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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, 13 June 2023 commencing at 6.00pm**

**Members attendance**

Cr Cheryl Fuller (Mayor)  
Cr Philip Viney  
Ms Sandra Ayton (General Manager)

Cr John Beswick  
Cr Kate Wylie (Proxy)

**Members apologies**

Cr Garry Carpenter  
Cr Amanda Diprose

**Employees attendance**

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

**Public attendance**

No members of the public attended.

**Digital recording of Council meetings**

At the commencement of the meeting, the Mayor notified 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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## Statement of Values

Guided by the diverse beliefs, experiences and backgrounds of the people we represent, we strive to make inspired and respectful decisions today that will build a better tomorrow.

## CONFIRMATION OF MINUTES OF THE COMMITTEE

### 14/2023 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 8 May 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 Viney moved and Cr Beswick seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 8 May 2023 be confirmed.”

Carried unanimously

## MAYOR’S COMMUNICATIONS

### 15/2023 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

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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 Wylie seconded, “That the Mayor’s report be received.”

Carried unanimously

## DECLARATIONS OF INTEREST

### 16/2023      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 reported as follows:

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

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

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

No interests were declared at this time.

## DEPUTATIONS

### 17/2023      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.”

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## OPEN REPORTS

**18/2023**      **Subdivision – 3 residential lots – Lot design and reliance on C7.0 Natural Assets Code at 84 South Road, Penguin – Application No. DA2023031**

The Director Community Services reported as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DA2023031
<i>PROPOSAL:</i>	Subdivision – 3 residential lots – Lot design and reliance on C7.0 Natural Assets Code
<i>APPLICANT:</i>	PDA Surveyors, Engineers & Planners obo Alexander Philip McVeity
<i>LOCATION:</i>	84 South Road, Penguin
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme – Central Coast</i> (the Planning Scheme)
<i>ADVERTISED:</i>	15 April 2023
<i>REPRESENTATIONS EXPIRY DATE:</i>	2 May 2023
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	24 May 2023 (extension of time granted until 19 June 2023)
<i>DECISION DUE:</i>	13 June 2023
<i>PURPOSE</i>	

The purpose of this report is to consider an application for a Subdivision to create 3 residential lots at 84 South Road, Penguin.

Accompanying the report are the following documents:

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

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*BACKGROUND*

*Development description -*

Application is made to subdivide two parcels of land, both known as 84 South Road, Penguin into 3 residential lots.

Lot 1 would be an internal allotment with an area of 1,289m<sup>2</sup> and would be accessed via a 3.6m wide crossover off South Road, Penguin.

Lot 2 would be an internal allotment with an area of 1,052m<sup>2</sup> and would be accessed via a 3.6m wide crossover off South Road, Penguin.

Lot 3 would have an area of 2.26ha and would be accessed off South Road. Lot 3 would accommodate an existing single dwelling and associated outbuildings.

*Site description and surrounding area -*

The Certificate of Title 125470 Folio 2 has a land area of 2.41ha. Certificate of Title 114327 Folio 15 has a land area of 951m<sup>2</sup>. Both parcels of land are zoned General Residential and are addressed as 84 South Road, Penguin.

The surrounding area is also General Residential Zone and is characterised, primarily, by single dwellings with associated outbuildings.

The entirety of both parcels of land are subject to the priority vegetation layer, as are all surrounding General Residential zoned sites, most of which are void of any vegetation. The larger of the development sites does have fairly dense native vegetation, which is also evident on adjoining, larger, southern properties.

The development sites are connected to reticulated services.

*History -*

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 satisfies the Zone Purpose in that it would provide for residential use and development, where full infrastructure services are available or can be provided.

CLAUSE	PLANNERS COMMENTS	
<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>		
8.4.1–(A1)  Multiple dwellings must have a site area per dwelling of not less than 325m <sup>2</sup> .	<input checked="" type="checkbox"/>	Multiple dwellings are not proposed.
<b>8.4.2 Setbacks and building envelope for all dwellings</b>	Not applicable	Assessment  <i>Assessment required for existing dwelling on proposed Lot 3</i>
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	<input type="checkbox"/>	(a) Compliant. No changes are proposed to the existing front boundary.  (b) Not applicable. No secondary frontage.  (c) Not applicable. Site is not vacant.  (d) Not applicable. Use is residential.
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		



<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)</p> <p>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 checked="" type="checkbox"/>	<p>No garage or carport proposed.</p>
<p>8.4.2–(A3)</p> <p>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 above regarding front setback.</p> <p>(a)(ii) Compliant. Existing dwelling would remain within the required building envelope.</p> <p>(b)(i) Compliant. The subdivision would not result with the existing dwelling being closer than 1.5m to new side boundaries.</p> <p>(b)(ii) Compliant. The subdivision would not result with the existing dwelling being closer than 1.5m to new side 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 for the existing dwelling would not be greater than 50% on Lot 3.</p> <p>(b) Not applicable. Not multiple dwelling development.</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 for proposed Lot 3.</p> <p>(a)(ii) Not applicable. Not multiple dwelling development.</p> <p>(b)(i) Compliant for proposed Lot 3.</p> <p>(b)(ii) Not applicable. Not multiple dwelling development.</p> <p>(c) Compliant. The existing dwelling has ample areas for private open space.</p>

<p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(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);</p> <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>(d) Compliant. Site is reasonably flat for the areas of private open space on proposed Lot 3.</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> <p>(i) at a distance of 3m from the northern edge of the private open space; and</p> <p>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</p>	<p><input checked="" type="checkbox"/></p>	<p>Not multiple dwelling development.</p>

<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>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height not more than 2.4m; or</li> <li>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</li> </ul>		
<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 style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>No garage or carport proposed.</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 style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>Existing dwelling does not have 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.</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>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</p> <p style="padding-left: 20px;">(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p style="padding-left: 20px;">(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 style="padding-left: 20px;">(i) is to have a setback of not less than 3m from a side boundary;</p> <p style="padding-left: 20px;">(ii) is to have a setback of not less than 4m from a rear boundary;</p> <p style="padding-left: 20px;">(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>	<input checked="" type="checkbox"/>	<p>Existing dwelling does not have a window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level.</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> <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>	<input checked="" type="checkbox"/>	<p>No shared driveway proposed.</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>		
<p><b>8.4.7 Frontage fences for all dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.7–(A1) No Acceptable Solution. <i>An exemption applies for fences in this zone – see Table 4.6.</i></p> <p>8.4.7–(P1) 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><input checked="" type="checkbox"/></p>	<p>No frontage fence proposed.</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) 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><input checked="" type="checkbox"/></p>	<p>Not multiple dwelling development.</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>		
<b>8.5 Development Standards for Non-Dwellings</b>		
<b>8.5.1 Non-dwelling development</b>	Not applicable	Assessment
<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>	<input checked="" type="checkbox"/>	Residential subdivision.



<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>		
<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> <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>	<input checked="" type="checkbox"/>	<p>Residential subdivision.</p>

<ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</li> <li>(ii) does not exceed a total length of 9m or one-third of the length of the side or rear boundary (whichever is lesser).</li> </ul>		
<p>8.5.1–(A3)</p> <p>A building that is not a dwelling, must have:</p> <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</li> <li>(b) a site area of which not less than 35% is free from impervious surfaces.</li> </ul>	<input checked="" type="checkbox"/>	Residential subdivision.
<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> <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> <ul style="list-style-type: none"> <li>(a) provide for security and privacy while allowing for passive surveillance of the road; and</li> <li>(b) be compatible with the height and transparency of fences in the street, having regard to: <ul style="list-style-type: none"> <li>(i) the topography of the site; and</li> <li>(ii) traffic volumes on the adjoining road.</li> </ul> </li> </ul>	<input checked="" type="checkbox"/>	Residential subdivision.

<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>Residential subdivision.</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>Residential subdivision.</p>
<p><b>8.5.2 Non-residential garages and carports</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<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>Residential subdivision.</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>Residential subdivision.</p>
<p><b>8.6 Development Standards for Subdivision</b></p>		
<p><b>8.6.1 Lot design</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<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 style="margin-left: 40px;">(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <p style="margin-left: 80px;">a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</p> <p style="margin-left: 80px;">b. easements or other title restrictions that limit or restrict development; and</p> <p style="margin-left: 40px;">(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>	<input type="checkbox"/>	<p>Compliant.</p> <p>Lot 1 – 1,289m<sup>2</sup>.</p> <p>Lot 2 – 1,052m<sup>2</sup>.</p> <p>Lot 3 – 2.26ha.</p> <p>(a)(i) Compliant. Both Lots 1 and 2 show building envelopes.</p> <p>(a)(ii) Compliant. Existing dwelling on Lot 3 is consistent with all required setbacks.</p> <p>(b) Refer to (a).</p> <p>(c) Refer to (a).</p> <p>(d) Refer to (a).</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 type="checkbox"/>	<p>Non-compliant for Lots 1 and 2.</p> <p>Refer to the “Issues” section of this report.</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 type="checkbox"/>	<p>Compliant. Each lot would have a vehicular access from the boundary of the proposed lot to South Road.</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>No new road.</p>
<p><b>8.6.2 Roads</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.6.2–(A1)</p> <p>The subdivision includes no new roads.</p>	<input checked="" type="checkbox"/>	<p>No new road.</p>

<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 type="checkbox"/>	Compliant. Application was referred to TasWater. Refer to the TasWater Submission to Planning Authority Notice in Annexure 4.
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 type="checkbox"/>	Compliant. Application was referred to TasWater. Refer to the TasWater Submission to Planning Authority Notice in Annexure 4.
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 type="checkbox"/>	Compliant. Application was referred to Council acting in its capacity of a Stormwater Authority. Conditions and Notes to apply to Permit.

## 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"/>	Refer to 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 type="checkbox"/>	Refer to Table below.
<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 type="checkbox"/>	Refer to Table below.
<b>C14.0 Potentially Contaminated Land Code</b>	<input checked="" type="checkbox"/>	
<b>C15.0 Landslip Hazard Code</b>	<input checked="" type="checkbox"/>	
<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>	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>Compliant. All 3 lots would have ample areas to allow the provisions for 2 car parking spaces.</p> <p>(a)–(d) does not apply.</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>		
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<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>		
<p><b>C2.5.2 Bicycle parking numbers</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.5.2-(A1)</p> <p>Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>	<p><input checked="" type="checkbox"/></p>	<p>Does not apply to residential subdivision.</p>
<p><b>C2.5.3 Motorcycle parking numbers</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.5.3-(A1)</p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and;</p> <p>(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.</p>	<p><input checked="" type="checkbox"/></p>	<p>Does not apply to residential subdivision.</p>

<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 residential subdivision.
<b>C2.5.5 - Number of car parking spaces within General Residential Zone and Inner Residential Zone</b>	Not applicable	Assessment
C2.5.5-(A1)  Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for:  (a) Food Services uses up to 100m <sup>2</sup> floor area or 30  (b) seats, whichever is the greater; and  (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.	<input checked="" type="checkbox"/>	Does not apply to residential subdivision.
<b>C2.6 Development Standards for Buildings and Works</b>		
<b>C2.6.1 Construction of parking areas</b>	Not applicable	Assessment
C2.6.1-(A1)  (a) be constructed with a durable all weather pavement;  (b) be drained to a public stormwater system, or contain stormwater on the site; and	<input checked="" type="checkbox"/>	Does not apply to residential subdivision. No construction of parking areas is required.

<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>		
<p><b>C2.6.2 Design and layout of parking areas</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<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>(i) have a gradient in accordance with <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i>;</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 style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>Does not apply to residential subdivision. No construction of parking, access ways, manoeuvring and circulation spaces required.</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>(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>	<input checked="" type="checkbox"/>	<p>Does not apply to residential subdivision. No construction of parking, access ways, manoeuvring and circulation spaces required.</p>

<b>C2.6.3 Number of accesses for vehicles</b>	Not applicable	Assessment
<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>	<input type="checkbox"/>	<p>(a) Compliant. Each lot would have one access provided at South Road.</p> <p>(b) Refer to (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>	<input checked="" type="checkbox"/>	Not Central Business Zone.
<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>	<input checked="" type="checkbox"/>	Sites are 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>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(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> <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>10 or more car parking spaces are not required.</p>
<b>C2.6.6 Loading bays</b>	Not applicable	Assessment
<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>
<p><b>C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.6.7-(A1)</p> <p>Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must:</p> <p>(a) be accessible from a road, cycle path, bicycle lane, shared path or access way;</p> <p>(b) be located within 50m from an entrance;</p> <p>(c) be visible from the main entrance or otherwise signed; and</p> <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>	<input checked="" type="checkbox"/>	<p>Sites are General Residential Zone.</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>Sites are 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>Sites are 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>	<input checked="" type="checkbox"/>	<p>Sites are General Residential Zone.</p>



(a) have no new vehicle accesses, unless an existing access is removed;		
(b) retain an active street frontage; and		
(c) 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>	Not applicable	Assessment
<b>C2.7.1-(A1)</b>  Within a parking precinct plan, on-site parking must:  (a) not be provided; or  (b) not be increased above existing parking numbers.	<input checked="" type="checkbox"/>	Parking precinct plan does not apply to the sites.

## C7.0 Natural Assets Code

CLAUSE	COMMENT	
<b>C7.5 Use Standards</b>		
There are no use Standards in this code.		
<b>C7.6 Development Standards for Buildings and Works</b>		
<b>C7.6.1. Buildings and works within a waterway and coastal protection area or a future coastal refugia area</b>	Not Applicable	Assessment
<b>A1</b> Buildings and works within a waterway and coastal protection area must:	<input checked="" type="checkbox"/>	Application is for a subdivision. Refer to Clause C7.7 below regarding subdivision in a priority vegetation area.

<p>(a) be within a building area on a sealed plan approved under this planning scheme;</p> <p>(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or</p> <p>(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.</p>		
<p><b>A2</b></p> <p>Buildings and works within a future coastal refugia area must be located within a building area on a sealed plan approved under this planning scheme.</p>	<input checked="" type="checkbox"/>	<p>Application is for a subdivision. Refer to Clause C7.7 below regarding subdivision in a priority vegetation area.</p>
<p><b>A3</b></p> <p>Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.</p>	<input checked="" type="checkbox"/>	<p>Application is for a subdivision. Refer to Clause C7.7 below regarding subdivision in a priority vegetation area.</p>
<p><b>A4</b></p> <p>Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<input checked="" type="checkbox"/>	<p>Application is for a subdivision. Refer to Clause C7.7 below regarding subdivision in a priority vegetation area.</p>
<p><b>A5</b></p> <p>Coastal protection works or watercourse erosion or inundation protection works must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<input checked="" type="checkbox"/>	<p>Application is for a subdivision. Refer to Clause C7.7 below regarding subdivision in a priority vegetation area.</p>

<b>C7.6.2- Clearance within a priority vegetation area</b>	Not Applicable	Assessment
<b>A1</b> Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.	<input checked="" type="checkbox"/>	Application is for a subdivision. Refer to Clause C7.7 below regarding subdivision in a priority vegetation area.
<b>C7.7 Development Standards for Subdivision</b>		
<b>C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area</b>	Not Applicable	Assessment
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must:  (a) be for the creation of separate lots for existing buildings;  (b) be required for public use by the Crown, a council, or a State authority;  (c) be required for the provision of Utilities;  (d) be for the consolidation of a lot; or  (e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.	<input checked="" type="checkbox"/>	Development sites are not within a waterway and coastal protection area or a future coastal refugia area.

<b>C7.7.2 Subdivision within a priority vegetation area</b>	Not Applicable	Assessment
<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <p>(a) be for the purposes of creating separate lots for existing buildings;</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;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.</p>	<input type="checkbox"/>	<p>Non-compliant. Development sites are within a priority vegetation area.</p> <p>Refer to the “Issues” section of this report.</p>

### C13.0 Bushfire-Prone Areas Code

CLAUSE	COMMENT	
<b>C13.5 Use Standards</b>		
<b>C13.5.1. Vulnerable uses</b>	Not Applicable	Assessment
<b>A1</b> No Acceptable Solution.	<input checked="" type="checkbox"/>	Not a vulnerable use.
<b>A2</b> An emergency management strategy (vulnerable use) is endorsed by the TFS or accredited person.	<input checked="" type="checkbox"/>	Not a vulnerable use.

<p><b>A3</b></p> <p>A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.</p>	<input checked="" type="checkbox"/>	<p>Not a vulnerable use.</p>
<p><b>C13.5.2. Hazardous uses</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<input checked="" type="checkbox"/>	<p>Not a hazardous use.</p>
<p><b>A2</b></p> <p>An emergency management strategy (hazardous use) is endorsed by the TFS or accredited person.</p>	<input checked="" type="checkbox"/>	<p>Not a hazardous use.</p>
<p><b>A3</b></p> <p>A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.</p>	<input checked="" type="checkbox"/>	<p>Not a hazardous use.</p>
<p><b>C13.6 Development Standards for Subdivision</b></p>		
<p><b>C13.6.1 Provision of hazard management areas</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p><b>A1</b></p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p>	<input type="checkbox"/>	<p>(a) Compliant for Lot 3 which would have an insufficient increase in risk.</p> <p>(b) Compliant for Lots 1 and 2. Bushfire report prepared by Livingston Natural Resource Services, an accredited bushfire practitioner, states that the proposed subdivision would provide BAL-19.</p> <p>(c) Refer to (b).</p>

<p>(ii) shows the building area for each lot;</p> <p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of <i>Australian Standard AS3959-2009 Construction of buildings in bushfire-prone areas</i>; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than the separation distances required for BAL 19 in Table 2.4.4 of <i>Australian Standard AS3959-2009 Construction of buildings in bushfire-prone Areas</i>; and</p> <p>(c) if hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighboring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>		
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<b>C13.6.2 Public and fire fighting access</b>	Not Applicable	Assessment
<p><b>A1</b></p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas, is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table C13.1, proposed property proposed fire trails will comply with Table C13.3 and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<input type="checkbox"/>	<p>(a) Compliant for Lot 3 which would have an insufficient increase in risk.</p> <p>(b) Compliant for Lots 1 and 2. Bushfire report prepared by Livingston Natural Resource Services, an accredited bushfire practitioner, states that access complies with the relevant Tables.</p>
<b>C13.6.3 Provision of water supply for fire fighting purposes</b>	Not Applicable	Assessment
<p><b>A1</b></p> <p>In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</p>	<input type="checkbox"/>	<p>(a) Compliant for Lot 3 which would have an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes.</p>

<p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table C13.4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>		<p>(b) Compliant for Lots 1 and 2. Bushfire report prepared by Livingston Natural Resource Services, an accredited bushfire practitioner, states that the proposed subdivision would comply with the relevant Table.</p> <p>(c) Refer to (b).</p>
<p><b>A2</b></p> <p>In areas that are not serviced by reticulated water by the water corporation:</p> <p>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</p> <p>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table C13.5; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>		<p>(a) Compliant for Lot 3 which would have an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes.</p> <p>(b) Compliant for Lots 1 and 2. Bushfire report prepared by Livingston Natural Resource Services, an accredited bushfire practitioner, states that the static water supply would comply with the relevant Table.</p> <p>(c) Refer to (b).</p>



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.	
<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 8.6.1–(A2) – Lot design –*

The Planning Scheme’s Acceptable Solution for Clause 8.6.1–(A2) states that “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”.

Lot 3 would have a frontage width of 12.9m, so is compliant with the Acceptable Solution.

Lots 1 and 2 would each have a 3.6m wide frontage to South Road. Therefore, the proposed development is discretionary and relies on an assessment against the applicable, mandatory Performance Criteria.

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 Planning Scheme’s Clause 8.6.1 – Lot design Objective states that each lot:

- (a) has an area and dimensions appropriate for use and development in the zone;
- (b) is provided with appropriate access to a road;
- (c) contains areas which are suitable for development appropriate in the zone purpose, located to avoid natural hazards; and
- (d) is orientated to provide solar access for future dwellings.

The Planning Scheme’s Performance Criteria for Clause 8.6.1–(P2) states that each lot in a plan of subdivision must be provided with a frontage or legal connection to a road by a right of way arrangement, that is sufficient for the intended use, having regard to:

- (a) the width of frontage proposed, if any;

Planner’s comments: Lots 1 and 2 would each have a frontage of 3.6m each. Both lots would share a crossover to South Road which, when combined, would be 7.2m wide.

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- (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;

Planner's comments: Lots 1 and 2 would both have a right of carriageway over each other's access strip. No information has been provided regarding the reasoning for this. However, the Council, acting as a Road Authority, have not indicated any concerns and the proposed right of carriageways is acceptable to them.

- (c) the topography of the site;

Planner's comments: The development sites are relatively flat where the crossovers and access strips are located.

- (d) the functionality and useability of the frontage;

Planner's comments: Council, acting as a Road Authority, are satisfied with the access arrangements. Conditions and Notes to be included with the Permit.

- (e) the ability to manoeuvre vehicles on the site; and

Planner's comments: Council, acting as a Road Authority, are satisfied with the access and manoeuvrability arrangements. The Subdivision Layout Plan shows adequate turning capability for each access strip.

- (f) the pattern of development existing on established properties in the area.

Planner's comments: There are varying frontage widths along South Road. The pattern of development on established properties in the area consist of single dwellings and associated outbuildings. Most lots in the area are considerably smaller in size than the proposed lot sizes in this subdivision. The proposed access arrangements are similar to the access arrangements for 80, 80a and 82a South Road, which are located north of the development sites.

- (g) and is not less than 3.6m wide.

Planner's comments: Lots 1 and 2 would both have a 3.6m wide frontage to South Road.

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Conclusion: It is considered that the application has demonstrated compliance with the mandatory Performance Criterion in relation to lot design. Regarding the Objective for this Clause, it is considered that the proposed subdivision can satisfy each part of the Objective. Each lot would have an area and dimensions suitable for residential use and development in the zone; each lot would have a lawful access to South Road; each lot would have an area for building or, in relation to Lot 3, contain existing development; and each lot would be oriented to provide solar access for future dwellings.

2 *Reliance on C7.0 Natural Assets Code –*

The Planning Scheme’s Acceptable Solution for Clause C7.7.2–(A1)(e) states that “each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area”.

The subdivision shows building areas and bushfire hazard management areas within a priority vegetation area. Therefore, the proposed development is discretionary and relies on an assessment against the applicable mandatory Performance Criteria of the Planning Scheme’s C7.0 Natural Assets Code.

The Planning Scheme’s Clause C7.7.2 Objective for Subdivision within a priority vegetation area states that:

- (a) works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and
- (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation.

The Planning Scheme’s Performance Criteria for Clause C7.7.2 is in two parts.

Clause C7.7.2–(P1.1) states that each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:

- (a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as

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recommended by the Tasmanian Fire Service, or an accredited person;

Planner's comments: The Natural Assets Report that accompanies the application has outlined that this Performance Criteria is satisfied by (f) below.

It is noted that any clearance of vegetation would be in accordance with both the Natural Assets Report and the Bushfire Hazard Management Report, both of which were prepared by a suitably qualified person.

- (b) subdivision for the construction of a single dwelling or an associated outbuilding;

Planner's comments: The Natural Assets Report has outlined that this Performance Criteria is satisfied by (f) below.

- (c) subdivision in the General Residential Zone or Low Density Residential Zone;

Planner's comments: The Natural Assets Report has outlined that this Performance Criteria is satisfied by (f) below.

It is noted that the proposed subdivision is in the General Residential Zone.

- (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;

Planner's comments: The Natural Assets Report has outlined that this Performance Criteria is satisfied by (f) below.

- (e) subdivision involving clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or

Planner's comments: The Natural Assets Report has outlined that this Performance Criteria is satisfied by (f) below.

- (f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent or priority vegetation on the site.

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Planner's comments: The Natural Assets Report has outlined the proposed clearing would be within an area that is already partially cleared of native vegetation and is considered to be disturbed land. All areas of the property that currently have considerable native vegetation cover (58% of the land), would not be affected by the proposed subdivision.

Clause C7.7.2-(P1.2) states that works associated with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:

- (a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;

Planner's comments: As stated in the Natural Assets Report, there are no land hazards known within the potential building areas.

- (b) any particular requirements for the works and future development likely to be facilitated by the subdivision;

Planner's comments: As stated in the Natural Assets Report, future works and development would be in areas where no priority habitat exists.

- (c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;

Planner's comments: As stated in the Natural Assets Report, the bushfire hazard management area, minimised to be BAL 12.5, would have no effect on the extent of clearing required for the subdivision.

- (d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;

Planner's comments: As stated in the Natural Assets Report, the subdivision design allows for the retention of the majority of native vegetation on the development sites.

- (e) any on-site biodiversity offsets; and

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Planner's comments: As stated in the Natural Assets Report, no biodiversity offsets are considered necessary.

- (f) any existing cleared areas on the site.

Planner's comments: As stated in the Natural Assets Report, the areas for clearing on Lots 1 and 2 are within existing cleared and degraded areas of land that are not considered to accommodate a native vegetation community.

Conclusion: It is considered that the application has demonstrated compliance with the mandatory Performance Criterion in relation to the Planning Scheme's C7.0 Natural Assets Code, through the findings and recommendations made in the Natural Assets Report, prepared by a suitably qualified person. Regarding the Objective for this Clause, it is considered that the Natural Assets Report also demonstrates that the proposed subdivision can satisfy each part of the Objective.

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

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

In this case, the proposal has demonstrated that all lots can satisfy the Planning Scheme's lot size requirement.

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

All lots proposed would connect to reticulated services and have access to the road network.

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It is considered that the requirements of the LGBMP have been satisfied.

4 *Public Open Space Contribution –*

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

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

In accordance with the Policy, a 5% cash-in-lieu contribution is to be paid, based on the unimproved value of one lot, as only one additional lot is being created. The POS contribution is required to provide for the provision or improvement of public open space of local, district or regional value. Lot 1 has been the selected lot for the POS contribution. This will require a condition on the Permit. POS contribution for the new lots would be \$658.70.

*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.
Engineering	Conditions and Notes to be included with Permit.
TasWater	Submission to Planning Authority Notice to be included with Permit.
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	COMMENTS
1 The subdivision will result with 2 combined driveways on the north side of the representors property and another driveway to the rear. Concerned regarding noise of vehicles being close to home.	<p>The current lot arrangement between the 2 development sites (addressed as 84 South Road, Penguin) and the representors site (at 86 South Road, Penguin), is that the two development sites adjoin the representors site on both the northern and western boundaries.</p> <p>The development site to the north is a smaller, vacant lot which serves as a single access crossover and internal driveway to the larger development site, that accommodates an existing single</p>

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	<p>dwelling and associated outbuildings. Refer to image below that shows the development sites highlighted as blue and the representor's site highlighted in green.</p> <p>The arrangement of the proposed subdivision will result in two internal lots being created to the west (behind) the representors property, which is 86 South Road, Penguin, as well as behind 88 South Road, Penguin.</p> <p>The subdivision will further result in two, combined 3.6m wide access crossovers off South Road for proposed Lots 1 and 2 (refer to Annexure 2 for the proposed subdivision lot layout). It is not uncommon for internal lots and/or access crossovers to be located together in the General Residential Zone.</p> <p>It is understood that the representors have experienced vacant land to the north and west for some time. However, the land is zoned General Residential. The Zone Purpose for General Residential Zone states (in part) the land is "to provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided".</p>
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	<p>The General Residential Zone allows for higher density development, which is evident within the surrounding area. The development sites are fully serviced and could potentially allow, when combining land areas, a total of 55 residential lots, depending on satisfactory access and internal circulation arrangements.</p> <p>The proposed subdivision is for 3 residential lots.</p> <p>It is considered that the noise associated with the new subdivision layout, including the positioning of access crossovers and internal driveways, would be consistent for an established General Residential Zone area.</p> 
<p>2 Concerned regarding privacy. Representors property is on the eastern side of the proposed subdivision. Any house built will be facing right at our house.</p>	<p>The proposed subdivision layout would result with the internal access strip for proposed Lot 1 to run the entire length of the representor's rear boundary.</p> <p>No future development would be within the internal driveway. The closest development to the representors property would more likely to be in Lot 2. The Planning Scheme's setback requirement, for the closest boundary to the</p>

	<p>representors property, is 4.5m. If development is any closer than this setback, then a Discretionary planning application would be required, and the representor would be able to view and make comment on the planning application.</p> <p>If future development satisfies all the Acceptable Solutions in the Planning Scheme development standards, there would be at least a 30m separation distance between future development and the dwelling on the representors property. This is determined after considering the internal access strip as proposed, the internal lot setback requirement of 4.5m and that the dwelling, located on the representor’s property, is setback approximately 21m from the boundary that is closest to proposed Lots 1 and 2.</p>
<p>3 Concern regarding wildlife that will be harmed in clearing the land for the subdivision. There are several possums and padymelons that live on this land.</p>	<p>The development sites are subject to the Planning Scheme’s Natural Assets Code, due to the site being covered by the priority vegetation overlay.</p> <p>This priority vegetation overlay also covers developed and cleared General Residential zoned properties within the vicinity of the development sites.</p> <p>The Natural Assets Code, in relation to priority vegetation only, applies to General Residential Zone land when a subdivision is proposed.</p>

	<p>In other words, the removal of any vegetation on the development sites could occur without planning approval if they were proposing development, other than a subdivision.</p> <p>As the application is a subdivision, the Natural Assets Code does apply, and a report must be prepared regarding any clearance of native vegetation. The report must be prepared by a suitably qualified person.</p> <p>A Natural Assets Code Report prepared by Livingston Natural Resource Services accompanies the application. This report addresses the Planning Scheme’s Code requirements.</p> <p>Refer to comments made in the “Issues” section, Item No. 2 for further analysis regarding the clearance of native vegetation.</p>
<p>4 Final concern is the noise and disruption that subdivision will cause to the representors if approved, through clearing of land, building of driveways and then eventually homes.</p>	<p>As mentioned above, the development sites and representors site are zoned General Residential under the Planning Scheme.</p> <p>It is understood that currently there are relatively larger General Residential Zone lots within the immediate area, which includes one of the development sites. Notwithstanding this, the General Residential Zone’s purpose includes “to provide for residential use or development that accommodates a range of dwelling types where full</p>

	<p>infrastructure services are available or can be provided”.</p> <p>It is considered reasonable and sound planning practice that the available General Residential Zone land is developed and made available for residential purposes.</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 refusal of the proposed development for Subdivision – 3 residential lots. 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 DA2023031 for Subdivision – 3 residential lots – Lot design and reliance on C7.0 Natural Assets Code at 84 South Road, Penguin be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by PDA Surveyors, Job No. 50597, Drawing No. DA 1 dated 13 December 2022.

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- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2023/00245-CC dated 2 March 2023.
  - 3 The development must be in accordance with the findings of the Natural Assets Report, by Livingston Natural Resource Services, Version No. 1 dated 30 March 2023.
  - 4 The development must be in accordance with the Bushfire Hazard Management Report by Livingston Natural Resource Services, Version No. 1 dated 17 February 2023.
  - 5 Public Open Space contribution of \$658.70 must be paid prior to the sealing of the Final Plan of Survey. This cash-in-lieu of Public Open Space contribution equates to 5% of the unimproved value of Lot 1.

#### Infrastructure Services

- 6 The existing crossover and driveway apron from South Road must be used as road access to Lot 3.
- 7 The new access off South Road must use a combined 6m wide shared access driveway apron for Lots 1 and 2.
- 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.
- 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.
- 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*.
- 11 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.

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- 12 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.
  - 13 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.
  - 14 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.
  - 15 A new underground stormwater connection to the Council's underground stormwater infrastructure must be provided to service each lot, unless it can be demonstrated to the satisfaction of the Council's Director Infrastructure Services, that a lot is already suitably connected to the Council's stormwater system.
  - 16 Stormwater drainage and associated infrastructure must be provided in accordance with the Tasmanian Standard Drawings, unless otherwise required or approved by the Council's Director Infrastructure Services.
  - 17 The proposed development must comply with the Council's *Stormwater Detention Policy 2022*.
  - 18 Prior to sealing of the Final Plan of Survey, the developer must complete all infrastructure services works and provide the Council with evidence of completed works, including as-constructed drawings.
  - 19 All works or activity listed above must be at the developer's cost.

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



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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.

#### Infrastructure Services

- 3 Prior to commencement of works in the road reservation, the developer must obtain a "Works in Road Reservation (Permit)".
- 4 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.
- 5 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.'

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 Viney moved and Cr Wylie seconded, "That the application DA2023031 for Subdivision – 3 residential lots – Lot design and reliance on C7.0 Natural Assets Code at 84 South Road, Penguin be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by PDA Surveyors, Job No. 50597, Drawing No. DA 1 dated 13 December 2022.
- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2023/00245-CC dated 2 March 2023.
- 3 The development must be in accordance with the findings of the Natural Assets Report, by Livingston Natural Resource Services, Version No. 1 dated 30 March 2023.

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- 4 The development must be in accordance with the Bushfire Hazard Management Report by Livingston Natural Resource Services, Version No. 1 dated 17 February 2023.
  - 5 Public Open Space contribution of \$658.70 must be paid prior to the sealing of the Final Plan of Survey. This cash-in-lieu of Public Open Space contribution equates to 5% of the unimproved value of Lot 1.

#### Infrastructure Services

- 6 The existing crossover and driveway apron from South Road must be used as road access to Lot 3.
- 7 The new access off South Road must use a combined 6m wide shared access driveway apron for Lots 1 and 2.
- 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.
- 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.
- 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*.
- 11 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.
- 12 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.
- 13 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.

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- 14 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.
  - 15 A new underground stormwater connection to the Council's underground stormwater infrastructure must be provided to service each lot, unless it can be demonstrated to the satisfaction of the Council's Director Infrastructure Services, that a lot is already suitably connected to the Council's stormwater system.
  - 16 Stormwater drainage and associated infrastructure must be provided in accordance with the Tasmanian Standard Drawings, unless otherwise required or approved by the Council's Director Infrastructure Services.
  - 17 The proposed development must comply with the Council's *Stormwater Detention Policy 2022*.
  - 18 Prior to sealing of the Final Plan of Survey, the developer must complete all infrastructure services works and provide the Council with evidence of completed works, including as-constructed drawings.
  - 19 All works or activity listed above must be at the developer's cost.

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.

Infrastructure Services

- 3 Prior to commencement of works in the road reservation, the developer must obtain a "Works in Road Reservation (Permit)".
- 4 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.

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- 5 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."

Carried unanimously

**19/2023 Visitor Accommodation – 2 x accommodation buildings (2 bedroom cottage and 4 bedroom cottage) and residential shed – Discretionary use in Agriculture Zone and Setbacks at 33 Daveys Road, West Pine – Application No. DA2023067**

The Director Community Services reported as follows:

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

<i>'DEVELOPMENT APPLICATION NO.:</i>	DA2023067
<i>PROPOSAL:</i>	Visitor Accommodation – 2 x accommodation buildings (2 bedroom cottage and 4 bedroom cottage) and residential shed
<i>APPLICANT:</i>	A. Damon & Linda Szekely
<i>LOCATION:</i>	33 Daveys Road, West Pine
<i>ZONE:</i>	Agriculture
<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>	22 April 2023
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	30 May 2023 (extension of time granted until 19 June 2023)
<i>DECISION DUE:</i>	13 June 2023
<i>PURPOSE</i>	

The purpose of this report is to consider an application to construct a 2 bedroom cottage and convert an existing shed to be a 4 bedroom habitable building at 33 Davey Road, West Pine. Both buildings would be for the accommodation of seasonal agricultural workers.

Application is also made for a shed that would be associated with the existing, residential use of the land.

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Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation; and
- . Annexure 4 – aerial view, zone map and photographs.

*BACKGROUND*

*Development description –*

Application is made to construct a 108m<sup>2</sup> two-bedroom cottage and convert an existing 180m<sup>2</sup> shed into a four-bedroom cottage on Agriculture Zone land at 33 Daveys Road, West Pine. It is proposed the buildings be used to accommodate transient, seasonal agricultural workers. The two accommodation buildings would be located between an existing residential dwelling on the land and the Daveys Road frontage.

The development proposal also includes the construction of a 4-bay shed that is deemed to be a “Permitted” use, as it is considered to be an extension of an existing Residential use on the land. The new shed would be located between an existing garage and small barn, just south of the dwelling.

An existing access off Daveys Road would service all proposed uses on the site.

The development application is accompanied by a report by agricultural consultant, Lisa Abblitt.

*Site description and surrounding area –*

The site is a small 1.67ha parcel of land in the agricultural area of West Pine. The land accommodates a single dwelling with outbuildings. The whole of the land is primarily dedicated to a Residential Use Class.

The site is Agriculture Zone and is surrounded by larger, rural, resource development properties that are also Agriculture Zone. The land is identified as Class 2 land capability.

Adjoining land surrounding the subject site, identified as 100 West Pine Road, operates a large 500 herd dairy farm to the north, east and south. Land directly opposite, identified as Daveys Road (CT46259/4) is a vegetable cropping property. Both properties are Class 2 land capability, that is, prime agricultural land.

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The land is not able to connect to reticulated services.

*History -*

The dwelling was excised from the adjoining, larger property in 2009.

*DISCUSSION*

The following table is the Manager Land Use Planning's assessment against the Planning Scheme provisions:

## 21.0 Agriculture Zone

### 21.1 Zone Purpose

The purpose of the Agriculture Zone is:

21.1.1 To provide for the use or development of land for agricultural use.

21.1.2 To protect land for the use or development of agricultural use by minimising:

- (a) conflict with or interference from non-agricultural uses;
- (b) non-agricultural use or development that precludes the return of the land to agricultural use; and
- (c) use of land for non-agricultural use in irrigation districts.

21.1.3 To provide for use or development that supports the use of the land for agricultural use.

#### Planner's comment

The proposal would provide for use and development that supports the use of the land for agricultural purpose.

CLAUSE	COMMENT	
<b>21.3 Use Standards</b>		
<b>21.3.1 Discretionary uses</b>	Not applicable	Assessment Visitor Accommodation is a "Discretionary" use of the land. The development of the shed is a "Permitted" use as it is deemed to be an extension of the existing dwelling on the land (Residential use).
21.3.1–(A1) No acceptable solution. 21.3.1–(P1) A use listed as Discretionary, excluding Residential or Resource Development, must be required to locate on the site, for operational or security reasons or the need to contain or minimise impacts arising from the operation such as noise, dust, hours of operation or traffic movements, having regard to:	<input type="checkbox"/>	Refer to the "Issues" section of this report.

<ul style="list-style-type: none"> <li>(a) access to a specific naturally occurring resource on the site or on land in the vicinity of the site;</li> <li>(b) access to infrastructure only available on the site or on land in the vicinity of the site;</li> <li>(c) access to a product or material related to an agricultural use;</li> <li>(d) service or support for an agricultural use on the site or on land in the vicinity of the site;</li> <li>(e) the diversification or value adding of an agricultural use on the site or in the vicinity of the site; and</li> <li>(f) provision of essential Emergency Services or Utilities.</li> </ul>		
<p>21.3.1–(A2) No acceptable solution.</p> <p>21.3.1–(P2) A use listed as Discretionary, excluding Residential, must minimise the conversion of agricultural land to non-agricultural use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the area of land being converted to non- agricultural use;</li> <li>(b) whether the use precludes the land from being returned to an agricultural use;</li> <li>(c) whether the use confines or restrains existing or potential agricultural use on the site or adjoining sites.</li> </ul>	<input type="checkbox"/>	<p>Refer to the “Issues” section of this report.</p>
<p>21.3.1–(A3) No acceptable solution.</p> <p>21.3.1–(P3)</p>	<input type="checkbox"/>	<p>Refer to the “Issues” section of this report.</p>



<p>A use listed as Discretionary, excluding Residential, located on prime agricultural land must:</p> <p>(a) be for Extractive Industry, Resource Development or Utilities, provided that:</p> <ul style="list-style-type: none"> <li>(i) the area of land converted to the use is minimised;</li> <li>(ii) adverse impacts on the surrounding agricultural use are minimised; and</li> <li>(iii) the site is reasonably required for operational efficiency; or</li> </ul> <p>(b) be for a use that demonstrates a significant benefit to the region, having regard to the social, environmental and economic costs and benefits of the proposed use.</p>		
<p>21.3.1–(A4) No acceptable solution.</p> <p>21.3.1–(P4) A Residential use listed as Discretionary must:</p> <p>(a) be required as part of an agricultural use, having regard to:</p> <ul style="list-style-type: none"> <li>(i) the scale of the agricultural use;</li> <li>(ii) the complexity of the agricultural use;</li> <li>(iii) the operational requirements of the agricultural use;</li> <li>(iv) the requirement for the occupier of the dwelling to attend to the agricultural use; and</li> </ul>	<input checked="" type="checkbox"/>	<p>No new residential use is proposed, other than a shed which is “Permitted” as an extension of the existing Residential Use.</p>

<p>(v) proximity of the dwelling to the agricultural use; or</p> <p>(b) be located on a site that:</p> <p>(i) is not capable of supporting an agricultural use;</p> <p>(ii) is not capable of being included with other agricultural land (regardless of ownership) for agricultural use; and</p> <p>(iii) does not confine or restrain agricultural use on adjoining properties.</p>		
<p><b>21.4 Development Standards for Buildings and Works</b></p>		
<p><b>21.4.1 Building height</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>21.4.1–(A1)</p> <p>Building height must be not more than 12m.</p>	<p><input type="checkbox"/></p>	<p>Compliant.</p> <p>Maximum building height would be 4.5m.</p>
<p><b>21.4.2 Setbacks</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>21.4.2–(A1)</p> <p>Buildings must have a setback from all boundaries of:</p> <p>(a) not less than 5m; or</p> <p>(b) if the setback of an existing building is within 5m, not less than the existing building.</p>	<p><input type="checkbox"/></p>	<p>(a) Compliant. Nearest development to a boundary (the shed) would be 10m from the southern side boundary.</p> <p>(b) Not applicable. Satisfied by (a).</p>
<p>21.4.2–(A2)</p> <p>Buildings for a sensitive use must have a setback from all boundaries of:</p> <p>(a) not less than 200m; or</p>	<p><input type="checkbox"/></p>	<p>(a) Non-compliant.</p> <p>(b) Non-compliant.</p> <p>Refer to the “Issues” section of this report.</p>

(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.		
<b>21.4.3 Access for new dwellings</b>	Not applicable	Assessment
21.4.3–(A1) New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.	<input checked="" type="checkbox"/>	No new dwelling proposed. The existing access off Daveys Road is to be maintained for the Visitor Accommodation Use.
<b>21.5 Development Standards for Subdivision</b>		
<b>21.5.1 Lot design</b>	Not applicable	Assessment
21.5.1–(A1) Each lot, or a lot proposed in a plan of subdivision, must:  (a) be required for public use by the Crown, a council or a State authority;  (b) be required for the provision of Utilities or irrigation infrastructure; or  (c) be for the consolidation of a lot with another lot provided both lots are within the same zone.	<input checked="" type="checkbox"/>	Not a subdivision.
21.5.1–(A2) 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.	<input checked="" type="checkbox"/>	Not a subdivision.

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 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 checked="" type="checkbox"/>	
<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>	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> <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>	<input type="checkbox"/>	<p>(a) Not applicable. Reliant on (d).</p> <p>(b) Not applicable. Reliant on (d).</p> <p>(c) Not applicable. Reliant on (d).</p> <p>(d)(i) Not applicable. Number required for existing residential use is 2 car parking spaces. This is less than that required for additional use of land for Visitor Accommodation.</p> <p>(d)(ii) Compliant. Table C2.1 requires 1 car parking space per self-contained accommodation unit or 1 space per 4 beds, whichever is the greater. This means the 2 accommodation buildings would need 1 space allocated to each building, equating to 2 car parking spaces in total. With the existing residential use, 4 car parking spaces are required on the site. This requirement can be accommodated.</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>		
<p><b>C2.5.2 Bicycle parking numbers</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.5.2-(A1)</p> <p>Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>	<p><input checked="" type="checkbox"/></p>	<p>Does not apply to Visitor Accommodation.</p>

<b>C2.5.3 Motorcycle parking numbers</b>	Not applicable	Assessment
<p>C2.5.3-(A1)</p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and;</p> <p>(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.</p>	<input checked="" type="checkbox"/>	Not required.
<b>C2.5.4 - Loading bays</b>	Not applicable	Assessment
<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"/>	Floor area is less than 1.000m <sup>2</sup> .
<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"/>	Land is Agriculture Zone.

<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) Would be compliant by a condition to a permit.</p> <p>(b) Would be compliant by a condition to a permit.</p> <p>(c) Not applicable. Land is Agriculture Zone.</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> <p style="padding-left: 20px;">(i) have a gradient in accordance with <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i>;</p> <p style="padding-left: 20px;">(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</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>(b) Would be compliant by a condition to a permit.</p> <p>A1.2</p> <p>(a) Not applicable for this application.</p>



<p>(iii) have and 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>(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>(b) Not applicable for this application.</p> <p>(c) Not applicable for this application.</p>
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<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>	Not applicable	Assessment
<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>	<input type="checkbox"/>	<p>(a) Compliant. One existing access is provided off Daveys Road frontage.</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>	<input checked="" type="checkbox"/>	Not Central Business Zone.
<p><b>C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone</b></p>	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>	<input checked="" type="checkbox"/>	Land is Agriculture 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>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(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> <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>Not required.</p>
<b>C2.6.6 Loading bays</b>	Not applicable	Assessment
<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>
<p><b>C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.6.7-(A1)</p> <p>Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must:</p> <p>(a) be accessible from a road, cycle path, bicycle lane, shared path or access way;</p> <p>(b) be located within 50m from an entrance;</p> <p>(c) be visible from the main entrance or otherwise signed; and</p> <p>(d) be available and adequately lit during the times they will be used,</p> <p>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>	<input checked="" type="checkbox"/>	<p>Not required for Visitor Accommodation Use.</p>
<p>C2.6.7-(A2)</p> <p>Bicycle parking spaces must:</p> <p>(a) have dimensions not less than:</p>	<input checked="" type="checkbox"/>	<p>Land is Agriculture Zone.</p>

<p>(i) 1.7m in length;</p> <p>(a) 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>		
<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>	<p><input checked="" type="checkbox"/></p>	<p>Land is Agriculture 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><input checked="" type="checkbox"/></p>	<p>Land is Agriculture Zone.</p>

(b) retain an active street frontage; and		
(c) 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>	Not applicable	Assessment
<b>C2.7.1-(A1)</b>  Within a parking precinct plan, on-site parking must:  (a) not be provided; or  (b) not be increased above existing parking numbers.	<input checked="" type="checkbox"/>	A parking precinct plan does not apply to the land.

SPECIFIC AREA PLAN	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"/>	

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 Discretionary use of land in Agriculture Zone –*

The Planning Scheme’s Objective for Clause 21.3.2 “Discretionary Use in Agriculture Zone” is:

“That uses listed as Discretionary:

- (a) support agricultural use; and
- (b) protect land for agricultural use by minimising the conversion of land to non-agricultural use”.

The Planning Scheme’s definition of ‘agricultural use’ means “use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding domestic animals and pets. It includes the handling and packing or storing of plant and animal produce for dispatch to processors”. The definition includes controlled environment agriculture and plantation forestry.

Visitor Accommodation Use Class is defined in the Planning Scheme as “use of land for providing short-term or medium-term accommodation for persons away from their normal place of residence on a commercial basis or otherwise available to the general public at no cost. Examples include a backpacker’s hostel, camping and caravan park, holiday cabin, motel, overnight camp area and serviced apartment complex, and accommodation for seasonal agricultural workers.

Visitor Accommodation use is Discretionary in the Agriculture Zone.

The Planning Scheme does not have Acceptable Solution standards for the “Discretionary” use of land in the Agriculture Zone. Each proposal is to be assessed on its merits, against the relevant tests that are Planning Scheme Performance Criteria. Discretionary uses of land can be approved, with conditions, or refused.

The Planning Scheme’s Performance Criteria for Clause 21.3.1-(P1) states – “a use listed as Discretionary, excluding Residential or Resource Development, must be required to locate on the site for operational or security reasons or the need to contain or minimise impacts arising from the operation such as noise, dust, hours of operation or traffic movements, having regard to:



- 
- (a) access to a specific naturally occurring resource on the site or on land in the vicinity of the site;

Planner's comment: The Use is not seeking to locate on the site to access a specific naturally occurring resource.

- (b) access to infrastructure only available on the site or on land in the vicinity of the site;

Planner's comment: The Use is not seeking to locate on the site to access infrastructure only available on the site or on land in the vicinity of the site.

- (c) access to a product or material related to an agricultural use;

Planner's comment: The Use is seeking to locate on the site to offer accommodation to seasonal workers involved in the agricultural industry on adjoining land or on other land with the area.

- (d) service or support for an agricultural use on the site or on land in the vicinity of the site;

Planner's comment: The proposal, to establish an accommodation facility for transient, seasonal workers, is considered to support an agricultural use on land in the vicinity of the site.

- (e) the diversification or value adding of an agricultural use on the site or in the vicinity of the site; and

Planner's comment: The proposal, to establish an accommodation facility for transient, seasonal works would diversify the use of the 1.67ha parcel of land.

- (f) provision of essential Emergency Services or Utilities.

Planner's comment: The proposal is not seeking to locate on the site to provide essential Emergency Services or Utilities use.

The Planning Scheme's Performance Criteria for Clause 21.3.1-(P2) states – "a use listed as Discretionary, excluding Residential, must minimise the conversion of agricultural land to non-agricultural use, having regard to:

- 
- (a) the area of land being converted to non-agricultural use;

Planner's comment: The site at 33 Daveys Road has little to no use for agricultural purpose. The land has an area of 1.67ha and is used for Residential purpose, accommodating a single dwelling with outbuildings.

- (b) whether the use precludes the land from being returned to an agricultural use;

Planner's comment: The site at 33 Daveys Road has little to no use for agricultural purpose. The land has an area of 1.67ha and is used for Residential purpose, accommodating a single dwelling with outbuildings.

- (c) whether the use confines or restrains existing or potential agricultural use on the site or adjoining sites.

Planner's comment: If use of the land is confined to the accommodation of "seasonal workers" only, as stated in the application and as required by condition, then it is unlikely the use would constrain existing or potential agricultural use on the site or adjoining sites.

The Planning Scheme's Performance Criteria for Clause 21.3.1-(P3) states – "a use listed as Discretionary, excluding Residential, located on prime agricultural land must:

- (a) be for Extractive Industry, Resource Development or Utilities, provided that:

- (i) the area of land converted to the use is minimised;
- (ii) adverse impacts on the surrounding agricultural use are minimised; and
- (iii) the site is reasonably required for operational efficiency;  
or

Planner's comment: Not required for Extractive Industry, Resource Development or Utilities.

- (b) be for a use that demonstrates a significant benefit to the region, having regard to the social, environmental and economic costs and benefits of the proposed use.

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Planner's comment: Some reasoning as to the proposal's significant benefit to the area, through the provision of seasonal workers accommodation, has been addressed in the agricultural consultant's report. No data is provided to justify the statements made however, in this regard, the proposal may be considered to satisfy (b).

Conclusion: The agricultural consultant's report that accompanies the application, states there is a pressing need for seasonal workers accommodation to support resource production activity.

2 *Clause 21.4.2-(A2) - Setback of a sensitive use -*

The Planning Scheme's Acceptable Solution 21.4.2-(A2) states that "buildings for a sensitive use must have a setback from all boundaries 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."

The existing dwelling on the land is setback 17.6m from adjoining agricultural land to the north. The Visitor Accommodation use and development would be located 14m from adjoining agricultural land located to the north of the allotment, and 18m from agricultural land located to the south of the allotment. This adjoining agricultural property 'wraps around' 33 Daveys Road, that was excised from the primary parcel of land in 2009.

Acceptable Solutions (a) or (b) are not satisfied. An assessment against the relevant Performance Criteria and an exercise of discretion is required for the proposal to be approved.

The Planning Scheme's Performance Criteria 21.4.2-(P2) states - "Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use, having regard to:

- (a) the size, shape and topography of the site:

Planner's comment: The land comprises 1.67ha and is of a regular, rectangular shape. The land is flat. The two proposed accommodation buildings would be located between the Daveys Road frontage and the existing, residential dwelling on

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the land. Whilst no closer to agricultural land to the east than the existing dwelling, the proposed accommodation buildings would however be within 14.9m of adjoining agricultural land to the north, within 18m of that to the south and 50m from agricultural cropping land on the opposite side of Daveys Road.

Representation has been received in relation to the proximity of the accommodation buildings to the northern and southern boundaries of the property. Refer to the “Representation” section of this report.

- (b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties:

Planner’s comment: The subject property and another 140m to the south, accommodate single dwellings on small parcels of prime agricultural land. Other dwellings in the area are directly associated with the resource development operations that occur on established cropping and dairy farms.

- (c) the location of existing buildings on the site;

Planner’s comment: As described above, the two proposed accommodation buildings would be located between the Daveys Road frontage and the existing, residential dwelling on the land. Whilst no closer than the existing dwelling to agricultural land to the east, the proposed accommodation buildings would however be within 14.9m of adjoining agricultural land to the north, within 18m to the south and approximately 50m from agricultural, vegetable cropping land on the opposite side of Daveys Road.

- (d) the existing and potential use of adjoining properties;

Planner’s comment: Adjoining land that ‘wraps around’ the residential use at 33 Daveys Road is used for agricultural purpose, primarily for dairy operations. Land directly opposite on Daveys Road, is used for intensive vegetable cropping.

- (e) any proposed attenuation measures; and

Planner’s comment: No attenuation measures are proposed.

- (f) any buffers created by natural or other features”.

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Planner's comment: No natural buffers to adjoining agricultural uses exist. The agricultural consultant's report has stated that the farm across the road, identified in CT47494/1, has an elm hedge, and the subject property has domestic gardens that would mitigate agricultural spray impacts.

Conclusion: The proposed accommodation buildings would be developed in close proximity to adjoining agricultural lands that are identified as Class 2 prime agricultural lands, used for vegetable production and dairy operations. The lot, being of 1.67ha, whilst also Class 2 prime land, is lost to agriculture due to the size of the land and the fact it accommodates a residential use.

The development of visitor accommodation buildings for the travelling tourist, in such close proximity to productive, resource development operations, would generally not be a sustainable use of land in this area and a recommendation of refusal would be consistent with the State Policy objective of protecting prime agricultural land from conflicting land use. This is because an accommodation use can result in conflict with the primary industry management activities undertaken on agricultural land, such as sowing, spraying, harvesting, early morning cattle movements and vermin control, often resulting in constraints and restrictions on adjoining resource development activity.

The application and supporting documents state the proposed accommodation buildings would be for the accommodation of seasonal workers. That is, workers associated with the production of berries, vegetables, fruit and other forms of intensive agriculture. The application states that, in recent times, there has been a shortage of harvest workers in Tasmania, with over 8,000 seasonal workers required to process the annual summer harvest. This has been coupled with a general shortage of housing. The agricultural consultant's report accompanying the application states that "a neighbouring broccolini farm employs approximately 50 seasonal workers annually, of which 20 workers can be accommodated in nearby accommodation. Similarly, a nearby market garden enterprise will look to employ 30 workers and can only offer accommodation to 4 persons on site".

Given the need by the agriculture industry, the development of seasonal worker accommodation buildings would satisfy the Zone Purpose 21.1.3 in that the proposal would provide for a use and development that supports the use of the land for agricultural purpose.

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*Referral advice -*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Not required. Wastewater system would be examined at the time of construction.
Building	Not required.
Infrastructure Services	Conditions and Notes to be included in a Permit.
TasWater	Not required.
Department of State Growth	Not required.
Environment Protection Authority	Not required.
TasRail	Not required.
Heritage Tasmania	Not required.
Crown Land Services	Not required.
Other	Not required.

*CONSULTATION*

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

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

*Representation -*

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

The representation is summarised and responded to as follows:

MATTERS RAISED	RESPONSE
<p>1 Adjoining land to the east, at 100 West Pine Road, West Pine, operates a 500 head of cattle dairy farm. The water supply for 33 Daveys Road is drawn from a spring fed dam at 100 West Pine Road, via an easement. The water pipeline and pump are located outside the “water supply pipeline easement” that is shown on the title. The owner of the dam is to decide if they will continue to permit water to be drawn from an area outside the easement.</p> <p>The site plan does not show the location of any water tanks.</p>	<p>A permit, if issued, would require that stormwater be collected and stored, and overflows disposed of on the site.</p> <p>The extent of use of the water supply easement is a matter to be resolved between the two property owners.</p> <p>Any water supply to a Visitor Accommodation use would need to be a potable water supply (suitable for drinking). It is the responsibility of the property owner to test and ensure that a potable supply is provided for consumption. A supply from a spring fed dam may be suitable for toilet, bathing, washing clothes and watering the garden.</p>
<p>2 The proposed development does not meet the criterion of being to provide for the use and development of an agricultural use. The proposal is for additional dwellings on prime agricultural land. The intent of the proposal is to rely on the suggestion the land is not capable of supporting an agricultural use.</p>	<p>The application states the 2 accommodation buildings would be for “seasonal workers” accommodation. That is, to accommodate transient staff employed in the intensive agricultural sector, such as berry and vegetable production.</p> <p>In this regard, the application is deemed to satisfy the Zone Purpose 21.1.3 in that the proposal would provide for use and development that supports the use of the land for agricultural purpose.</p>

<p>3 The use must not confine or restrain the agricultural use on adjoining land. The agricultural report has ignored mention of the adjoining land to the east, concentrating on a property on the opposite side of Daveys Road. There is a real risk of the development constraining an adjoining agricultural activity where the operator of 110 West Pine Road sprays close to the property.</p>	<p>Refer to discussion No. 2 “Setback of sensitive use” in the “Issues” section of this report.</p>
<p>4 There is clear evidence the current adjoining agricultural activities are at risk due to the proposed development. The Tasmanian Planning Scheme demonstrates the importance of agricultural activity in the zone.</p> <p>The setback requirements for the development (from agricultural land) is 200m. There is a high risk the development will impact on the current agricultural use. Whilst primarily a dairy at the moment, there is a risk other agricultural activities could be impacted by the proposed development. There is a direct conflict with the current zoning of the land and the proposed development.</p>	<p>Refer to discussion No. 2 “Setback of sensitive use” in the “Issues” section of this report.</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 Visitor Accommodation. However, valid matters are raised in relation to impacts the development may have on the operations of adjoining agricultural land.

A solution to mitigating the conflicts that may arise from the two adjoining, yet opposing, types of uses is to qualify the use of the accommodation buildings to be for seasonal workers only, and not be for the general tourist. This can be achieved by a condition to a permit.

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

*Recommendation -*

It is recommended that the application DA2023067 for Visitor Accommodation – 2 x accommodation buildings (2 bedroom cottage and 4 bedroom cottage) and residential shed – Discretionary use in Agriculture Zone and Setbacks at 33 Daveys Road, West Pine be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the Site Plan submitted by the Applicant, date stamped 18 April 2023 and Floor Plans and Elevations submitted by the Applicant, date stamped 12 April 2023 and shed plans by Ranbuild, Drawing No. BURN02-11437, Revision A, Pages 1 to 3 date stamped 27 March 2023.

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- 2 The approved Visitor Accommodation must only be used to house transient workers on a temporary basis, whose presence is required to support agricultural use.
  - 3 A Landscape Buffer Plan for the northern and southern boundaries of the land, for that length of the proposed accommodation buildings, must be implemented prior to the commencement of the use on the site. The Landscaping Buffer Plan must contain a list of species, plant spacing layout and detail the maximum height of plants and be submitted for approval by the Director Community Services, prior to the planting of the site.
  - 4 The development must be in accordance with the recommendations contained in the Agricultural Report by Lisa Abblitt dated March 2023.
  - 5 Four car parking spaces must be provided for all development on the site and must comply with Australian Standard *AS 2890 – Parking facilities, Parts 1–6*.
  - 6 Car parking spaces and internal driveways must be constructed with a durable all-weather pavement.

#### Infrastructure Services

- 7 The property access and the driveway must be upgraded in accordance with Tasmanian Standard Drawing *TSD-R03-v3 Rural Roads – Typical Property Access* and Tasmanian Standard Drawing *TSD-R04-v3 Rural Roads – Typical Driveway Profile* at the developer's cost.
- 8 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.
- 9 Stormwater run-off from buildings and hard surfaces, including vehicle parking and manoeuvring areas must be collected and managed on-site in accordance with the *National Construction Code 2019* to ensure it does not cause nuisance to the neighbouring properties.
- 10 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

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2' published by the Environment Protection Authority.

11 All works or activity listed above must be at the developers cost.

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 The outbuilding is approved as a Class 10 non-habitable structure and must be used in conjunction with the dwelling. If the outbuilding is intended to be used for a purpose other than this, then a further Permit for a change of use would be required.
- 4 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.
- 5 Prior to commencement of works in the road reservation the developer must obtain a "Works in Road Reservation (Permit)".
- 6 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 Manager Land Use Planning's report have been circulated to all Councillors."

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■ Cr Beswick moved and Cr Viney seconded, “That the application DA2023067 for Visitor Accommodation – 2 x accommodation buildings (2 bedroom cottage and 4 bedroom cottage) and residential shed – Discretionary use in Agriculture Zone and Setbacks – at 33 Daveys Road, West Pine be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the Site Plan submitted by the Applicant, date stamped 18 April 2023 and Floor Plans and Elevations submitted by the Applicant, date stamped 12 April 2023 and shed plans by Ranbuild, Drawing No. BURN02-11437, Revision A, Pages 1 to 3 date stamped 27 March 2023.
- 2 The approved Visitor Accommodation must only be used to house transient workers on a temporary basis, whose presence is required to support agricultural use.
- 3 A Landscape Buffer Plan for the northern, southern and western boundaries of the land, for that length of the proposed accommodation buildings, must be implemented prior to the commencement of the use on the site. The Landscaping Buffer Plan must contain a list of species, plant spacing layout and detail the maximum height of plants and be submitted for approval by the Director Community Services, prior to the planting of the site.
- 4 The development must be in accordance with the recommendations contained in the Agricultural Report by Lisa Abblitt dated March 2023.
- 5 Four car parking spaces must be provided for all development on the site and must comply with Australian Standard AS 2890 – Parking facilities, Parts 1–6.
- 6 Car parking spaces and internal driveways must be constructed with a durable all-weather pavement.

#### Infrastructure Services

- 7 The property access and the driveway must be upgraded in accordance with Tasmanian Standard Drawing *TSD-R03-v3 Rural Roads – Typical Property Access* and Tasmanian Standard Drawing *TSD-R04-v3 Rural Roads – Typical Driveway Profile* at the developer’s cost.
- 8 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.
- 9 Stormwater run-off from buildings and hard surfaces, including vehicle parking and manoeuvring areas must be collected and managed on-site in accordance with the *National Construction Code 2019* to ensure it does not cause nuisance to the neighbouring properties.

- 
- 10 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.
- 11 All works or activity listed above must be at the developers cost.

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 The outbuilding is approved as a Class 10 non-habitable structure and must be used in conjunction with the dwelling. If the outbuilding is intended to be used for a purpose other than this, then a further Permit for a change of use would be required.
- 4 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.
- 5 Prior to commencement of works in the road reservation the developer must obtain a "Works in Road Reservation (Permit)".
- 6 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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**20/2023 Business and Professional Services (change of use) – Speech Pathology and Allied Health disciplines – Discretionary uses and reliance on C2.0 Parking and Sustainable Transport Code at 6 Fulton Street, Ulverstone – Application No. DA2023099**

The Director Community Services reported as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DA2023099
<i>PROPOSAL:</i>	Business and Professional Services (change of use) – Speech Pathology and Allied Health disciplines – Discretionary uses and reliance on C2.0 Parking and Sustainable Transport Code
<i>APPLICANT:</i>	Rebecca Green & Associates
<i>LOCATION:</i>	6 Fulton Street, Ulverstone
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme – Central Coast</i> (the Planning Scheme)
<i>ADVERTISED:</i>	26 April 2023
<i>REPRESENTATIONS EXPIRY DATE:</i>	10 May 2023
<i>REPRESENTATIONS RECEIVED:</i>	Eight
<i>42-DAY EXPIRY DATE:</i>	2 June 2023 (extension of time granted until 19 June 2023)
<i>DECISION DUE:</i>	13 June 2023
<i>PURPOSE</i>	

The purpose of this report is to consider an application for the change of use of an existing residential building to be used for Business and Professional Services, being for Speech Pathology and Allied Health disciplines at 6 Fulton Street, Ulverstone.

Accompanying the report are the following documents:

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

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*BACKGROUND*

*Development description -*

Application is made to change the use of an existing residential building at 6 Fulton Street, Ulverstone to Business and Professional Services use. No actual building works would occur.

The proposal includes a sign to be affixed to the front of the building. This type of sign would be a Business Directory sign under the Planning Scheme's Signs Code. The sign will indicate the name of the business, being 'Talk a Lot'.

The building would comprise of three consulting rooms (previously bedrooms), an office (previously lounge room) and a kitchen/staff room (previously kitchen). No changes are proposed to the existing bathroom and laundry.

Whilst there are three consulting rooms, it is proposed that only 1 practitioner would occupy the site at any given time. The proposed layout of the building allows the operator the ability to set up for various activities and age groups and/or allocate space to part time complementary health practitioners, as their own consulting space.

Four car parking spaces are proposed in the internal driveway on the site, including within the existing garage and carport. Car parking would be tandem.

*Site description and surrounding area -*

The 708m<sup>2</sup> General Residential zoned property contains an existing residential building and associated outbuildings. The site adjoins General Residential zoned land with a mix of single and multiple dwellings. A Recreation Zone is approximately 70m north of the site, that accommodates Fairway Park, Ulverstone Skate Park, Ulverstone Bowls Club and the Ulverstone Football Club.

The site is connected to all reticulated services.

*History -*

Previous application, DA2023059, was lodged with the Council in April 2023. The application was for the Use Class in the building. The previous application was for the provision of 4 practitioners on the site. It was determined that the provision of 4 practitioners would have required a total of 16 car parking spaces.

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The applicant, after consultation with the Council, withdrew DA2023059 and discussed site options with the owners of the land. The current application was lodged with the Council, with the proposal changed to only allow 1 practitioner on the site at any time.

The owner of the site wants to maintain the residential character of the property, which includes keeping all buildings on the site and the existing vegetation to the rear. The option to provide car parking to the rear is not the intention of the owners, for reasons outlined above. Therefore, the proposal was altered to reflect how the current business operates in West Ulverstone (currently operates as a “Home Based Business” at West Ulverstone), whilst providing the opportunity to alter the consultation space available within the building between a Speech Pathologist and other Allied Health Practitioners.

As outlined in the application, the owner of the site, who is a Speech Pathologist, undertakes approximately 50% of appointments off-site, being at schools or in-home visits.

*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:
  - (b) 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 non-residential use that would serve the local community. The use of land would 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, as discussed below.

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 type="checkbox"/>	Compliant. Hours as stipulated in the application will be between 8.00am to 6.00pm.
8.3.1-(A2)  External lighting for a use listed as Discretionary:	<input type="checkbox"/>	(a) Compliant. As stated in the application, external lighting will not be used after 6.00pm.

<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>(b) Compliant. As stated in the application, security lighting will be baffled to ensure that light does not extend to 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 type="checkbox"/>	<p>(a) Compliant. As stated in the application, hours for commercial vehicle movements will be during normal business hours which satisfies this provision.</p> <p>(b) Compliant. As stated in the application, hours for commercial vehicle movements will be during normal business hours which satisfies this provision.</p> <p>(c) Compliant. As stated in the application, hours for commercial vehicle movements will be during normal business hours which satisfies this provision.</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>	<input type="checkbox"/>	<p>Non-compliant. No Acceptable Solution.</p> <p>Refer to the "Issues" section of this report.</p>

(d) the impact on the character of the area; and		
(e) the need for the use in that location.		
<b>8.3.2 Visitor Accommodation</b>	Not applicable	Assessment
8.3.2-(A1)  Visitor Accommodation:  (a) guests are accommodated in existing buildings; and  (b) has a gross floor area of not more than 300m <sup>2</sup> .	<input checked="" type="checkbox"/>	Not Visitor Accommodation.
<b>8.4 Development Standards for Dwellings</b>		
<b>8.4.1 Residential density for multiple dwellings</b>		
8.4.1-(A1)  Multiple dwellings must have a site area per dwelling of not less than 325m <sup>2</sup> .	<input checked="" type="checkbox"/>	Not multiple dwellings.
<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;	<input checked="" type="checkbox"/>	Refer to Clause 8.5 - Development Standards for Non-Dwellings.

<p>(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;</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 sites on the same street; or</p> <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)</p> <p>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 checked="" type="checkbox"/>	<p>Refer to Clause 8.5 - Development Standards for Non-Dwellings.</p>

<p>8.4.2–(A3)</p> <p>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> <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>	<input checked="" type="checkbox"/>	<p>Refer to Clause 8.5 - Development Standards for Non-Dwellings.</p>
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<b>8.4.3 Site coverage and private open space for all dwellings</b>	Not applicable	Assessment
<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>	<input checked="" type="checkbox"/>	<p>Refer to Clause 8.5 - Development Standards for Non-Dwellings.</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 style="padding-left: 20px;">(i) 24m<sup>2</sup>; or</p> <p style="padding-left: 20px;">(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>(b) has a minimum horizontal dimension of not less than:</p> <p style="padding-left: 20px;">(i) 4m; or</p> <p style="padding-left: 20px;">(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);</p>	<input checked="" type="checkbox"/>	<p>Refer to Clause 8.5 - Development Standards for Non-Dwellings.</p>

<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><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> <p style="padding-left: 40px;">(i) at a distance of 3m from the northern edge of the private open space; and</p> <p style="padding-left: 40px;">(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</p> <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>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>Refer to Clause 8.5 - Development Standards for Non-Dwellings.</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 checked="" type="checkbox"/></p>	<p>Refer to Clause 8.5 - Development Standards for Non-Dwellings.</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 checked="" type="checkbox"/></p>	<p>Refer to Clause 8.5 - Development Standards for Non-Dwellings.</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>	<input checked="" type="checkbox"/>	<p>Refer to Clause 8.5 - Development Standards for Non-Dwellings.</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> <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>	<input checked="" type="checkbox"/>	<p>Refer to Clause 8.5 - Development Standards for Non-Dwellings.</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>		
<p><b>8.4.7 Frontage fences for all dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.7-(A1) No Acceptable Solution. <i>An exemption applies for fences in this zone – see Table 4.6.</i></p> <p>8.4.7-(P1) 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 style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>Refer to Clause 8.5 - Development Standards for Non-Dwellings.</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) 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 style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>Refer to Clause 8.5 - Development Standards for Non-Dwellings.</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>		
<b>8.5 Development Standards for Non-Dwellings</b>		
<b>8.5.1 Non-dwelling development</b>	Not applicable	Assessment
<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 style="text-align: center;"><input type="checkbox"/></p>	<p>(a) Compliant. No changes to the existing building on the site.</p> <p>(b) Not applicable. Refer to (a).</p> <p>(c) Not applicable. Refer to (a).</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>		
<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> <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>	<input type="checkbox"/>	<p>(a) Compliant. No changes to the existing building on the site.</p> <p>(b) Compliant. No changes to the existing building on the site.</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 type="checkbox"/>	<p>(a) Compliant. No change to the existing building on the site. Existing site coverage is less than 50%.</p> <p>(b) Compliant. No change to the existing building on the site.</p> <p>Existing site area of which not less than 35% is free from impervious surfaces.</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> <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>(i) the topography of the site; and</p> <p>(ii) traffic volumes on the adjoining road.</p>	<input checked="" type="checkbox"/>	<p>No fence proposed.</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 type="checkbox"/>	<p>(a) Compliant by condition.</p> <p>(b) Refer to (a).</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>No air extraction, pumping, refrigeration systems or compressors are proposed.</p>
<p><b>8.5.2 Non-residential garages and carports</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<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>No garage or carport proposed.</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>No garage or carport proposed.</p>
<p><b>8.6 Development Standards for Subdivision</b></p>		
<p><b>8.6.1 Lot design</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<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 style="padding-left: 20px;">(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <p style="padding-left: 40px;">a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</p> <p style="padding-left: 40px;">b. easements or other title restrictions that limit or restrict development; and</p> <p style="padding-left: 20px;">(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>	<input checked="" type="checkbox"/>	<p>No subdivision proposed.</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>No subdivision proposed.</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>No subdivision proposed.</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>No subdivision proposed.</p>
<p><b>8.6.2 Roads</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<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>	<input checked="" type="checkbox"/>	<p>No subdivision proposed.</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> <li>(j) the future subdivision potential of any balance lots on adjoining or adjacent land.</li> </ul>		
<b>8.6.3 Services</b>	Not applicable	Assessment
<p>8.6.3–(A1)</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 connection to a full water supply service.</p>	<input checked="" type="checkbox"/>	No subdivision proposed.

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"/>	No subdivision proposed.
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"/>	No subdivision proposed.

## CODES

CODES	Not applicable	Assessment
<b>C1.0 Signs Code</b>	<input type="checkbox"/>	Refer to Table below.
<b>C2.0 Parking and Sustainable Transport Code</b>	<input type="checkbox"/>	Refer to 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 checked="" type="checkbox"/>	
<b>C16.0 Safeguarding of Airports Code</b>	<input checked="" type="checkbox"/>	

### C1.0 Signs Code

CLAUSE	COMMENT	
<b>C1.5 Use Standards</b>		
There are no use Standards in this code.		
<b>C1.6 Development Standards for Buildings and Works</b>		
<b>C1.6.1. Design and Siting of Signs</b>	Not Applicable	Assessment
<b>A1</b> A sign must :  (a) be located within the applicable zone for the relevant sign type set out in Table C1.6; and  (b) meet the sign standards for the relevant sign type set out in Table C1.6, excluding for the following sign types, for which there is no Acceptable Solution:  (i) roof sign; (ii) sky sign; and (iii) billboard.	<input type="checkbox"/>	Compliant.  Proposal includes a business directory sign that will indicate the name of the Practice, to be located attached to the front of the dwelling.  Business directory signs are allowed in the General Residential Zone, providing the sign has a maximum of 1 sign for each building; have a maximum vertical dimension of 2m; and have a maximum horizontal dimension of 600mm.  Details provided within the application demonstrate that the proposed sign would satisfy the sign standards.
<b>A2</b> A sign must be not less than 2m from the boundary of any lot in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone or Landscape Conservation Zone.	<input type="checkbox"/>	Compliant. The business directory sign would be setback greater than 2m from adjoining General Residential Zone.

<p><b>A3</b></p> <p>The number of signs for each business or tenancy on a road frontage of a building must be no more than:</p> <p>(a) 1 of each sign type, unless otherwise stated in Table C1.6;</p> <p>(b) 1 window sign for each window;</p> <p>(c) 3 if the street frontage is less than 20m in length; and</p> <p>(d) 6 if the street frontage is 20m or more, excluding the following sign types, for which there is no limit:</p> <p>(i) name plate; and</p> <p>(ii) temporary sign.</p>	<input type="checkbox"/>	<p>(a) Compliant. Proposal is for 1 sign only.</p> <p>(b) Not applicable. Proposal does not include any window signs.</p> <p>(c) Compliant. Proposal includes only 1 sign.</p> <p>(d)(i) Not applicable. Proposal includes only 1 sign.</p> <p>(d)(ii) Not applicable. Proposal includes only 1 sign.</p>
<p><b>C1.6.2- Illuminated signs</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<input checked="" type="checkbox"/>	<p>Sign is not illuminated.</p>
<p><b>A2</b></p> <p>An illuminated sign visible from public places in adjacent roads must not create the effect of flashing, animation or movement, unless it is providing direction or safety information.</p>	<input checked="" type="checkbox"/>	<p>Sign is not illuminated.</p>
<p><b>C1.6.3 Third party sign</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<input checked="" type="checkbox"/>	<p>Sign is not a third party sign.</p>

<b>C1.6.4 Signs on local heritage places and in a local heritage precinct and local heritage landscape precincts.</b>	Not Applicable	Assessment
<p><b>A1</b></p> <p>A sign located on a site that is a local heritage place, in a local heritage precinct or local historic landscape precinct listed under the Local Historic Heritage Code, must:</p> <p>(a) be not more than 0.2m<sup>2</sup>;</p> <p>(b) not be an illuminated sign; and</p> <p>(c) there must be not more than 1 sign per site.</p>	<input checked="" type="checkbox"/>	Site is not heritage listed.

## 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><b>A1</b></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>	<input type="checkbox"/>	<p>Business and Professional Services has six different types of activities listed within the Parking Space Requirement Table. Speech Pathology and Allied Health disciplines would fall within the “doctor’s surgery, clinic, consulting room” section of the table.</p> <p>The car parking requirement as per Table C2.1 is 4 spaces per partitioner.</p> <p>Therefore, this proposal would require 4 car parking spaces.</p> <p>Proposal shows the provision of 4 car parking spaces on the site.</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>		<p>Non-compliant. Note No. 2 to Table C2.1 states that parking spaces must be individually accessible, excluding tandem parking spaces which may be used to serve a dwelling. As the proposed building will not be used as a dwelling and tandem parking is proposed, the proposal does not satisfy this note to the Table.</p> <p>Refer to the “Issues” section of this report.</p>
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<p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.</p>		
<p><b>C2.5.2 Bicycle parking numbers</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p><b>A1</b></p> <p>Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>	<p><input type="checkbox"/></p>	<p>(a) Not applicable. Refer to (a).</p> <p>(b) Compliant. Proposal includes the provision for 2 bicycle parking spaces.</p>
<p><b>C2.5.3 Motorcycle parking numbers</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p><b>A1</b></p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and;</p> <p>(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.</p>	<p><input checked="" type="checkbox"/></p>	<p>Does not apply to this proposal.</p>
<p><b>C2.5.4 Loading bays</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p><b>A1</b></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>	<p><input checked="" type="checkbox"/></p>	<p>Does not apply to this proposal.</p>



<b>C2.5.5 Number of car parking spaces within General Residential Zone and Inner Residential Zone</b>	Not Applicable	Assessment
<p><b>A1</b></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 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>	<input checked="" type="checkbox"/>	Does not apply to this proposal.
<b>C2.6 Development Standards for Buildings and Works</b>		
<b>C2.6.1 Construction of parking areas</b>	Not Applicable	Assessment
<p><b>A1</b></p> <p>All parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to the 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 checked="" type="checkbox"/>	No changes to the construction of existing parking, access ways, manoeuvring and circulation spaces.

<b>C2.6.2 Design and layout of parking areas</b>	Not Applicable	Assessment
<p><b>A1.1</b></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 2.1m above the parking surface level; and</li> </ul>	<input type="checkbox"/>	<p>A1</p> <p>(a)(i) Compliant. The site is reasonably flat.</p> <p>(a)(ii) Compliant. The proposal requires 4 car parking spaces only. Entry and exit in a forward manner is not required.</p> <p>(a)(ii) Compliant. Access width complies with Table C2.2.</p> <p>(a)(iv) Compliant. Car parking space dimensions satisfy Table C2.3.</p> <p>(a)(v) Compliant. Access and manoeuvring width adjacent to parking spaces satisfy Table C2.3.</p> <p>(a)(vi) Compliant. Parking spaces would have a vertical clearance of not less than 2.1m above the parking surface level.</p> <p>(a)(vii) Compliant. Area would be either delineated by line marking or other clear physical means.</p> <p>(b) Refer to (a).</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><b>A1.2</b></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><b>A1</b></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 has one existing access.</p> <p>(b) Not applicable. Refer to (a).</p>

<p><b>A2</b></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>	<input checked="" type="checkbox"/>	<p>Not Central Business Zone.</p>
<p><b>C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p><b>A1</b></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 <i>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</i>.</p>	<input checked="" type="checkbox"/>	<p>Site is General Residential Zone.</p>
<p><b>C2.6.5 Pedestrian access</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p><b>A1.1</b></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>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p>		<p>10 or more car parking spaces are not required.</p>

<p>(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.</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>		
<p><b>C2.6.6 Loading bays</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p><b>A1</b></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>	<p><input checked="" type="checkbox"/></p>	<p>Loading bays are not required.</p>
<p><b>A2</b></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>	<p><input checked="" type="checkbox"/></p>	<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>	Not Applicable	Assessment
<p><b>A1</b></p> <p>Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must:</p> <p>(a) be accessible from a road, cycle path, bicycle lane, shared path or access way;</p> <p>(b) be located within 50m from an entrance;</p> <p>(c) be visible from the main entrance or otherwise signed; and</p> <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>	<input checked="" type="checkbox"/>	<p>Site is General Residential Zone.</p>
<p><b>A2</b></p> <p>Bicycle parking spaces must:</p> <p>(a) have dimensions not less than:</p> <p style="margin-left: 20px;">(i) 1.7m in length;</p> <p style="margin-left: 20px;">(ii) 1.2m in height; and</p> <p style="margin-left: 20px;">(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 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>

<b>C2.6.8 Siting of parking and turning areas</b>	Not Applicable	Assessment
<b>A1</b> 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.	<input checked="" type="checkbox"/>	Site is General Residential Zone.
<b>A2</b> Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must: <ul style="list-style-type: none"> <li>(a) have no new vehicle accesses, unless an existing access is removed;</li> <li>(b) retain an active street frontage; and</li> <li>(c) not result in parked cars being visible from public places in the adjacent roads.</li> </ul>	<input checked="" type="checkbox"/>	Site is General Residential Zone.
<b>C2.7 Parking Precinct Plan</b>		
<b>C2.7.1 Parking precinct plan</b>	Not Applicable	Assessment
<b>A1</b> Within a parking precinct plan, on-site parking must: <ul style="list-style-type: none"> <li>(c) not be provided; or</li> <li>(d) not be increased above existing parking numbers.</li> </ul>	<input checked="" type="checkbox"/>	Parking precinct plan does not apply to the site.

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"/>	

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 8.3.1–(P4) – Discretionary uses –*

There is no Acceptable Solution for the Planning Scheme’s Clause 8.3.1–(A4). Therefore, the proposed development is discretionary and relies on an assessment against the applicable, mandatory Performance Criteria.

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 Planning Scheme’s Clause 8.3.1 – Discretionary uses Objective states that discretionary uses do not cause an unreasonable loss of amenity to adjacent sensitive uses.

The Planning Scheme’s Performance Criteria for Clause 8.3.1–(P4) states that a use listed as Discretionary must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to:

- (a) the intensity and scale of the use;

Planner’s comments: The Business and Professional Services use would have 1 practitioner at any one time on the site. The practitioner would use the site for consulting with patients, if not out visiting schools or attending to in-home visits, either through Speech Pathology or other Allied Health disciplines.

Consulting rooms as defined in the Planning Scheme means *‘use of land for services provided by a health or other therapies practitioner, other than services provided by a medical centre’*.

A condition would be placed on the Permit, that only one practitioner be permitted on the site at any one time. Whether this be a health, or other therapies practitioner, which can be alternated.

Further, a condition will be that only one administration employee is allowed on the site at any one time, associated with the practitioner. Administration staff are not considered to be a practitioner; however it is reasonable to expect a business to

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have an administration employee on the site, to assist with the running of a business.

The intensity and scale of the proposed use is not considered high, particularly if you were to compare the intensity of the proposed Business and Professional Services to a Home Based Business, which is a Permitted use in the General Residential Zone.

A Home Based Business would allow, as a Permitted application (i.e. without any public notification requirement), a total of 3 practitioners on the site at any one time.

Home Based Business, as defined in the Planning Scheme, means *'use of part of a dwelling by a resident for non-residential purpose if:*

- (a) the person conducting the business normally uses the dwelling as their principal residence;*
- (b) it does not involve employment of more than 2 workers on-site who do not reside at the dwelling;*
- (c) any load on a utility is no more than for a domestic use;*
- (d) there is no activity that causes electrical interference to use on other land;*
- (e) there is no storage of hazardous material on the site;*
- (f) the display of goods for sale are not visible from any road or public open space adjoining the site;*
- (g) there is, on the site, no advertising of the business other than 1 sign (non-illuminated) not exceeding 0.2m<sup>2</sup> in area;*
- (h) there is, on the site, no refuelling, servicing, detailing or repair of vehicles not owned by the resident;*
- (i) no more than 2 commercial vehicles are on the site at any one time and no commercial vehicles on the site exceeds 2 tonnes; and*
- (j) all vehicles used by the business are parked on the site.'*

In other words, if the owners lived on the site, they could employ 2 more persons, making a total of 3 workers (in this case 3 practitioners). Note: The Council must grant a Home Based Business Permit, as the application would be deemed Permitted under the Planning Scheme. The required car parking spaces would be 2, as it would be based on what is required for a dwelling, plus up to 2 commercial vehicles if required by the Home Based Business.

There are many Home Based Businesses located throughout the municipality. As no public notification is required for a Home Based Business, many residents may not know they exist.

The table below shows the comparison of what intensity (based on number of practitioners and car parking requirements) a Home Based Business would allow on the site compared to what the proposed intensity would be for this proposal.

Home Based Business	DA2023099
3 practitioners	1 practitioner
2 residential car parking spaces and up to 2 commercial vehicles, if applicable and required to undertake your Home Based Business.	4 car parking spaces.

As demonstrated above, the intensity and scale of the proposed Business and Professional Services is not considered to be high.

- (b) the emissions generated by the use;

Planner’s comments: Due to the low intensity and scale of the proposed use, it is considered emissions generated would be minimal, if any. As stated in the application, there may be some noise from the arrival, departure and some play of mixed caseload including paediatric clients, however these emissions would not be any greater than existing emissions from the surrounding residential use.

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- (c) the type and intensity of traffic generated by the use;

Planner's comments: It is acknowledged that some traffic would be generated by the proposed use, by both staff and clients. Due to only having 1 practitioner at any time on the site, and the sequence and frequency of appointments, it is not considered that the proposed intensity of traffic generated by the use would be excessive or cause an unreasonable loss of amenity to adjacent, sensitive uses.

- (d) the impact on the character of the area; and

Planner's comments: The character of the area is residential. The proposed Business and Professional Services use is not considered a high intensity scale of business and would not cause an unreasonable loss of amenity to adjacent sensitive uses. Furthermore, there would be no changes to the exterior of the existing building.

- (e) the need for the use in that location.

Planner's comments: As stated in the General Residential Zone Purpose, the purpose of this zone includes the provision of non-residential use that primarily serves the local community and does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement.

The proposed Business and Professional Services use is for Speech Pathology and other Allied Health disciplines which would serve the local community. Furthermore, as outlined above, it is not considered that the proposed use would cause an unreasonable loss of amenity through scale, intensity, noise, traffic generation and movement, or other off-site impacts.

The hours proposed would be 8.00am to 6.00pm which are the permissible hours in the Zone, as outlined in the Acceptable Solution for Clause 8.3.1-(A1) of the Planning Scheme. Furthermore, no changes to the exterior of the existing building are proposed. The building itself will remain, visually, a residential building.

Conclusion: It is considered that the application has demonstrated compliance with the mandatory Performance Criterion in relation to the discretionary use. Regarding the Objective for this Clause, it is

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considered that the proposed Business and Professional Services can satisfy the Objective. It is not considered that the proposed use would cause an unreasonable loss of amenity to adjacent sensitive uses through scale, intensity, noise, traffic generation and movement.

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

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.

Even though the site can accommodate the required 4 car parking spaces, the proposal does not satisfy Note No. 2 to Table C2.1, which is that parking spaces must be individually accessible, excluding tandem parking spaces which may be used to serve a dwelling.

The Planning Scheme's Clause C2.5.1 – Car parking numbers Objective states that an appropriate level of car parking spaces is provided to meet the needs of the use.

The Planning Scheme's Performance Criteria for Clause C2.5.1–P1.1 states that the number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:

- (a) the availability of off-street public car parking spaces within reasonable walking distance of the site;

Planner's comments: Fulton Street is a public road. Therefore, cars can park anywhere along Fulton Street, provided they do not obstruct a driveway. The car parking spaces available along Fulton Street are not dedicated solely to residents of Fulton Street. Notwithstanding, there is approximately 10m available frontage across the development site (excluding the driveway access) that cars accessing the business could use for parking.

The application does state that clients will be encouraged to park in the driveway, if possible. The practitioner will utilise the existing garage and/or carport within the driveway which leaves ample area for additional cars to park within the driveway.

- (b) the ability of multiple users to share spaces because of:
  - (i) variations in car parking demand over time; or

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Planners' comments: Please refer to comments made in (a) regarding car parking arrangement. The operation of the business will include only one client at a time, with appointments having no overlapping, if possible

- (ii) efficiencies gained by consolidation of car parking spaces.

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

- (c) the availability and frequency of public transport within reasonable walking distance of the site;

Planner's comments: As stated in the application, there is nearby public transport for Ulverstone, with multiple bus services servicing the north-west coast.

- (d) the availability and frequency of other transport alternatives;

Planner's comments: Refer to comments made in (c).

- (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;

Planner's comments: The site is constrained due to the location of the single dwelling and the existing garage/carport. To ensure the residential character of the site is not reduced, all buildings will remain. Therefore, the available car parking on the site is within the existing long driveway and garage/carport. In total this area is approximately 33m.

- (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;

Planner's comments: As stated in the application, there is very good availability and accessibility for on-street parking, due to the width of the streets in the area and moderate traffic flows, noting other activities in the area.

- (g) the effect on streetscape; and

Planner's comments: No changes will occur to the exterior of the existing building on the site, apart from a small sign to be

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fixed to the front of the building. The proposal will have no effect on the streetscape.

- (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.

Conclusion: It is considered that the application has demonstrated compliance with the mandatory Performance Criterion in relation to the car parking proposed. Regarding the Objective for this Clause, it is considered that the proposed Business and Professional Services can satisfy the Objective. The proposal can provide for the number of car parking spaces required, being 4. However, due to the constraints on the site and the owners wanting to keep the residential character of the site, car parking would be tandem.

*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	Referral not required.
Infrastructure Services	No issues.
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.

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*CONSULTATION*

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

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

*Representations –*

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

The representations are summarised and responded to as follows:

REPRESENTATION NO. 1	
MATTER RAISED	RESPONSE
1 Fulton Street is purely a residential street and should not have any business premises.	No physical changes will occur to the exterior of the buildings on the site. The streetscape will not change along Fulton Street. As discussed in the “Issues” section of this report, Item No. 1, the intensity of the proposed Business and Professional Services is not considered high.
2 Increased traffic.	The Council acting as a Road Authority have provided the following comments:  The Planning Scheme’s Table C3.1 of the C3.0 Road and Railway Assets Code outlines the Acceptable Solution regarding traffic increase based on annual average daily movements.



	<p>The increase in annual average daily traffic to and from the development site (total ingress and egress) would satisfy the Acceptable Solution.</p> <p>Therefore, the C3.0 Road and Railway Assets Code is not applicable to this application as the proposal has satisfied the Acceptable Solution.</p>
<p>3 Staff and clients may initially park in the driveway but will then park in the street.</p> <p>Clients with children with disabilities will not be able to get the child out of the car in a narrow driveway.</p>	<p>Fulton Street is a public road. Therefore, cars can park anywhere along Fulton Street, provided they do not obstruct a driveway. The car parking spaces available along Fulton Street are not dedicated solely to residents of Fulton Street.</p> <p>The application states that clients will be encouraged to park in the driveway if possible. The practitioner will utilise the existing garage and/or carport within the driveway which leaves ample area for additional cars to park within the driveway.</p> <p>Notwithstanding, there is approximately 10m available frontage across the development site (excluding the driveway access) that cars accessing the business could use for parking.</p>

REPRESENTATION NO. 2

<p>1    Feel it is suspicious. The proposal has gone from 4 to 1 practitioner. Wonder if numbers were reduced to get the application over the line and then increase number of practitioners once the business is established.</p>	<p>The decision by the owner to reduce the number of practitioners from 4 to 1 followed discussions with the Council and understanding that the requirement for car parking spaces is based on the number of practitioners on the site</p> <p>The Planning Authority must only consider the current application and what has been proposed. In this case, it is stated that only 1 practitioner would be on the site at any one time.</p> <p>Conditions will be placed on the Permit to reflect this.</p>
<p>2    Issue of on-street parking for clients will take up residents' places in front of their own properties.</p>	<p>Fulton Street is a public road. Therefore, cars can park anywhere along Fulton Street, provided they do not obstruct a driveway. The car parking spaces available along Fulton Street are not dedicated solely to residents of Fulton Street. Notwithstanding, there is approximately 10m available frontage across the development site (excluding the driveway access) that cars using the business could use for parking.</p> <p>The Council acting as a Road Authority have provided the following comments:</p> <p>Fulton Street is a public road. Unless on-street parking is designated for the resident, or there are "No Stopping" signs, "No Parking" signs or lines in place, parking on the street is lawful.</p>

<p>3 Don't accept that the proposal states Fulton Street has a low traffic volume. Cannot recall a traffic study being undertaken.</p> <p>Given that Fulton Street is a through street to the Ulverstone Bowls Club, we know traffic loads can be high at times, particularly in warmer months, even on weekdays.</p>	<p>The Council acting as a Road Authority have provided the following comments:</p> <p>The Planning Scheme's Table C3.1 of the C3.0 Road and Railway Assets Code outlines the Acceptable Solution regarding traffic increase based on annual average daily movements. The increase in annual average daily traffic to and from the development site (total ingress and egress) would satisfy the Acceptable Solution.</p> <p>Therefore, the C3.0 Road and Railway Assets Code is not applicable to this application as the proposal has satisfied the Acceptable Solution and no further information regarding traffic volume study was required.</p>
<p>4 Can't be realistic to have to 4 vehicles in a narrow driveway that the only exit option is reversing back out.</p>	<p>The Council acting as a Road Authority have provided the following comments:</p> <p>The Planning Scheme's C3.0 Road and Railway Assets Code has an Acceptable Solution regarding traffic generation at a vehicle crossing, level crossing or new junction. This Acceptable Solution states that vehicle traffic must be able to enter and leave a major road in a forward direction. Fulton Street is not a major road and therefore the proposal does not need to satisfy this Acceptable Solution.</p>

<p>5 Inference in application that there are a number of similar non-residential operations nearby are somewhat misleading as none of them are actually in Fulton Street.</p>	<p>The application has referred to several similar businesses within the area. It is correct that none of the mentioned businesses are located in Fulton Street.</p> <p>Please refer to the “Issues” section of this report and the discussion regarding a Home Based Business use and definition. As outlined in this report, a Home Based Business could have a higher intensity than the proposed Business and Professional Services use of the land.</p>
<p>6 Live in one of Ulverstone’s oldest residential streets. Fear idyllic lifestyle is now under threat should this proposal succeed. It may encourage others to lodge similar applications in the future.</p>	<p>The General Residential Zone allows opportunities for other Use Classes, other than Residential. As with this application, the Planning Authority must consider each application on its merits and assess the proposal against the applicable development standards of the Planning Scheme.</p>
<p>7 Older style homes and positioning on the lot and driveways were never intended for running a business. Given current rental shortage, this home would be better served to house a family in need of rental.</p> <p>Several other commercial properties are more suited.</p>	<p>The General Residential Zone allows opportunities for other Use Classes, other than Residential. As with this application, the Planning Authority must consider each application on its merits and assess the proposal against the applicable development standards of the Planning Scheme.</p>
<p>8 Central Coast Council wrote and consulted with many property owners in Fulton Street regarding Local Heritage that will eventually require implementation. Is setting up a business in Fulton Street before Heritage decision made a good idea?</p>	<p>The Heritage Code, if implemented, does not include requirements regarding the specific uses of buildings. Therefore, the proposed Business and Professional Services use would not make any difference to the Heritage Code or any difference to the Council’s decision regarding this Code.</p>

REPRESENTATION NO. 3

<p>1 Fulton Street does not have any other uses than people living in their homes. All activities are in either Water Street or Main Street. Would like Fulton Street to remain the same.</p>	<p>No physical changes will occur to the exterior of the buildings on the site. The streetscape will not change along Fulton Street. As discussed in Item No. 1 of the “Issues” section of this report, the intensity of the proposed Business and Professional Services is not considered high.</p> <p>As outlined in this report, a Home Based Business could have a higher intensity than the proposed Business and Professional Services.</p>
<p>2 Concerned regarding 20% traffic increase.</p> <p>There will be more congestion from Main Street turning right into Fulton Street, which is already at a bottleneck with the new car parking areas that have been recently created in Main Street.</p> <p>Increase in traffic will cause an accident.</p>	<p>The Council acting as a Road Authority have provided the following comments:</p> <p>The Planning Scheme’s Table C3.1 of the C3.0 Road and Railway Assets Code outlines the Acceptable Solution regarding traffic increase based on annual average daily movements. The increase in annual average daily traffic to and from the development site (total ingress and egress) would satisfy the Acceptable Solution.</p> <p>Therefore, the C3.0 Road and Railway Assets Code is not applicable to this application as the proposal has satisfied the Acceptable Solution.</p> <p>Furthermore, the Council’s records do not have any accident information regarding Fulton Street.</p>

<p>3 The give way sign in Water Street, giving Fulton Street the right of way encourages vehicles to drive faster than if they had to stop at Water Street.</p>	<p>The Council acting as a Road Authority have provided the following comments:</p> <p>Not related to this application.</p>
<p>4 How many staff members are there in addition to the practitioner? If the business employs a person as e.g. dietician, is that person a staff member or a practitioner?</p>	<p>Please refer to Condition Nos. 2 and 3 to be included in the Planning Permit.</p> <p>Only 1 practitioner and associated staff member will be allowed on the site at any one time.</p>
<p>5 There is parking for two vehicles out the front of the residence. I doubt that two cars will park out the front of the residence as it is a public street and clients will park wherever they want.</p> <p>Don't think clients will park in driveway, they will park wherever they want, more so in the street and cause more congestion.</p>	<p>Fulton Street is a public road. Therefore, cars can park anywhere along Fulton Street, provided they do not obstruct a driveway. The car parking spaces available along Fulton Street are not dedicated solely to residents of Fulton Street.</p> <p>Notwithstanding, there is approximately 10m available frontage across the development site (excluding the driveway access) that cars using the business could access for parking.</p> <p>The Council acting as a Road Authority have provided the following comments:</p> <p>Fulton Street is a public road. Unless on-street parking is designated for the resident, or there are "No Stopping" signs, "No Parking" signs or lines in place, parking on the street is lawful.</p>

<p>6 Proposal states one practitioner at a time at the residence. If the practitioner works 50% that equals 3 days per week. Under the proposal that allows three days to be serviced by complimentary therapist. How long before said complementary therapist start overlapping?</p>	<p>Please refer to Condition Nos. 2 and 3 to be included in the Planning Permit.</p> <p>Only 1 practitioner and associated staff member will be allowed on the site at any one time.</p>
<p>7 Disappointed that the proposal states the business hours will be 8.00am to 6.00pm Monday to Friday. Definitely don't agree with the business operating on a Saturday in a residential street.</p>	<p>The Planning Scheme, as an Acceptable Solution, allows for discretionary use to operate from 8.00am to 6.00pm (refer to Clause 8.3.1-A1). If the hours of operation were outside these hours, the application would be discretionary regarding this Clause and the Planning Authority would be able to consider the hours proposed. However, as the hours proposed are as per the Acceptable Solution, the Planning Authority have no discretion regarding this matter.</p>
<p>8 Desperate need for housing and for rental properties. Feel the house would be better suited as a home rather than a business.</p>	<p>The General Residential Zone allows opportunities for other Use Classes, other than Residential. As with this application, the Planning Authority must consider each application on its merits and assess the proposal against the applicable development standards of the Planning Scheme.</p>
<p>9 Basis of this proposal regarding other businesses in the area is irrelevant. Some of the businesses have caused parking issues.</p>	<p>The Council acting as a Road Authority have provided the following comments:</p> <p>Council have no record of any written complaints regarding parking issues along Fulton Street.</p>

REPRESENTATION NO. 4

<p>1 Proponents state that they run a small home-based business in West Ulverstone. What they are proposing is not a small home-based business but a multi-faceted consulting business.</p>	<p>Please refer to the “Issues” section, Item No. 1 above that discusses a Home Based Business and how the intensity of a Home Based Business could actually be greater than the proposed Business and Professional Services.</p>
<p>2 The words ‘and staff’ needs clarifying. No numbers specified thus leaving it open-ended.</p>	<p>Please refer to Condition Nos. 2 and 3 to be included in the Planning Permit.</p> <p>Only 1 practitioner and associated staff member will be allowed on the site at any one time.</p> <p>Further discussion regarding numbers of practitioners and staff is in the “Issues” section, Item No. 1 of this report.</p>
<p>3 Could the business employ one or more allied workers e.g. dietitian and be employed as ‘staff’?</p> <p>Demand a clearer and definitive number of their deliberately loose term of ‘and staff’.</p>	<p>Please refer to Condition Nos. 2 and 3 to be included in the Planning Permit.</p> <p>Only 1 practitioner and associated staff member will be allowed on the site at any one time.</p> <p>Further discussion regarding numbers of practitioners and staff is in the “Issues” section, Item No. 1 of this report.</p>
<p>4 Major difference between this proposed business and a small home-based business.</p>	<p>Please refer to the “Issues” section, Item No. 1 above that discusses a Home Based Business and how the intensity of a Home Based Business could actually be greater than the proposed Business and Professional Services.</p>



<p>5 Central Coast Council wrote and consulted with many property owners in Fulton Street regarding Local Heritage. If proposal given consideration, neighborhood likely to rally against the local Heritage proposal.</p>	<p>The Heritage Code, if implemented, does not include requirements regarding specific uses of buildings. Therefore, the proposed Business and Professional Services Use Class would not make any difference to the Heritage Code or any difference to the Council's decision regarding this Code.</p>
<p>6 Given indisputable housing shortage, it is suggested the proponents bought in an inappropriate area or having never lived in these premises, have no consideration of the residential aspect of Fulton Street.</p>	<p>The General Residential Zone allows opportunities for other Use Classes, other than Residential. As with this application, the Planning Authority must consider each application on its merits and assess the application against the applicable development standards of the Planning Scheme.</p>
<p>7 This will set a precedent to allow businesses to run out of residential streets.</p>	<p>The General Residential Zone allows opportunities for other Use Classes, other than Residential. As with this application, the Planning Authority must consider each application on its merits and assess the application against the applicable development standards of the Planning Scheme.</p>
<p>8 Many couples would have one parent take the child to the appointment and parent/partner number two meet them there after coming from work or elsewhere. Therefore, number of vehicles at the premises at any given time is unknown.</p>	<p>Please refer to the "Issues" section, Item No. 2 of this report regarding car parking on the site.</p> <p>Furthermore, the application states that clients will be encouraged to park in the driveway if possible. The practitioner will utilise the existing garage and/or carport within the driveway which leaves ample area for additional cars to park within the driveway.</p>

<p>9 Proponents suggest ample parking in the street and Bowls Club. This is not an acceptable alternative. Fulton Street and surrounding streets are already at total or overloaded numbers. This business will add to this.</p>	<p>The Council acting as a Road Authority have provided the following comments:</p> <p>The Planning Scheme’s Table C3.1 of the C3.0 Road and Railway Assets Code outlines the Acceptable Solution regarding traffic increase based on annual average daily movements. The increase in annual average daily traffic to and from the development site (total ingress and egress) would satisfy the Acceptable Solution.</p> <p>Therefore, the C3.0 Road and Railway Assets Code is not applicable to this application as the proposal has satisfied the Acceptable Solution.</p> <p>Furthermore, unless on-street parking is designated for the resident, or there are “No Stopping” signs, “No Parking” signs or lines in place, parking on the street is lawful.</p>
<p>10 Application is flawed in examples provided for operating businesses in the area. Listed business and examples.</p> <p>Want to point out the majority of these properties have been built for purpose they are used for. Also point out that businesses out of Main Street or Water Street are not small quiet residential streets such as Fulton Street.</p>	<p>The application has referred to several similar businesses within the area. The General Residential Zone allows opportunities for other Use Classes other than Residential. As with this application, the Planning Authority must consider each application on its merits and assess the application against the applicable development standards of the Planning Scheme.</p>

<p>11 If proposal approved, concerned residents will monitor the number of consultants at any given time, and should we find business has expanded we will demand the Council find this a breach and ask that the business be shut down or reduced back to original proposed size.</p>	<p>If the Council receives any complaints regarding the operations of the Business and Professional Service, then our usual complaints process would be followed.</p>
<p>REPRESENTATION NO. 5</p>	
<p>1 Acknowledge that only one person operating from the business will ease some parking constraints.</p> <p>Still think the best solution will be to apply business hours 8.00am to 4.30pm Monday to Friday.</p>	<p>The Planning Scheme, as an Acceptable Solution, allows for a discretionary use to operate from 8.00am to 6.00pm (refer to Clause 8.3.1-A1). If the hours of operation were outside these hours, the application would be discretionary regarding this Clause and the Planning Authority would be able to consider the hours proposed. However, as the hours proposed are as per the Acceptable Solution, the Planning Authority have no discretion regarding this matter.</p>
<p>2 To be able to operate 7 days a week is a concern. This is a residential area.</p>	<p>The Planning Scheme, as an Acceptable Solution, allows for discretionary use to operate from 8.00am to 6.00pm (refer to Clause 8.3.1-A1). If the hours of operation were outside these hours, the application would be discretionary regarding this Clause and the Planning Authority would be able to consider the hours proposed. However, as the hours proposed are as per the Acceptable Solution, the Planning Authority have no discretion regarding this matter.</p>

<p>3 To have option of having 3 consulting rooms will make this a busy area for parking. Most of the current residents use parking outside of their homes after 4.30pm.</p> <p>Also, on the weekends with the football and bowls club, people use the bottom end of Fulton Street as an overflow parking area.</p>	<p>The Council acting as a Road Authority have provided the following comments:</p> <p>Fulton Street is a public road. Unless on-street parking is designated for the resident, or there are “No Stopping” signs, “No Parking” signs or lines in place, parking on the street is lawful.</p>
<p>4 Attended the Heritage consultation. Thinks it is wonderful to protect Heritage buildings.</p>	<p>The Heritage Code, if implemented, does not include requirements regarding specific Uses of buildings. Therefore, the proposed Business and Professional Services Use would not make any difference to the Heritage Code or any difference to the Council’s decision regarding this Code.</p>
<p>REPRESENTATION NO. 6</p>	
<p>1 Fulton Street is purely a Residential Street. Shouldn’t it be kept that way?</p>	<p>No physical changes will occur to the exterior of the buildings on the site. The streetscape will not change along Fulton Street. As discussed in the “Issues” section of this report, Item No. 1, the intensity of the proposed Business and Professional Services is not considered to be high.</p>
<p>2 The proposed consulting business is not a home based business which is itself of concern. Property was purchased with express purpose of an Allied Health consulting business with three consulting rooms.</p>	<p>Please refer to the “Issues” section, Item No. 1 above that discusses a Home Based Business and how the intensity of a Home Based Business could actually be greater than the proposed Business and Professional Services.</p>

<p>3 New fence has begun to be constructed and does not reflect the compatibility with the streetscape. It does not reflect Heritage picket fence as stated in the application.</p>	<p>The site is not a Heritage listed site. The Planning Scheme has exemptions regarding front fences, which applies to the new fence at the development site.</p>
<p>4 Parking will still be provided in tandem as in the previous application. At present, many residents park in the street as their driveways are narrow and short. Therefore, many of the residents' park on the street. Any more cars parking in the street will cause more angst for many of the residents and the drivers of passing vehicles.</p> <p>It is unlikely that all members of the business will park in the driveway because of inconveniences it would cause.</p>	<p>The Council acting as a Road Authority have provided the following comments:</p> <p>The Planning Scheme's Table C3.1 of the C3.0 Road and Railway Assets Code outlines the Acceptable Solution regarding traffic increase based on annual average daily movements. The increase in annual average daily traffic to and from the development site (total ingress and egress) would satisfy the Acceptable Solution.</p> <p>Therefore, the C3.0 Road and Railway Assets Code is not applicable to this application as the proposal has satisfied the Acceptable Solution.</p> <p>Fulton Street is a public road. Unless on street parking is designated for the resident, or there are "No Stopping" signs, "No Parking" signs or lines in place, parking on the street is lawful.</p>
<p>5 Traffic problems will increase. Although Fulton Street is a quiet street for much of the day, the Bowls Club creates a large amount of traffic at certain times so an up to 20% increase in traffic will be felt.</p>	<p>The Council acting as a Road Authority have provided the following comments:</p> <p>The Planning Scheme's Table C3.1 of the C3.0 Road and Railway Assets Code outlines the</p>

	<p>Acceptable Solution regarding traffic increase based on annual average daily movements. The increase in annual average daily traffic to and from the development site (total ingress and egress) would satisfy the Acceptable Solution.</p> <p>Therefore, the C3.0 Road and Railway Assets Code is not applicable to this application as the proposal has satisfied the Acceptable Solution.</p>
<p>6 There has been quite a dangerous problem with traffic at times in Fulton Street. This issue is exacerbated when many vehicles park on both sides of the street.</p>	<p>The Council acting as a Road Authority have provided the following comments:</p> <p>The Planning Scheme's Table C3.1 of the C3.0 Road and Railway Assets Code outlines the Acceptable Solution regarding traffic increase based on annual average daily movements. The increase in annual average daily traffic to and from the development site (total ingress and egress) would satisfy the Acceptable Solution.</p> <p>Therefore, the C3.0 Road and Railway Assets Code is not applicable to this application as the proposal has satisfied the Acceptable Solution.</p> <p>Fulton Street is a public road. Unless on-street parking is designated for the resident, or there are "No Stopping" signs, "No Parking" signs or lines in place, parking on the street is lawful.</p>

REPRESENTATION NO. 7

REPRESENTATION NO. 7		
1	<p>The Central Coast Council Mayor on Monday, 8 May made a point on ABC morning program that the Council was concerned about the housing issues yet, this proposal would seem to be a loss for residential housing.</p>	<p>The General Residential Zone allows opportunity for other Use Classes, other than Residential. As with this application, the Planning Authority must consider each application on its merits and assess the applicable development standards in the Planning Scheme.</p>
2	<p>If approved, it would set further precedents for commercial operations to be established in residential zones within Ulverstone.</p>	<p>The General Residential Zone allows opportunities for other Use Classes, other than Residential. As with this application, the Planning Authority must consider each application on its own merits and assess the applicable development standards in the Planning Scheme.</p>
3	<p>Other businesses mentioned in the application have been in existence for a considerable period, however this proposal will be under the Tasmanian Planning Scheme.</p>	<p>The Planning Authority must consider any application it receives against the Planning Scheme that is in effect at the time.</p>
4	<p>Central Coast Council wrote and consulted with many property owners in Fulton Street regarding Local Heritage. This should be considered as part of the overall assessment of this application.</p>	<p>The Heritage Code, if implemented, does not include requirements regarding specific Uses of buildings. Therefore, the proposed Business and Professional Services Use Class would not make any difference to the Heritage Code or any difference to the Council's decision regarding this Code.</p>

<p>5 Car parking would not be to the Australian Standards and would be relying on other areas for car parking spaces.</p> <p>Think of the safety issues if cars reverse out of the driveway.</p> <p>People will park where it is most convenient. More than likely the street.</p>	<p>The Council acting as a Road Authority have provided the following comments:</p> <p>The Planning Scheme's Table C3.1 of the C3.0 Road and Railway Assets Code outlines the Acceptable Solution regarding traffic increase based on annual average daily movements. The increase in annual average daily traffic to and from the development site (total ingress and egress) would satisfy the Acceptable Solution.</p> <p>Therefore, the C3.0 Road and Railway Assets Code is not applicable to this application as the proposal has satisfied the Acceptable Solution.</p> <p>Fulton Street is a public road. Unless on-street parking is designated for the resident, or there are "No Stopping" signs, "No Parking" signs or lines in place, parking on the street is lawful.</p>
<p>6 Applicant states only one consultant at any time. Surely this would include staff and clients. When viewing the plans, one consultant at any one time is surely not a long-term plan.</p> <p>Or does the application mean one speech pathologist and another one from the allied health discipline?</p>	<p>Please refer to Condition Nos. 2 and 3 to be included in the Planning Permit.</p> <p>Only 1 practitioner and associated staff member will be allowed on the site at any one time.</p> <p>Further discussion regarding numbers of practitioners and staff is in the "Issues" section, Item No. 1 of this report.</p>



7 Will Council monitor the one consultant if approved? I have my doubts.	If the Council receives any complaints regarding the operation of the Business and Professional Service, then our usual complaints process would be followed.
8 Plenty of commercial properties for this type of business.	The General Residential Zone allows opportunities for other Use Classes, other than Residential. As with this application, the Planning Authority must consider each application on its merits and assess the application against the applicable development standards of the Planning Scheme.
REPRESENTATION NO. 8	
1 Would like to object to how the Council dealt with the revised application. Whilst it may have been done legally, I believe, as a previous representor, that there was at least a moral obligation to advise me of the submission of the revised application. I also believe the time frame given to lodge objections to this resubmission was too short, almost rushed.	<p>When the previous application was withdrawn, letters were sent to all people who made representation, outlining that the application had been withdrawn. This letter also mentioned that, when a new application is lodged, all adjoining property owners would be notified, a notice would be placed in <i>The Advocate</i> and a notice will be placed on the development site.</p> <p>This is the process that occurred with this application and is in accordance with the <i>Land Use Planning and Approvals Act 1993</i>.</p> <p>No changes to the timeframe occurred, which is a 14 day public notification period. The same timeframe was implemented for the withdrawn application.</p> <p>Note also that the application withdrawn was advertised over the Easter period, which meant the</p>

	<p>Council must (as required by legislation) add additional days to account for any public holidays.</p> <p>This did occur but was only due to the Council being closed for the public holiday.</p>
<p>2 Current planning rules have been in for years. Believe the rules do not consider current housing environment.</p>	<p>The General Residential Zone allows opportunities for other Use Classes, other than Residential. As with this application, the Planning Authority must consider each application on its merits and assess the application against the applicable development standards of the Planning Scheme.</p> <p>The Planning Authority must consider any application it receives against the Planning Scheme that is in effect at the time.</p> <p>The Planning Scheme does have provisions regarding temporary housing, which is to assist with the current housing environment.</p>
<p>3 Could only find 2 changes to the revised application. These changes are believed to be a play with words in an attempt to get the application through, and then at some stage run the business as originally applied for.</p>	<p>The decision by the owner to reduce the number of practitioners from 4 to 1 occurred after discussions with the Council and following an understanding the requirement for car parking spaces was based on the number of practitioners on the site.</p> <p>The Planning Authority must only consider the current application and what has been proposed. In this case, only 1 practitioner on the site at any one time.</p> <p>Conditions will be placed on the Permit to reflect this.</p>

<p>4 Application makes reference to a number of other businesses in the area. None of these are in Fulton Street.</p>	<p>The application has referred to several similar businesses within the area. It is correct that none of the mentioned businesses are located in Fulton Street.</p> <p>Please refer to the “Issues” section of this report and the discussion regarding a Home Based Business. As outlined in the above discussion, a Home Based Business could in fact have a higher intensity than the proposed Business and Professional Services.</p>
<p>5 Hours of operation that include 8.00am to 6.00pm on a Saturday. This is a change residents should not have to contend with. I could not read anywhere that Sunday is ruled out.</p>	<p>The Planning Scheme, as an Acceptable Solution, allows for discretionary use to operate from 8.00am to 6.00pm (refer to Clause 8.3.1–A1). If the hours of operation were outside these hours, the application would be discretionary regarding this Clause and the Planning Authority would be able to consider the hours proposed. However, as the hours proposed are as per the Acceptable Solution, the Planning Authority have no discretion regarding this.</p>
<p>6 Whilst the car parking arrangement mentioned in the application might seem on the surface feasible, the parking will over time encroach onto the street parking for other residents in the street.</p> <p>People will not park 100m away at the Bowls Club.</p>	<p>Please refer to the “Issues” section, Item No. 2 of this report regarding car parking on the site.</p> <p>Furthermore, the application does state that clients will be encouraged to park in the driveway, if possible. The practitioner will utilise the existing garage and/or carport within the driveway which leaves ample area for additional cars to park within the driveway.</p>

<p>Believe in the future, the business may look at putting a car park at the rear of the dwelling.</p>	<p>The application outlines how the owners wish to maintain the existing buildings on the site to ensure the residential character of the area.</p>
<p>7 Fulton Street already has a lot of street parking, by residents and their friends. Fear that disputes could arise if residents and their visitors are unable to locate a parking spot.</p>	<p>The Council acting as a Road Authority have provided the following comments: Fulton Street is a public road. Unless on-street parking is designated for the resident, or there are “No Stopping” signs, “No Parking” signs or lines in place, parking on the street is lawful.</p>
<p>8 Traffic generation. Fulton Street has the largest through traffic when compared to all the north/south facing streets between Water and Main Streets. Bowls Club creates a huge amount of additional traffic. This is also the case on football days.</p>	<p>The Council acting as a Road Authority have provided the following comments:  The Planning Scheme’s Table C3.1 of the C3.0 Road and Railway Assets Code outlines the Acceptable Solution regarding traffic increase based on annual average daily movements. The increase in annual average daily traffic to and from the development site (total ingress and egress) would satisfy the Acceptable Solution.  Therefore, the C3.0 Road and Railway Assets Code is not applicable to this application as the proposal has satisfied the Acceptable Solution.  Fulton Street is a public road. Unless on-street parking is designated for the resident, or there are “No Stopping” signs, “No Parking” signs or lines in place, parking on the street is lawful.</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 representations received do not warrant the refusal of the proposed change of use to Business and Professional Services. The proposal has demonstrated satisfactory compliance with the Planning Scheme's relevant Performance Criteria.

It is not considered that the proposed use would cause an unreasonable loss of amenity to adjacent sensitive uses through scale, intensity, noise, traffic generation and movement.

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

*Recommendation -*

It is recommended that the application DA2023099 for Business and Professional Services (change of use) – Speech Pathology and Allied Health disciplines at 6 Fulton Street, Ulverstone be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the Planning Submission prepared by Rebecca Green & Associates received 21 April 2023.
- 2 One practitioner is permitted to be on the site at any one time. The delivery of a service provided by a health or other therapies practitioner, can be alternated.
- 3 One administration employee associated with the practitioner is permitted on the site at any one time.

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- 4 Outdoor storage areas, including waste storage, must not:
- (a) be visible from any road or public open space adjoining the site;  
or
  - (b) encroach upon parking areas, driveways or landscaped areas.
- 5 A minimum of 2 bicycle parking spaces must be provided on the site in accordance with the Australian Standard *AS 2890 – Parking facilities, Part 1–6*.
- All bicycle parking spaces must:
- (a) be constructed with a durable all-weather pavement;
  - (b) be drained to the public stormwater system, or contain stormwater on the site; 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.
- 6 Hours of operation must be within the hours of 8.00am to 6.00pm.
- 7 External lighting must not operate within the hours of 7.00pm to 7.00am, excluding any security lighting; and security lighting must be baffled to ensure direct light does not extend into adjoining property.

Please Note:

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

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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 Wylie seconded, “That the application DA2023099 for Business and Professional Services (change of use) – Speech Pathology and Allied Health disciplines at 6 Fulton Street, Ulverstone be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the Planning Submission prepared by Rebecca Green & Associates received 21 April 2023.
- 2 One practitioner is permitted to be on the site at any one time. The delivery of a service provided by a health or other therapies practitioner, can be alternated.
- 3 One administration employee associated with the practitioner is permitted on the site at any one time.
- 4 Outdoor storage areas, including waste storage, must not:
  - (a) be visible from any road or public open space adjoining the site; or
  - (b) encroach upon parking areas, driveways or landscaped areas.
- 5 A minimum of 2 bicycle parking spaces must be provided on the site in accordance with the Australian Standard *AS 2890 – Parking facilities, Part 1–6*.

All bicycle parking spaces must:

- (a) be constructed with a durable all-weather pavement;
  - (b) be drained to the public stormwater system, or contain stormwater on the site; 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.
- 6 Hours of operation must be within the hours of 8.00am to 6.00pm.

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- 7 External lighting must not operate within the hours of 7.00pm to 7.00am, excluding any security lighting; and security lighting must be baffled to ensure direct light does not extend into adjoining property.

Please Note:

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

Carried unanimously



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### **Closure**

There being no further business, the Mayor declared the meeting closed at 6.11pm.

CONFIRMED THIS 19<sup>TH</sup> DAY OF JUNE, 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