberries, beef and dairy produce are the primary activities in these areas.

It is considered Visitor accommodation and Community meeting and entertainment use of the land would not interfere with any existing irrigation activities that occur on adjoining land, due to the size of land holdings (small) and the fact that land to the east, south and west is heavily vegetated, rather than under crop production.

3 Discretionary use on Rural Resource land -

When assessing the discretionary use of Rural Resource land, the Planning Authority is to minimise the unnecessary loss of air, land and water resources and prevent unreasonable conflict or interference to existing primary industry use.

Whilst the proposal fails on the need to be reliant upon a primary industry resource, Visitor accommodation and Community meeting and entertainment uses of the land would not interfere with any existing irrigation activities that occur on adjoining land, due to the size of land holdings and the fact that land to the east, south and west is heavily vegetated with native vegetation. The uses would not result in the loss of prime agricultural land, or a loss of land for irrigation and would not constrain or fetter current or future primary industry activity on the subject or adjoining land. The use and development, adjoining the Dial Range, has opportunity to increase the viability of the land.

4 The development of a sensitive use on Rural Resource land -

Visitor accommodation development is defined as a 'sensitive use' under the Planning Scheme. The Planning Scheme's Acceptable Solution 26.4.1 requires that a sensitive use be setback a minimum of 200m from agricultural land. This is to minimise the proximity of a sensitive use to agricultural operational activities. Closer proximity,

less than 200m, may result in the conflict, interference or fettering of primary industry activity on adjoining agricultural land.

Primary industry, in this case is the raising of animals for sale on the subject parcel of land and crop production on adjoining land.

The Scheme's Performance Criteria 26.4.3-(P1) requires that the new sensitive use must minimise all of the following:

- "(a) permanent loss of land for existing and potential primary industry use;
- (b) likely constraint or interference to existing and potential primary industry use on the site and on adjacent land;
- (c) permanent loss of land within a proclaimed irrigation district under Part 9 of the *Water Management Act 1999* or land that may benefit from the application of broad-scale irrigation development; and
- (d) adverse effect on the operations and safety of a major road, a railway or a utility".

The current use of the land is for Resource processing (butchery/commercial kitchen), for the processing of meats, with an occasional "open farm" day event. Animals are slaughtered off-site, with carcasses brought back onto the land for processing and packaging in the commercial kitchen.

The application was referred by Council's Environmental Health Officer to the Department of Primary Industries, Parks, Water & Environment's Animal Biosecurity Division for comment. Animal Biosecurity advised that, whilst it is not ideal to have tourist accommodation and a function centre on the same land as pig raising, a biosecurity plan, developed by the producer with advice from a private veterinarian, would mitigate risks associated with the conflicting uses. A condition is to be applied to a Permit, to ensure that this form of risk mitigation occurs.

It is considered the proposed Visitor accommodation and Community meeting and entertainment uses adequately satisfy the Planning Scheme's relevant Performance Criteria and would not result in the fettering of adjoining agricultural land, over and above the existing, lawful use of the land.

5 *Provision of a drinking water supply for more than 10 people –*

The applicant has advised that the development will be serviced with potable drink water via a private water scheme consisting of tank water that will be treated in accordance with the Tasmanian Drinking Water Quality Guidelines and the requirements of the *Public Health Act 1997*.

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	<p>Satisfied with Wastewater Disposal Report by GeoTon Pty Ltd, Reference No. GL 19595Ac dated 15 April 2020.</p> <p>However, late into the assessment process, a neighbour at 860 Ironcliffe Road identified that a water bore, on their own land, may be impacted upon by the proposed wastewater system. Council’s Environmental Health Officer has advised that a risk assessment will need to be undertaken by a suitably qualified person to determine that the horizontal distance from the proposed wastewater system and the bore is not less than 50m and that the wastewater system is not within a zone of influence of the bore. The risk assessment would need to be lodged with the Council when making a building application for the wastewater system on the land.</p>

Infrastructure Services	A second Traffic Impact Assessment report was requested as the first was not considered to be by a suitably qualified person. The upgrade of Ironcliffe Road is not required if the number of persons on site at any one time does not exceed 250 persons.
TasWater	Referral not required.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required. Not a Level 2 activity.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Has signed the application form consenting to the lodgement of the application, as land relies on access over a portion of Crown land.
Other – Department of Primary Industries, Parks, Water & Environment – Animal biosecurity branch	Comments received. Recommends that a biosecurity plan be implemented by the producer to mitigate risks that may occur when pig farming and tourist activities are in close proximity.

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 –

Eight 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	
<p>1 Concern that there will be extra volumes of traffic in Ironcliffe Road. The TIA data was obtained in 2015 with a further one hour assessment undertaken. The assessment did not take into account traffic north of the applicant property. As there is no through road, the count should have been undertaken at the Hardys Road intersection, where the road narrows. Traffic on the road has increased greatly due to popular mountain bike riding and the increased interest in the applicant’s businesses. The road is sealed for a width of 4.5m. The road should have a sealed width of 5.5m</p>	<p>A Traffic Impact Assessment (TIA) report, by Pitt & Sherry accompanies the application and Council’s Infrastructure Services have advised that they are satisfied with the conclusions and recommendations of the TIA. Any required works can be considered as part of Council’s long-term financial plan.</p>
<p>2 Is there a case for a maximum number of people permitted on site?</p>	<p>Yes. The TIA report clearly states that the road is satisfactory for up to 250 persons on-site at any one time. A condition is to be applied to the Permit in this regard.</p>
<p>3 An application was submitted for a barn. The building has never been used as a barn.</p>	<p>The subject application is a retrospective ‘Discretionary’</p>

	application to legitimise the use of the building as a function centre.
REPRESENTATION 2	
<p>1 Have issues with the Traffic Impact Assessment report:</p> <p>(a) Ironcliffe Road is 4.5m wide and road shoulders are in a bad condition. Drivers are frequently forced off the road.</p> <p>(b) the study was carried out five years ago in 2015. Traffic on Ironcliffe Road has increased significantly since this time due to activity in the Dial Range, at Mt Gnomon Farm, and at 'Rustic Huts' accommodation. A one hour study was conducted to estimate current conditions.</p> <p>(c) Large scale functions may see buses using the road. Ironcliffe Road is not wide enough to be used safely by buses.</p> <p>(d) Council should install road guard rails on the roadside where there is a steep drop-off from the road shoulder (between Ferndene Gorge and 788 Ironcliffe Road).</p>	<p>A TIA report, by a suitably qualified person, accompanies the application and Council's Infrastructure Services have advised that they are satisfied with the conclusions and recommendations of the TIA.</p> <p>Any required works can be considered as part of Council's long-term financial plan.</p>
<p>2 The DA states the function centre will hold 10 weddings</p>	<p>The Planning Authority would not limit the number of functions on-</p>

	per year. This is a massive understatement of what will actually occur. Will there be a guarantee of no more than this? What about other functions?	site, but would condition a Permit, if issued, such that no more than 250 persons are to be on-site at any one time. This would be across all uses on the land. This would be in accordance with statements made in the TIA.
3	What will happen to general waste?	The property owner is responsible for disposing of general waste at an approved facility.
REPRESENTATION 3		
1	No issues with the proposed development, however there is concern problems may arise due to the size of the development, and light and noise issues that may arise.	Not a planning issue. Any nuisance complaint, such as noise, dust, odour etc. would need to be addressed with reference to the <i>Environmental Management and Pollution Control Act 1994</i> (EMPCA).
2	Traffic Impacts. Guests from weddings etc. will be travelling in the dark on Ironcliffe Road. The road has a high level of wildlife at night. Safety concerns for the travellers who may swerve to miss animals.	Not a road authority issue. This same issue exists throughout the road network.
REPRESENTATION 4		
1	Ironcliffe Road is not safe for an increase in cars. The road is dangerous, with tight corners, blind spots and gravel verges. When two cars meet, one must drive onto the road verge. This damages cars and is not safe.	A TIA report, by a suitably qualified person, accompanies the application and Council's Infrastructure Services have advised that they are satisfied with the conclusions and recommendations of the TIA.
2	Concern at the increase in noise from night functions.	Not a planning issue. Any nuisance compliant, such as noise, dust,

<p>Will there be a curfew on events? How late can music be blaring?</p>	<p>odour etc. would need to be addressed with reference to the <i>Environmental Management and Pollution Control Act 1994</i> (EMPCA).</p> <p>Noise from musical instruments or amplified equipment in a residential area has some restrictions. Noise from musical instruments or amplified equipment in a rural area has no restrictions, unless, after study, is deemed to be an environmental nuisance.</p>
<p>REPRESENTATION 5</p>	
<p>1 Objects to the use of the building on prime agricultural land. Why have rules to protect prime agricultural land if they are not enforced?</p> <p>No locals are in favour of the development.</p>	<p>It is true that the existing dwelling and sheds and butchery/kitchen have been approved by the Planning Authority on Class 2 prime agricultural land. These uses were deemed to be ancillary to the primary industry use of the land. The proposed use of the land for a function centre and visitor accommodation have no association with primary industry, and are more associated with the adjoining Dial Range and the scenic attraction of the land.</p> <p>Refer to “sensitive use” comments in the “Issues” section of this report.</p>
<p>2 Will the number of functions and weddings etc. be enforced?</p>	<p>A condition would be placed on a Permit, if issued, to limit the number of persons per day on-site to be 250. There would be no limit on the number of functions that could occur over a yearly period.</p>
<p>3 The traffic survey was completed in 2015. Traffic</p>	<p>A TIA report, by a suitably qualified person, accompanies the application</p>

<p>has increased dramatically in the last two years.</p>	<p>and Council's Infrastructure Services have advised that they are satisfied with the conclusions and recommendations of the TIA.</p>
<p>REPRESENTATION 6</p>	
<p>1 Concerned about the traffic safety issues on Ironcliffe Road. Large and speeding vehicles on a 'country lane' with many dips etc.</p> <p>From Hardys Road to Mt Gnomon car park there is already a mix of bush walkers, mountain bikers, horse floats and people accessing their farms and forestry land.</p> <p>Concerned about the mix of alcohol with driving at night.</p> <p>Tourist buses would not be appropriate on the road.</p>	<p>A TIA report, by a suitably qualified person, accompanies the application and Council's Infrastructure Services have advised that they are satisfied with the conclusions and recommendations of the TIA.</p>
<p>REPRESENTATION 7</p>	
<p>1 Concerned about the increase in traffic volumes.</p>	<p>A TIA report, by a suitably qualified person, accompanies the application and Council's Infrastructure Services have advised that they are satisfied with the conclusions and recommendations of the TIA.</p>
<p>2 Concerned about light pollution and noise pollution.</p>	<p>Not a planning issue. Any nuisance complaint, such as noise, dust, odour etc. would need to be addressed with reference to the <i>Environmental Management and Pollution Control Act 1994</i> (EMPCA).</p>

		<p>Noise from musical instruments or amplified equipment in a residential area has some restrictions.</p> <p>Noise from musical instruments or amplified equipment in a rural area has no restrictions, unless, after study, is deemed to be an environmental nuisance.</p>
3	Concern about the consumption of alcohol and then people driving on the narrow road.	This is a police matter.
REPRESENTATION 8		
1	<p>Would want to see a traffic road count for three months, to see what the road usage is now.</p> <p>Three 'slow traffic' lanes should be installed along Ironcliffe Road.</p>	Periodic review of the road traffic volumes are undertaken as required.
2	Original application for the Butchers Shop was approved on advice the property had not been used for cropping. This was incorrect.	The butcher/commercial kitchen was approved for development on Class 2 land. Records do not give details, other than approval was given because the use was ancillary to the primary industry use of the land.
3	'Glamping' is to be prohibited from the north-western boundary where an indigenous cave is located.	The 'glamping' aspect of the development would be located within close proximity to the proposed function centre and cabins, not near the north-western boundary of the land.

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 received do not hold sufficient merit to warrant the refusal of the new tourist-oriented use of the land. Council's Infrastructure Services has advised that the TIA accompanying the application is adequate and the Road Authority is satisfied with the suitability of Ironcliffe Road for the anticipated level of traffic that would be using the road. In accordance with the TIA, if a Permit is issued, a condition is to be placed on the Permit to limit the number of persons on the land at any one time to be not more than 250.

It is considered the proposed use of the rural property for functions and events and visitor accommodation adequately satisfies the Performance Criteria of the Planning Scheme. Whilst the proposal fails on the need to be reliant upon a primary industry resource, Visitor accommodation and Community meeting and entertainment uses of the land would not interfere with any existing irrigation activities that may occur on adjoining land, due to the size of land holdings and the fact that land to the east, south and west is heavily vegetated with native vegetation. The uses would not result in the further loss of prime agricultural land, or a loss of land for irrigation, and would not constrain or fetter current or future primary industry activity on the subject or adjoining land.

Adjoining the Dial Range, the use and development seeks to locate on Rural Resource land to access the naturally occurring, scenic attributes of the site and to build on the opportunity to increase the viability of the land.

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

Recommendation –

It is recommended that the application for Community meeting and entertainment – change of use from Resource development (barn) to function centre and a maximum of 250 persons on the site and Visitor accommodation (three cabins and eight 'glamping' tent sites) – variation to sensitive use development standards and suitability of site for use and development at 886 Ironcliffe Road, Penguin – Application No. DA2020072 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by PLA Designs Pty Ltd, Drawing Nos. 19187-0, Revision C, 19187-02, Revision D, 19187-03, Revision D, 19187-04, Revision C, 19187-05, Revision C and 19187-06, Revision B dated 9 June 2020, and Drawing Nos. 19187-07, Revision A, 19187-08, Revision B, 19187-09, Revision B, and 19187-10, Revision B dated 24 February 2020 and 19187-11, Revision C dated 9 June 2020, unless modified by a condition of this Permit.
- 2 The development must be in accordance with the Traffic Impact Assessment by Pitt & Sherry, Reference DV20001d001 CO26 TIA 31P Rev00/AVT/wp dated 15 July 2020. In this regard, not more than 250 persons are permitted on the land at any one time.
- 3 The development must be in accordance with the On-Site Wastewater Soil Evaluation and Design by GeoTon Pty Ltd, Reference No. GL 19595Ac dated 15 April 2020.
- 4 The development must provide for the on-site collection, storage and disposal of stormwater clear of any defined building area, wastewater disposal area and access driveway.
- 5 The development must make provision of a suitable potable drinking water system.
- 6 A minimum of 84 car parking spaces must be provided on the site and enable the forward movement of vehicles entering and egressing the site.
- 7 Vehicle parking and manoeuvring areas must be designed and constructed in accordance with the “Unsealed Roads Manual Guideline for Good Practice ARRB”.

- 8 Prior to lodgement of application for a Building and Plumbing permit, the developer must submit to the Central Coast Council, a copy of a biosecurity plan that is to be developed in consultation with a private veterinarian and the Animal Biosecurity Division of the Department of Primary Industries, Parks, Water and Environment.
- 9 Prior to lodgement of application for a Building and Plumbing permit, the developer must submit to the Central Coast Council a risk assessment by a suitable qualified person examining the impacts, if any, of the proposed wastewater system on an adjoining water bore at 860 Ironcliffe Road.

Please note:

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

The Land Use Planning Group Leader’s report is supported.”

The Executive Services Officer reported as follows:

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

- Cr Carpenter moved and Cr Fuller seconded, “That the application for Community meeting and entertainment – change of use from Resource development (barn) to function centre and a maximum of 250 persons on the site and Visitor accommodation (three cabins and eight 'glamping' tent sites) – variation to sensitive use development standards and suitability of site for use and development at 886 Ironcliffe Road, Penguin – Application No. DA2020072 be approved subject to the following conditions and notes:

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Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 6.38pm.

CONFIRMED THIS 21ST DAY OF SEPTEMBER, 2020.

Chairperson

(lb;lc)

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 this agenda 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
- (iii) that copies of advice received from an appropriately qualified or experienced professional have been provided to the Council.



Paul West
ACTING GENERAL MANAGER