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**Minutes of an ordinary meeting of the Development Support Special Committee held in the Council Chamber of the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 8 May 2023 commencing at 6.00pm**

**Members attendance**

Cr Cheryl Fuller (Mayor)  
Cr Garry Carpenter  
Cr Philip Viney

Cr John Beswick  
Cr Amanda Diprose  
Ms Sandra Ayton (General Manager)

**Employees attendance**

Director Community Services (Mr Daryl Connelly)  
Director Infrastructure Services (Mr Paul Breaden)  
Director Corporate Services (Mrs Samantha Searle)  
Executive Services Officer (Mr Ian Brunt)

**Public attendance**

No members of the public attended during the course of the meeting.

**DIGITAL RECORDING OF COUNCIL MEETINGS**

At the commencement of the meeting, the Chairperson is to notify those present that the meeting will be digitally recorded and made publicly available through the Council's website.

Digital recordings will be conducted in accordance with Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* and the Council's *Digital Recording Policy* (109/2022 – 20.04.2022).

**ACKNOWLEDGEMENT OF COUNTRY**

The Central Coast Council acknowledges and pays respect to the traditional owners of lutrawita (Tasmania), the palawa/pakana people.

We acknowledge the Punnilerpanner tribe of this Northern Country, and in doing so, we celebrate one of the world's oldest continuing cultures.

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## CONFIRMATION OF MINUTES OF THE COMMITTEE

### 7/2023 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 27 March 2023 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 Diprose moved and Cr Viney seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 27 March 2023 be confirmed.”

Carried unanimously

## MAYOR’S COMMUNICATIONS

### 8/2023 Mayor’s communications

The Mayor reported as follows:

“Under the terms of appointment of the Development Support Special Committee, it acts in agreed circumstances as if it were the Council and, accordingly, as a planning authority under the *Land Use Planning and Approvals Act 1993*.

Members are reminded that the *Local Government (Meeting Procedures) Regulations 2015* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.

In the event that items listed for consideration are referred, under the terms of the Committee’s appointment, to the Council (e.g. any matter the Committee cannot determine unanimously), or if the Committee is unable to make a determination within the relevant statutory time limit, such items will be referred to a meeting of the Council for a decision.”

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

Carried unanimously

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## DECLARATIONS OF INTEREST

### 9/2023      **Declarations of interest**

The Mayor reported as follows:

“Members are requested to indicate whether they have, or are likely to have, a pecuniary (or conflict of) interest in any item on the agenda.”

The Executive Services Officer reports as follows:

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

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

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

No interests were declared at this time.

## ADJOURNMENT OF MEETING

### 10/2023      **Adjournment of meeting**

The Mayor reported as follows:

“In order to effectively consider the reports before this meeting of the Committee it is appropriate that I adjourn the meeting to enable the related documents to be workshopped prior to resumption of the meeting and formal resolution of the agenda items.”

The meeting was adjourned during the following times to enable the related documents to be workshopped:

- .      Minute No. 12/2023 – 6:02pm – 6:07pm; and
- .      Minute No. 13/2022 – 6:07pm – 6:10pm.

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## DEPUTATIONS

11/2023      Deputations

The Executive Services Officer reported as follows:

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

## OPEN REPORTS

12/2023      Residential – multiple dwellings x 2 – Residential density for multiple dwellings; Privacy for all dwellings and reliance on C2.0 Parking and Sustainable Transport Code at 14 Overall Street, Sulphur Creek – Application No. DA2023037

The Director Community Services reported as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION No.:</i>	DA2023037
<i>PROPOSAL:</i>	Residential – multiple dwellings x 2 – Residential density for multiple dwellings; Privacy for all dwellings and reliance on C2.0 Parking and Sustainable Transport Code
<i>APPLICANT:</i>	Cradle Coast Building Design
<i>LOCATION:</i>	14 Overall Street, Sulphur Creek
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme – Central Coast</i> “the Planning Scheme”
<i>ADVERTISED:</i>	29 March 2023
<i>REPRESENTATIONS EXPIRY DATE:</i>	18 April 2023
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	6 May 2023
<i>DECISION DUE:</i>	8 May 2023
<i>EXTENSION OF TIME:</i>	Granted until 15 May 2023
<i>PURPOSE</i>	

The purpose of this report is to consider an application for Residential – multiple dwellings x 2 at 14 Overall Street, Sulphur Creek.

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Accompanying the report are the following documents:

- . Annexure 1 - location plan;
- . Annexure 2 - application documentation;
- . Annexure 3 - representation;
- . Annexure 4 - photographs; and
- . Annexure 5 - TasWater's Submission to Planning Authority Notice.

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*BACKGROUND*

*Development description -*

Application is made for a multiple dwelling development on land known as 14 Overall Street, Sulphur Creek. The proposal includes the construction of a new dwelling and retention of the existing dwelling on the site.

The new multiple dwelling would be positioned to the rear of the site and would be two-storeys. The ground floor would accommodate a double garage, open plan kitchen/dining/living area, a separate toilet and a north facing roofed alfresco area. The second floor would accommodate three bedrooms (master with ensuite), shared bathroom, play/study room and an attached north facing deck.

The proposal includes the construction of a shared driveway, some screening of windows for the existing dwelling, widening of the existing crossover and a new front fence.

*Site description and surrounding area -*

The 612m<sup>2</sup> General Residential zoned property accommodates an existing single dwelling and associated outbuildings. Outbuildings would be demolished as part of the application.

The site is surrounded by General Residential zoned properties accommodating both single and multiple dwellings and is connected to all reticulated services.

*History -*

There is no history relevant to this application.

*DISCUSSION*

The following table is the Town Planner's assessment against the Planning Scheme provisions:

## 8.0 General Residential Zone

### 8.1 Zone Purpose

The purpose of the General Residential Zone is:

- 8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
- 8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.
- 8.1.3 To provide for non-residential use that:
  - (a) primarily serves the local community; and
  - (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.
- 8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

#### Planner's comment

The proposal is for the construction of a new dwelling, creating a multiple dwelling development for residential use. The proposal satisfies the Zone Purpose in that it provides for residential use and development accommodating various dwelling types where full infrastructure services are available.

CLAUSE	COMMENT	
<b>8.3 Use Standards</b>		
<b>8.3.1 Discretionary uses</b>	Not applicable	Assessment
8.3.1-(A1) Hours of operation of a use listed as Discretionary, excluding Emergency Services, must be within the hours of 8.00am to 6.00pm.	<input checked="" type="checkbox"/>	Not a discretionary use.
8.3.1-(A2) External lighting for a use listed as Discretionary:	<input checked="" type="checkbox"/>	Not a discretionary use.

<p>(a) must not operate within the hours of 7.00pm to 7.00am, excluding any security lighting; and</p> <p>(b) security lighting must be baffled to ensure direct light does not extend into the adjoining property.</p>		
<p>8.3.1-(A3)</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use listed as Discretionary, excluding Emergency Services, must be within the hours of:</p> <p>(a) 7:00am to 7:00pm Monday to Friday;</p> <p>(b) 9:00am to 12 noon Saturday; and</p> <p>(c) nil on Sunday and public holidays.</p>	<input checked="" type="checkbox"/>	<p>Not a discretionary use.</p>
<p>8.3.1-(A4)</p> <p>No acceptable solution.</p> <p>8.3.1 –(P4)</p> <p>A use listed as Discretionary must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to:</p> <p>(a) the intensity and scale of the use;</p> <p>(b) the emissions generated by the use;</p> <p>(c) the type and intensity of traffic generated by the use;</p> <p>(d) the impact on the character of the area; and</p> <p>(e) the need for the use in that location.</p>	<input checked="" type="checkbox"/>	<p>Not a discretionary use.</p>
<p><b>8.3.2 Visitor Accommodation</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.3.2 –(A1)</p> <p>Visitor Accommodation:</p> <p>guests are accommodated in existing buildings; and</p> <p>has a gross floor area of not more than 300m<sup>2</sup>.</p>	<input checked="" type="checkbox"/>	<p>Not Visitor Accommodation.</p>



<b>8.4 Development Standards for Dwellings</b>		
<b>8.4.1 Residential density for multiple dwellings</b>	Not applicable	Assessment
8.4.1 –(A1) Multiple dwellings must have a site area per dwelling of not less than 325m <sup>2</sup> .	<input type="checkbox"/>	Non-compliant.  The site has a land area of 615m <sup>2</sup> . To satisfy the Acceptable Solution, the site would need to have a site area of 650m <sup>2</sup> . The site has a deficiency of land area by 35m <sup>2</sup> .  Refer to the “Issues” section of this report.
<b>8.4.2 Setbacks and building envelope for all dwellings</b>	Not applicable	Assessment
8.4.2 –(A1) Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:  (a) if the frontage is a primary frontage, not less than 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;  (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;  (c) if for a vacant site and there are existing dwellings on adjoining properties 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	<input type="checkbox"/>	(a) Compliant. New multiple dwelling would be positioned to the rear of the site and would be setback greater than 4.5m from the primary frontage.  (b) Not applicable. No secondary frontage.  (c) Not applicable. Not a vacant lot.  (d) Not applicable. Proposal is for a residential use.

<p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>		
<p>8.4.2 –(A2) A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<input type="checkbox"/>	<p>(a) Compliant. Proposal includes a double garage which would be setback greater than 5.5m from the primary frontage.</p> <p>(b) Refer to (a).</p> <p>(c) Refer to (a).</p>
<p>8.4.2 –(A3) A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) 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 property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p>	<input type="checkbox"/>	<p>(a)(i) Compliant. Refer to comments made above.</p> <p>(a)(ii) Compliant. The plans demonstrate that the multiple dwelling can satisfy the building envelope.</p> <p>(b)(i) Compliant. The multiple dwelling would be setback 1.5m or greater from all boundaries.</p> <p>(b)(ii) Compliant. The multiple dwelling would be setback 1.5m or greater from all boundaries.</p>

<p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>		
<p><b>8.4.3 Site coverage and private open space for all dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.3 –(A1)</p> <p>Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60m<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).</p>	<p><input type="checkbox"/></p>	<p>(a) Compliant. Site coverage would be 35%.</p> <p>(b) Compliant. Existing dwelling would have an area of 102.4m<sup>2</sup>. Proposed dwelling would have an area of 78.8m<sup>2</sup>.</p>
<p>8.4.3 –(A2)</p> <p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p>(i) 24m<sup>2</sup>; or</p> <p>(ii) 12m<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);</p>	<p><input type="checkbox"/></p>	<p>(a)(i) Compliant. Each dwelling would have an area of private open space, located in one area that would be greater than 24m<sup>2</sup>.</p> <p>(a)(ii) Satisfied by (a)(i).</p> <p>(b)(i) Compliant. Each dwelling would have private open space that has a horizontal dimension greater than 4m.</p> <p>(b)(ii) Satisfied by (b)(i).</p>

<p>(b) has a minimum horizontal dimension of not less than:</p> <ul style="list-style-type: none"> <li>(i) 4m; or</li> <li>(ii) 2m, 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);</li> </ul> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>		<p>(c) Compliant. Some of Unit 1's private open space would be located between the dwelling and the frontage but would be orientated between 30 degrees west of true north and 30 degrees east of true north. There would also be other areas of private open space for this unit.</p> <p>(d) Compliant. The site is reasonably flat.</p>
<p><b>8.4.4 Sunlight to private open space of multiple dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.4 –(A1)</p> <p>A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 8.4):</p> <ul style="list-style-type: none"> <li>(i) at a distance of 3m from the northern edge of the private open space; and</li> <li>(ii) vertically to a height of 3m above existing 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 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>No dwelling would be north of the private open space of another dwelling on the same site.</p>

<p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <p>(i) an outbuilding with a building height not more than 2.4m; or</p> <p>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</p>		
<p><b>8.4.5 Width of openings for garages and carports for all dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.5 –(A1)</p> <p>A garage or carport for a dwelling within 12m 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 6m or half the width of the frontage (whichever is the lesser).</p>	<p><input type="checkbox"/></p>	<p>Compliant. The proposed garage would be located greater than 12m from the primary frontage.</p>
<p><b>8.4.6 Privacy for all dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.6 –(A1)</p> <p>A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not 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 not less than 3m from the side boundary;</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</p>	<p><input type="checkbox"/></p>	<p>(a) Compliant. The first level deck on the proposed dwelling would be setback 7.1m from the closest side boundary; being the northern boundary.</p> <p>(b) Compliant. The first level deck on the proposed dwelling would be setback 4.2m from the rear boundary.</p> <p>(c) Compliant. The first level deck on the proposed dwelling would be setback greater than 6m to the existing dwelling on the site.</p>

<p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p>		
<p>8.4.6 –(A2)</p> <p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <p>(i) is to have a setback of not less than 3m from a side boundary;</p> <p>(ii) is to have a setback of not less than 4m from a rear boundary;</p> <p>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door to a habitable room, of another dwelling on the same site; and</p> <p>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m 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, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</p>	<input type="checkbox"/>	<p>(a)(i) Compliant. The first floor of the proposed new dwelling would be setback 3m from the closest side boundary; being the southern side boundary.</p> <p>(a)(ii) Compliant. Dwelling is setback 4.2m from the rear boundary.</p> <p>(a)(iii) Compliant. The first floor of the proposed new dwelling would have windows that would setback greater than 6m to the existing dwelling.</p> <p>(a)(iv) Compliant. The first floor of the proposed new dwelling would have windows that would be setback greater than 6m from the other dwelling's private open space.</p> <p>(b)(i) Not applicable. Satisfied by (a).</p> <p>(b)(ii) Not applicable. Satisfied by (a).</p> <p>(b)(iii) Not applicable. Satisfied by (a).</p>

<p>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m 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 not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>		
<p>8.4.6 –(A3)</p> <p>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 not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	<input type="checkbox"/>	<p>(a) Refer to (b).</p> <p>(b) Non-compliant. Separation would be 0.6m to some windows of the existing dwelling on site, being Unit 1.</p> <p>Refer to the “Issues” section of this report.</p>
<p><b>8.4.7 Frontage fences for all dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.7 –(A1)</p> <p>No Acceptable Solution.</p>	<input checked="" type="checkbox"/>	<p>Proposal includes a new front fence along a portion of the front boundary. The fence would be constructed in accordance with the exemptions.</p>

<p><i>An exemption applies for fences in this zone – see Table 4.6.</i></p> <p>8.4.7 –(P1)</p> <p>A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <p>(a) provide for security and privacy while allowing for passive surveillance of the road; and</p> <p>(b) be compatible with the height and transparency of fences in the street, having regard to:</p> <p>(i) the topography of the site; and</p> <p>(ii) traffic volumes on the adjoining road.</p>		
<p><b>8.4.8 Waste storage for multiple dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.8–(A1)</p> <p>A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <p>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) a common storage area with an impervious surface that:</p> <p>(i) has a setback of not less than 4.5m from a frontage;</p> <p>(ii) is not less than 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</p>	<p><input type="checkbox"/></p>	<p>(a) Compliant. Each dwelling would have a storage area, for waste and recycling bins, that is not less than 1.5m<sup>2</sup> and not located in front of the dwellings.</p> <p>(b) Refer to (a).</p>



<b>8.5 Development Standards for Non-Dwellings</b>		
<b>8.5.1 Non-dwelling development</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>8.5.1–(A1)</p> <p>A building that is not a dwelling, excluding for Food Services, local shop, garage or carport, and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, not less than 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;</p> <p>(b) if the frontage is not a primary frontage, not less than 3.0m, or if the setback from the primary frontage is less than 3.0m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties 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 properties on the same street.</p>	☒	Development is for multiple dwellings.
<p>8.5.1 –(A2)</p> <p>A building that is not a dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p>	☒	Development is for multiple dwellings.

<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 property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side or rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback less than 1.5m from a side or rear boundary if the building:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one-third of the length of the side or rear boundary (whichever is lesser).</p>		
<p>8.5.1 –(A3)</p> <p>A building that is not a dwelling, must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) a site area of which not less than 35% is free from impervious surfaces.</p>	<input checked="" type="checkbox"/>	<p>Development is for multiple dwellings.</p>
<p>8.5.1–(A4)</p> <p>No Acceptable Solution.</p> <p><i>An exemption applies for fences in this zone – see Table 4.6.</i></p>	<input checked="" type="checkbox"/>	<p>Development is for multiple dwellings.</p>

<p>8.5.1–(P4)</p> <p>A fence (including a free-standing wall) for a building that is not a dwelling within 4.5m of a frontage must:</p> <p>(a) provide for security and privacy while allowing for passive surveillance of the road; and</p> <p>(b) be compatible with the height and transparency of fences in the street, having regard to:</p> <p style="padding-left: 40px;">(i) the topography of the site; and</p> <p style="padding-left: 40px;">(ii) traffic volumes on the adjoining road.</p>		
<p>8.5.1 –(A5)</p> <p>Outdoor storage areas, for a building that is not a dwelling, including waste storage, must not:</p> <p>(a) be visible from any road or public open space adjoining the site; or</p> <p>(b) encroach upon parking areas, driveways or landscaped areas.</p>	<input checked="" type="checkbox"/>	<p>Development is for multiple dwellings.</p>
<p>8.5.1 –(A6)</p> <p>Air extraction, pumping, refrigeration systems or compressors, for a building that is not a dwelling, must have a setback from the boundary of a property containing a sensitive use not less than 10m.</p> <p><i>An exemption applies for heat pumps and air conditioners in this zone – see Table 4.6.</i></p>	<input checked="" type="checkbox"/>	<p>Development is for multiple dwellings.</p>

<b>8.5.2 Non-residential garages and carports</b>	Not applicable	Assessment
<p>8.5.2 –(A1)</p> <p>A garage or carport not forming part of a dwelling, must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the building gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<input checked="" type="checkbox"/>	<p>Development is for multiple dwellings.</p>
<p>8.5.2 –(A2)</p> <p>A garage or carport not forming part of a dwelling, within 12m of a primary frontage (whether the garage or carport is free-standing) 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).</p>	<input checked="" type="checkbox"/>	<p>Development is for multiple dwellings.</p>
<b>8.6 Development Standards for Subdivision</b>		
<b>8.6.1 Lot design</b>	Not applicable	Assessment
<p>8.6.1–(A1)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 450m<sup>2</sup> and:</p> <p>(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p>	<input checked="" type="checkbox"/>	<p>Not a subdivision.</p>

<p>a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>		
<p>8.6.1–(A2)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m.</p>	<input checked="" type="checkbox"/>	<p>Not a subdivision.</p>
<p>8.6.1–(A3)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<input checked="" type="checkbox"/>	<p>Not a subdivision.</p>
<p>8.6.1–(A4)</p> <p>Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.</p>	<input checked="" type="checkbox"/>	<p>Not a subdivision.</p>

8.6.2 Roads	Not applicable	Assessment
<p>8.6.2–(A1)</p> <p>The subdivision includes no new roads.</p> <p>8.6.2–(P1)</p> <p>The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any road network plan adopted by the council;</li> <li>(b) the existing and proposed road hierarchy;</li> <li>(c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential;</li> <li>(d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;</li> <li>(e) minimising the travel distance between key destinations such as shops and services and public transport routes;</li> <li>(f) access to public transport;</li> <li>(g) the efficient and safe movement of pedestrians, cyclists and public transport;</li> <li>(h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the <i>Guide to Road Design Part 6A: Paths for Walking and Cycling 2016</i>;</li> <li>(i) the topography of the site; and</li> </ul>	<input checked="" type="checkbox"/>	<p>Not a subdivision.</p>

(j) the future subdivision potential of any balance lots on adjoining or adjacent land.		
<b>8.6.3 Services</b>	Not applicable	Assessment
8.6.3 –(A1) Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a full water supply service.	<input checked="" type="checkbox"/>	Not a subdivision.
8.6.3 –(A2) Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.	<input checked="" type="checkbox"/>	Not a subdivision.
8.6.3 –(A3) Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.	<input checked="" type="checkbox"/>	Not a subdivision.

## CODES

CODES	NOT APPLICABLE	APPLICABLE
<b>C1.0 Signs Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C2.0 Parking and Sustainable Transport Code</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Refer to table below.
<b>C3.0 Road and Railway Assets Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C4.0 Electricity Transmission Infrastructure Protection Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>C5.0 Telecommunications Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C6.0 Local Historic Heritage Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C7.0 Natural Assets Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C8.0 Scenic Protection Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C9.0 Attenuation Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C10.0 Coastal Erosion Hazard Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C11.0 Coastal Inundation Hazard Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C12.0 Flood-Prone Areas Hazard Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C13.0 Bushfire-Prone Areas Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C14.0 Potentially Contaminated Land Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C15.0 Landslip Hazard Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C16.0 Safeguarding of Airports Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **C2.0 Parking and Sustainable Transport Code**

CLAUSE	COMMENT	
<b>C2.5 Use Standards</b>		
<b>C2.5.1 Car parking numbers</b>	Not applicable	Assessment
<p>C2.5.1–(A1)</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p>	<input type="checkbox"/>	<p>Non-compliant.</p> <p>Multiple dwellings require two car parking spaces per dwelling and one visitor car parking space per four dwellings. The proposal would require a total of five car parking spaces. The proposal has provision for four car parking spaces.</p> <p>(a)–(d) Not relevant for this proposal.</p> <p>Refer to the “Issues” section of this report.</p>



<p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p><math>N = A + (C - B)</math></p> <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p>		
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C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.		
<b>C2.5.2 Bicycle parking numbers</b>	Not applicable	Assessment
C2.5.2-(A1) Bicycle parking spaces must:  (a) be provided on the site or within 50m of the site; and  (b) be no less than the number specified in Table C2.1.	<input checked="" type="checkbox"/>	Does not apply to multiple dwelling development.
<b>C2.5.3 Motorcycle parking numbers</b>	Not applicable	Assessment
C2.5.3-(A1) The number of on-site motorcycle parking spaces for all uses must:  (a) be no less than the number specified in Table C2.4; and;  (b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification provided the existing number of motorcycle parking spaces is maintained.	<input checked="" type="checkbox"/>	Does not apply to multiple dwelling development.
<b>C2.5.4 - Loading bays</b>	Not applicable	Assessment
C2.5.4-(A1) A loading bay must be provided for uses with a floor area of more than 1000m <sup>2</sup> in a single occupancy.	<input checked="" type="checkbox"/>	Does not apply to multiple dwelling development.

<b>C2.5.5 - Number of car parking spaces within General Residential Zone and Inner Residential Zone</b>		
<p>C2.5.5–(A1)</p> <p>Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for:</p> <p>(a) Food Services uses up to 100m<sup>2</sup> floor area or 30</p> <p>(b) seats, whichever is the greater; and</p> <p>(c) General Retail and Hire uses up to 100m<sup>2</sup> floor area, provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.</p>	<input checked="" type="checkbox"/>	<p>Not an existing non-residential building.</p>
<b>C2.6 Development Standards for Buildings and Works</b>		
<b>C2.6.1 Construction of parking areas</b>	Not applicable	Assessment
<p>C2.6.1–(A1)</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to a public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<input type="checkbox"/>	<p>(a) Compliant by condition.</p> <p>(b) Compliant by condition.</p> <p>(c) Compliant by condition.</p>

<b>C2.6.2 Design and layout of parking areas</b>	Not applicable	Assessment
<p>C2.6.2–(A1)</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <ul style="list-style-type: none"> <li>(i) have a gradient in accordance with <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i>;</li> <li>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</li> <li>(iii) have an access width not less than the requirements in Table C2.2;</li> <li>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</li> <li>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</li> <li>(vi) have a vertical clearance of not less than 1m above the parking surface level; and</li> <li>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</li> </ul>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>(a)(i) Compliant by (b).</li> <li>(a)(ii) Compliant by (b).</li> <li>(a)(iii) Compliant by (b).</li> <li>(a)(iv) Compliant by (b).</li> <li>(a)(v) Compliant by (b).</li> <li>(a)(vi) Compliant by (b).</li> <li>(a)(vii) Compliant by (b).</li> <li>(b) Compliant by condition.</li> </ul> <p>A1.2</p> <ul style="list-style-type: none"> <li>(a) Not applicable for this application.</li> <li>(b) Not applicable for this application.</li> <li>(c) Not applicable for this application.</li> </ul>

<p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6.</i></p> <p>C2.6.2–(A1.2)</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.</i><sup>1</sup></p> <p><sup>1</sup> Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016</p>		
<p><b>C2.6.3 Number of accesses for vehicles</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.6.3–(A1)</p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses whichever is the greater.</p>	<p><input type="checkbox"/></p>	<p>(a) Compliant. Site would have one access.</p> <p>(b) Not applicable. Satisfied by (a).</p>
<p>C2.6.3–(A2)</p> <p>Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<p><input checked="" type="checkbox"/></p>	

<b>C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone</b>	Not applicable	Assessment
<p>C2.6.4-(A1)</p> <p>In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and Clause 3.6 “Car parks” in Australian Standards/ New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements.</p>	☒	Site is General Residential Zone.
<b>C2.6.5 Pedestrian access</b>	Not applicable	Assessment
<p>C2.6.5-(A1.1)</p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles by:</p> <p style="padding-left: 40px;">(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p style="padding-left: 40px;">(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles; and</p> <p>C2.6.5-(A1.2)</p>	☒	10 or more car parking spaces are not required.

In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building		
<b>C2.6.6 Loading bays</b>	Not applicable	Assessment
C2.6.6-(A1) The area and dimensions of loading bays and access way areas must be designed in accordance with <i>Australian Standard AS 2890.2-2002 Parking Facilities Part 2: Parking facilities- Off-street commercial vehicle facilities</i> , for the type of vehicles likely to use the site.	<input checked="" type="checkbox"/>	Loading bays are not required.
C2.6.6-(A2) The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with <i>Australian Standard AS2890. 2- 2002 Parking Facilities Part 2: Parking facilities- Off-street commercial vehicle facilities</i> .	<input checked="" type="checkbox"/>	Loading bays are not required.
<b>C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</b>	Not applicable	Assessment
C2.6.7-(A1) Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must:  (a) be accessible from a road, cycle path, bicycle lane, shared path or access way;  (b) be located within 50m from an entrance;  (c) be visible from the main entrance or otherwise signed; and	<input checked="" type="checkbox"/>	Site is General Residential Zone.

<p>(d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of <i>Australian/New Zealand Standard AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.</i></p>		
<p>C2.6.7-(A2)</p> <p>Bicycle parking spaces must:</p> <p>(a) have dimensions not less than:</p> <p>(i) 1.7m in length;</p> <p>(ii) 1.2m in height; and</p> <p>(ii) 0.7m in width at the handlebars;</p> <p>(b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and</p> <p>(c) include a rail or hoop to lock a bicycle that satisfies <i>Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking.</i></p>	<input checked="" type="checkbox"/>	<p>Site is General Residential Zone.</p>
<p><b>C2.6.8 Siting of parking and turning areas</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.6.8-(A1)</p> <p>Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.</p>	<input checked="" type="checkbox"/>	<p>Site is General Residential Zone.</p>



<p>C2.6.8-(A2)</p> <p>Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:</p> <p>(a) have no new vehicle accesses, unless an existing access is removed;</p> <p>(b) retain an active street frontage; and</p> <p>(c) not result in parked cars being visible from public places in the adjacent roads.</p>	<input checked="" type="checkbox"/>	<p>Site is General Residential Zone.</p>
<p><b>C2.7 Parking Precinct Plan</b></p>		
<p><b>C2.7.1 Parking precinct plan</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p><b>C2.7.1-(A1)</b></p> <p>Within a parking precinct plan, on-site parking must:</p> <p>(a) not be provided; or</p> <p>(b) not be increased above existing parking numbers.</p>	<input checked="" type="checkbox"/>	<p>Parking precinct plan does not apply.</p>

SPECIFIC AREA PLANS	NOT APPLICABLE	APPLICABLE
<b>CCO-S1.0 Forth Specific Area Plan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>CCO-S2.0 Leith Specific Area Plan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>CCO-S3.0 Penguin Specific Area Plan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>CCO-S4.0 Revell Lane Specific Area Plan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>CCO-S5.0 Turners Beach Specific Area Plan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CCO CODE LISTS

CCO CODE LISTS	
<b>CCO-Table C3.1 Other Major Roads</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C6.1 Local Heritage Places</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C6.2 Local Heritage Precincts</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C6.3 Local Historic Landscape Precincts</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C6.4 Places or Precincts of Archaeological Potential</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C6.5 Significant Trees</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C8.1 Scenic Protection Areas</b>	Not applicable to this application.
<b>CCO-Table 8.2 Scenic Road Corridors</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C11.1 Coastal Inundation Hazard Bands AHD levels</b>	Not applicable to this application.
<b>CCO-Applied, Adopted or Incorporated Documents</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Site-Specific Qualifications</b>	This table is used in this Local Provisions Schedule.

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*Issues –*

*1 Clause 8.4.1–(P1) – Residential density for multiple dwellings –*

The Objective for Clause 8.4.1 states that the density of multiple dwellings:

- (a) makes efficient use of land for housing; and
- (b) optimises the use of infrastructure and community services.

The Planning Scheme’s Acceptable Solution for Clause 8.4.1–(A1) states that a multiple dwelling must have a site area per dwelling of not less than 325m<sup>2</sup>.

The development site would need a total land area of 650m<sup>2</sup> to satisfy the Acceptable Solution. The development site has a land area of 615m<sup>2</sup>. Therefore, the proposed development is discretionary and relies on an assessment against the applicable mandatory Performance Criteria.

The Planning Scheme’s Performance Criteria for Clause 8.4.1–(P1) states that multiple dwellings must only have a site area per dwelling that is less than 325m<sup>2</sup>, if the development would not exceed the capacity of infrastructure services and;

- (a) is compatible with the density of existing development on established properties in the area; or

Planner’s comments: There are several multiple dwelling developments within the area. For example, 34 Overall Street accommodates seven multiple dwellings. The proposed development is compatible with the density of existing development on established properties in the area.

- (b) provides for a significant social or community benefit and is:
  - (i) wholly or partly within 400m walking distance of a public transport stop; or

Planner’s comments: There are public transport bus routes located along Preservation Drive, approximately 250m from the development site.

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- (ii) wholly or partly within 400m walking distance of Inner Residential Zone, Village Zone, Urban Mixed Zone, Local Business Zone, general Business Zone, Central Business Zone or Commercial Zone.

Planner's comments: Refer to (b)(i) above.

Conclusion: It is considered that the application has demonstrated compliance with the mandatory Performance Criteria in relation to dwelling density in the area and being within 400m walking distance of a public transport stop. Regarding the Objective for this Clause, it is considered the proposed development can satisfy both part (a) and (b), in that it would allow for additional housing at a higher density in the General Residential Zone. Furthermore, the site is connected to all reticulated services and is capable of supporting the proposed development.

2 *Clause 8.4.6-(P3) – Privacy for all dwellings –*

The Objective for Clause 8.4.6 states the development provides a reasonable opportunity for privacy for dwellings.

The Planning Scheme's Acceptable Solution for Clause 8.4.6-(A3) states that a shared driveway or parking space must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than 2.5m or 1m if it is separated by a screen of not less than 1.7m in height or has a sill height of not less than 1.7m above the shared driveway or has a fixed obscure glazing extending to a height of not less than 1.7m above the floor level.

Unit 1 would only be separated from the shared driveway by 0.6m, which includes windows to habitable rooms. Therefore, the proposed development is discretionary and relies on an assessment against the applicable mandatory Performance Criteria.

The Planning Scheme's Performance Criteria for Clause 8.4.6-(P3) states that a shared driveway must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.

Planner's comments: The proposal includes privacy screens to windows on the northern side of Unit 1 which would be up to 1.7m high from existing ground level. Furthermore, all existing windows on the northern side of Unit 1 would be replaced with double glazed, noise

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attenuating windows. In addition, the applicant has advised that landscape planting within the 0.6m separation to the shared driveway area will occur.

Conclusion: It is considered that the application has demonstrated compliance with the mandatory Performance Criteria in relation to privacy for Unit 1 in relation to the shared driveway. Regarding the Objective for this Clause, it is considered that the proposed development would provide adequate privacy screening to habitable rooms of Unit 1 that face the shared driveway.

3 *Reliance on C2.0 Parking and Sustainable Transport Code –*

The Objective for Clause C2.5.1 is that an appropriate level of car parking spaces is to be provided to meet the needs of the use.

The Planning Scheme's Acceptable Solution for Clause C2.5.1-(A1) states that the number of on-site car parking spaces must be no less than the number specified in Table C2.1.

Multiple dwellings require two car parking spaces per dwelling and one visitor car parking space per four dwellings. The proposal would require a total of five car parking spaces. The application indicates the provision for four on-site car parking spaces. Therefore, the proposed development is discretionary and relies on an assessment against the applicable mandatory Performance Criteria.

The Planning Scheme's Performance Criteria for Clause C2.5.1-(P1.2) states that the number of on-site car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:

- (a) the nature and intensity of the use and car parking required;

Planner's comments: The proposal is for residential use in the form of x 2 multiple dwellings. It is considered that the 2 car parking spaces that would be provided for each dwelling is adequate for residential use comprising of only 2 dwellings. Visitors to the occupants of each dwelling would need to park on Overall Street. This is normal practice for other low density residential uses, including single dwellings.

- (b) the size of the dwelling and the number of bedrooms; and

Planner's comments: The new dwelling would have a total of three bedrooms which is considered similar in size to some single dwellings that are approved.

- (c) the pattern of parking in the surrounding area.

Planner's comments: The surrounding area has a mixture of single and multiple dwellings, with variations to the number of car parking spaces available on each lot.

Conclusion: It is considered that the application has demonstrated compliance with the mandatory Performance Criteria in relation to the number of car parking spaces the development would provide. Regarding the Objective for this Clause, it is considered that the appropriate level of car parking spaces would be provided to satisfy the needs of the use, being Residential.

*Referral advice -*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Not applicable.
Building	Not applicable.
Infrastructure Services	Conditions and Notes to be included in a Permit.
TasWater	Refer to TasWater Submission to Planning Authority Notice, Reference No. TWDA 2023/00265-CC dated 10 March 2023.
Department of State Growth	Not applicable.
Environment Protection Authority	Not applicable.
TasRail	Not applicable.
Heritage Tasmania	Not applicable.

Crown Land Services	Not applicable.
Other	Not applicable.

*CONSULTATION*

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

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

*Representations –*

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

The representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
<p>1 Would like shadow plans to be provided (for winter time) to show shadow onto the adjoining southern property (representor’s property).</p> <p>Concern regarding the amount of shadow that would go into the representor’s backyard from the proposed new dwelling.</p>	<p>In some cases, planning applications require shadow pattern diagrams to demonstrate compliance with an applicable Clause within the Planning Scheme.</p> <p>For example, if a dwelling is designed to be outside a required building envelope (Clause 8.4.2–A3), shadow pattern diagrams are required to demonstrate that the proposed development would not cause an unreasonable loss of amenity to adjoining properties, having regard to reduction in sunlight to a habitable room and/or private open space of a dwelling on an adjoining property.</p>

	<p>If a proposed dwelling fits within the required building envelope, it is considered to have satisfied the Acceptable Solution. It is therefore, considered to have satisfied the 'test' regarding any potential shadow impact.</p> <p>The proposed new dwelling has been designed to fit within the required building envelope (refer to assessment table above). Therefore, matters associated with the proposed building envelope of the development are not a 'discretionary' matter.</p> <p>This means there is no mechanism under the Planning Scheme for the Council to request or consider shadow pattern diagrams for this application.</p>
<p>2 Due to shadow (believed that would be from the proposed dwelling), the two-storey dwelling is not something that adjoining property would be happy to agree with.</p>	<p>As a result of the original subdivision in Overall Street, most of the sites are orientated length ways (east to west) and therefore result with properties being directly north of their respective southern property.</p> <p>In a built up residential area, particularly when lots are oriented in the manner above, it is inevitable that a southern property would experience some shadow from their respective northern property.</p> <p>Refer to comments made above regarding why shadow pattern diagrams are not required for the proposed development at 14 Overall Street.</p>



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*RESOURCE, FINANCIAL AND RISK IMPACTS*

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

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

*CONCLUSION*

The representation received does not warrant the refusal of the proposed for Residential – multiple dwellings x 2. The proposal has demonstrated satisfactory compliance with the Planning Scheme's relevant Performance Criteria.

The grant of a Permit, subject to conditions, is considered to be justified.

*Recommendation –*

It is recommended that the application for Residential – multiple dwellings x 2 – Residential for multiple dwellings; Privacy for all dwellings and reliance on C2.0 Parking and Sustainable Transport Code at 14 Overall Street, Sulphur Creek (DA2023037) be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by Cradle Coast Building Design, Job No. 22.010, Drawing Nos. da01, da02, da03, da04, da05, da06, da07, da08, da09, da10 and da11, Issue No. A dated 6 March 2023.
- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2023/00265–CC dated 10 March 2023.
- 3 All parking, access ways, manoeuvring and circulation spaces must:
  - (a) be constructed with a durable all-weather pavement;
  - (b) be drained to the public stormwater system; and

- 
- (c) be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
- 4 Minimum of 4 car parking spaces must be provided for the development and must comply with Australian Standard *AS 2890 – Parking facilities, Parts 1–6*.
- 5 Demolition materials and soils must be disposed of to an approved landfill site.
- 6 Prior to issue of an Occupancy Permit the developer must submit and implement a Landscape Plan for the 0.6m separation area to the shared driveway. The Landscape Plan must detail plant species, final height of growth and plant spacings and be to the satisfaction of the Director Community Services.

#### Infrastructure Services

- 7 The new access off Overall Street must use a standard minimum 3.6m and up to 6.0m wide access driveway apron, at the developer's cost.
- 8 The kerb crossover must be constructed by the Council in accordance with the Tasmanian Standard Drawing *TSD-R14-v3 Urban Roads – Approved Concrete Kerbs and Channels Profile Dimensions* and drawings must be submitted for approval by the Council's Director Infrastructure Services, the developer's cost.
- 9 The driveway apron must be constructed in accordance with the Tasmanian Standard Drawing *TSD-R09-v3 Urban Roads – Driveways* in a plain concrete finish and drawings must be submitted for approval by the Council's Director Infrastructure Services, at the developer's cost.
- 10 Sight triangle areas adjacent to the driveway access must be kept clear of obstructions to visibility, in accordance with the Tasmanian Standard Drawing *TSD-RF-01-v3 Guide to Intersection and Domestic Access Sight Distance Requirements*, at the developer's cost.
- 11 Works associated with roads, stormwater infrastructures, footpaths, kerb and channel, nature strips or street trees must be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services, at the developer's cost.

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- 12 Property access made redundant must be removed and reinstated to match the adjoining areas at the developer's cost.
  - 13 Damage or disturbance to roads, stormwater infrastructures, footpaths, kerb and channel, nature strips or street trees resulting from activity associated with the development must be rectified to the satisfaction of the Council's Director Infrastructure Services and at the developer's cost.
  - 14 Stormwater run-off from buildings and hard surfaces, including from vehicle parking and manoeuvring areas, must be collected and discharged to Council's stormwater infrastructure in accordance with the *National Construction Code 2019* and must not cause a nuisance to neighbouring properties.
  - 15 Prior to commencement of works, the developer must submit an application 'Install Stormwater Connection Point' for any work associated with existing stormwater infrastructure. Works must be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services at the developer's cost. Drainage costs as listed in the Council's Fees and Charges register apply.
  - 16 During works and until all exposed soil areas are permanently stabilised against erosion, the developer must minimise on-site erosion and the release of sediment or sediment laden stormwater from the site and work areas in accordance with the *Soil and Water Management on Standard Building and Construction Sites - Fact Sheet 2* published by the Environment Protection Authority.

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 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

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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 Solid fencing within 4.5m of a road frontage to a height of 1.2m above existing ground level, or fencing that has openings above the height of 1.2m which provides a uniform transparency of at least 30%, to a maximum height of 1.8m, is "Exempt" and does not require planning approval. Fencing outside these requirements within 4.5m of a road frontage would be 'Discretionary' and require the lodgement of a planning application.
- 5 Side boundary fencing is to angle down to the public road reserve boundary in accordance with *AS/NZS 2890.1:2004 Parking Facilities – Part 1: Off-street car parking, Figure 3.3 "Minimum Sight Lines for Pedestrian Safety"*.

#### Infrastructure Services

- 6 Prior to commencement of works in the road reservation, the developer must obtain a "Works in Road Reservation (Permit)".
- 7 Prior to commencement of works, the developer must submit an application for 'Roadworks Authority' (or a 'Private Works Authority'). Roadworks Authority rates as listed in the Council's Fees and Charges register apply.'

The report is supported."

The Executive Services Officer reported as follows:

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

■ Cr Carpenter moved and Cr Viney seconded, "That the application for Residential – multiple dwellings x 2 – Residential for multiple dwellings; Privacy for all dwellings and reliance on C2.0 Parking and Sustainable Transport Code at 14 Overall Street, Sulphur Creek (DA2023037) be approved, subject to the following conditions:

- 
- 1 The development must be substantially in accordance with the plans by Cradle Coast Building Design, Job No. 22.010, Drawing Nos. da01, da02, da03, da04, da05, da06, da07, da08, da09, da10 and da11, Issue No. A dated 6 March 2023.
  - 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2023/00265-CC dated 10 March 2023.
  - 3 All parking, access ways, manoeuvring and circulation spaces must:
    - (a) be constructed with a durable all-weather pavement;
    - (b) be drained to the public stormwater system; and
    - (c) be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
  - 4 Minimum of 4 car parking spaces must be provided for the development and must comply with Australian Standard *AS 2890 - Parking facilities, Parts 1-6*.
  - 5 Demolition materials and soils must be disposed of to an approved landfill site.
  - 6 Prior to issue of an Occupy Permit the developer must submit and implement a Landscape Plan for the 0.6m separation area to the shared driveway. The Landscape Plan must detail plant species, final height of growth and plant spacings and be to the satisfaction of the Director Community Services.

#### Infrastructure Services

- 7 The new access off Overall Street must use a standard minimum 3.6m and up to 6.0m wide access driveway apron, at the developer's cost.
- 8 The kerb crossover must be constructed by the Council in accordance with the Tasmanian Standard Drawing *TSD-R14-v3 Urban Roads - Approved Concrete Kerbs and Channels Profile Dimensions* and drawings must be submitted for approval by the Council's Director Infrastructure Services, the developer's cost.
- 9 The driveway apron must be constructed in accordance with the Tasmanian Standard Drawing *TSD-R09-v3 Urban Roads - Driveways* in a plain concrete finish and drawings must be submitted for approval by the Council's Director Infrastructure Services, at the developer's cost.
- 10 Sight triangle areas adjacent to the driveway access must be kept clear of obstructions to visibility, in accordance with the Tasmanian Standard Drawing *TSD-RF-01-v3*

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*Guide to Intersection and Domestic Access Sight Distance Requirements*, at the developer's cost.

- 11 Works associated with roads, stormwater infrastructures, footpaths, kerb and channel, nature strips or street trees must be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services, at the developer's cost.
- 12 Property access made redundant must be removed and reinstated to match the adjoining areas at the developer's cost.
- 13 Damage or disturbance to roads, stormwater infrastructures, footpaths, kerb and channel, nature strips or street trees resulting from activity associated with the development must be rectified to the satisfaction of the Council's Director Infrastructure Services and at the developer's cost.
- 14 Stormwater run-off from buildings and hard surfaces, including from vehicle parking and manoeuvring areas, must be collected and discharged to Council's stormwater infrastructure in accordance with the *National Construction Code 2019* and must not cause a nuisance to neighbouring properties.
- 15 Prior to commencement of works, the developer must submit an application 'Install Stormwater Connection Point' for any work associated with existing stormwater infrastructure. Works must be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services at the developer's cost. Drainage costs as listed in the Council's Fees and Charges register apply.
- 16 During works and until all exposed soil areas are permanently stabilised against erosion, the developer must minimise on-site erosion and the release of sediment or sediment laden stormwater from the site and work areas in accordance with the *Soil and Water Management on Standard Building and Construction Sites - Fact Sheet 2* published by the Environment Protection Authority.

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 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.

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- 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 Solid fencing within 4.5m of a road frontage to a height of 1.2m above existing ground level, or fencing that has openings above the height of 1.2m which provides a uniform transparency of at least 30%, to a maximum height of 1.8m, is "Exempt" and does not require planning approval. Fencing outside these requirements within 4.5m of a road frontage would be 'Discretionary' and require the lodgement of a planning application.
  - 5 Side boundary fencing is to angle down to the public road reserve boundary in accordance with *AS/NZS 2890.1:2004 Parking Facilities - Part 1: Off-street car parking, Figure 3.3 "Minimum Sight Lines for Pedestrian Safety"*.

#### Infrastructure Services

- 6 Prior to commencement of works in the road reservation, the developer must obtain a "Works in Road Reservation (Permit)".
- 7 Prior to commencement of works, the developer must submit an application for 'Roadworks Authority' (or a 'Private Works Authority'). Roadworks Authority rates as listed in the Council's Fees and Charges register apply."

Carried unanimously

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**13/2023 Residential – single dwelling – Building height, siting and exterior finishes; Landscape protection and reliance on C15.0 Landslip Hazard Code at 46A Clara Street, West Ulverstone – Application No. DA2023052**

The Director Community Services reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2023052
<i>PROPOSAL:</i>	Residential – single dwelling – Building height, siting and exterior finishes; Landscape protection and reliance on C15.0 Landslip Hazard Code
<i>APPLICANT:</i>	Lachlan Walsh Design
<i>LOCATION:</i>	46A Clara Street, West Ulverstone
<i>ZONE:</i>	Landscape Conservation
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme – Central Coast</i> (the Planning Scheme)
<i>ADVERTISED:</i>	22 March 2023
<i>REPRESENTATIONS EXPIRY DATE:</i>	5 April 2023
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42–DAY EXPIRY DATE:</i>	27 April 2023 (extension of time granted until 15 May 2023)
<i>DECISION DUE:</i>	8 May 2023
<i>PURPOSE</i>	

The purpose of this report is to consider an application for the construction of a single dwelling at 46A Clara Street, West Ulverstone.

Accompanying the report are the following documents:

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

*BACKGROUND*

*Development description –*

Application is made for the introduction of a Residential Use Class in the form of a single dwelling at 46A Clara Street, West Ulverstone. The single dwelling would be located centrally on the vacant site and within a building area shown



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on the survey plan. The proposal includes the construction of a long, internal driveway to the single dwelling, from Clara Street.

The single dwelling is of unique design, comprising of three sections (length ways) and would be constructed to the slope of the land. Each section has a high-pitched roof, at irregular angles, with high windows and decks across the front facing elevations.

The southern section would accommodate the master bedroom with an ensuite, separate toilet, walk-in robe and study. The middle section would accommodate kitchen/living/dining room, a laundry, separate toilet and study. The northern section would accommodate two bedrooms, each with a separate bathroom.

Due to the slope of the land, the southern section would accommodate a double enclosed carport and workshop on the ground floor. The southern and middle section are connected via a large entry foyer and the middle and northern section are connected via a covered deck area.

Due to the unique internal design of the single dwelling, clarification was sought from the applicant to ensure the intended use would be Residential. This was confirmed.

The single dwelling would comprise of varying external finishes and colours. This includes a combination of dark colours, but also multi-coloured panels, predominantly across the south-western elevation of the single dwelling.

*Site description and surrounding area -*

The 1.004ha site is zoned Landscape Conservation. The land immediately to the north-west and south-east are also zoned Landscape Conservation. All other surrounding properties are zoned General Residential. The Landscape Conservation Zone does extend slightly to the west, to land on the top side of Kardinia Crescent.

The site slopes moderately upwards from Clara Street for approximately 75m and then has a steeper slope upwards, to Burnett Crescent.

A Landscape Conservation Zone would have been applied to the development site due to the landslip hazard overlay across the land, rather than any visual landscape attributes, such as priority vegetation. The zone was transitioned to the Central Coast LPS from *the Central Coast Interim Planning Scheme 2013* in October 2022, under which the land was zoned Environmental Living.

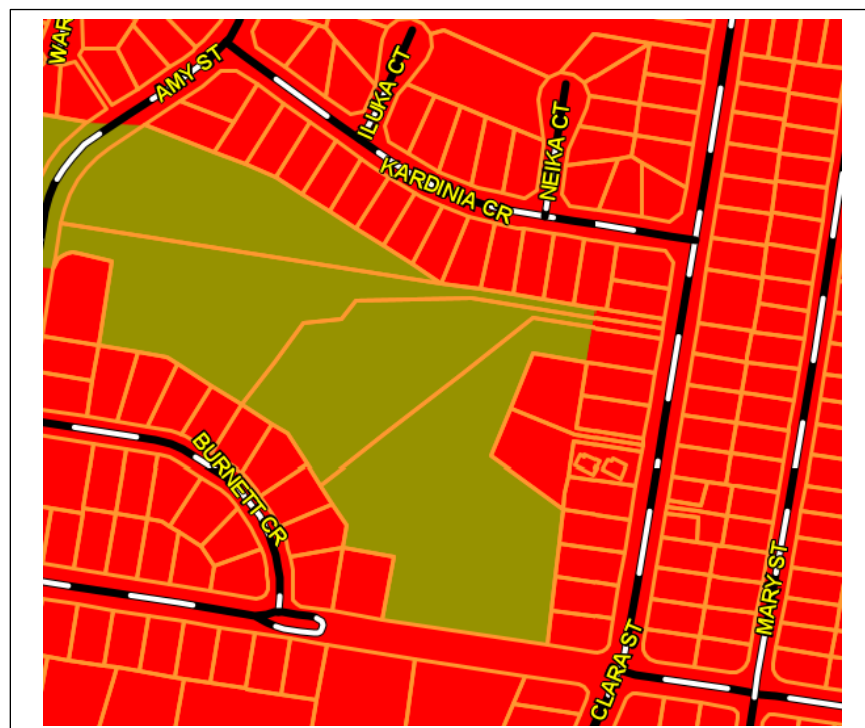
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There are no landscape values or characteristics on the development site or the two adjoining properties. The site is relatively void of any vegetation, apart from some trees located in the far southern corner of the site.

A Landscape Conservation Zone is usually more applicable to larger land areas (the Acceptable Solution for subdivision in the zone requires an area of 50ha) where there are significant landscape values, such as priority vegetation and/or watercourses which dominate the scenery, such as on the top side of Midway Lane, Sulphur Creek or in the Raymond Road area in Gunns Plains.

It is not as common to have a Landscape Conservation Zone that is surrounded by a General Residential zone, where surrounding lots are developed for Residential purpose and cleared of vegetation.

Below shows the General Residential zone that surrounds the development site. The General Residential Zone is red, and Landscape Conservation Zone is green.



The development site is connected to all reticulated services. The site is subject to both low and medium landslip hazard characteristics.

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*History -*

The development site was created in February 2021 through Planning Permit DA2019030.

*DISCUSSION*

The following table is the Town Planner's assessment against the Planning Scheme provisions:

## 22.0 Landscape Conservation

### 22.1 Zone Purpose

The purpose of the Landscape Conservation Zone is:

- 22.1.1 To provide for the protection, conservation and management of landscape values.
- 22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.

**Planners comment:**

The Landscape Conservation Zone would have been applied to the development site due to the landslip hazard overlay, rather than any visual landscape attributes which are usually associated with the Zone, such as priority vegetation. The single dwelling would therefore not adversely impact the protection, conservation and management of the landscape values, as it is considered there are none on the site.

CLAUSE	COMMENT	
<b>22.3 Use Standards</b>		
<b>22.3.1 Community meeting and entertainment, food services, and general retail and hire uses</b>	<b>Not Applicable</b>	<b>Assessment</b>
22.3.1 –(A1) Hours of operation for Community Meeting and Entertainment, Food Services, and General Retail and Hire must be within the hours of 8.00am to 6.00pm.	<input checked="" type="checkbox"/>	Application is for Residential use.
<b>22.3.2 Visitor accommodation</b>	<b>Not Applicable</b>	<b>Assessment</b>
22.3.2 –(A1) Visitor Accommodation: (a) guests are accommodated in existing buildings; and (b) has a gross floor area of no more than 300m <sup>2</sup> .	<input checked="" type="checkbox"/>	Not Visitor Accommodation.

<b>22.3.3 Discretionary use</b>	<b>Not Applicable</b>	<b>Assessment</b>
23.3.3 –(A1) No acceptable solution.	<input checked="" type="checkbox"/>	Not a discretionary use.
<b>22.4 Development Standards for Buildings and Works</b>		
<b>22.4.1 Site coverage</b>	<b>Not Applicable</b>	<b>Assessment</b>
22.4.1 –(A1) Site coverage must be not more than 400m <sup>2</sup> .	<input type="checkbox"/>	Compliant. Site coverage would be 316.80m <sup>2</sup> .
<b>22.4.2 Building height, siting and exterior finishes</b>	<b>Not Applicable</b>	<b>Assessment</b>
22.4.2 –(A1) Building height must be not more than 6m.	<input type="checkbox"/>	Non-compliant. The highest point of the single dwelling would be 9.1m.  Refer to the “Issues” section of this report.
22.4.2 –(A2) Buildings must have a setback from a frontage of not less than 10m.	<input type="checkbox"/>	Compliant. Single dwelling would be setback greater than 10m from the frontage.
22.4.2 –(A3) Buildings must have a setback from side and rear boundaries not less than 20m.	<input type="checkbox"/>	Compliant. Single dwelling would be setback 20m and greater from side and rear boundaries.
22.4.2 –(A4) Buildings for a sensitive use must be separated from the boundary of an adjoining Rural Zone or Agriculture Zone a distance of:  (a) not less than 200m; or  (b) if the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.	<input checked="" type="checkbox"/>	Adjoining land is zoned General Residential or Landscape Conservation.

<p>22.4.2 –(A5)</p> <p>Exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.</p>	<input type="checkbox"/>	<p>Non-compliant. Exterior of the building would not have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.</p> <p>Refer to the “Issues” section of this report.</p>
<p><b>22.4.3 Access to a road</b></p>	<p><b>Not Applicable</b></p>	<p><b>Assessment</b></p>
<p>22.4.3 –(A1)</p> <p>New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.</p>	<input type="checkbox"/>	<p>Compliant. Access is off Clara Street.</p>
<p><b>22.4.4 Landscape protection</b></p>	<p><b>Not Applicable</b></p>	<p><b>Assessment</b></p>
<p>22.4.4 –(A1)</p> <p>Building and works must be located within a building area, if shown on a sealed plan.</p>	<input type="checkbox"/>	<p>Compliant. The single dwelling would be inside the building area. Proposal includes an internal driveway and turning areas. This is in accordance with a registered Part 5 Agreement on the site (refer to Annexure 2).</p>
<p>22.4.4 –(A2)</p> <p>Buildings and works must:</p> <ul style="list-style-type: none"> <li>(a) be located within a building area, if shown on a sealed plan; or</li> <li>(b) be an alteration or extension to an existing building providing it is not more than the existing building height; and</li> <li>(c) not include cut and fill greater than 1m; and</li> <li>(d) be not less than 10m in elevation below a skyline or ridgeline.</li> </ul>	<input type="checkbox"/>	<p>Compliant. The single dwelling would be inside the building area. Proposal includes an internal driveway and turning areas. This is in accordance with a registered Part 5 Agreement on the site (refer to Annexure 2).</p>

<b>22.5 Development Standards for Subdivision</b>		
<b>22.5.1 Lot design</b>	<b>Not Applicable</b>	<b>Assessment</b>
<p>22.5.1 –(A1)</p> <p>Each lot, or a proposed lot in a plan of subdivision, must:</p> <p>(a) have an area of not less than 50ha and:</p> <p>(i) be able to contain a minimum area of 25m x 25m, where native vegetation cover has been removed, with a gradient not steeper than 1 in 5, clear of:</p> <p>a. all setbacks required by clause 22.4.2 A2, A3 and A4; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 22.4.2 A2, A3 and A4;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<input checked="" type="checkbox"/>	Not a subdivision.
<p>22.5.1 –(A2)</p> <p>Each lot, or a proposed lot in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities must have a frontage of not less than 40m.</p>	<input checked="" type="checkbox"/>	Not a subdivision.

<p>22.5.1 –(A3)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<input checked="" type="checkbox"/>	Not a subdivision.
<p>22.5.1 –(A4)</p> <p>No acceptable solution.</p> <p>22.5.1 –(P4)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be capable of accommodating an on-site wastewater management system adequate for the intended use and development of the land, which minimises any environmental impacts.</p>	<input checked="" type="checkbox"/>	Not a subdivision.

## CODES

CODES	NOT APPLICABLE	APPLICABLE
<b>C1.0 Signs Code</b>	<input checked="" type="checkbox"/>	
<b>C2.0 Parking and Sustainable Transport Code</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Refer to the Table below.
<b>C3.0 Road and Railway Assets Code</b>	<input checked="" type="checkbox"/>	
<b>C4.0 Electricity Transmission Infrastructure Protection Code</b>	<input checked="" type="checkbox"/>	
<b>C5.0 Telecommunications Code</b>	<input checked="" type="checkbox"/>	
<b>C6.0 Local Historic Heritage Code</b>	<input checked="" type="checkbox"/>	
<b>C7.0 Natural Assets Code</b>	<input checked="" type="checkbox"/>	
<b>C8.0 Scenic Protection Code</b>	<input checked="" type="checkbox"/>	
<b>C9.0 Attenuation Code</b>	<input checked="" type="checkbox"/>	



<b>C10.0 Coastal Erosion Hazard Code</b>	<input checked="" type="checkbox"/>	
<b>C11.0 Coastal Inundation Hazard Code</b>	<input checked="" type="checkbox"/>	
<b>C12.0 Flood-Prone Areas Hazard Code</b>	<input checked="" type="checkbox"/>	
<b>C13.0 Bushfire-Prone Areas Code</b>	<input checked="" type="checkbox"/>	
<b>C14.0 Potentially Contaminated Land Code</b>	<input checked="" type="checkbox"/>	
<b>C15.0 Landslip Hazard Code</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Refer to the Table below.
<b>C16.0 Safeguarding of Airports Code</b>	<input checked="" type="checkbox"/>	

## **C2.0 Parking and Sustainable Transport Code**

CLAUSE	COMMENT	
<b>C2.5 Use Standards</b>		
<b>C2.5.1 Car parking numbers</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>C2.5.1–(A1)</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p>	<input type="checkbox"/>	<p>Compliant. There would be the provision for the 2 car parking spaces on the site in the form of the double carport proposed, in accordance with Table C2.1.</p> <p>(a)–(d) Does not apply.</p>

<p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p><math>N = A + (C - B)</math></p> <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.</p>		
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<b>C2.5.2 Bicycle parking numbers</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>C2.5.2-(A1)</p> <p>Bicycle parking spaces must:</p> <p>(c) be provided on the site or within 50m of the site; and</p> <p>(d) be no less than the number specified in Table C2.1.</p>	<input checked="" type="checkbox"/>	Not required for single dwellings.
<b>C2.5.3 Motorcycle parking numbers</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>C2.5.3-(A1)</p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(c) be no less than the number specified in Table C2.4; and;</p> <p>(d) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification provided the existing number of motorcycle parking spaces is maintained.</p>	<input checked="" type="checkbox"/>	Not required for single dwellings.
<b>C2.5.4 - Loading bays</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>C2.5.4-(A1)</p> <p>A loading bay must be provided for uses with a floor area of more than 1000m<sup>2</sup> in a single occupancy.</p>	<input checked="" type="checkbox"/>	Proposal does not require a loading bay.
<b>C2.5.5 - Number of car parking spaces within General Residential Zone and Inner Residential Zone</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>C2.5.5-(A1)</p> <p>Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for:</p>	<input checked="" type="checkbox"/>	Proposal is for a residential building.

<p>(a) Food Services uses up to 100m<sup>2</sup> floor area or 30 seats, whichever is the greater; and</p> <p>(b) General Retail and Hire uses up to 100m<sup>2</sup> floor area, provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.</p>		
<b>C2.6 Development Standards for Buildings and Works</b>		
<b>C2.6.1 Construction of parking areas</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>C2.6.1–(A1)</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to a public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<input type="checkbox"/>	<p>(a) Compliant with condition.</p> <p>(b) Compliant with condition.</p> <p>(c) Not applicable. Site is zoned Landscape Conservation.</p>
<b>C2.6.2 Design and layout of parking areas</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>C2.6.2–(A1)</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <p style="margin-left: 20px;">(i) have a gradient in accordance with <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i>;</p>	<input type="checkbox"/>	<p>(a)(i) Compliant by (b).</p> <p>(a)(ii) Compliant by (b).</p> <p>(a)(iii) Compliant by (b).</p> <p>(a)(iv) Compliant by (b).</p> <p>(a)(v) Compliant by (b).</p> <p>(a)(vi) Compliant by (b).</p> <p>(a)(vii) Compliant by (b).</p>

<p>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</p> <p>(iii) have an access width not less than the requirements in Table C2.2;</p> <p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6</i>.</p> <p>C2.6.2–(A1.2)</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(d) be located as close as practicable to the main entry point to the building;</p> <p>(e) be incorporated into the overall car park design; and</p>		<p>(b) Compliant with condition.</p> <p>A1.2</p> <p>(a) Not applicable for this application.</p> <p>(b) Not applicable for this application.</p> <p>(c) Not applicable for this application.</p>
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<p>(f) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities</i>.<sup>1</sup></p> <p><sup>1</sup> Requirements for the number of accessible car parking spaces are specified in part D3 of the <i>National Construction Code 2016</i></p>		
<p><b>C2.6.3 Number of accesses for vehicles</b></p>	<p><b>Not applicable</b></p>	<p><b>Assessment</b></p>
<p>C2.6.3–(A1)</p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses whichever is the greater.</p>	<p><input type="checkbox"/></p>	<p>(a) Compliant. The site has one access only.</p> <p>(b) Not applicable. Satisfied by (a).</p>
<p>C2.6.3–(A2)</p> <p>Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<p><input checked="" type="checkbox"/></p>	<p>Site is zoned Landscape Conservation.</p>
<p><b>C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone</b></p>	<p><b>Not applicable</b></p>	<p><b>Assessment</b></p>
<p>C2.6.4–(A1)</p> <p>In car parks within the General Business Zone and Central Business Zone, parking and vehicle-circulation roads and pedestrian paths serving 5 or more car parking spaces, which are used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and Clause 3.6 “Car parks” in Australian Standards/ New Zealand Standard AS/NZS 1158.3.1:2005</p>	<p><input checked="" type="checkbox"/></p>	<p>Site is zoned Landscape Conservation.</p>

Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements.		
<b>C2.6.5 Pedestrian access</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>C2.6.5-(A1.1)</p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(c) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles by:</p> <p>(iii) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(iv) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(d) be signed and line marked at points where pedestrians cross access ways or parking aisles; and</p> <p>C2.6.5-(A1.2)</p> <p>In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>	<input checked="" type="checkbox"/>	<p>Use does not require 10 or more car parking spaces.</p>

<b>C2.6.6 Loading bays</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>C2.6.6-(A1)</p> <p>The area and dimensions of loading bays and access way areas must be designed in accordance with <i>Australian Standard AS 2890.2–2002 Parking Facilities Part 2: Parking facilities- Off-street commercial vehicle facilities</i>, for the type of vehicles likely to use the site.</p>	<input checked="" type="checkbox"/>	<p>Loading bays are not required.</p>
<p>C2.6.6-(A2)</p> <p>The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with <i>Australian Standard AS2890. 2- 2002 Parking Facilities Part 2: Parking facilities- Off-street commercial vehicle facilities</i>.</p>	<input checked="" type="checkbox"/>	<p>Loading bays are not required.</p>
<b>C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>C2.6.7-(A1)</p> <p>Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must:</p> <ul style="list-style-type: none"> <li>(e) be accessible from a road, cycle path, bicycle lane, shared path or access way;</li> <li>(f) be located within 50m from an entrance;</li> <li>(g) be visible from the main entrance or otherwise signed; and</li> <li>(h) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of <i>Australian/New Zealand Standard AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements</i>.</li> </ul>	<input checked="" type="checkbox"/>	<p>Site is zoned Landscape Conservation.</p>



<p>C2.6.7-(A2)</p> <p>Bicycle parking spaces must:</p> <p>(a) have dimensions not less than:</p> <p>(i) 1.7m in length;</p> <p>(ii) 1.2m in height; and</p> <p>(iii) 0.7m in width at the handlebars;</p> <p>(b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and</p> <p>(c) include a rail or hoop to lock a bicycle that satisfies <i>Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking</i>.</p>	<input checked="" type="checkbox"/>	<p>Site is zoned Landscape Conservation.</p>
<p><b>C2.6.8 Siting of parking and turning areas</b></p>	<p><b>Not applicable</b></p>	<p><b>Assessment</b></p>
<p>C2.6.8-(A1)</p> <p>Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.</p>	<input checked="" type="checkbox"/>	<p>Site is zoned Landscape Conservation.</p>
<p>C2.6.8-(A2)</p> <p>Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:</p> <p>(d) have no new vehicle accesses, unless an existing access is removed;</p> <p>(e) retain an active street frontage; and</p>	<input checked="" type="checkbox"/>	<p>Site is zoned Landscape Conservation.</p>

(f) not result in parked cars being visible from public places in the adjacent roads.		
<b>C2.7 Parking Precinct Plan</b>		
<b>C2.7.1 Parking precinct plan</b>	<b>Not applicable</b>	<b>Assessment</b>
<b>C2.7.1-(A1)</b> Within a parking precinct plan, on-site parking must: <p>(c) not be provided; or</p> <p>(d) not be increased above existing parking numbers.</p>	<input checked="" type="checkbox"/>	Parking precinct plan does not apply to the development site.

### C15.0 Landslip Hazard Code

CLAUSE	COMMENT	
<b>C15.5 Use Standards</b>		
<b>C15.5.1 Use within a landslip hazard area</b>	<b>Not Applicable</b>	<b>Assessment</b>
<b>A1</b> No Acceptable Solution.	<input checked="" type="checkbox"/>	Residential use is not a critical, hazardous or vulnerable use.
<b>A2</b> No Acceptable Solution.	<input checked="" type="checkbox"/>	Residential use is not a critical, hazardous or vulnerable use.
<b>A3</b> No Acceptable Solution.	<input checked="" type="checkbox"/>	Residential use is not a critical, hazardous or vulnerable use.
<b>A4</b> No Acceptable Solution.	<input checked="" type="checkbox"/>	Residential use is not a critical, hazardous or vulnerable use.
<b>C15.6 Development Standards for Buildings and Works</b>		
<b>C15.6.1 Building and works within a landslip hazard area</b>	<b>Not Applicable</b>	<b>Assessment</b>
<b>A1</b> No Acceptable Solution.	<input type="checkbox"/>	Non-compliant. Refer to the "Issues" section of this report.

<b>C15.6 Development Standards for Subdivision</b>		
<b>C15.7.1 Subdivision within a landslip hazard area</b>	<b>Not Applicable</b>	<b>Assessment</b>
<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area, must:</p> <p>(a) be able to contain a building area, vehicle access, and services, that are wholly located outside a landslip hazard area;</p> <p>(b) be for the creation of separate lots for existing buildings;</p> <p>(c) be required for public use by the Crown, a council or a State authority; or</p> <p>(d) be required for the provision of Utilities.</p>	<input checked="" type="checkbox"/>	Not a subdivision.

SPECIFIC AREA PLANS	NOT APPLICABLE	APPLICABLE
<b>CCO-S1.0 Forth Specific Area Plan</b>	<input checked="" type="checkbox"/>	
<b>CCO-S2.0 Leith Specific Area Plan</b>	<input checked="" type="checkbox"/>	
<b>CCO-S3.0 Penguin Specific Area Plan</b>	<input checked="" type="checkbox"/>	
<b>CCO-S4.0 Revell Lane Specific Area Plan</b>	<input checked="" type="checkbox"/>	
<b>CCO-S5.0 Turners Beach Specific Area Plan</b>	<input checked="" type="checkbox"/>	

<b>CCO CODE LISTS</b>	
<b>CCO-Table C3.1 Other Major Roads</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C6.1 Local Heritage Places</b>	This table is not used in this Local Provisions Schedule.

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<b>CCO-Table C6.2 Local Heritage Precincts</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C6.3 Local Historic Landscape Precincts</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C6.4 Places or Precincts of Archaeological Potential</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C6.5 Significant Trees</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C8.1 Scenic Protection Areas</b>	Not applicable to this application.
<b>CCO-Table 8.2 Scenic Road Corridors</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C11.1 Coastal Inundation Hazard Bands AHD levels</b>	Not applicable to this application.
<b>CCO-Applied, Adopted or Incorporated Documents</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Site-Specific Qualifications</b>	This table is used in this Local Provisions Schedule.

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*Issues -*

*1 Clause 22.4.2 Building height, siting and exterior finishes -*

The proposed single dwelling satisfies all the Planning Scheme's Acceptable Solution setback requirements in relation to front, side and rear boundaries. Therefore the "siting" aspect of the above is compliant and not considered a discretionary aspect of the proposal.

As stated in the Planning Scheme's Clause 5.6.4, the planning authority may consider the relevant objective in an applicable standard to determine whether a use or development satisfies the Performance Criterion for that standard.

The Objective for the Planning Scheme's Clause 22.4.2 states that the building height, siting and exterior finishes:

- (a) protects the amenity of adjoining properties;
- (b) minimises the impact on the landscape values of the area; and
- (c) minimises the impact on adjoining agricultural uses.

Building height

The Planning Scheme's Acceptable Solution for Clause 22.4.2-(A1) states that building height must be not more than 6m. The proposed single dwelling, at the highest point, would be 9.1m due to the design of the single dwelling to be with the slope of the land and the irregular sections of high-pitched roof lines.

Therefore, the proposed development is discretionary and relies on an assessment against the applicable mandatory Performance Criteria.

The Planning Scheme's Performance Criteria for Clause 22.4.2-(P1) states that building height must be compatible with the landscape values of the site, having regard to:

- (a) the height, bulk and form of proposed buildings;

Planner's comment: The design of the single dwelling is very unique (three sections), combined with the single dwelling being built to the slope of the land so as to minimise cut. The design results in varying heights, through spilt levels (southern section) and the irregular roof pitch over the three sections.

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The highest point of the single dwelling, when viewed on the north-east elevation (front), would be 9.1m. The middle section and southern section roof pitch would be approximately 6.6m. The walls of the single dwelling would have varying heights, ranging from 7.7m to 3m. Depending on which elevation and which section of the single dwelling you are looking at, this would influence whether the single dwelling would appear to be two-storey or single-storey in height. This design, that incorporates varying heights and slopes of the land, assists to reduce the height, bulk and form of the building.

- (b) the height, bulk and form of existing buildings;

Planner's comment: There are no other buildings on the development site.

- (c) the topography of the site;

Planners' comment: The site has a moderate slope upwards when entering from Clara Street for approximately 75m. It then has a greater slope up towards Burnett Crescent. Burnett Crescent is considerably higher than the development site. The topography of the development site means that the proposed single dwelling would be seen from land above, primarily by looking downslope from the properties along Burnett Crescent.

- (d) the visual impact of the buildings when viewed from roads and public places; and

Planner's comment: As the site has a long internal access and then curves south, the proposed single dwelling would not be as visible from Clara Street. There are no public places that surround the development site that would result in the public being able to view the proposed single dwelling.

The image below was provided with the application (drawn by Lachlan Walsh Design), showing the building perspective view from Clara Street. This view would be from the internal driveway access, rather than Clara Street.



- (e) the landscape values of the surrounding area.

Planner's comment: There are no landscape values for the development site, or on the two immediate adjoining Landscape Conservation Zone sites. The surrounding area is dominated by built residential development in the General Residential Zone. Due to the topography of the site, the landscape view from the development site is primarily looking outwards, towards Bass Strait, and downslope, to a built-up residential area of West Ulverstone, primarily dominated by numerous roofs of residential buildings.

The photograph below was taken from the adjoining southern Landscape Conservation property (48 Clara Street, which was easier to access due to an internal driveway that has been constructed. The photograph shows the landscape views as discussed above.



#### Exterior finishes

The Planning Scheme's Acceptable Solution for Clause 22.4.2-(A5) states that exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.

The proposed single dwelling would have some dark colours but would also have multi-colour panel cladding on some of the building's exterior walls, primarily applied to the rear exterior of the building.

Therefore, the proposed development is discretionary and relies on an assessment against the applicable mandatory Performance Criteria.

The Planning Scheme's Performance Criteria for Clause 22.4.2-(P5) states that exterior building finishes must not cause an unreasonable loss of amenity to occupiers of adjoining properties or detract from the landscape values of the site or surrounding area, having regard to:

- (a) the appearance of the building when viewed from roads or public places in the surrounding area;

Planner's comment: As the site has a long internal access strip and then curves south, the proposed single dwelling would not be as visible from Clara Street. There are no public places that surround the development site that would result in the public being able to view the proposed single dwelling.



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An analysis of the proposed single dwelling, when viewed from adjoining General Residential zoned properties, concludes that the appearance of the single dwelling, including its exterior finishes, would not cause an unreasonable loss of amenity to the occupiers of adjoining properties, or detract from the landscape values of the site or surrounding land. This is because, as outlined throughout this report, there are no landscape values to be attributed to the development site. The Landscape Conservation Zone has been applied to the land due to landslip hazard characteristics.

The surrounding area is dominated by General Residential Zone, developed for residential purposes. The visual landscape of the surrounding area would be either residential buildings, or a combination of residential buildings and distant views of Bass Strait. It is acknowledged that, for properties who are higher than the development site, namely along Burnett Crescent and overlooking the development site, occupiers would notice a change in the visual amenity across the site, when looking downslope. The view would change from an open, grassed vacant area of land, to include the proposed single dwelling. However, this would not be different to the other numerous single dwellings that can be seen from these higher elevation properties. Due to the slope of the land in this area, the view to Bass Strait would not much alter, if at all.

- (b) any screening vegetation; and

Planner's comment: As part of the application, the plans included several site perspectives of the proposed single dwelling. They include visual perspectives from the entrance of the site off Clara Street, and from 7 Burnett Crescent.

As shown in the site perspective sheet No. 03 (refer to Annexure 2), the proposal would include some selected vegetation to be planted along the southern side of the development site. This would assist with "screening" the proposed single dwelling. It is also considered good hillside practice regarding landslip hazard management.

To assist in screening and good hillside management, a condition is to be applied to the Planning Permit requiring a landscape plan be submitted for revegetation of the southern

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area of the site, detailing the location, species and timing of vegetation to be planted.

Refer to image below that shows a “snip-it” of the proposed vegetation screening, as seen in the site perspective image.



(c) the nature of the exterior finishes.

Planner’s comment: Part of the proposed exterior finishes includes multi-colour panels. Predominantly, along the south-west elevation.

As discussed, the development site is surrounded primarily by residential development. From the development site and further upslope (Burnett Crescent), it is evident that the visual amenity of the residential area is dominated by many roofs, all of differing colours.

The proposed multi-colour panels, as seen in the plans submitted (refer to Annexure 2) and on the site perspective No. 2 image, would blend in with the downslope mixed colours of the residential area.

A site inspection, though on the immediate adjoining southern property (due to easier access to the site as an internal driveway has been constructed), can confirm the vast array of colours that can be seen when looking downslope.

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Even though the multi-colour panels are considered unique for a residential building, it is also considered that it would blend with the surrounding built residential area.

Refer to image below, that is a “snip-it” of how the proposed single dwelling and the multi-colour panels would look from 7 Burnett Crescent, West Ulverstone.



The image below was taken looking downslope from the adjoining southern property, that shows the array of roof colours in the residential area.



Conclusion: It is considered that the application has demonstrated compliance with the mandatory Performance Criterion in relation to building height and exterior finishes. Regarding the Objective for this

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Clause, it is considered that the proposed single dwelling can satisfy Objective (a) as the single dwelling would protect the amenity of the adjoining properties which is dominated by residential development in the General Residential Zone. There are no landscape values identified on the site so Objective (b) is not applicable to this application.

Additionally, Objective (c) is also not applicable to the site, as the development site does not adjoin agricultural uses. The Objective regarding agricultural uses further supports the analysis that the Landscape Conservation Zone is more common on larger areas of heavy vegetation, closer to Rural and Agricultural Zones.

2 *Reliance on C15.0 Landslip Hazard Code -*

There are several exemptions under the Planning Scheme's Landslip Hazard Code. The construction of the single dwelling would be exempt from requiring assessment under the Planning Scheme as it can satisfy Clause C15.4.1(d) which states development on land within a low or medium landslip hazard band that requires authorisation under the *Building Act 2016*.

The proposed internal driveway would not satisfy any exemptions under this Code. Therefore, this Code is applicable to this proposal.

The Planning Scheme's Acceptable Solution for Clause C15.6.1 is in relation to building and works within a landslip hazard area. There is no Acceptable Solution for this Clause.

Therefore, the proposed development is discretionary and relies on an assessment against the applicable mandatory Performance Criteria.

The Planning Scheme's Performance Criteria for Clause C15.6.1 is broken into three parts.

Clause C15.6.1-P1.1 states that building and works within a landslip hazard area must minimise the likelihood of triggering a landslip event and achieve and maintain a tolerable risk from landslip, having regard to:

- (a) the type, form, scale and intended duration of the development;

Planner's comment: Tasman Geotechnics provide a supporting statement for the application that references EAW Geo Services Landslide Risk Assessment & Engineering recommendations report that was undertaken when the development site was

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created through a subdivision. The supporting statement outlines that the architectural drawings show that the proposed cut and fill batters associated with the driveways and parking areas comply with the requirements regarding cut and fill on the site. It is stated that the steep batters near retaining walls associated with the carport/workshop are acceptable, providing the batter is protected against erosion with vegetation (such as grass) or artificial protection (such as mulch, but could also be more resilient materials).

The statement concludes that apart from the retaining walls for the carport/workshop, the proposed single dwelling otherwise appears to minimise earthworks, which is considered desirable from a landslip stability perspective.

- (b) whether any increase in the level of risk from a landslip requires any specific hazard reduction or protection measures;

Planner's comment: Some requirements are noted in the conclusion of the Tasman Geotechnics statement. This statement and the accompanying EAW Geo Services Landslide Risk Assessment & Engineering Recommendation report will form part of this Permit.

- (c) any advice from a State authority, regulated entity or a council;

Planner's comment: The Council relies on advice from a suitably qualified person, who in this case is Tasman Geotechnics.

- (d) the advice contained in a landslip hazard report.

Planner's comment: Some requirements are noted in the conclusion of the Tasman Geotechnics statement. This statement and the accompanying EAW Geo Services Landslide Risk Assessment & Engineering Recommendation report will form part of this Permit.

Clause C15.6.1–P1.2 states that a landslip hazard report also demonstrates that the buildings and works do not cause or contribute to landslip on the site, on adjacent land or public infrastructure.

Planner's comment: As discussed above, the Tasman Geotechnics statement outlines that the architectural drawings show that the proposed cut and fill batters associated with driveways and parking

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areas comply with requirements regarding cut and fill on the site. The statement further states that the steep batters near retaining walls associated with the carport/workshop are acceptable, providing the batter is protected against erosion with vegetation (such as grass) or artificial protection (such as mulch, but could also be more resilient materials).

The statement concludes that apart from the retaining walls for the carport/workshop, the proposed single dwelling otherwise appears to minimise earthworks, which is considered desirable from a landslip stability perspective.

Clause C15.6.1–P1.3 states that if landslip reduction or protection measures are required beyond the boundary of the site, the consent in writing of the owner of that land must be provided for that land to be managed in accordance with the specific hazard reduction or protection measures.

Planner’s comments: There would be no landslip reduction or protection measures required beyond the boundary of the development site.

Conclusion: It is considered that the application has demonstrated compliance with the mandatory Performance Criterion in relation to the Landslip Hazard Code. The supporting geotech statement and report were prepared by suitably qualified people. The statement will form part of this Permit which includes the geotech report.

*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.
Building	Standard Note to apply to Permit.
Infrastructure Services	Conditions and Notes to apply to Permit.
TasWater	Referral not required.

Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Other	Referral not required.

*CONSULTATION*

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

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

*Representations -*


One representation was received during the public notification period. A copy of which is provided at Annexure 3.

The representation is summarised and responded to as follows:

REPRESENTATION	
MATTER RAISED	RESPONSE
1 External colour palette for the front and rear of the house does not respect and reflect the existing neighborhood character. It is shocking, ill-suited, incompatible and out of character for the site and area.	As discussed in the "Issues" section above, the character of the area is dominated by built residential development with an array of roofing colours evident when viewed from elevated areas.  It is considered the application has demonstrated how the buildings

	<p>multi-colour panels would blend with the surrounding area colours.</p> <p>Please refer to comments made in the “Issues” section, Item No. 1 for further analysis regarding the proposed exterior cladding finishes and compatibility with the surrounding area.</p>
<p>2 The property at 46a Clara Street is surrounded by a spectacular “all natural” colour palette provided by flora and fauna, nature coloured landscaping, a stunning ocean and spectacular skyline.</p>	<p>It is agreed that the development site and the upslope adjoining properties have stunning ocean views of Bass Strait. The proposed single dwelling would not deter from this view.</p> <p>It is not considered that the development site is surrounded by an “all natural” colour palette. As seen in images throughout this report, the surrounding area is zoned General Residential with an array of colours. This is because the General Residential Zone does not include standards regarding the external finishes and colours of buildings.</p> <p>The development site has no vegetation of distinction, being primarily grassland, apart from a small area to the south-east corner. Both adjoining properties are also clear of vegetation.</p>



	<p>The image below shows the development site (middle) and two adjoining sites, all generally clear of vegetation.</p> 
<p>3 The colour palette proposed is more suited to a commercial site looking to “stimulate/shock” clients such as McDonalds, Legoland, Ikea, Anaconda and/or Kindergarten Play Schools.</p>	<p>It is agreed that the multi-colour cladding panels are more commonly seen on buildings such as childcare centres and the like. However, it is believed that the application has demonstrated compliance with the Performance Criteria regarding the exterior finishes and that the multi-colour panels would blend with the established built residential area.</p> <p>Please refer to comments made in the “Issues” section, Item No. 1 for further analysis regarding the proposed exterior finishes.</p>
<p>4 Colour palette is not suitable for a residential situation.</p>	<p>Please refer to comments made in the “Issues” section, Item No. 1 for further analysis regarding the proposed exterior finishes.</p>
<p>5 Draw Council’s attention to pages 24, 25, 26, 27 and 91 in Planning Permit DA2023052 to view the suggested exterior colour scheme.</p>	<p>Refer to Annexure 2, which includes all the application documentation.</p>

<p>6 If Council would recommend a more suitable colour palette to the owners of 46a Clara Street that would embrace nature and this natural landscape/location it would be greatly appreciated.</p>	<p>As the application has demonstrated compliance with the applicable Performance Criteria, it is not considered necessary to require a different exterior colour.</p> <p>As shown in images above, the proposed multi-colour cladding panels would blend with the established built residential area that has an array of material colours.</p> <p>It is noted that the application includes vegetation screening which would, once fully grown, screen the proposed single dwelling from properties upslope, including the property at 7 Burnett Crescent. Landscaping would also be best hillside practice for the landslip area.</p> <p>Please refer to comments made in the “Issues” section, Item No. 1 for further analysis regarding the proposed exterior finishes, including images that show the proposed vegetation on the southern area of the site.</p> <p>A condition of the Permit will require submission of a vegetation planting plan.</p>
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*RESOURCE, FINANCIAL AND RISK IMPACTS*

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

*CORPORATE COMPLIANCE*

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

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The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

*CONCLUSION*

The representation received does not warrant refusal or modification of the proposed development for Residential – single dwelling. The proposal has demonstrated satisfactory compliance with the Planning Scheme’s relevant Performance Criteria.

It is considered that there are no landscape values associated with the development site. The Landscape Conservation Zone was applied to the land due to landslip hazard characteristics, rather than any visual attributes usually associated with the Zone, such as vegetation cover.

The grant of a Permit, subject to conditions, is considered to be justified.

*Recommendation –*

It is recommended that the application for Residential – single dwelling – Building height, siting and exterior finishes and reliance on C15.0 Landslip Hazard Code at 46A Clara Street, West Ulverstone (DA2023052) be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by Lachlan Walsh Design, Project No. 21-738, Page Nos. 01, 06, 07, 17, 18, 29, 31, 32 and 33 dated 5 December 2022.
- 2 The development must be substantially in accordance with the recommendations made in the Review of Landslide Risk Assessment Statement by Tasman Geotechnics, Reference No. TG22225/1 – 01 dated 9 February 2023.
- 3 All parking, access ways, manoeuvring and circulation spaces must:
  - (a) be constructed with a durable all-weather pavement; and
  - (b) be drained to the public stormwater system;
- 4 Two car parking spaces must be provided for the development and must comply with *Australian Standard AS 2890 – Parking facilities, Parts 1-6*.
- 5 The developer must provide a Vegetation Planting Plan by a suitably qualified person for the southern area of the site, to provide for good

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hillside management of landslip land. The Vegetation Planting Plan must be approved by the Director Community Services, prior to the commencement of works on site. The Vegetation Planting Plan must detail the following:

- (a) location and spacing of vegetation to be planted on the site;
- (b) details of species of vegetation to be planted, including their final heights; and
- (c) scheduling of the vegetation to be planted.

#### Infrastructure Services

- 6 Existing crossover and driveway apron from Clara Street must be used as road access to the development.
- 7 Damage or disturbance to roads, stormwater infrastructures, footpaths, kerb and channel, nature strips or street trees resulting from activity associated with the development must be rectified to the satisfaction of the Council's Director Infrastructure Services and at the developer's cost.
- 8 Stormwater run-off from buildings and hard surfaces, including from vehicle parking and manoeuvring areas, must be collected and discharged to Council's stormwater infrastructure in accordance with the *National Construction Code 2019* and must not cause a nuisance to neighbouring properties.
- 9 During works and until all exposed soil areas are permanently stabilised against erosion, the developer must minimise on-site erosion and the release of sediment or sediment laden stormwater from the site and work areas in accordance with the 'Soil and Water Management on Standard Building and Construction Sites - Fact Sheet 2' published by the Environment Protection Authority.

#### 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 engineering drawings and the physical commencement of

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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.'

The report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr Beswick moved and Cr Diprose seconded, “That the application for Residential – single dwelling – Building height, siting and exterior finishes and reliance on C15.0 Landslip Hazard Code at 46A Clara Street, West Ulverstone (DA2023052) be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by Lachlan Walsh Design, Project No. 21-738, Page Nos. 01, 06, 07, 17, 18, 29, 31, 32 and 33 dated 5 December 2022.
- 2 The development must be substantially in accordance with the recommendations made in the Review of Landslide Risk Assessment Statement by Tasman Geotechnics, Reference No. TG22225/1 – 01 dated 9 February 2023.
- 3 All parking, access ways, manoeuvring and circulation spaces must:
  - (a) be constructed with a durable all-weather pavement; and
  - (b) be drained to the public stormwater system;
- 4 Two car parking spaces must be provided for the development and must comply with *Australian Standard AS 2890 – Parking facilities, Parts 1-6*.
- 5 The developer must provide a Vegetation Planting Plan by a suitably qualified person for the southern area of the site, to provide for good hillside management of landslip land. The Vegetation Planting Plan must be approved by the Director Community Services, prior to the commencement of works on site. The Vegetation Planting Plan must detail the following:

- 
- (a) location and spacing of vegetation to be planted on the site;
  - (b) details of species of vegetation to be planted, including their final heights; and
  - (c) scheduling of the vegetation to be planted.

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#### Please Note:

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- 2 "Substantial commencement" is the submission and approval of 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."

Carried unanimously

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### **Closure**

There being no further business, the Chairperson declared the meeting closed at 6.12pm.

CONFIRMED THIS            DAY OF            , 2023.

### **Chairperson**

(ib:dk)

### **Appendices**

Nil.

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*QUALIFIED PERSON'S ADVICE*

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

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

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

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

Sandra Ayton  
GENERAL MANAGER