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**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 15 February 2021 commencing at 6.00pm.**

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**Councillors attendance**

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

**Councillors apologies**

Nil

**Employees attendance**

General Manager (Ms Sandra Ayton)  
Director Infrastructure Services (Mr Paul Breaden)  
Strategic Projects and Planning Consultant (Mr Paul West)  
Manager Information Services (Mr Stuart Arnot)  
Manager Land Use Planning (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.

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## CONFIRMATION OF MINUTES OF THE COUNCIL

### 33/2021 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 25 January 2021 have already been circulated. The minutes are required to be confirmed for their accuracy.

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

- Cr Viney moved and Cr Beswick seconded, “That the minutes of the previous ordinary meeting of the Council held on 25 January 2021 be confirmed.”

Carried unanimously

## COUNCIL WORKSHOPS

### 34/2021 Council workshops

The Executive Services Officer reported as follows:

“The following council workshops have been held since the last ordinary meeting of the Council.

- . 01.02.2021 – Monthly update; Leith overpass
- . 08.02.2021 – Organisational Structure; Ulverstone Child Care Centre

This information is provided for the purpose of record only.”

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

Carried unanimously

## MAYOR’S COMMUNICATIONS

### 35/2021 Mayor’s communications

The Mayor reported as follows:

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“I would like to acknowledge the passing of Mr Robert Harper who has recently passed away and recognise his contribution as a Councillor to the former Ulverstone Council. Robert served as Councillor between March 1987 and April 1993 and during his time represented the West ward.”

### **36/2021 Mayor’s diary**

The Mayor reported as follows:

“I have attended the following events and functions on behalf of the Council:

- . Australia Day Breakfast by the Leven and Citizenship Ceremony – Ulverstone
- . Switch Board meeting – Ulverstone
- . Ten Days on the Island launch – Burnie
- . West by North West Regional Tourism Forum – Devonport
- . TasWater Owners Representatives quarterly briefing – Devonport
- . No.34 Aboriginal Health Services’ summer event noi.heen.ner – Ulverstone.”

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

Carried unanimously

### **37/2021 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.”

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Cr Beswick reported as follows:

“I will be declaring an interest in respect of the matter relating to Residential – dwelling – setback and width of openings for garages and setback of development for sensitive use – 9 Braddon Street, West Ulverstone – Application No. DA2021012 (Minute No. 55/2021).”

## COUNCILLOR REPORTS

### 38/2021 Councillor reports

The Executive Services Officer reported as follows:

“Councillors who have been appointed by the Council to community and other organisations are invited at this time to report on actions or provide information arising out of meetings of those organisations.

Any matters for decision by the Council which might arise out of these reports should be placed on a subsequent agenda and made the subject of a considered resolution.”

Cr Overton reported on a recent meeting of Central Coast Chamber of Commerce and Industry, noting that the committee have set their agenda of business and events for the coming year. An update was provided to the committee in relation to the upcoming events being held within Reibey Street, on the last Friday of each month, commencing on 26 February.

Cr Hiscutt reported on a recent meeting of the Slipstream Circus Board Inc., acknowledging the recent appointment of Ms. Clare Spillman as General Manager. Slipstream’s view to have a new structure at the Ulverstone Sports and Leisure Centre continues.

## APPLICATIONS FOR LEAVE OF ABSENCE

### 39/2021 Leave of absence

The Executive Services Officer reported as follows:

“The *Local Government Act 1993* provides that the office of a councillor becomes vacant if the councillor is absent without leave from three consecutive ordinary meetings of the council.

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The Act also provides that applications by councillors for leave of absence may be discussed in a meeting or part of a meeting that is closed to the public.

There are no applications for consideration at this meeting.”

### **DEPUTATIONS**

#### **40/2021 Deputations**

The Executive Services Officer reported as follows:

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

### **PETITIONS**

#### **41/2021 Petitions**

The Executive Services Officer reported as follows:

“No petitions under the provisions of the *Local Government Act 1993* have been presented.”

### **COUNCILLORS' QUESTIONS**

#### **42/2021 Councillors' questions without notice**

The Executive Services Officer reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide as follows:

'29 (1) A councillor at a meeting may ask a question without notice –

- (a) of the chairperson; or
- (b) through the chairperson, of –
  - (i) another councillor; or
  - (ii) the general manager.

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- (2) In putting a question without notice at a meeting, a councillor must not –
    - (a) offer an argument or opinion; or
    - (b) draw any inferences or make any imputations –except so far as may be necessary to explain the question.
  - (3) The chairperson of a meeting must not permit any debate of a question without notice or its answer.
  - (4) The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question.
  - (5) The chairperson of a meeting may refuse to accept a question without notice if it does not relate to the activities of the council.
  - (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting.
  - (7) The chairperson may require a councillor to put a question without notice in writing.'

If a question gives rise to a proposed matter for discussion and that matter is not listed on the agenda, Councillors are reminded of the following requirements of the Regulations:

- '8 (5) Subject to subregulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.
- (6) A council by absolute majority at an ordinary council meeting, ..., may decide to deal with a matter that is not on the agenda if –
  - (a) the general manager has reported the reason it was not possible to include the matter on the agenda; and
  - (b) the general manager has reported that the matter is urgent; and
  - (c) in a case where the matter requires the advice of a qualified person, the general manager has certified under section 65 of the Act that the advice has been obtained and taken into account in providing general advice to the council.'

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Councillors who have questions without notice are requested at this time to give an indication of what their questions are about so that the questions can be allocated to their appropriate Departmental Business section of the agenda.”

No questions without notice were received.

#### **43/2021 Councillors’ questions on notice**

The Executive Services Officer reports as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide as follows:

‘30 (1) A councillor, at least 7 days before an ordinary council meeting or a council committee meeting, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.

(2) An answer to a question on notice must be in writing.’

It is to be noted that any question on notice and the written answer to the question will be recorded in the minutes of the meeting as provided by the Regulations.

Any questions on notice are to be allocated to their appropriate Departmental Business section of the agenda.

A question on notice was received from Cr Fuller and a response is listed at Minute No. 46/2021.”

#### **PUBLIC QUESTION TIME**

#### **44/2021 Public question time**

The Mayor reported as follows:

“Due to the current COVID-19 restrictions and guidelines, this meeting will not be open to public attendance. Members of the public who would like to ask questions to the Council, that would normally have been heard during the Public Question Time section of the meeting agenda, are advised to provide their question on notice to the General Manager by 3.00pm Monday, 15 February 2021.

No questions were received by the time that was advertised to the public.”

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**45/2021      Public questions taken on notice**

The Executive Services Officer reported as follows:

“No public questions were taken on notice from the 25 January 2021 meeting.”



**DEPARTMENTAL BUSINESS**

GENERAL MANAGEMENT

**46/2021 Councillors' questions on notice**

The Executive Services Officer reported as follows:

“The following question on notice has been received from Cr Fuller:

‘Please provide details of the process, Council’s and external authorities, that has led to the change of address for some residents of Nietta whose property is now regarded as South Preston or other, including:

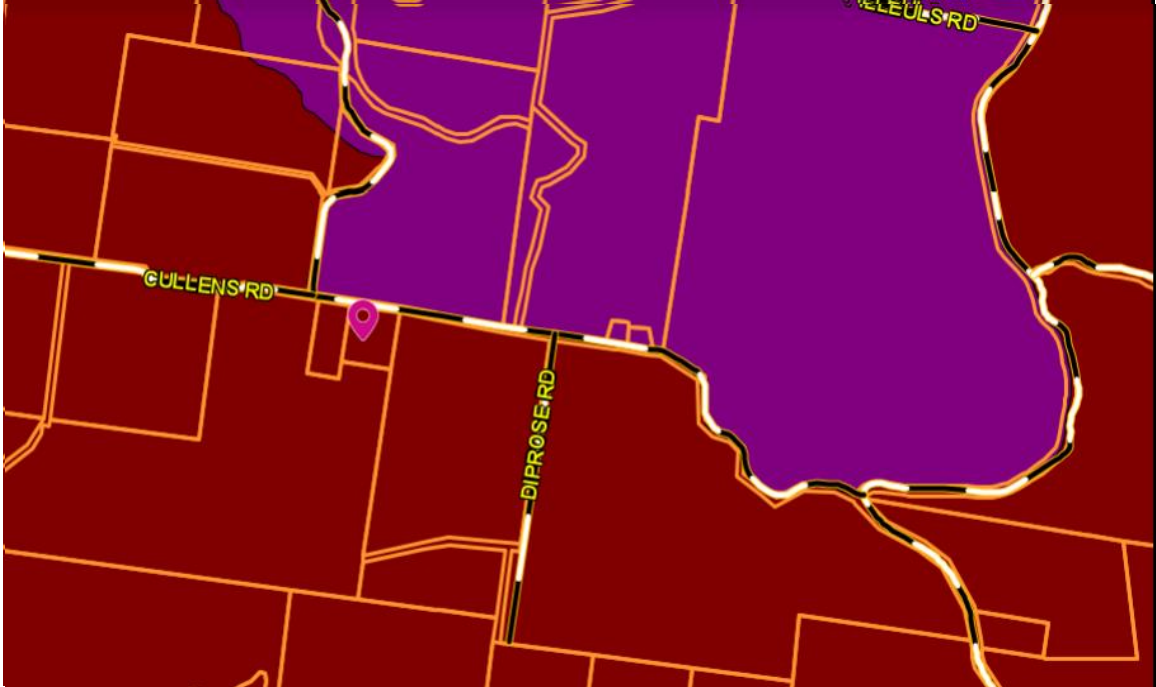
- 1 Who initiates such a change and why?
- 2 What is the undertaken community consultation or advice and by whom?
- 3 What is the timeline for the changes pertaining to Nietta and South Preston?
- 4 What is the role of Council in this process and under whose authority or authorisation is the change made?’”

The following response has been provided by the Strategic Projects and Planning Consultant:

“Council records indicate for rating purposes the locality of the particular property associated with this question was Nietta in 2012 and was changed to South Preston in 2013. There was a municipal wide revaluation undertaken in July 2013 and it appears the change may have coincided at the time.

In 2016, there was some confusion in relation to the addressing of properties on South Preston Road in relation to Australia Post deliveries. The image below indicates properties identified as being in South Preston (purple) and those in Nietta (red). Therefore, properties on one side of South Preston Road are in the South Preston locality and those on the other side of the road are in the Nietta locality.

Presently all properties on the southern side of South Preston Road are included in the Nietta locality but from a mailing/delivery perspective they are presently addressed as South Preston.



The Council could canvas the affected residents to ascertain their individual preferences for addressing purposes, which may result in some properties maintaining a South Preston address or alternatively altering records to reflect a Nietta address.

Any changes made to addressing by the Council would need to be identified to the appropriate authorities, however the individual property owners / residents would be required to change all of their personal information (i.e. banks, etc).

The issue relating to mail delivery to the area is a matter for Australia Post to determine as it is currently understood that the South Preston and Nietta deliveries are provided by different contractors. This would be a matter for the residents to take up with Australia Post should they wish to change their address.”

**47/2021 Minutes and notes of committees of the Council and other organisations**

The General Manager reported as follows:

“The following (non-confidential) minutes and notes of committees of the Council and other organisations on which the Council has representation have been received:

- Central Coast Community Shed Management Committee – meeting held 1 February 2021

. Forth Community Representatives Committee – meeting held 4 February 2021

Copies of the minutes and notes have been circulated to all Councillors.”

- Cr Hiscutt moved and Cr Beswick seconded, “That the (non-confidential) minutes and notes of committees of the Council be received.”

Carried unanimously

#### **48/2021 Correspondence addressed to the Mayor and Councillors**

The General Manager reported as follows:

“A Schedule of Correspondence addressed to the Mayor and Councillors for the period 26 January to 15 February 2021 and which was addressed to the ‘Mayor and Councillors’ is appended. Reporting of this correspondence is required in accordance with Council policy.

Where a matter requires a Council decision based on a professionally developed report the matter will be referred to the Council. Matters other than those requiring a report will be administered on the same basis as other correspondence received by the Council and managed as part of the day-to-day operations.”

The Executive Services Officer reported as follows:

“A copy of the Schedule has been circulated to all Councillors.”

- Cr Viney moved and Cr Carpenter seconded, “That the Schedule of Correspondence addressed to the Mayor and Councillors (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

#### **49/2021 Common seal**

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 26 January to 15 February 2021 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.

The Schedule also includes for information advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities.”

The Executive Services Officer reported as follows:

“A copy of the Schedule has been circulated to all Councillors.”

- Cr Beswick moved and Cr Fuller seconded, “That the common seal (a copy of the Schedule of Documents for Affixing of the Common Seal being appended to and forming part of the minutes) be affixed subject to compliance with all conditions of approval in respect of each document, and that the advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities be received.”

Carried unanimously

#### **50/2021      Contracts and agreements**

The General Manager reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into for the period 26 January to 15 February 2021 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

“A copy of the Schedule has been circulated to all Councillors.”

- Cr Hiscutt moved and Cr Viney seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

COMMUNITY SERVICES

**51/2021 Statutory determinations**

The Manager Information Services reported as follows:

“A Schedule of Statutory Determinations made during the month of January 2021 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

“A copy of the Schedule has been circulated to all Councillors.”

- Cr van Rooyen moved and Cr Fuller seconded, “That the Schedule of Statutory Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**52/2021 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: 53/2021; 54/2021 and 55/2021, 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 Carpenter moved and Cr Viney seconded, “That the Mayor’s report be received.”

Carried unanimously

53/2021 ***Land Use Planning and Approvals Act 1993 (previous) – s.39 Report on PSA2020003 – draft amendment to the Central Coast Interim Planning Scheme 2013 to rezone land known as 10A, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business (285/2020 – 21.09.2020 and 385/2020 – 14.12.2020).***

The Strategic Projects and Planning Consultant reported as follows:

“The Town Planner has prepared the following report:

<i>‘PLANNING INSTRUMENT:</i>	<i>Land Use Planning and Approvals Act 1993 (the Act) (previous) and Central Coast Interim Planning Scheme 2013 (the Planning Scheme)</i>
<i>PUBLIC NOTIFICATION:</i>	6 January 2021 to 4 February 2021
<i>REPRESENTATIONS RECEIVED:</i>	Nil
<i>ANNEXURES:</i>	Annexure 1 – TasWater Submission to Planning Authority Notice

*PURPOSE*

The purpose of this report is to advise that no representations were received during the public notification period for PSA2020003 – draft amendment to the Planning Scheme to rezone land known as 10A, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business.

*BACKGROUND*

The Council, in its role as the Planning Authority, resolved to initiate and certify the draft amendment at its meeting held Monday, 14 December 2020.

The draft amendment was initiated following a request from GHD Pty Ltd on behalf of Goodstone Group.

The draft amendment seeks to rezone land known as 10A, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business.

*HISTORY*

The Council, acting as the Planning Authority, originally decided to initiate and certify this draft amendment to the Planning Scheme at a meeting held 21 September 2020.

The draft amendment was placed on public notification for a period of four weeks from 30 September 2020 until 28 October 2020. During that time, TasRail lodged a submission, noting that whilst the subject land was in close proximity to the Western Rail Line, the rezoning would address anomalies in the zoning of land in this area of Alice Street, West Ulverstone.

The Tasmanian Planning Commission (the TPC), on 6 November 2020, advised the Council that the requirements for owners' consent for companies, as set out in the notes on Form No. 1 Owners' Consent, had not been met in that only one Company Director had signed the required form. Therefore, the TPC considered that it would be necessary for the Planning Authority to reconsider the request for a draft amendment and to re-exhibit the draft amendment, after obtaining a correctly completed owners' consent form. The owner's consultants, GHD Pty Ltd, were advised that a new consent form was required.

Revised documentation was received. The draft amendment was re-initiated and re-certified by the Planning Authority, with the correct owners' consent form and for a second time, the draft amendment was placed on public notification for comment. TasRail has not responded to the second period of public notification of the draft amendment.

*DISCUSSION*

Following the public exhibition of the draft amendment, s.39 of the Act (previous) requires the Planning Authority to prepare a report containing:

- . a copy of each representation made, if any;
- . a statement of the Planning Authority's opinion as to the merit of each representation made and whether the draft amendment should be modified; and
- . any recommendations of the Planning Authority to the TPC in relation to the draft amendment.

No representation was received during the public exhibition of the draft amendment.

Following submission of this s.39 report to the TPC, the TPC may consider the merits of the draft amendment and hold a public hearing to examine the proposal.

The TPC will be advised within 35 days from the close of the public exhibition period as per s.39(2) of the Act (previous).

*CONSULTATION*

Under s.38 of the Act (previous), the draft amendment was placed on public notification from Wednesday, 6 January 2021 and concluded Thursday, 4 February 2021 (including the notice being placed in The Advocate newspaper on Wednesday, 6 January 2021 and Saturday, 16 January 2021).

All adjoining property owners/occupiers were notified of the draft amendment and site notices were placed on each applicable site.

The draft amendment was referred to TasWater as per s.56 of the *Water and Sewerage Act 2008*. TasWater responded (via email received 22 December 2020) stating that there was no change to TasWater's Notice issued 5 October 2020 (initially advertised but with an error). TasWater's response is "*TasWater does not object to the proposed amendment to the Interim Planning Scheme as mentioned above and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings as stated in the attached SPAN*" (refer to Annexure 1).

*RESOURCE, FINANCIAL AND RISK IMPACTS*

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, as well as costs that may be associated with a hearing on the matter.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 (reviewed 2019) includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

*Recommendation –*

It is recommended that the Planning Authority:

- 1 Not make any changes to the draft amendment to rezone land known as 10A, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business as initiated and certified at its meeting held 14 December 2020.
- 2 Pursuant to s.39 of the *Land Use Planning and Approvals Act 1993* (previous), endorse and send this report to the Tasmanian Planning



Commission advising that no changes are required to the draft amendment of the *Central Coast Interim Planning Scheme 2013* that seeks to rezone land known as 10A, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business.

- 3 Delegate to the General Manager its powers and functions to represent the Planning Authority at hearings pursuant to s.40 of the *Land Use Planning and Approvals Act 1993* (previous).'

The Town Planner's report is supported."

The Executive Services Officer reported as follows:

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

■ Cr Viney moved and Cr Beswick seconded, "That the Planning Authority:

- 1 Not make any changes to the draft amendment to rezone land known as 10A, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business as initiated and certified at its meeting held 14 December 2020.
- 2 Modify the section 39 Report to be submitted to the Tasmanian Planning Commission to include reference to the correspondence from TasRail, received 1 February 2021, with a copy of TasRail correspondence to be included as an Annexure to the submitted section 39 Report.
- 3 Pursuant to s.39 of the *Land Use Planning and Approvals Act 1993* (previous), endorse and send the modified report to the Tasmanian Planning Commission advising that no changes are required to the draft amendment of the *Central Coast Interim Planning Scheme 2013* that seeks to rezone land known as 10A, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business.
- 4 Delegate to the General Manager its powers and functions to represent the Planning Authority at hearings pursuant to s.40 of the *Land Use Planning and Approvals Act 1993* (previous)."

Carried unanimously

**54/2021 Residential – subdivision to create two lots – variation to suitability of a site or lot for use or development and dwelling density at 54 Braddons Lookout Road, Leith – Application No. DA2020241**

The Strategic Projects and Planning Consultant reported as follows:

"The Town Planner has prepared the following report:

<i>'DEVELOPMENT APPLICATION NO.:</i>	DA2020241
<i>PROPOSAL:</i>	Residential – subdivision to create two lots – variation to suitability of a site or lot for use or development and dwelling density
<i>APPLICANTS:</i>	Nicholas Taylor and Kellie Strachan
<i>LOCATION:</i>	54 Braddons Lookout Road, Leith
<i>ZONE:</i>	Rural Living
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	13 January 2021
<i>REPRESENTATIONS EXPIRY DATE:</i>	28 January 2021
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	19 February 2021
<i>DECISION DUE:</i>	15 February 2021

*PURPOSE*

The purpose of this report is to consider an application for the subdivision of land to form two lots at 54 Braddons Lookout Road, Leith. The existing dwelling and associated outbuildings would be contained on proposed Lot 2 and accessed off the existing access from Braddons Lookout Road. The new lot, being Lot 1, would be accessed via a registered right of way from Davis Street, over land identified as 16 Davis Street, Leith.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – photographs;
- . Annexure 5 – Tas Water Submission to Planning Authority Notice; and
- . Annexure 6 – Statement of Compliance from the Road Authority and the Stormwater Authority.

*BACKGROUND*

*Development description –*

An application is made to create two residential lots on land identified as 54 Braddons Lookout Road, Leith.

The proposal would comprise of the following:

### Lot 1

Lot 1 would comprise 2,770m<sup>2</sup> and would be accessed off a registered right of way from Davis Street, over land identified as 16 Davis Street (CT13489/1). The lot would need to accommodate a building envelope with a maximum area of 210m<sup>2</sup> and comprise future development no greater than a three bedroom dwelling, to be located on the southern portion of the site. These qualifications are as a result of an assessment undertaken by consultants Geo-Environmental Solutions, with the building envelope and associated recommendations due to a Medium landslip risk on the site and required on-site wastewater management.

### Lot 2

Lot 2 would comprise 8,550m<sup>2</sup> and would accommodate an existing dwelling and associated outbuildings. Lot 2 has an existing access off Braddons Lookout Road.

### *Site description and surrounding area -*

The 1.130ha Rural Living zoned lot is an irregular shape and has frontage to Braddons Lookout Road. The land has a benefiting right of way, off Davis Street, registered on the Title.

The site is covered entirely in Medium landslip and falls within a larger expanse of Medium landslip in this area. The site has an approximate 25m fall downwards, from Braddons Lookout Road, in a south-west direction. The site also has a slight slope upwards from Davis Street, which incorporates the right of way.

The surrounding land is zoned Rural Living with the majority of lots developed for residential purpose with single dwellings and associated outbuildings.

### *History -*

There is no history relevant to this application.

### *DISCUSSION*

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

### 13.0 Rural Living Zone

CLAUSE	COMMENT
<b>13.3 Use Standards</b>	
<b>13.3.1 Discretionary permit use</b>	
<p>13.3.2-(A1) Discretionary permit use must:</p> <p>(a) be consistent with local area objectives;</p> <p>(b) be consistent with any applicable desired future character statement; and</p> <p>(c) minimise likelihood for unreasonable impact on amenity for residential use on adjacent land in the zone.</p>	Not applicable. Residential use is Permitted.
<b>13.3.2 Impact of use</b>	
13.3.2-(A1) Permitted non-residential use must adjoin at last one residential use on the same street frontage.	Not applicable. Residential use is Permitted.
13.3.2-(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.	Not applicable. Residential use is Permitted.

<p>13.3.2–(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. Residential use is Permitted.</p>
<p><b>13.4.1 Suitability of a site or lot for use or development</b></p>	
<p>13.4.1–(A1) Each site or each lot on a plan of subdivision must:</p> <p>(a) have an area not less than:</p> <p style="padding-left: 20px;">(i) 1.0 hectares excluding any access strip; or</p> <p style="padding-left: 20px;">(ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality.</p> <p>(b) If intended for a building, contain a building area of:</p> <p style="padding-left: 20px;">(i) not more than 1,000m<sup>2</sup>;</p> <p style="padding-left: 20px;">(ii) clear of any applicable setback from a frontage, side, or rear boundary;</p> <p style="padding-left: 20px;">(iii) clear of any applicable setback from a zone boundary;</p> <p style="padding-left: 20px;">(iv) clear of any registered easement;</p>	<p>(a)(i) Not applicable. Refer to (a)(ii).</p> <p>(a)(ii) Non-compliant. Table to this Clause includes Leith which states a land area of not less than 4,000m<sup>2</sup>. Proposed Lot 1 would have an area of 2,770m<sup>2</sup>.</p> <p style="padding-left: 20px;">Refer to the “Issues” section of this report.</p> <p>(b)(i) Compliant. Both lots would have a building area less than 1,000m<sup>2</sup>.</p> <p>(b)(ii) Compliant. Existing dwelling to be contained on proposed Lot 2 satisfies all setback requirements. Proposed Lot 1 shows a building area to be clear of all setback requirements.</p> <p>(b)(iii) Compliant. Existing dwelling and proposed building area would be setback approximately 90m from Rural Resource zone.</p>

<ul style="list-style-type: none"> <li>(v) clear of any registered right-of-way benefiting other land;</li> <li>(vi) clear of any restriction imposed by a utility;</li> <li>(vii) not including any access strip; and</li> <li>(viii) clear of any area required for the on-site disposal of sewage or stormwater; and</li> <li>(ix) accessible from a frontage or access strip.</li> </ul>	<ul style="list-style-type: none"> <li>(b)(iv) Compliant. Subdivision plan shows that the existing dwelling and proposed building area would be clear of all easements.</li> <li>(b)(v) Compliant. Subdivision plan shows that the existing dwelling and proposed building area would be clear of the registered right of way.</li> <li>(b)(vi) Compliant. Subdivision plan shows that the existing dwelling and proposed building area would be clear of stormwater drainage.</li> <li>(b)(vii) Not applicable. No access strip.</li> <li>(b)(viii) Compliant. The on-site wastewater areas and stormwater disposal areas would be clear of all building areas.</li> <li>(b)(ix) Compliant. Lot 2 would be accessed from existing crossover off Braddons Lookout Road. Lot 1 would be accessed via a registered right of way off Davis Street.</li> </ul>
<p>13.4.1-(A2) Each site or a lot on a plan of subdivision must have a separate access from a road:</p> <ul style="list-style-type: none"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a</li> </ul>	<ul style="list-style-type: none"> <li>(a) Non-compliant. Proposed Lot 1 would be accessed via a registered right of way off frontage along Davis Street.  Refer to the "Issues" section of this report.</li> <li>(b) Not applicable. No internal lots.</li> </ul>

<p>frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road –</p> <p>(i) over land not required as the means of access to any other land; and</p> <p>(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 1992</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) Non-compliant. Proposed Lot 1 would be accessed via a registered right of way off frontage along Davis Street.</p> <p>Refer to the “Issues” section of this report.</p> <p>(d) Non-compliant for the right of way. The right of way has an access width of 4m.</p> <p>(e) Compliant. A Statement of Compliance has been issued regarding new access for Lot 1 (refer to Annexure 6).</p>
<p>13.4.1–(A3) A site or each lot on a plan of subdivision must have a water supply:</p> <p>(a) from a connection to a water supply provided in</p>	<p>(a) Compliant. Site has connection to a water supply. TasWater Submission to Planning Authority Notice has been issued (refer to Annexure 5).</p>

<p>accordance with the <i>Water and Sewerage Industry Act 2009</i>; or</p> <p>(b) from a rechargeable drinking water system <sup>R6</sup> 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>(b) Not applicable. Satisfied by (a).</p>
<p>13.4.1–(A4) A site or each lot on a plan of subdivision must drain sewage and trade waste:</p> <p>(a) to a reticulated sewer system provided in accordance with the <i>Water and Sewerage Industry Act 2009</i>; or</p> <p>(b) by on-site disposal if:</p> <p>(i) sewage or trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development:</p>	<p>(a) Not applicable. Satisfied by (b).</p> <p>(b)(i) Compliant. Proposal is for the on-site disposal of sewage and trade waste.</p> <p>(b)(ii) Compliant. Development is for a building area to eventually contain a single dwelling.</p> <p>(b)(iii) Compliant. Application includes an On-Site Wastewater Assessment prepared by Geo-Environmental Solutions that demonstrates the site has capacity for on-site disposal of domestic wastewater in accordance with AS/NZS1547:2000.</p>



<ul style="list-style-type: none"> <li>a. is for a single dwelling; or</li> <li>b. provides for an equivalent population of not more than 10 people per day; or</li> <li>c. creates a total sewage and waste water flow of not more than 1,000 litres per day; and</li> </ul> <p>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS1547:2000 On-site domestic wastewater management, clear of any defined building area or access strip.</p>	<p>On-site domestic wastewater management would be clear of any defined building area or access strip.</p>
<p>13.4.1–(A5) A site or each lot on a plan of subdivision must drain stormwater:</p> <ul style="list-style-type: none"> <li>(a) or discharge to a stormwater system provided in accordance with the <i>Drains Act 1954</i>; or</li> <li>(b) if stormwater cannot be drained to a stormwater system: <ul style="list-style-type: none"> <li>(i) for discharge to a natural drainage line, water body, or watercourse; or</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Site would dispose of stormwater through a drainage easement. A Statement of Compliance has been issued regarding stormwater disposal for Lot 1 (refer to Annexure 6).</li> <li>(b) Not applicable. Satisfied by (a).</li> </ul>

<p>(ii) for disposal within the site if:</p> <ul style="list-style-type: none"> <li>a. the site has an area of not less than 5,000m<sup>2</sup>;</li> <li>b. the disposal area is not within any defined building area;</li> <li>c. the disposal area is not within any area required for the disposal of sewage;</li> <li>d. the disposal area is not within any access strip; and</li> <li>e. not more than 50% of the site is impervious surface; and</li> </ul> <p>(iii) the development is for a single dwelling.</p>	
<p><b>13.4.2 Dwelling density</b></p>	
<p>13.4.2-(A1) The site area per dwelling must:</p> <ul style="list-style-type: none"> <li>(a) be not less than 1.0 hectare; or</li> <li>(b) if the site is in a locality shown in the Table to this clause, the site area for that locality.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Not applicable. Refer to (b).</li> <li>(b) Non-compliant. Table to this Clause includes Leith which states a land area of not less than 4,000m<sup>2</sup>. Proposed Lot 1 would have an area of 2,770m<sup>2</sup>.</li> </ul>

	Refer to the “Issues” section of this report.
<b>13.4.3 Location and configuration of development</b>	
<p>13.4.3–(A1) A building, utility structure, garage, carport, or an external car parking area and any area for the display, handling, or storage of goods, materials, or waste must be set back from a frontage;</p> <p>(a) not less than 20.0m;</p> <p>(b) not less or not more than the setbacks for any existing building on each of the immediate adjoining sites;</p> <p>(c) not less than for any building retained on the site;</p> <p>(d) in accordance with any building area shown on a sealed plan of subdivision; or</p> <p>(e) if the site abuts a road shown in the Table to this clause, the setback specified for that road; or</p> <p>(f) if the site is in a locality shown in the Table to this clause, the setback for that locality.</p>	<p>(a) Not applicable. Leith Rural Living zone is in a Table to this Clause. Refer to (f).</p> <p>(b) Not applicable. Satisfied by (f).</p> <p>(c) Not applicable. Satisfied by (f).</p> <p>(d) Not applicable. Sealed plan does not show a building area.</p> <p>(e) Not applicable. Site does not abut the Bass Highway.</p> <p>(f) Compliant. The setback for Leith is 10m from a frontage. The existing dwelling and proposed building area satisfies this requirement.</p>
<p>13.4.3–(A2) All buildings must be contained within a building envelope determined by:</p>	<p>(a) Compliant as discussed above.</p>

<ul style="list-style-type: none"> <li>(a) the applicable frontage setback;</li> <li>(b) a setback of not less than 10.0m from each side boundary;</li> <li>(c) a setback of not less than 10.0m from the rear boundary;</li> <li>(d) a setback of not less than 20.0m from any designated building area on each adjacent site; or</li> <li>(e) if the site is in a locality shown in the Table to this clause, the setback for that locality; or</li> <li>(f) any building area shown on a sealed plan of subdivision; and</li> <li>(g) building height of not more than 8.5m.</li> </ul>	<ul style="list-style-type: none"> <li>(b) Not applicable. Leith Rural Living zone is in a Table to this Clause. Refer to (e).</li> <li>(c) Not applicable. Satisfied by (e).</li> <li>(d) Not applicable. Satisfied by (e).</li> <li>(e) Compliant. The setback for Leith is 5m from a side and rear boundary. The existing dwelling and proposed building area satisfy this requirement.</li> <li>(f) Not applicable. No sealed area on a plan of subdivision.</li> <li>(g) Compliant. Existing dwelling satisfies this requirement.</li> </ul>
<p>13.4.3-(A3) Site coverage must:</p> <ul style="list-style-type: none"> <li>(a) be not more than 500m<sup>2</sup>; and</li> <li>(b) not include any part of a site required for the disposal and drainage of sewage or stormwater; or</li> <li>(c) be not more than any building area shown on a sealed plan of subdivision.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant for both lots. Site coverage for the existing dwelling would be approximately 370m<sup>2</sup>. Site coverage for the proposed building area would be 210m<sup>2</sup>.</li> <li>(b) Compliant. Development would be clear of stormwater and wastewater disposal areas.</li> <li>(c) Not applicable. No building area shown on a sealed plan.</li> </ul>

<p>13.4.3-(A4)</p> <p>(a) A utility structure must be a power pole, antenna or a single domestic-scale turbine to a maximum of 10m in height which is –</p> <ul style="list-style-type: none"> <li>(i) not part of a wind farm;</li> <li>(ii) not sited on a skyline; and</li> <li>(iii) if a wind turbine, not located within 60m a dwelling in other ownership not within 30m of a public road.</li> </ul> <p>(b) A building, except a utility structure must be –</p> <ul style="list-style-type: none"> <li>(i) located not less than 15m below the level of any adjoining ridgeline;</li> <li>(ii) not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; and</li> <li>(iii) clad and roofed with materials with a light reflectance value of less than 40%</li> </ul>	<ul style="list-style-type: none"> <li>(a) Not applicable. No utility structure proposed.</li> <li>(b)(i) Compliant. Site is located approximately 20m below the adjoining ridgeline.</li> <li>(b)(ii) Compliant. No watercourses within the vicinity of the site.</li> <li>(b)(iii) Compliant for the existing dwelling.</li> </ul>
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<b>13.4.4 Acoustic and visual privacy for residential development</b>	
<p>13.4.4-(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) be not less than 10.0m from a side boundary and 10.0m from a rear boundary to adjoining land in any zone for residential purposes; or</p> <p>(b) be not less than 10.0m from a door or window to a habitable room or any part of a balcony, deck, or roof garden in an adjacent dwelling.</p>	<p>(a) Compliant. Existing dwelling is setback greater than 10m to each adjoining property.</p> <p>(b) Compliant. Proposed building area would be setback greater than 10m to a door or window to a habitable room or any part of a balcony, deck, or roof garden in an adjacent dwelling.</p>
<p>13.4.4-(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 5.0m horizontally from the door or window to a dwelling, or any balcony, deck, or roof garden in a dwelling.</p>	<p>Not applicable.</p> <p>No access strip proposed.</p>
<b>13.4.5 Private open space for multiple dwelling residential use</b>	
<p>13.4.5-(A1) Each dwelling in a multiple dwelling must have external private open space that:</p> <p>(a) is accessible from the dwelling;</p>	<p>Not applicable.</p> <p>Not a multiple dwelling development.</p>

<p>(b) comprises an area of not less than 50.0m<sup>2</sup>;</p> <p>(c) has a minimum dimension of 5.0m;</p> <p>(d) has a gradient of not more than 1 in 10.</p>	
<p>13.4.5–(A2) The required minimum private open space area must receive not less than two hours of continuous sunlight between 9.00am and 5.00pm on 21 June.</p>	<p>Not applicable.</p> <p>Not a multiple dwelling development.</p>
<p><b>13.4.6 Setback of sensitive use development</b></p>	
<p>13.4.6–(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 on 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 setback distance from the zone boundary.</p>	<p>(a) Compliant. Both the existing and proposed building area would be setback approximately 90m to Rural Resource zone.</p> <p>(b) Compliant. Both the existing and proposed building area would be setback approximately 90m to Rural Resource zone.</p>

<p>13.4.6–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) the Bass Highway;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(a) Compliant. Proposed development would be setback approximately 239m from Bass Highway.</p> <p>(b) Compliant. Proposed development would be approximately 343m from the Western Rail Line.</p> <p>(c) Not applicable. No land designated for future road or rail purposes.</p> <p>(d) Compliant. The closest proclaimed wharf is located at Devonport approximately 15km to the east.</p>
<p><b>13.4.7 Subdivision</b></p>	
<p>13.4.7–(P1) 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>Compliant with (a).</p> <p>Subdivision is for residential use.</p>



13.4.7-(A2) A lot other than a lot to which A1(b) applies, must not be an internal lot.	Compliant. No internal lots are proposed.
<b>13.4.8 Reticulation of an electricity supply to new lots on a plan of subdivision</b>	
13.4.8-(A1) Electricity reticulation and site connections must be installed underground.	Compliant. Application states electricity reticulation and site connections would be underground.
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Applicable. Proposal is for a subdivision. Application was supported with a Bushfire Risk Assessment Report and Certificates prepared by Ground Proof Mapping.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in the Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of vegetation.
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level greater than 1 m.
<b>E5 Local Heritage Code</b>	Not applicable. No Local Heritage Code in the Scheme.

<b>E6 Hazard Management Code</b>	<p>Applicable. Site is located within an area of Medium landslip.</p> <p>Application was supported with a Landslide Assessment Report by Geo-Environmental Solutions dated September 2020.</p> <p>This report made several recommendations which is reflected through Condition No. 11 of the Planning Permit for a registered Part 5 Agreement outlining an allowable building envelope.</p>
<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Code applies to all development.
<b>E9.4 Use or development exempt from this Code</b>	<p>Not exempt.</p> <p>No Local Area Parking Scheme applies to the site.</p>

<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
E9.5.1-(A1) Provision for parking must be:	Compliant. Existing dwelling has provisions for two car parking spaces. Proposed Lot 1 would have ample area for the provision of two car parking spaces.
(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;	
<b>E9.6 Development Standards</b>	
<b>E9.6.2 Design of vehicle parking and loading areas</b>	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by a Condition on a Permit.
E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and maneuvering area must –	(a) Compliant. The site has ample land area to accommodate vehicle maneuverability in accordance with Australian Standards.
(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	

<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>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 to a Permit.</p>

<b>E10 Water and Waterways Code</b>	Not applicable. No watercourse is within 30m to the site.
<b>Specific Area Plans</b>	No Specific Area Plans apply to this location.

*Issues –*

*1 Suitability of a site or lot for use or development – lot size –*

The Planning Scheme’s Acceptable Solution for Clause 13.4.1–(A1)(ii) states that each site, or each lot on a plan of subdivision, must have an area of not less than 1ha, or not less than the site area shown for that locality (Leith) in the Table to this Clause.

Leith is shown in the Table to this Clause with an area of 4,000m<sup>2</sup>. Lot 2 would comply with this requirement with a land area of 8,550m<sup>2</sup>. Lot 1 would not comply with this requirement as the lot would have a land area of 2,770m<sup>2</sup>. The proposal requires a variation to this standard and an exercise of discretion is required to allow for Lot 1.

The Planning Scheme’s Performance Criteria for Clause 13.4.1–(P1) states that a site must be consistent with the Rural Living Zone Purpose, Local Area Objectives and Desired Future Character Statements and have regard to –

- (i) the number, size and distribution of existing and approved lots on land in the vicinity;

Compliant. Proposed Lot 1 would be within an area that has some lots less than 4,000m<sup>2</sup> in land area. Surrounding lots vary in sizes from 2,216m<sup>2</sup>, up to 1ha. There are two lots that adjoin the subject development site that are smaller than the proposed 2,770m<sup>2</sup> for Lot 1.

- (ii) the pattern, intensity and character of established use and development on other lots in the vicinity;

Compliant. As mentioned above, surrounding lots vary in sizes from 2,216m<sup>2</sup>, up to 1ha. There are two lots that adjoin the development site that are smaller than the proposed 2,770m<sup>2</sup> for Lot 1. All surrounding lots contain single dwellings and associated outbuildings or have approval for this type of residential development.

- (iii) the capacity of an available or planned utilities; and

Compliant. Lot 1 can be serviced with a reticulated water supply, sewage through the establishment of an on-site

wastewater system, and stormwater through an existing drainage easement.

- (iv) capability of the land to accommodate residential use.

Compliant. Lot 1 includes the application for a building envelope, as recommended in the accompanying Landslide Assessment report. The building envelope would be positioned to satisfy all setback requirements for Leith.

Furthermore, the site must be of sufficient size for the intended use having regard to the effect of one or more of the following:

- (i) Topography;

Compliant. The development site has significant slope from Braddons Lookout Road and from Davis Street. Lot 1 would also have some slope, however the actual building area, that has been identified in the Landslide Assessment report, is reasonably flat.

- (ii) Natural drainage of the land and the land in the vicinity;

Compliant. Condition of Permit would be for the disposal of stormwater to the existing drainage easement.

- (iii) The desirability of protecting native vegetation, landscape features, natural and cultural values;

Compliant. The subdivision would result in the minimal, if any, removal of vegetation which would optimise the bushland attributes of the area.

- (iv) Provision for management of exposure to natural hazards;

Compliant. The entirety of the site is within a Medium landslip risk area. An accompanying Landslide Assessment report forms part of the application. This report makes several recommendations, including the identification of a 210m<sup>2</sup> maximum building envelope. The requirement of a fixed building envelope on Lot 1 will be conditioned through application of a registered Part 5 Agreement.

- (v) Provision of an accessible building area;

Compliant. Lot 1 includes the application of a building envelope as recommended through the Landslide Assessment report. This building envelope would be positioned to satisfy all setback requirements for Leith.

- (vi) Compliance to the Acceptable Solution criteria in any applicable standard for location and separation of a building;

Compliant. Lot 1 includes the application of a building envelope as recommended through the Landslide Assessment report. This building envelope is positioned to satisfy all setback requirements for Leith.

- (vii) Arrangements for the convenient provision of roads and access to the land;

Compliant. Lot 1 can obtain access from a benefiting registered right of way off Davis Street, over 16 Davis Street.

- (viii) Arrangements for the provision of a water supply and of the drainage and disposal of sewage and stormwater;

Compliant. Lot 1 can be serviced with a reticulated water supply, sewage through the establishment of an on-site wastewater system, and stormwater through an existing drainage easement.

- (ix) Any restriction or requirement of a lawful easement or statutory interest in the land; and

Compliant. No restriction or requirement for an additional lawful easement or statutory interest in the land.

- (x) Opportunity for solar access to a building area.

Compliant. A building area has been identified for Lot 1 which would allow for the design of a three-bedroom dwelling to accommodate northern solar access.



2 *Suitability of a site or lot for use or development – access via a right of way –*

The Planning Scheme’s Acceptable Solution for Clause 13.4.1–(A2)(a) states that a site or each lot on a subdivision plan must have a separate access from a road.

Proposed Lot 1 would be accessed via a registered benefiting right of way off frontage to Davis Street. The proposal requires variation to this standard and an exercise of discretion is required to allow for Lot 1.

The Planning Scheme’s Performance Criteria for Clause 13.4.1–(P2) states that:

(a) a site must have a reasonable and secure access from a road provided –

(i) across a frontage; or

Compliant. The registered benefiting right of way is off a Davis Street frontage, over 16 Davis Street, Leith.

(ii) by an access strip connecting to a frontage, if for an internal lot; or

Compliant by (i).

(iii) by a right of way; connecting to a road over land not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution of any applicable standard; and

Compliant by (i).

(iv) the dimensions of the frontage and any access strip of right-of-way must be adequate for the type and volume of traffic likely to be generated by –

a. the intended use; and

Compliant. The site is intended for residential, use. The access arrangement has been signed off by the Council acting as a Road Authority.

b. the existing or potential use of any other land which requires use of the access as the means of access for that land.

Compliant. No other land requires access or use of the registered right of way.

- (v) the relevant road authority in accordance with the *Local Government (Highways) Act 1982* or the *Roads and Jetties Act 1935* must have advised it is satisfied adequate arrangements can be made to provide vehicle access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or

Compliant. The access arrangement has been signed off by the Council acting as a Road Authority.

- (b) it must be unnecessary for the development to require access to the site or to a lot on a subdivision plan.

Not applicable. Proposal is satisfied by (a).

### 3 *Dwelling density* -

The Planning Scheme's Acceptable Solution for Clause 13.4.2-(A1) states that the site area per dwelling must have an area of not less than 1 ha, or not less than the site area shown for that locality (Leith) in the Table to this Clause.

Leith is shown on this Table with an area of 4,000m<sup>2</sup>. Lot 2 would comply with this requirement with a land area of 8,550m<sup>2</sup>. Lot 1 would not comply with this requirement as the lot would have a land area of 2,770m<sup>2</sup>. The proposal requires variation to this standard and an exercise of discretion is required to allow for Lot 1.

The Planning Scheme's Performance Criteria for Clause 13.4.2-(P1) states that a site must be consistent with the Rural Living Zone Purpose, Local Area Objectives and Desired Future Character Statements and having regard to -

- (i) The size of any existing or approved lot or site on land in the vicinity; and

Compliant. Proposed Lot 1 would be within an area that has some lots with areas less than 4,000m<sup>2</sup>. Surrounding lots vary in sizes from 2,216m<sup>2</sup> to 1ha. There are two lots that adjoin

the subject development site that are smaller than the proposed 2,770m<sup>2</sup> for Lot 1.

- (ii) The pattern, intensity and character of established use and development on other lots in the vicinity.

Compliant. As mentioned above, surrounding lots vary in sizes from as little as 2,216m<sup>2</sup> to 1ha. There are two lots that adjoin the development site that are smaller than the proposed 2,770m<sup>2</sup> for Lot 1. All surrounding lots contain single dwellings and associated outbuildings or have approval for this type of residential development.

Furthermore, the capability of the land for residential use having regard to the effect of one or more of the following:

- (i) Topography;

Compliant. The development site has significant slope from both Braddons Lookout Road and Davis Street. Lot 1 would also have some slope, however the actual building area identified in the Landslide Assessment report is reasonably flat.

- (ii) Natural drainage;

Compliant. Condition of Permit would be for the disposal of stormwater to the existing drainage easement.

- (iii) The desirability of protecting native vegetation, landscape features, natural and cultural values;

Compliant. The subdivision would result in minimal removal of vegetation which would optimise the bushland attributes of the area.

- (iv) Provision for management of exposure to natural hazards;

Compliant. The entirety of the site is within a Medium landslip risk area. An accompanying Landslide Assessment report forms part of the application. The report makes several recommendations, including the

requirement for a building envelope with an area of 210m<sup>2</sup>. This will be conditioned through a registered Part 5 Agreement on Lot 1.

- (v) Provision of an access to the building area;

Compliant. Lot 1 includes the application for a building envelope as recommended through the Landslide Assessment report. The building envelope would be positioned to satisfy all setback requirements for Leith.

- (vi) Compliance to the acceptable solution criteria in any applicable standard for location and separation of a building in relation to a frontage, side or rear boundary or zone boundary and from adjacent buildings;

Compliant. Lot 1 includes the application of a building envelope on a title, as recommended in the accompanying Landslide Assessment report. The building envelope would be positioned to satisfy all setback requirements for Leith.

- (vii) Arrangements for the convenient provision of roads and access to the land;

Compliant. Lot 1 can obtain access from a registered benefiting right of way off Davis Street.

- (viii) Arrangements for the provision of a water supply and of the drainage and disposal of sewage and stormwater;

Compliant. Lot 1 can be serviced with a reticulated water supply, sewage through the establishment of an on-site wastewater system, and stormwater through an existing drainage easement.

- (ix) Any restriction or requirement of a lawful easement or statutory interest in the land; and

Compliant. No restriction or requirement for any additional lawful easements or statutory interest in the land.

- (x) Opportunity for solar access to a building area.

Compliant. A building area has been identified for Lot 1 which would allow for the design of a dwelling to accommodate the northern solar access.

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 private open space is to be required are provided for in the Council’s Public Open Space Contributions Policy 2019.

The Council’s Public Open Space Contributions Policy requires a contribution for any residential subdivision where new lots are created. This is either by way of land, where there is a deficiency of public open space, or a cash-in-lieu payment. In this instance, there is no land required to be taken for public open space.

In accordance with the Policy, a 3% cash-in-lieu contribution is to be paid, based on the unimproved value of the new lot. The Public Open Space contribution is required to provide for the provision or improvement of public open space of local, district or regional value. This will require a condition on the Permit.

*Referral advice -*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No issues. According to the report, the site is able to support an on-site wastewater system.
Infrastructure Services	Statement of Compliance from the Council, acting in its capacity as the Road Authority and the Stormwater Authority, has been issued. Refer to Annexure 6.
Building Services	No requirements.

TasWater	Submission to Planning Authority Notice received. Refer to Annexure 5.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Other	Referral not required.

*CONSULTATION*

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

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

*Representation -*

One representation was received within the prescribed time, a copy of which is provided at Annexure 3.

The representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
1 Loss of privacy. It is understood that the minimum lot size is 4,000m <sup>2</sup> and that no one could build next to 8 Davis Street.	The Planning Scheme's Acceptable Solution states that each lot in Leith must have an area of not less than 4,000m <sup>2</sup> .  Proposed Lot 1 would be 2,770m <sup>2</sup> . This discretionary matter has been

	<p>addressed in the “Issues” section of this report, under matters numbered 1 and 3.</p> <p>It is considered that the proposed variation to the lot size is consistent with the surrounding area which contains lots smaller than 4,000m<sup>2</sup> in land area.</p> <p>The dwelling at 8 Davis Street would be setback approximately 38m from the proposed building area on proposed Lot 1.</p> <p>Furthermore, the property known as 8 Davis Street has ample areas for private open space. It is acknowledged that a 12m<sup>2</sup> shed has been built approximately 5m from the common boundary with the development site. However, this would allow an approximate 10m separation between the shed and proposed building area.</p>
<p>2 Noise level from shed at 8 Davis Street which was positioned away from all adjoining dwellings.</p>	<p>Noise is not a planning matter.</p> <p>After discussions with the Council’s Environmental Health Officer, it is advised that noise is either regulated through the <i>Environmental Management and Pollution Control Act 1994</i> or by Tasmania Police, depending on the type of noise and the day/hour of the week.</p> <p>In a residential area, it is up to each individual to not create a noise nuisance.</p> <p>The proposed building area would be setback 5m from the southern rear/side boundary. This satisfies</p>

	<p>the setback requirements in the Rural Living zone for properties located in Leith.</p>
<p>3 The proposed 210m<sup>2</sup> building area for a three-bedroom home is unlike other dwellings within the area.</p>	<p>The required 210m<sup>2</sup> building envelope and three bedroom dwelling limit is due to recommendations made in both the Landslide Assessment and On-site Wastewater Assessment reports.</p> <p>The Planning Scheme does not stipulate a minimum building area in the Rural Living zone. The Planning Scheme does indicate under Acceptable Solutions that a building area is not to be greater than 1,000m<sup>2</sup> and that site coverage is not to be greater than 500m<sup>2</sup>. The proposed building envelope area satisfies both these requirements.</p> <p>It would be up to the owner of the new Lot 1 to produce a design that would be limited to a three bedroom dwelling. A three bedroom dwelling is common.</p> <p>The surrounding area has varying dwelling/building areas, some as little as 250m<sup>2</sup>.</p> <p>The building area and requirement for only a three bedroom dwelling are not unreasonable, due to the Medium landslip risk characteristics and on-site wastewater requirements. The requirements are to be conditioned through a registered Part 5 Agreement on proposed Lot 1.</p>



<p>4 Final approval should make the building envelope extend from 5m to 10m and a 2m Colorbond fence be erected along the common boundary to 8 Davis Street for privacy and noise purposes.</p>	<p>This is not considered a reasonable request. The proposed building area is a consultant's recommendation, due to land characteristics.</p> <p>The proposed building area satisfies the Planning Scheme's Acceptable Solution setback requirements in the Rural Living zone, for properties in Leith.</p> <p>Furthermore, a boundary fence is not a planning matter and is a matter between two neighbours, unless the property adjoins Council owned land.</p>
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*RESOURCE, FINANCIAL AND RISK IMPACTS*

The development application may be appealed by either the applicant or the representor. An appeal would impact on Council resources outside those usually required for assessment and reporting and would involve legal costs associated with an appeal against the Council's determination. There may be an impact on Council resources in relation to ensuring compliance with Permit conditions.

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

*CONCLUSION*

The representation does not contain sufficient merit to refuse the application.

The application was discretionary due to the lot size, access via a right of way and site density for Lot 1. All discretionary matters have been addressed within the "Issues" section of this report and are considered to have satisfied the Planning Scheme's applicable Performance Criteria.

The proposed development is considered to be reasonable development within the Rural Living zone and would not be too dissimilar with development in the established area. It is considered appropriate that the proposal be approved, subject to conditions.

*Recommendation –*

It is recommended that the application for Residential – subdivision to create two lots – variation to suitability of a site or lot for use or development and dwelling density at 54 Braddons Lookout Road, Leith – Application No. DA2020241 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the Subdivision Plan as prepared by the applicant and received 23 December 2020.
- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2021/00094-CC dated 28 January 2021.
- 3 The development must be in accordance with the discussion and recommendations contained in the Landslide Assessment Report by Geo-Environmental Solutions dated September 2020.
- 4 The development must be in accordance with the recommendations for wastewater disposal contained in the On-Site Wastewater Assessment Report by Geo-Environmental Solutions dated March 2020 and updated September 2020.
- 5 At completion of the works, a statement must be provided by the author of the Landslide Assessment report and the On-Site Wastewater Assessment Report indicating whether the works have been completed in accordance with the Discussion and Recommendations contained in the reports.
- 6 The development must be in accordance with the Bushfire Risk Assessment Report and Certificate No. GPM20-100 prepared by Ground Proof Mapping dated 21 December 2020.
- 7 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 11 January 2021, issued by the Council, acting in its capacity as the Road Authority and the Stormwater Authority.

- 8 Vehicle parking and manoeuvring areas must be designed and constructed in accordance with the "Unsealed Roads Manual – Guideline for Good Practice ARRB".
- 9 A cash-in-lieu of public open space contribution of \$1,102.71 which is 3% of the unimproved value of Lot 1 must be paid prior to the sealing of the Final Plan of Survey.
- 10 Prior to the sealing of the Final Plan of Survey, confirmation from TasNetworks would be required that an electricity supply has been installed underground to Lot 1.
- 11 The Final Plan of Survey is to detail the required building envelope.
- 12 Prior to the sealing of the Final Plan of Survey, the owner of the land must submit and 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 the following matters to the satisfaction of the General Manager:
  - (a) Identify and describe the allowable building envelope, being approximately 210m<sup>2</sup> as per recommendations in the Landslide Assessment Report by Geo-Environmental Solutions dated September 2020; and
  - (b) That a maximum development of a three bedroom dwelling is allowed within the building envelope as per recommendations in the On-Site Wastewater Assessment Report by Geo-Environmental Solutions dated March 2020 and updated September 2020.

Please note:

- 1 A Planning Permit remains valid for two years. If the use and/or development has not substantially commenced within this period, an extension 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 an arrangement of a Private Works Authority or bank guarantee to undertake such works.'

The Town Planner’s report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr Carpenter moved and Cr Fuller seconded, “That the application for Residential – subdivision to create two lots – variation to suitability of a site or lot for use or development and dwelling density at 54 Braddons Lookout Road, Leith – Application No. DA2020241 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the Subdivision Plan as prepared by the applicant and received 23 December 2020.
- 2 The development must be in accordance with the conditions of TasWater’s Submission to Planning Authority Notice, Reference No. TWDA 2021/00094-CC dated 28 January 2021.
- 3 The development must be in accordance with the discussion and recommendations contained in the Landslide Assessment Report by Geo-Environmental Solutions dated September 2020.
- 4 The development must be in accordance with the recommendations for wastewater disposal contained in the On-Site Wastewater Assessment Report by Geo-Environmental Solutions dated March 2020 and updated September 2020.
- 5 At completion of the works, a statement must be provided by the author of the Landslide Assessment report and the On-Site Wastewater Assessment Report indicating whether the works have been completed in accordance with the Discussion and Recommendations contained in the reports.
- 6 The development must be in accordance with the Bushfire Risk Assessment Report and Certificate No. GPM20-100 prepared by Ground Proof Mapping dated 21 December 2020.
- 7 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 11 January 2021, issued by the Council, acting in its capacity as the Road Authority and the Stormwater Authority.
- 8 Vehicle parking and manoeuvring areas must be designed and constructed in accordance with the "Unsealed Roads Manual – Guideline for Good Practice ARRB”.

- 9 A cash-in-lieu of public open space contribution of \$1,102.71 which is 3% of the unimproved value of Lot 1 must be paid prior to the sealing of the Final Plan of Survey.
- 10 Prior to the sealing of the Final Plan of Survey, confirmation from TasNetworks would be required that an electricity supply has been installed underground to Lot 1.
- 11 The Final Plan of Survey is to detail the required building envelope.
- 12 Prior to the sealing of the Final Plan of Survey, the owner of the land must submit and 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 the following matters to the satisfaction of the General Manager:
  - (a) Identify and describe the allowable building envelope, being approximately 210m<sup>2</sup> as per recommendations in the Landslide Assessment Report by Geo-Environmental Solutions dated September 2020; and
  - (b) That a maximum development of a three bedroom dwelling is allowed within the building envelope as per recommendations in the On-Site Wastewater Assessment Report by Geo-Environmental Solutions dated March 2020 and updated September 2020.

Please note:

- 1 A Planning Permit remains valid for two years. If the use and/or development has not substantially commenced within this period, an extension 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 an arrangement of a Private Works Authority or bank guarantee to undertake such works."

Carried unanimously

**55/2021 Residential – dwelling – setback and width of openings for garages and setback of development for sensitive use – 9 Braddon Street, West Ulverstone – Application No. DA2021012**

*Cr Beswick, having declared an interest, left the meeting at 6.12pm for consideration and voting on the matter of 'Residential – dwelling – setback and width of openings for garages and setback of development for sensitive use – 9 Braddon Street, West Ulverstone – Application No. DA2021012.'*

The Strategic Projects and Planning Consultant reports as follows:

“The Manager Land Use Planning has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2021012
<i>PROPOSAL:</i>	Residential – dwelling – setback and width of openings for garages and setback of development for sensitive use
<i>APPLICANT:</i>	JBuild Consulting
<i>LOCATION:</i>	9 Braddon Street, West Ulverstone
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013 (the Planning Scheme)</i>
<i>ADVERTISED:</i>	16 January 2021
<i>REPRESENTATIONS EXPIRY DATE:</i>	2 February 2021
<i>REPRESENTATIONS RECEIVED:</i>	Two (one representor)
<i>42-DAY EXPIRY DATE:</i>	23 February 2021
<i>DECISION DUE:</i>	15 February 2021

*PURPOSE*

The purpose of this report is to consider an application for a double-storey dwelling with internal and attached garages on land at 9 Braddon Street, West Ulverstone.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representations;
- . Annexure 4 – TasWater’s Submission to Planning Authority Notice;
- . Annexure 5– Statement of Compliance by the Road Authority and the Stormwater Authority; and
- . Annexure 6 – photographs.

*BACKGROUND*

*Development description –*

An application has been received for a 400.95m<sup>2</sup> dwelling, including internal and attached garages and deck, on vacant residential land identified as 9 Braddon Street, West Ulverstone.

The proposed dwelling would be 6.5m high and setback 4.5m from the primary frontage (Braddon Street), 3m from the secondary frontage (Maud Street) and 7m from the western side boundary. The upper level of the dwelling would be setback 3.7m from the southern side boundary.

The dwelling would be a two-storey, brick construction with the upper level comprising kitchen, dining and lounge room, master bedroom with ensuite, study and outdoor deck. The ground level would comprise two additional bedrooms, rumpus room, bathroom, storage area and two internal garage bays to accommodate two cars.

An attached single car garage, with a 3m high wall, would also be constructed, to within 200mm of the southern side boundary for a length of 8.6m.

*Site description and surrounding area -*

The land has an area of 577m<sup>2</sup>, is zoned General Residential and is located on the corner of Braddon and Maud Streets, West Ulverstone. The primary frontage of the allotment is Braddon Street.

The land adjoins a Utilities zone on the western side boundary that contains TasRail's Western Rail Line. Other adjoining land is also zoned General Residential.

The land is subject to a "Low" coastal inundation hazard.

The site is connected to reticulated services.

*History -*

An earlier application (DA2020420) was lodged on 11 December 2020. The earlier application did not show on the plan the actual location of adjoining buildings, relative to submitted shadow pattern diagrams. The applicant withdrew the development application and redesigned the proposed dwelling and adjoining garage, such that the development submitted under DA2021012 satisfies the Planning Scheme's building envelope standards.

As such, shadow pattern diagrams are not required under the Planning Scheme to support the proposed development.

*DISCUSSION*

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

**General Residential**

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



<p>10.3.2–(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.</p>	<p>Not applicable. Use is residential.</p>
<p><b>10.4.1 Residential density for multiple dwellings</b></p>	
<p>10.4.1–(A1) Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 325m<sup>2</sup>; or</p> <p>(b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.</p>	<p>Not applicable. Not an application for multiple dwellings.</p>
<p><b>10.4.2 Setbacks and building envelope for all dwellings</b></p>	
<p>10.4.2–(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p>	<p>(a) Compliant. The proposed dwelling would be setback 4.5m from the primary frontage to Braddon Street.</p> <p>(b) Compliant. The proposed dwelling would be setback 3m from the secondary frontage to Maud Street.</p> <p>(c) Not applicable. Satisfied by (a) and (b).</p> <p>(d) Compliant. The development is not on land that abuts the Bass Highway.</p>

<p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	
<p>10.4.2–(A2) A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1.0m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p>	<p>(a) Non-compliant. The proposed attached southern garage would be setback 4.5m from the primary frontage to Braddon Street. Refer to the “Issues” section of this report.</p> <p>(b) Compliant. Two internal garages would be located under the floor area of the upper-level dining room and kitchen that are compliant with the dwelling setback of 4.5m.</p> <p>(c) Not applicable. Ground is flat.</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>10.4.2–(A3) A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at the side boundaries and a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p>	<p>(a)(i) Compliant. The dwelling would be setback 4.5m from the primary frontage and 3m from the secondary frontage.</p> <p>(a)(ii) Compliant. The dwelling would fit within the required building envelope, including setback greater than 4m from the rear boundary.</p> <p>(b)(i) Not applicable. No building built on or within 0.2m of the boundary or the adjoining lot.</p> <p>(b)(ii) Compliant. The proposed attached garage would be constructed to the southern side boundary of the site with a wall length of 8.6m.</p>

<p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser).</p>	
<p><b>10.4.3 Site coverage and private open space for all dwellings</b></p>	
<p>10.4.3-(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60.0m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	<p>(a) Compliant. The total site coverage would be approximately 40%.</p> <p>(b) Not applicable. The proposed development is not for multiple dwellings.</p> <p>(c) Compliant. The site would have an area of approximately 70% free from impervious surfaces.</p>

<p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	
<p>10.4.3–(A2) A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24.0m<sup>2</sup>; or</p> <p>(ii) 12.0m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4.0m; or</p> <p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south–east or south–west of the dwelling, unless the area receives at least three</p>	<p>(a)(i) Compliant. The proposed dwelling would have an area of private open space on the western side of the dwelling, greater than 24m<sup>2</sup>.</p> <p>(a)(ii) Not applicable. Satisfied by (a)(i).</p> <p>(b)(i) Compliant. The dwelling would have a private open space area with a minimum 30m horizontal dimension.</p> <p>(b)(ii) Not applicable. Not a multiple dwelling.</p> <p>(c) Compliant. The private open space would be accessible from rumpus room on the ground floor.</p> <p>(d) Compliant. Private open space would be located to the north and north–west of the dwelling.</p> <p>(e) Compliant. The private open space areas are not primarily located between the dwelling and the frontage.</p> <p>(f) Compliant. The private open space areas would be flat.</p> <p>(g) Compliant. The areas for private open space would not be used for vehicle access or parking.</p>

<p>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><b>10.4.4 Sunlight and overshadowing for all dwellings</b></p>	
<p>10.4.4–(A1) A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>	<p>Compliant.</p> <p>The dwelling would have habitable room windows which face between 30 degrees west of north and 30 degrees east of north.</p>
<p>10.4.4–(A2) A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

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

<p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <ul style="list-style-type: none"><li>(i) at a distance of 3.0m from the northern edge of the private open space; and</li><li>(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</li></ul> <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"><li>(i) an outbuilding with a building height no more than 2.4m; or</li><li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling.</li></ul>	
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<b>10.4.5 Width of openings for garages and carports for all dwellings</b>	
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>Non-compliant.</p> <p>Garages fronting Braddon Street would have a total length of openings of 8.1 m.</p> <p>Refer to the “Issues” section of this report.</p>
<b>10.4.6 Privacy for all dwellings</b>	
<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>(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>(a) Compliant. The alfresco deck on the upper level would be setback 3m from the northern, secondary frontage boundary.</p> <p>(b) Not applicable. The lot is located on a corner and as such does not have a rear boundary.</p> <p>(c) Not applicable. No other dwelling on the same site.</p>

<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"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</li> </ul>	
<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"> <li>(i) is to have a setback of at least 3.0m from a side boundary; and</li> <li>(ii) is to have a setback of at least 4.0m from a rear boundary; and</li> <li>(iii) if the dwelling is a multiple dwelling, is to be at least 6.0m from a window or glazed door, to a</li> </ul>	<ul style="list-style-type: none"> <li>(a)(i) Compliant. The dwelling would be setback 3m from the secondary frontage to Maud Street and 7m from the western side boundary.</li> <li>(a)(ii) Not applicable. No rear boundary.</li> <li>(a)(iii) Not applicable. Not multiple dwelling development.</li> <li>(a)(iv) Not applicable. Not multiple dwelling development.</li> <li>(b)(i) Not applicable. Satisfied by (a).</li> <li>(b)(ii) Not applicable. Satisfied by (a).</li> <li>(b)(iii) Not applicable. Satisfied by (a).</li> </ul>

<p>habitable room, of another dwelling on the same site; and</p> <p>(iv) if the dwelling is a multiple dwelling, is to be at least 6.0m from the private open space of another dwelling on the same site.</p> <p>(b) The window or glazed door:</p> <p>(i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</p> <p>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	
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<p>10.4.6–(A3) A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <p>(a) 2.5m; or</p> <p>(b) 1.0m if:</p> <p>(i) it is separated by a screen of at least 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</p>	<p>Not applicable.</p> <p>No shared driveway or parking spaces.</p>
<p><b>10.4.7 Frontage fences for all dwellings</b></p>	
<p>10.4.7–(A1) A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:</p> <p>(a) 1.2m if the fence is solid; or</p>	<p>Not applicable.</p> <p>No front fence proposed.</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><b>10.4.8 Waste storage for multiple dwellings</b></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 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a communal storage area with an impervious surface that:</p> <p>(i) has a setback of at least 4.5m from a frontage; and</p> <p>(ii) is at least 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

<b>10.4.9 Suitability of a site or lot for use or development</b>	
<p>10.4.9-(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) have an area of not less than 330m<sup>2</sup> excluding any access strip; and</p> <p>(b) if intended for a building, contain a building area of not less than 10.0m x 15.0m:</p> <p>(i) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(ii) clear of any applicable setback from a zone boundary;</p> <p>(iii) clear of any registered easement;</p> <p>(iv) clear of any registered right of way benefiting</p> <p>(v) clear of any restriction imposed by a Utility;</p> <p>(vi) not including an access strip;</p> <p>(vii) accessible from a frontage or access strip; and</p> <p>(viii) if a new residential lot, with a long axis within</p>	<p>(a) Compliant. The site has an area of 577m<sup>2</sup>.</p> <p>(b)(i) Compliant. The dwelling would satisfy front and side setbacks. As a corner allotment, there is no rear boundary to the lot.</p> <p>(b)(ii) Non-compliant. The lot adjoins a Utilities zone. The dwelling would be setback approximately 7m at the closest point.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b)(iii) Not applicable. No registered easements.</p> <p>(b)(iv) Not applicable. No registered right of way.</p> <p>(b)(v) Not applicable. No utility.</p> <p>(b)(vi) Not applicable. No access strip.</p> <p>(b)(vii) Compliant. Land is accessible from Braddon Street.</p> <p>(b)(viii) Not applicable. Not a new residential lot.</p>

<p>the range 30 degrees east of north and 20 degrees west of north.</p>	
<p><b>10.4.9 Suitability of a site or lot for use or development</b></p>	
<p>10.4.9–(A2) A site or each lot on a subdivision plan must have a separate access from a road –</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road –</p> <p style="padding-left: 20px;">(i) over land not required as the means of access to any other land; and</p> <p style="padding-left: 20px;">(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than –</p> <p style="padding-left: 20px;">(i) 3.6m for a single dwelling development; or</p>	<p>(a) Compliant. Site is accessed off Braddon Street.</p> <p>(b) Compliant. Site has access off Braddon Street.</p> <p>(c)(i) Not applicable. Satisfied by (a) and (b).</p> <p>(c)(ii) Not applicable. Satisfied by (a) and (b).</p> <p>(d)(i) Compliant. Site has an approximate 19.5m wide frontage to Braddon Street.</p> <p>(d)(ii) Not applicable. Not multiple dwelling or non-residential development.</p> <p>(e) Compliant. Statement of Compliance to be issued by the Road Authority.</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>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. Statement of Compliance to be issued by the Stormwater Authority.</p>



<b>10.4.10 Dwelling density for single dwelling development</b>	
10.4.10-(A1)  (a) The site area per dwelling for a single dwelling must –  (i) be not less than 325m <sup>2</sup> .	(a)(i) Compliant. Site area is 577m <sup>2</sup> .
<b>10.4.11 Development other than a single or multiple dwelling.</b>	
<b>10.4.11.1 Location and configuration of development</b>	
10.4.11.1-(A1) The wall of a building must be set back from a frontage –  (a) not less than 4.5m from a primary frontage; and  (b) not less than 3.0m from any secondary frontage; or  (c) not less than and not more than the setbacks for any existing building on adjoining sites;  (d) not less than for any building retained on the site;  (e) in accordance with any building area shown on a sealed plan; or	Not applicable.  Proposed development is residential.

<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>b. the wall or walls –</p>	<p>Not applicable.</p> <p>Proposed development is residential.</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>Proposed development is residential.</p>

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

<ul style="list-style-type: none"> <li>(ii) be not less than 3.0m from a side boundary;</li> <li>(iii) be not less than 4.0m from a rear boundary; and</li> <li>(iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or</li> </ul> <p>(b) if less than the setbacks in clause A1(a):</p> <ul style="list-style-type: none"> <li>(i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling;</li> <li>(ii) have a window sill height of not less than 1.8m above floor level;</li> <li>(iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or</li> <li>(iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.</li> </ul>	
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<p>10.4.11.2–(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Not applicable. Proposed development is residential.</p>
<p><b>10.4.11.3 Frontage fences</b></p>	
<p>10.4.11.3–(A1) The height of a fence, including any supporting retaining wall, on or within a frontage setback must be:</p> <p>(a) not more than 1.2m if the fence is solid; or</p> <p>(b) not more than 1.8m provided that part of the fence above 1.2m has openings that provide a uniform transparency of not less than 30%.</p>	<p>Not applicable. Proposed development is residential.</p>
<p><b>10.4.12 Setback of development for sensitive use</b></p>	
<p>10.4.12–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown in the Table to this clause; and</p>	<p>(a) Non-compliant. The proposed dwelling would be within 7m of the Utilities zone.</p> <p>(b) Non-compliant. The proposed dwelling would be within 7m of the Utilities zone.</p>

<p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the required setback distance from the zone boundary.</p>	<p>Refer to the “Issues” section of this report.</p>
<p>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 1.7km from Bass Highway.</p> <p>(b) Non-compliant. Development would be setback approximately 12.8m from a railway line. Refer to the “Issues” section of this report.</p> <p>(c) Not applicable. No land designated for future road or rail.</p> <p>(d) Not applicable. The nearest proclaimed wharf area is in Devonport approximately 15km to the east.</p>
<p><b>10.4.13 Subdivision</b></p>	
<p>10.4.13–(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) intended for residential use;</p> <p>(b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

shares of which are held by or on behalf of the State, a Council or by a Statutory authority.	
10.4.13–(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot	Not applicable. No subdivision proposed.
<b>10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision</b>	
10.4.14–(A1) Electricity reticulation and site connections must be installed underground.	Not applicable. No subdivision proposed.
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Not a subdivision, hazardous or vulnerable use.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in the Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of vegetation.
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level.
<b>E5 Local Heritage Code</b>	Not applicable. No Local Heritage Code in the Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. The site has no applicable planning overlays.



<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Code applies to all development.
<b>E9.4 Use or development exempt from this Code</b>	Not exempt. No Local Area Parking Scheme applies to the site.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
E9.5.1-(A1) Provision for parking must be:  (a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;	(a) Compliant. Table E9A requires two car parking spaces for a residential dwelling. The development makes provision for three car parking spaces.
<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
E9.5.2-(A1) There must be provision within a site for:  (a) on-site loading area in accordance with the	Not applicable for the development of a single dwelling.

<p>requirement in the Table to this Code; and</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><b>E9.6 Development Standards</b></p>	
<p><b>E9.6.2 Design of vehicle parking and loading areas</b></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 Planning 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> <p>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</p>	<p>Not applicable for the development of a single dwelling.</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>E9.6.2-(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Not applicable.</p> <p>Land is zoned General Residential.</p>
<p><b>E10 Water and Waterways Code</b></p>	<p>Not applicable. The development is not within 30m of a waterway, watercourse or shoreline.</p>
<p><b>Specific Area Plans</b></p>	<p>No Specific Area Plans apply to this location.</p>

*Issues –**1 Setback of garages from a primary frontage –*

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

- (a) 5.5m, or alternatively 1m behind the façade of the dwelling; or
- (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or
- (c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.

The proposed development has a total of three attached or internal garages, able to accommodate three vehicles. Two of the garages satisfy the Planning Scheme's Acceptable Solution 10.4.2–(A2)(b) whereby they would have a 4.5m setback, the same as the dwelling, with a portion of the dwelling floor area, in this case, the dining room and kitchen, located above the two garages.

The attached southern garage would be setback a minimum of 4.5m from the primary frontage of the allotment, forward of the dwelling façade. The setback of the attached garage is graded, with the northern corner of the garage setback 4.5m, angling back to 5m.

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

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

Comment – The development site is a corner allotment with Braddon Street defined as the primary frontage. The positioning of the attached garage is somewhat constrained, due the corner location, and a 'stepped back' approach has been taken with the design of the garage façades. The design approach offers some visual relief and interest, as the façade of the building as a whole does not present as a straight line of development fronting the street.

A review of the area indicates that Braddon Street is straight and flat, and whilst having dwellings within 4.5m of a frontage, generally garages satisfy the 5.5m setback from the primary frontage of lots. There are three other properties in the street where the garage setback is less than 5.5m.

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

2 *Width of openings for garages and carports –*

The Planning Scheme's Acceptable Solution 10.4.5-(A1) requires that a garage or carport within 12m of a primary frontage (whether free standing or part of a dwelling) must have a total width of openings facing the primary frontage of not more than 6m, or half the width of the frontage (whichever is the lesser).

The proposed development would have three garage openings, setback 4.5m from the primary frontage, with a total length of openings of 8.1m.

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

The Planning Scheme's Performance Criteria 10.4.2-(P2) requires that a garage or carport must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings to dominate the primary frontage.

Comment – As described above, a 'stepped back' approach has been taken with the design of the garage façades. The design approach offers some visual relief and interest, as the façade of the building as a whole, does not present as a straight line of development fronting the street. Further, the garage areas have been broken into three separate compartments or booths, with the brick wall of the dwelling breaking up the expanse of the openings. This has removed the need for a wide, double garage roller door to access two of the spaces, instead the development would incorporate three smaller, separate roller doors.

3 *Setback of development for sensitive use – proximity to the Utilities zone and the railway line –*

The Planning Scheme’s Acceptable Solution 10.2.12–(A1) and (A2)(b) requires that development for a sensitive use must have a setback of 10m from a Utilities zone and be 50m from a railway.

The land at 9 Braddon Street, West Ulverstone adjoins the Utilities zone and development would be located 12.8m from TasRail’s Western Rail Line.

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

The location of a building containing a sensitive use must –

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

Comment – The subject lot, which is zoned General Residential, was created in 1960, prior to the Planning Scheme’s requirements in relation to the setback of sensitive use development from a railway.

The proposed two–storey dwelling would be unlikely to increase or result in any additional conflict, constraints or interferences to the continued use or upgrades to the railway infrastructure. Residential development extends along both sides of the railway line that intersects through this area of West Ulverstone.

The application was referred to TasRail who requested that the standard TasRail notes be included on any Planning Permit issued.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Referral not required.

Infrastructure Services	Statement of Compliance issued by the Road Authority and the Stormwater Authority. Refer Annexure 5.
Building	Building note to be applied to the Planning Permit.
TasWater	Submission to Planning Authority Notice. Refer Annexure 4.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referred. Standard Notes to be applied to the Planning Permit.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Tas Networks	Referral not required.

*CONSULTATION*

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

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

*Representations –*

Two representations were received (one Representor) within the prescribed time, copies are provided at Annexure 3.

The representations are summarised and responded to as follows:

MATTER RAISED	RESPONSE
<p>1 Why are there no shadow diagrams with the application? I do not want to have no sun in the middle of winter. How can you ensure this won't happen - if no plans are provided? Am I expected to have my lights and heater on more - meaning I will be paying more?</p>	<p>The site is a corner allotment and as such has a primary frontage, secondary frontage and a side boundary.</p> <p>The proposed dwelling satisfies the Planning Scheme standards for development setbacks from front and side property boundaries and building height. The development is also within the required building envelope (Diagram 10.4.2C, subclause 10.4.2-A3(a)).</p> <p>This means the applicant was not required to submit or demonstrate shadow pattern impacts, as the development is compliant with the relevant standards of the General Residential zone.</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 any appeal against the Council's determination.

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

*CONCLUSION*

The representation does not contain sufficient merit to justify the addition of any restrictive condition to a Planning Permit issued, or the refusal of the development.

The dwelling satisfies Planning Scheme standards, other than for setback distance to the TasRail Western Rail Line, the setback of the attached garage



for Braddon Street and the total width of garage door openings. The proposed development, as discussed in the “Issues” section of this report, is considered to have adequately satisfied the Planning Scheme’s applicable Performance Criteria.

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

*Recommendation –*

It is recommended that the application for Residential – dwelling – setback and width of openings for garages and setback of development for sensitive use at 9 Braddon Street, West Ulverstone – Application No. DA2021012 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by JBuild Consulting, Job No. JB008, Planning 2, Cover Page and Pages 1 to 3 dated 12 January 2021.
- 2 The development must be in accordance with the conditions of TasWater’s Submission to Planning Authority Notice, Reference No. TWDA 2021/00051–CC dated 13 January 2021.
- 3 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 15 January 2021, issued by the Council, acting in its capacity as the Road Authority and the Stormwater Authority.
- 4 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 5 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.

Please note:

- 1 A Planning Permit remains valid for two years. If the use and/or development has not substantially commenced within this period, an extension 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 an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition 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. It is recommended the Council's Building Permit Authority, or a Building Surveyor be contacted should clarification be required.
- 4 The proposed use and development must take into account the attached TasRail Standard Notes.
- 5 Fencing to the frontage of the property to a height of 1.2m is "exempt" and does not require planning approval. Front fencing that is 30% transparent above 1.2m, to a maximum height of 1.8m, requires that the fence be assessed for compliance and a "No Permit Required" Certificate be issued by the Planning Authority.'

The Manager Land Use Planning’s report is supported.”

The Executive Services Officer reported as follows:

“Copies of the Annexures referred to in the Manager Land Use Planning’s report have been circulated to all Councillors.”

■ Cr Carpenter moved and Cr van Rooyen seconded, “That the application for Residential – dwelling – setback and width of openings for garages and setback of development for sensitive use at 9 Braddon Street, West Ulverstone – Application No. DA2021012 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by JBuild Consulting, Job No. JB008, Planning 2, Cover Page and Pages 1 to 3 dated 12 January 2021.
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- 4 The proposed use and development must take into account the attached TasRail Standard Notes.
- 5 Fencing to the frontage of the property to a height of 1.2m is "exempt" and does not require planning approval. Front fencing that is 30% transparent above 1.2m, to a maximum height of 1.8m, requires that the fence be assessed for compliance and a "No Permit Required" Certificate be issued by the Planning Authority."

Carried unanimously

Cr Beswick returned to the meeting at this time (6.14pm).

INFRASTRUCTURE SERVICES

**56/2021      Infrastructure Services determinations**

The Director Infrastructure Services reported as follows:

“A Schedule of Infrastructure Services Determinations made during the month of January 2021 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

“A copy of the Schedule has been circulated to all Councillors.”

■ Cr Fuller moved and Cr Hiscutt seconded, “That the Schedule of Infrastructure Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

C O R P O R A T E   S E R V I C E S

**57/2021      Corporate Services**

The Manager Information Systems reported as follows:

“There are no matters from the Corporate Services Department for decision at this meeting.”

## CLOSURE OF MEETING TO THE PUBLIC

### 58/2021 Meeting closed to the public

The Executive Services Officer reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide that a meeting of a council is to be open to the public unless the council, by absolute majority, decides to close part of the meeting because one or more of the following matters are being, or are to be, discussed at the meeting.

Moving into a closed meeting is to be by procedural motion. Once a meeting is closed, meeting procedures are not relaxed unless the council so decides.

It is considered desirable that the following matters be discussed in a closed meeting:

<b>Matter</b>	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council  TasWater Owners Representatives Group Annual General Meeting - 4 November 2020	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
TasWater Quarterly Report to the Owners' Representatives	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Draft Central Coast Residential Settlement Strategy	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

- Cr Carpenter moved and Cr Diprose seconded, “That the Council close the meeting to the public to consider the following matters, they being matters relating to:

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council  TasWater Owners Representatives Group Annual General Meeting - 4 November 2020	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
TasWater Quarterly Report to the Owners’ Representatives	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Draft Central Coast Residential Settlement Strategy	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

Carried unanimously and by absolute majority

The Executive Services Officer further reported as follows:

- “1 The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, the fact that the matter was discussed and a brief description of the matter so discussed, and is not to record in the minutes of the open meeting the details of the outcome unless the council determines otherwise.
- 2 While in a closed meeting, the council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.

- 
- 3 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

Similarly, an employee of a council must not disclose information acquired as such an employee on the condition that it be kept confidential.

- 4 In the event that additional business is required to be conducted by a council after the matter(s) for which the meeting has been closed to the public have been conducted, the Regulations provide that a council may, by simple majority, re-open a closed meeting to the public.”

The meeting moved into Closed session at 6.15pm.

#### CLOSED SESSION SUMMARY

The Executive Services Officer reported as follows:

“In accordance with Regulation 34(1)(b) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council is to provide an overview of matters considered during Closed Session for the public.”

Matter	Description of matter discussed
59A/2021 Confirmation of Closed Session Minutes	The Closed session minutes of the previous ordinary meeting of the Council held on 25 January 2021 had already been circulated. The minutes are required to be confirmed for their accuracy.
60A/2021 Minutes and notes of other organisations and committees of the Council  TasWater Owners Representatives Group Annual General Meeting – 4 November 2020	The minutes and notes have been provided to the Council on the condition they are kept confidential.
61A/2021 TasWater Quarterly Report to the Owners' Representatives	The Quarterly Report has been provided to the Council on the condition it is kept confidential.



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<p>62A/2021 Draft Central Coast Residential Settlement Strategy</p>	<ul style="list-style-type: none"> <li>. Received the Draft Central Coast Residential Settlement Strategy Discussion paper;</li> <li>. Authorised the release of the Draft Settlement Strategy consultation information for community consultation purposes; and that</li> <li>. Finalisation of the Strategy will be considered following the public consultation process.</li> </ul>
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**CLOSURE**

There being no further business, the Mayor declared the meeting closed at 6.33pm.

CONFIRMED THIS 15<sup>TH</sup> DAY OF MARCH, 2021.

**Chairperson**

(lb:lc)

**Appendices**

- Minute No. 48/2021 – Schedule of Correspondence addressed to the Mayor and Councillors
- Minute No. 49/2021 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 50/2021 – Schedule of Contracts & Agreements
- Minute No. 51/2021 – Schedule of Statutory Determinations
- Minute No. 56/2021 – Schedule of Infrastructure Services Determinations

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*QUALIFIED PERSON'S ADVICE*

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

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

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

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

  
Sandra Ayton  
GENERAL MANAGER

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# Associated Reports And Documents



**SCHEDULE OF CORRESPONDENCE RECEIVED ADDRESSED TO  
MAYOR AND COUNCILLORS**

Period: 26 January to 15 February 2021

- . A letter requesting works to cease within the riparian zone at Riverside Avenue, Ulverstone
- . A letter regarding the condition of Westella Drive and reasons why it requires attention
- . An email advising of dangerous trees on the bank of the Leven River, near the Ulverstone Golf Club that require urgent attention
- . A letter requesting financial assistance from the Council to assist with the ongoing costs for Reptile Rescue Incorporated
- . A letter raising various inc. safety concerns regarding the signage at the clock roundabout, query as to why the Council is building a business in direct opposition to a well-supplied list of eating and catering services and suggestion of adding murals on the eastern side of the Hive building for enhancement
- . Letter requesting that the Council consider removal of the tree on the boundary of 20 Beach Road, Ulverstone
- . An email providing information regarding the extensive upgrade to multiagency emergency radio communications in Tasmania
- . Letter of response regarding an Illegal Land Use (Rodeo) and request for information regarding a General Exemption under the *Central Coast Interim Planning Scheme 2013*
- . Email request to have an inclusive pledge that replaces the opening prayer at formal meetings

  
Sandra Ayton  
GENERAL MANAGER




**SCHEDULE OF DOCUMENTS FOR AFFIXING OF  
THE COMMON SEAL**

Period: 26 January to 15 February 2021

*Documents for affixing of the common seal under delegation*

- . Final Plan of Survey, Part 5 Agreement and Schedule of Easements  
Clara Street, West Ulverstone  
Application No. DA2019030  
Certificate of Title Volume 252413 Folio 1
  
- . Final Plan of Survey and Schedule of Easements  
Dial Road, Penguin  
Application No. DA214150  
Folio Ref No. 171444/4
  
- . Final Plan of Survey  
1388 & 1461 Castra Road, Sprent  
Application No. DA2020260  
Folio Ref No. 146751-1 & 227392-1
  
- . Strata Plan and Certificate of Approval  
2 Barleen Place, West Ulverstone  
Application No.: DA2019055  
Folio Ref No. 176245/11

  
Sandra Ayton  
GENERAL MANAGER



## SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

Period: 25 January to 15 February 2021

### *Agreements*

- . Statement of Work Agreement  
Open Office and Central Coast Council  
Upgrade to Community Payroll  
Quotation number 6196 – Purchase Order number ADM14686
  
- . Grant Agreement  
Tasmanian Men's Shed Association Grants Program 2020–2021  
Department of Communities and Central Coast Council (auspice of  
Ulverstone Men's Shed)  
Approved purpose: contribution towards purchase and erection of  
structural steel support of existing building  
Grant amount: \$14,000.00 (exc GST)
  
- . Grant Agreement  
Northern Tasmanian Resource Management Association Inc  
and Central Coast Council  
Tasmanian Governments Weeds Action Fund program  
(collaborative profiling of Erica Lusitanica Spanish Heath across  
five local government areas in North West Tasmania)  
Agreement Ref.: NRM281
  
- . Part 5 Agreement  
Clara Street West Ulverstone  
DA2019030  
Certificate of Title Volume 252413 Folio 1

A handwritten signature in cursive script that reads "Sandra Ayton".

Sandra Ayton  
GENERAL MANAGER

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 January 2021 to 31 January 2021**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2018234 - 1	Hearps Road WEST ULVERSTONE,TAS,7315	Minor amendment of a Permit.	Residential (subdivision – 23 lots) internal lots and variation to lot orientation	23/12/2020	8/01/2021	2	\$0.00
DA2020300	198 Allport Street East LEITH,TAS,7315	Discretionary	Residential – demolition of unlawful dwelling, retrospective approval for existing shed, construction of new dwelling, shed, carport and retaining walls	5/10/2020	19/01/2021	32	\$650,000.00
DA2020335	18 Olympic Court PENGUIN,TAS,7316	Discretionary	Residential – dwelling extension, covered patio and deck	20/10/2020	22/01/2021	35	\$180,000.00
DA2020359	2 Leven Street ULVERSTONE,TAS,7315	Discretionary	Education and occasional care – redevelopment of Ulverstone Primary School including classroom extensions and carparking area	11/11/2020	19/01/2021	29	\$1,800,000.00
DA2020375	32 Epsom Road PENGUIN,TAS,7316	Discretionary	Residential – retrospective application for shed extension and shipping container	17/11/2020	25/01/2021	54	\$0.00
DA2020377	10 Allport Street West LEITH,TAS,7315	Discretionary	Residential – dwelling extension – variation to the site density and building envelope	17/11/2020	22/01/2021	35	\$40,000.00
DA2020380	3 Racecourse Crescent TURNERS BEACH,TAS,7315	Discretionary	Residential – garage	17/11/2020	25/01/2021	62	\$30,000.00
DA2020382	Loongana Road – CT203742/1 LOONGANA ,TAS,7315	Discretionary	Residential – building envelope for non-required dwelling and two sheds	19/11/2020	25/01/2021	61	\$200,000.00

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 January 2021 to 31 January 2021**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2020384	Bass Highway HEYBRIDGE – CT180009/2,TAS,7316	Discretionary	Residential – dwelling	16/11/2020	13/01/2021	36	\$320,000.00
DA2020388	6 Reibey Street ULVERSTONE,TAS,7315	Discretionary	Food services	23/11/2020	27/01/2021	22	\$60,000.00
DA2020392	11 Long Street PENGUIN,TAS,7316	Discretionary	Residential – garage	24/11/2020	12/01/2021	35	\$35,000.00
DA2020397	4 Lillian Court TURNERS BEACH,TAS,7315	Discretionary	Residential – dwelling	27/11/2020	14/01/2021	36	\$500,000.00
DA2020399	31 Josephine Street WEST ULVERSTONE,TAS,7315	Discretionary	Residential – shed	27/11/2020	19/01/2021	33	\$11,979.00
DA2020403	405 Penguin Road WEST ULVERSTONE,TAS,7315	Discretionary	Residential – shed	1/12/2020	13/01/2021	35	\$80,000.00
DA2020405	13 Walker Street FORTH,TAS,7310	Discretionary	Residential – dwelling and retaining walls	2/12/2020	13/01/2021	37	\$125,000.00
DA2020406	15 Whitelaw Street ULVERSTONE,TAS,7315	Discretionary	Residential – dwelling and shed extensions	2/12/2020	15/01/2021	36	\$200,000.00
DA2020411	89 Browns Lane PENGUIN,TAS,7316	Discretionary	Residential – verandah extension	7/12/2020	12/01/2021	29	\$19,500.00
DA2020414	20 Beach Road ULVERSTONE,TAS,7315	Discretionary	Residential – dwelling	8/12/2020	12/01/2021	34	\$400,000.00
DA2020415	15 Isaac Road PENGUIN,TAS,7316	Discretionary	Residential – dwelling – retrospective application	8/12/2020	15/01/2021	32	\$85,000.00
DA2020421	16 Smith Street ULVERSTONE,TAS,7315	Discretionary	Residential – garage	11/12/2020	21/01/2021	30	\$17,500.00
DA2020424	52 Wilmot Road FORTH,TAS,7310	Discretionary	Residential – shed – variation to building envelope and use of materials with a reflectance value greater than 40%	17/12/2020	27/01/2021	35	\$5,500.00



**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 January 2021 to 31 January 2021**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2020426	Clayton Road East CT115441/3 TURNERS BEACH,TAS,7315	Discretionary	Resource development - agricultural shed	18/12/2020	27/01/2021	21	\$200,000.00
DA2021002	31 Barleen Place WEST ULVERSTONE,TAS,7315	Discretionary	Residential - dwelling	4/01/2021	13/01/2021	1	\$450,000.00
DA2021017	290 Dial Road PENGUIN,TAS,7316	Permitted	Resource development - shed	14/01/2021	28/01/2021	1	\$28,000.00

## SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION

Period: 1 January 2021 to 31 January 2021

### Building Permits – 10

·	New dwellings	7	\$260,500
·	Outbuildings	0	\$0
·	Additions/Alterations	2	\$300,000
·	Other	0	\$0
·	Units	1	\$500,000

### Demolition Permit – 0

### Permit of Substantial Compliance – Building – 0

### Notifiable Work – Building – 8

·	New dwellings	4	\$1,039,000
·	Outbuildings	4	\$180,000
·	Additions/Alterations	0	\$0
·	Other	0	\$0

### Building Low Risk Work – 0

### Certificate of Likely Compliance – Plumbing – 15

### No Permit Required – Plumbing – 0

### Food Business registrations (renewals) – N/A

**SCHEDULE OF COMMUNITY SERVICES DETERMINATIONS MADE UNDER DELEGATION**

Period: 1 January 2021 to 31 January 2021

**Abatement notices issued**

<b>ADDRESS</b>	<b>PROPERTY ID</b>
7 Browns Lane, Penguin	504230.008
42 River Road, West Ulverstone	101470.044
6 Merinda Drive, Ulverstone	101190.006
154A Trevor Street, Ulverstone	101670.134
Trevor Street, Ulverstone	101670.140
80 Gawler Road, Gawler	100530.059

**Kennel Licence issued**

<b>ADDRESS</b>	<b>OWNER</b>
Nil	

**Permits issued under Animal By-Law 1 – 2018**

<b>ADDRESS</b>	<b>PERMIT ISSUED FOR</b>
Nil	

## SCHEDULE OF OTHER STATUTORY RESPONSIBILITIES OF COMMUNITY SERVICES

Period: 1 January to 31 January 2021

### Infringement notices issued for Dog Offenses

	1-31 Jan 2021
Claimed	4
Burnie Dogs Home	0
Destroyed	0
Heldover	0
Devonport Dogs Home	0
RSPCA Spreyton	1

### Infringements for dogs and impoundments etc.

1 - 31 January 2021	2
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### Infringements under Animal By-Law

1 - 31 January 2021	1
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### Traffic Infringement Notices for Parking Offences

1 - 31 Jan 2021	44	
Bannons Car Park	5	11%
King Edward Street	13	30%
North Reibey Street Car Park	15	34%
Reibey Street	10	23%
Victoria Street	0	0%
Alexandra Road	1	2%



Stuart Arnot  
CORPORATE SERVICES GROUP LEADER



## SCHEDULE OF INFRASTRUCTURE SERVICES DETERMINATIONS

Period: 1 January 2021 to 31 January 2021

### *Approval of Roadworks and Services*

Developer: Saltspray Investments Pty Ltd  
Location: Hearps Road, West Ulverstone  
No. of Lots: 2 Residential Lots  
Engineer: Chris Martin  
(CSE Tasmania Pty Ltd)

Developer: Landscape Now Civil Pty Ltd  
Location: 4 and 6 Southwood Avenue  
No. of Lots: 36 as stages I-III (20 Lots – Completed, Stage IV (7 Lots) and Stage V (9 Lots)  
Engineer: Chris Martin  
(CSE Tasmania Pty Ltd)

A handwritten signature in black ink, appearing to read "P. Breden".

Paul Breden  
DIRECTOR INFRASTRUCTURE SERVICES