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## **SPECIAL COUNCIL MEETING MINUTES**

TUESDAY 30 NOVEMBER 2021

2:00PM

Council Chambers, Triabunna

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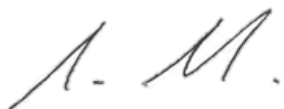
## NOTICE OF SPECIAL MEETING

Notice is hereby given that the Mayor has called a Special Meeting of the Glamorgan Spring Bay Council to be held at the Triabunna Council Offices on Tuesday the 30 of November at 2.00pm.

## QUALIFIED PERSON CERTIFICATION

I hereby certify that, in accordance with section 65 of the *Local Government Act 1993*, any advice, information and recommendations contained in the reports related to this agenda have been prepared by persons who have the qualifications or experience necessary to give such advice, information and recommendations.

**Dated** this Friday 26 November 2021



Greg Ingham  
**GENERAL MANAGER**

### IMPORTANT INFORMATION

- As determined by Glamorgan Spring Bay Council in April 2017 all Ordinary and Special Meetings of Council are to be audio/visually recorded and streamed live.
- A recording of the meeting will be available via the link on the Glamorgan Spring Bay Council website following the meeting.

In accordance with the *Local Government Act 1993* and Regulation 33, these video/audio files will be retained by Council for at least 6 months and made available for viewing live, as well as online within 5 days of the scheduled meeting. The written minutes of a meeting, once confirmed, prevail over the video/audio recording of the meeting.

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## **1. OPENING OF MEETING**

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The Mayor welcomed Councillors and staff and declared the meeting open at 2.02pm.

### **1.1 Acknowledgement of Country**

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*The Glamorgan Spring Bay Council acknowledges the Traditional Owners of our region and recognises their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.*

### **1.2 Present and Apologies**

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#### **Present:**

Mayor Robert Young  
Deputy Mayor Jenny Woods  
Clr Cheryl Arnol  
Clr Keith Breheny  
Clr Annie Browning  
Clr Rob Churchill  
Clr Grant Robinson

#### **Apologies:**

Clr Michael Symons

### **1.3 In Attendance**

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General Manager, Mr Greg Ingham  
Executive Officer, Ms Jazmine Murray  
Director Planning and Development, Mr Alex Woodward  
Senior Planner, Mr James Bonner

### **1.4 Declaration of Interest or Conflict**

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*The Mayor requests Elected Members to indicate whether they have:*

- 1. any interest (personally or via a close associate) as defined in s.49 of the Local Government Act 1993; or*
- 2. any conflict as described in Council's Code of Conduct for Councillors,*

*in any item included in the Agenda.*

Nil.

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## **2. PLANNING AUTHORITY SECTION**

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*Under Regulation 25 of Local Government (Meeting Procedures) Regulations 2015 the Chairperson hereby declares that the Council is now acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993 for Section 2 of the Agenda.*

### **RECOMMENDATION**

That Council now acts as a Planning Authority at (Time: ).

### **DECISION 221/21**

Moved Cllr Cheryl Arnol, seconded Cllr Annie Browning that Council now acts as a Planning Authority at 2.03pm

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol,  
Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson

Against: Nil

## 2.1 Development Application 2021/282 - 1130 Dolphin Sands Road, Dolphin Sands - CT54666/175

<b>Proposal</b>	Demolition of existing building and construction of new dwelling to be used as visitor accommodation
<b>Applicant</b>	Honed Architecture and Design
<b>Application Date</b>	05 October 2021
<b>Statutory Date</b>	05 December 2021
<b>Planning Instruments</b>	Glamorgan Spring Bay Interim Planning Scheme 2015
<b>Zone</b>	PPZ3 - Dolphin Sands
<b>Codes</b>	6.0 Parking and Access, 7.0 Stormwater Management, 10.0 Biodiversity, 15.0 Inundation Prone Areas, 16.0 Coastal Erosion Hazards
<b>Specific Area Plans</b>	N/A
<b>Use</b>	Visitor Accommodation
<b>Development</b>	Discretionary
<b>Discretions</b>	7
<b>Representations</b>	5
<b>Attachments</b>	A – Application Documents B – Representations
<b>Author</b>	James Bonner, Senior Town Planner

### Executive Summary

Planning approval is sought for the demolition of the existing building and construction of a single dwelling proposed to be used for visitor accommodation on land at 1130 Dolphin Sands Rd, Dolphin Sands.

The proposal was advertised for two weeks from 08 October to 22 October 2021. Five representations were received during the notification period.

This item was considered by Council at the November Ordinary Meeting. Unfortunately, the decision that was made is invalid due to discrepancies with how the motion was passed under the *Local Government (Meeting Procedures) Regulations 2015*, and as such this item will need a new resolution.

This report assesses the proposal against the applicable standards for the relevant zones and codes listed above, and considers the issues raised in the representations. The Planning Authority must consider the planner's recommendation and the matters raised in the representations and make a final determination by 05 December 2021.

The recommendation is to approve the application as detailed at the end of this report.

## **PART ONE**

### **1. Statutory Requirements**

The Land Use Planning and Approvals Act 1993 (LUPAA) requires the planning authority to take all reasonable steps to ensure compliance with the planning scheme.

The planning scheme provides the overriding considerations for this application. Matters of policy and strategy are primarily a matter for preparing or amending the planning scheme.

The initial assessment of this application identified where the proposal met the relevant Acceptable Solutions under the planning scheme, and where a discretion was triggered. This report addresses only the discretions and the representations and makes a final recommendation for the proposed development.

The Planning Authority must consider the report but is not bound to it. It may:

1. Adopt the recommendation
2. Vary the recommendation
3. Replace an approval with a refusal (or vice versa).

The Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2015 require a full statement of reasons if an alternative decision to the recommendation is made.

### **2. Approving applications under the planning scheme**

A Development Application must meet every relevant standard in the planning scheme to be approved. In most cases, the standards can be met in one of two ways:

1. By Acceptable Solution, or if it cannot do this,
2. By Performance Criteria.

If a proposal meets an Acceptable Solution, it does not need to satisfy the Performance Criteria.

In assessing this application, the Planning Authority must exercise sound judgement to determine whether the proposal meets the relevant Performance Criterion and must consider the issues raised in the representations.

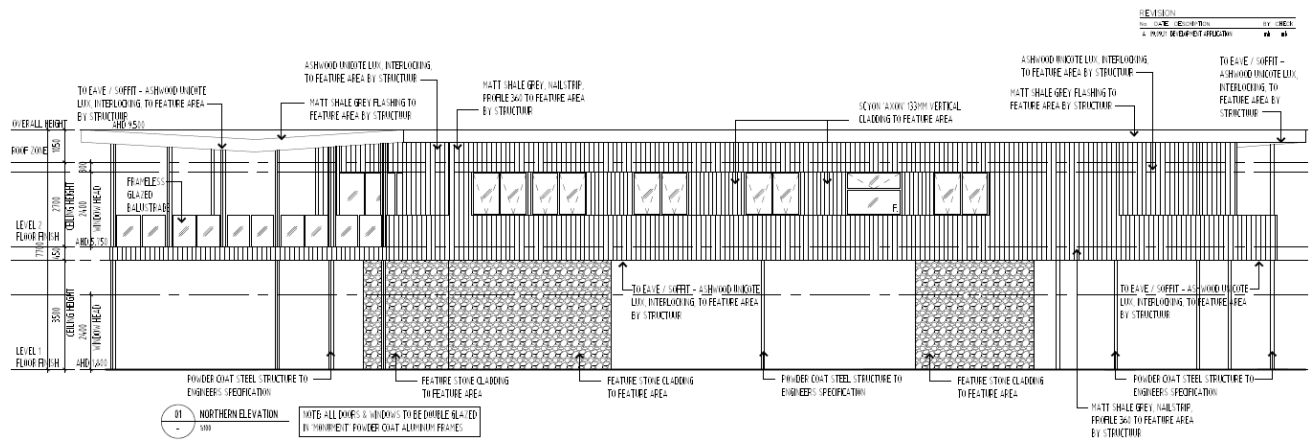
### **3. The Proposal**

The proposal is for the demolition of the existing building and construction of a new 4-bedroom two storey dwelling to be used for visitor accommodation. The ground floor to contain a two-car garage, boat garage and storage areas with all habitable rooms located on the first floor. The area where the building is proposed to be located has been previously levelled and cleared of native vegetation.

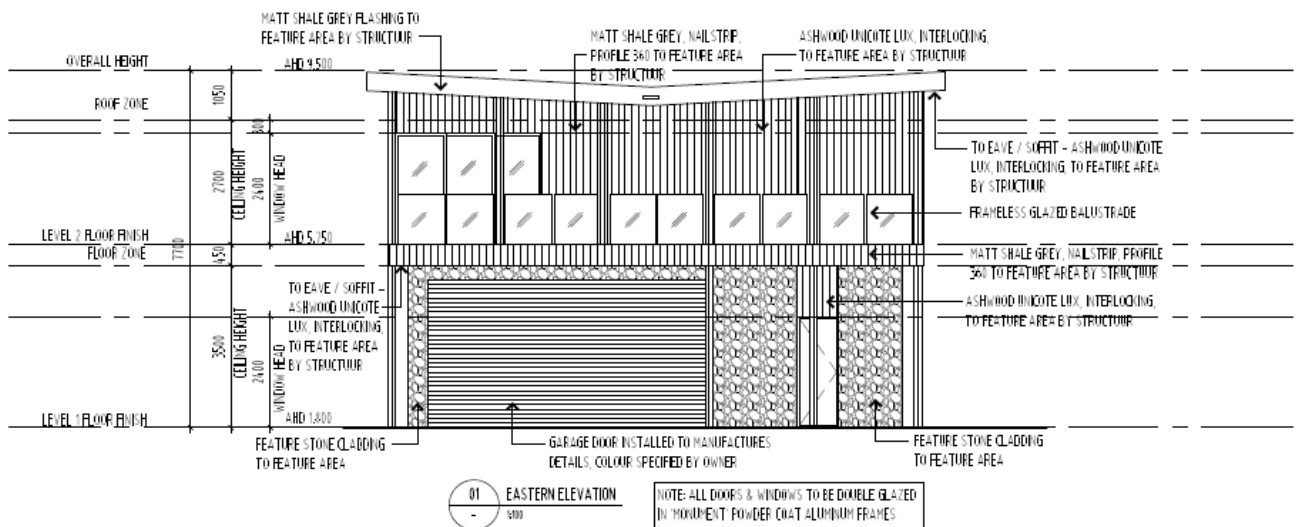
Special Council Meeting Minutes – 30 November 2021







**Figure 2 - Extract of Northern Elevation**



**Figure 3 - Extract of Eastern Elevation**



**Figure 4 – 3D Image looking south from the driveway**

#### **4. Risk and implications**

Approval or refusal of this application should have no direct financial risk for Council, in relation to planning matters, other than should an appeal against the Authority's decision be lodged or should the Planning Authority fail to determine the application within the statutory timeframe.

#### **5. Background and past applications**

The following planning permits were identified applying to the lot.

- DA2018/261 – Visitor accommodation comprising four tents and use of existing building for office, kitchen and guest gathering space.
- DA2014/72 – outbuilding. Not acted upon.

#### **6. Site Description**

The subject site is located on the southern side of Dolphin Sands Road. The site has been previously substantially cleared of native vegetation and levelled in the area where the dwelling is proposed. All existing structures are proposed to be removed.



**Figure 5 - Site and locality**





**Figure 6 - Site**

## **7. Planning Instruments**

Glamorgan Spring Bay Interim Planning Scheme 2015

- D34.0 Particular Purpose Zone 3 – Dolphin Sands
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E10.0 Biodiversity Protection Code
- E15.0 Inundation Prone Areas Code
- E16.0 Coastal Erosion Hazard Code

## **8. Easements and Services**

The subject site has access to reticulated electricity and there are currently no easements on title burdening the lot. Reticulated water and sewerage is not provided to the site.

## **9. Covenants**

Nil

## **PART TWO**

### **10. Meeting the Standards – via Acceptable Solution**

The proposal has been assessed against the Acceptable Solutions provided in:

- D34.0 Particular Purpose Zone 3 – Dolphin Sands
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E10.0 Biodiversity Protection Code
- E15.0 Inundation Prone Areas Code
- E16.0 Coastal Erosion Hazard Code

All standards were met by Acceptable Solution excepting the seven discretions identified below. These have been assessed against the applicable performance criteria as detailed.

### **11. Meeting the Standards via Performance Criteria**

The standards that were not met by Acceptable Solution will need to satisfy the relevant Performance Criteria to be approved. These are:

D34.0 Particular Purpose Zone 3 – Dolphin Sands

- 34.3.1 (P1) Visitor accommodation not within existing building
- 34.4.1 (P1) Building exceeding building height of 5m

E7.0 Stormwater Management Code

- E7.7.1 (P1) Onsite disposal of stormwater

E15.0 Inundation Prone Areas Code

- E15.7.3 (P1) Floor level of habitable building
- E15.7.5 (P1) Solid walls greater than 5m in length
- E15.7.5 (P3) Onsite wastewater disposal

E16.0 Coastal Erosion Hazard Code

- E16.7.1 (P1) Building within Coastal Erosion Hazard area

The Planning Authority must consider the representations and the Performance Criteria and make a determination on the application by 05 December 2021.

## PART THREE

### 12. Assessing the Proposal against the Performance Criteria

#### D34.0 Particular Purpose Zone 3 – Dolphin Sands

##### 34.3 Use Standards

Performance Criteria	Planner's response
<b>Clause D34.3.2 Visitor Accommodation</b>	<p>The acceptable solution for this standard requires visitor accommodation to be accommodated within an existing building. The visitor accommodation will be within the proposed dwelling and therefore it is reliant on the performance criteria (P1), as outlined below.</p>
<p><b>P1</b></p> <p><i>Visitor accommodation must satisfy all of the following:</i></p> <p>(a) <i>be accommodated in one building;</i></p> <p>(b) <i>not adversely impact residential amenity and privacy of adjoining properties;</i></p> <p>(c) <i>provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;</i></p> <p>(d) <i>not adversely impact the safety and efficiency of the local road network or disadvantage owners and users of private rights of way.</i></p>	<p>The visitor accommodation will be accommodated within one building. It will not adversely impact on residential amenity and privacy due to the building being located approximately 50m from the adjoining dwelling and the building orientating living areas and the main deck towards the south facing away from the adjoining dwelling located at No.1120.</p> <p>There is adequate space for carparking and the volume of traffic will not affect the safety and efficiency of the road network.</p> <p>The proposal satisfies the performance criteria.</p>
<b>Clause D34.4.1 Building Height</b>	<p>The acceptable solution for this standard requires the building height from natural ground level to be no more than 5m. The building exceeds this height, therefore the proposal is reliant on the performance criteria (P1), as outlined below.</p>
<p><b>P1</b></p> <p>Building height must:</p> <p>(a) be unobtrusive within the surrounding landscape;</p> <p>(b) be consistent with the surrounding pattern of development;</p> <p>(c) not unreasonably impact on the amenity of adjoining lots from overshadowing, overlooking or visual bulk.</p>	<p>The building has a height of 7.7m with an overall height above sea level of 9.5m Australian Height Datum (AHD) (1.8m AHD ground level + 7.7m building height = 9.5m AHD). This overall height is consistent with the surrounding pattern of development as indicated below.</p> <p>The height above sea level has been used as this gives a good indication of how the building sits within the surrounding landscape and whether it is obtrusive or not. The building is not obtrusive within the surrounding landscape when considered in the context of the nearby dwellings to the east and west which have a similar height above sea level. This is evident when the landscape is viewed from the top of the frontal dune as indicated in the photos below. The dwelling will sit at a similar height above sea level as the adjoining dwelling located at No.1120. While the building height is greater than most of these dwellings, they have all been located on a higher elevation than the subject dwelling resulting in a consistent surrounding pattern of development with heights above sea level of 9-11m AHD.</p>

Performance Criteria	Planner's response
	<p>The dwelling will not have an unreasonable impact on the amenity of adjoining lots as it will not overshadow or overlook adjoining lots as the building is located towards the boundary with the foreshore. The visual bulk of the building is mitigated by the ground floor being substantially open with gaps provided between solid sections. The proposal satisfies the performance criteria.</p> <p>The examples below are of dwellings located in the immediate vicinity either side of the proposal.</p> <p>No. 1094 – dwelling 6.1m, overall height approximately 9.1m AHD</p> <p>No. 1110 – dwelling 7.5m, overall height approximately 10-11m AHD</p> <p>No. 1120 – dwelling 4.6m, overall height 9.62m AHD</p> <p>No. 1148 – dwelling 4m, overall height 8m AHD</p> <p>No. 1158 – dwelling 4.2m, overall height 11.6m AHD</p> <p>N. 1172 – dwelling 6.5m, overall height 9.5m AHD.</p>





**Figure 7 - Adjoining sites. Source List Map**



**Figure 8 - Looking east from site towards No. 1120 and No.1110 in the background**





**Figure 9 - Looking west from frontal dune**



**Figure 10 - Looking east from frontal dune**

## E7.0 Stormwater Management Code

### E7.7 Development Standards

Performance Criteria	Planner's response
<b>Clause E7.7.1</b>	The acceptable solution (A1) is that stormwater from impervious surfaces must be disposed of by gravity to public stormwater infrastructure. Stormwater is proposed to be disposed of on-site and therefore the proposal is reliant on the performance criteria (P1), as outlined below.
<b>P1</b>  Stormwater from new impervious surfaces must be managed by any of the following:  (a) <i>disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles</i>  (b) <i>collected for re-use on the site;</i>  (c) <i>disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.</i>	Details have been provided that stormwater will be captured and disposed to absorption trenches with the assessment having regard to the site and system design. It is noted that as there is no reticulated water, stormwater is also captured in rainwater tanks for reuse prior to disposal to the absorption trenches. The proposal satisfies the performance criteria.

## E15.0 Inundation Prone Areas Code

### E15.7 Development Standards for Buildings and Works

Performance Criteria	Planner's response
<b>Clause E15.7.3</b>	The acceptable solution (A1) is that a new habitable building must have a floor area no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1, which for Dolphin Sands is 2.3m AHD. The building has a floor area below 2.3m AHD and therefore the proposal is reliant on the performance criteria (P1), as outlined below.
<b>P1</b>  A new habitable building must satisfy all of the following:  (a) risk to users of the site, adjoining or nearby land is acceptable;	All habitable rooms are located on the first floor which is above 2.3m AHD with only the garage and two storage areas located on the ground floor. The application is supported by a report by a geotechnical engineering consultant that assessed the risk posed by inundation. The report found that subject to recommendations contained within the report concerning the location of habitable rooms and foundations the risk was assessed to be low and

<p>(b) risk to adjoining or nearby property or public infrastructure is acceptable;</p> <p>(c) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;</p> <p>(d) need for future remediation works is minimised;</p> <p>(e) access to the site will not be lost or substantially compromised by expected future sea level rise either on or off-site;</p> <p>(f) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works.</p>	<p>acceptable. Access to the site will not be lost or substantially compromised due to future sea level rise.</p> <p>The proposal satisfies the performance criteria.</p>
<b>Clause E15.7.5</b>	<p>The acceptable solution (A1) is that for solid walls greater than 5m in length and 0.5m in height there is no acceptable solution. The building has walls greater than 5m in length and 0.5m in height and therefore the proposal is reliant on the performance criteria (P1), as outlined below.</p>
<p><b>P1</b></p> <p>Landfill, or solid walls greater than 5 m in length and 0.5 m in height, must satisfy all of the following:</p> <p>(a) no adverse affect on flood flow over other property through displacement of overland flows;</p> <p>(b) the rate of stormwater discharge from the property must not increase;</p> <p>(c) stormwater quality must not be reduced from pre-development levels.</p>	<p>The ground floor has a solid wall at either end however it is substantially open through the length of the building. These large openings will reduce any displacement of overland flows so as not to have an adverse effect on flood flow. The rate of stormwater discharge and quality from the property will not increase as stormwater is being captured for reuse and any excess discharged to absorption trenches.</p> <p>The proposal satisfies the performance criteria.</p>
<b>Clause E15.7.5</b>	<p>The acceptable solution (A3) is that land application for wastewater must have a horizontal separation from the high water mark of no less than 100m and a vertical separation from the water table of no less than 1.5m. The proposal does not meet this criteria and therefore the proposal is reliant on the performance criteria (P3), as outlined below.</p>
<p><b>P3</b></p> <p>A land application area for onsite wastewater management must satisfy all of the following:</p>	<p>The wastewater report submitted has proposed an Aerated Wastewater Treatment System (AWTS) with subsurface irrigation. The report has identified that the system is a secondary treatment system and is capable of</p>

<p>(a) horizontal separation distance from high water mark or from the top of bank of a watercourse or lake must satisfy all of the following:</p> <p><i>(i) be no less than 15 m,</i></p> <p>(ii) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system,</p> <p>(iii) the average gradient is no more than 16 degrees;</p> <p>(b) vertical separation distance from the water table must satisfy all of the following:</p> <p>(i) be no less than 0.6 m, (whether 'in ground' or by use of a raised bed),</p> <p>(ii) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system.</p>	<p>meeting the performance requirements. Detail of the system to be provided at the building approval stage.</p> <p>The proposal satisfies the performance criteria.</p>
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## E16.0 Coastal Erosion Hazard Code

### E16.7 Development Standards

Performance Criteria	Planner's response
<b>Clause E16.7.1</b>	There is acceptable solution for development within the Coastal Erosion Hazard Area and therefore the proposal is reliant on the performance criteria (P1), as outlined below.
<p><b>P1</b></p> <p>Buildings and works must satisfy all of the following:</p> <p>(a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;</p> <p>(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;</p>	<p>The application is supported by an erosion hazard assessment by a geotechnical engineering consultant which considered that subject to the recommendations in the report regarding depth of footings the risk presented by coastal erosion is low and acceptable.</p> <p>The development does not involve removal of any dune material as the land where the building is proposed is already levelled. Thereby important natural features are adequately protected, works are not on an actively mobile landform, and access to the site will not be lost or compromised by expected future erosion.</p> <p>The proposal satisfies the performance criteria.</p>

<p>(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;</p> <p>(d) need for future remediation works is minimised;</p> <p>(e) health and safety of people is not placed at risk;</p> <p>(f) important natural features are adequately protected;</p> <p>(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;</p> <p>(h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;</p> <p>(i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</p> <p>(j) not be located on an actively mobile landform</p>	
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### 13. Referrals

The application was not required to be referred.

### 14. Representations

The proposal was advertised for two weeks from 8 October to 22 October 2021 and 5 representations objecting to the proposal were received. A summary of the representations received and response is provided in the table below. The complete de-identified representations are included in the attachments.

Representation 1 points	Response
Building exceeds the 5m height limit, the claim the land was previously lowered is incorrect. The building has been positioned to take advantage of the previously bulldozed foredune to obtain beach views.	The building is considered to meet the performance criteria as the building has a height of 7.7m with an overall height of 9.5m AHD (1.8m AHD ground level + 7.7m building height = 9.5m AHD). This overall height is consistent with the surrounding pattern of development as evidenced when viewed from the frontal dune. The building is not obtrusive when considered in



	the context of the surrounding development which has a similar height above sea level. The dwelling will not unreasonably impact on the amenity of adjoining lots as it will not overshadow or overlook adjoining lots. The visual bulk is not unreasonable and is mitigated by the ground floor being substantially open in parts along its length.
<b>Representation 2</b>	<b>Response</b>
The height of the building is excessive and the setback from the southern boundary (foreshore) is not in keeping with the surrounding houses.	Building height addressed above. The setback from the foreshore meets the acceptable solution of 20m.
<b>Representation 3</b>	<b>Response</b>
There were never any sand banks where the building is to be located. Levelling may have occurred but no excavation or reduction in height. Building is out of character with the immediate area, height and bulk disproportionate and proximity to the beach is unreasonable.	See response to representation 1 and 2 above.
<b>Representation 4</b>	<b>Response</b>
The area where the building is proposed is subject to erosion and has the potential to destabilise the surrounding dunes, pose a flood risk to neighbours and impact the sustainability of the natural groundwater supply.	The geotechnical report assessed the risk posed by coastal erosion and inundation. The report found that subject to complying with the recommendations the risk was assessed to be low and acceptable. The dwelling is to be located on existing levelled ground and the frontal dune is not being impacted.
The proposed residence is taking advantage of illegally excavated frontal dunes. The beach access has been lowered and widened. They should be closing off and rehabilitating the frontal dunes to be at least as high as the surrounding dunes.	The previously excavated frontal dune is not relevant to the current application and no works are proposed to the dune.
The location of the residence is not in keeping with the setback of the nearest neighbours. Inadequate setback from the beach impacts amenity of those on the beach and of neighbouring properties.	The setback from the foreshore meets the acceptable solution of 20m.
The coastline recession analysis is not substantial enough. The analysis is inconsistent with an analysis used for another property in the locality. The analysis fails to address what effect the already removed section of frontal dune will have on accelerated inundation.	The assessment specific to the site and was undertaken by a geotechnical engineer who assessed that the coastal erosion risk was low and acceptable.
The bulk of the residence is far more than surrounding buildings and will detrimentally impact on 1120 Dolphin Sands Rd which would overlook it.	The bulk of the dwelling is considered to be acceptable and would not present an unreasonable visual impact to the adjoining dwelling. See representation 1 response above.

The applicant has failed to give accurate details on visibility from the beach, neighbouring properties and residences and has only made assumptions as to the appearance from Dolphin Sands Rd. This directly impacts on amenity, both overlooking and natural landscape. This is underlined in the zone purpose statement to ensure that use or development has minimal disturbance to the natural and visual amenity of the area.	The dwelling will be visible from nearby dwellings which is no different to the current pattern of development where dwellings can be seen in either direction when standing on the top of the frontal dune. Considering the height of the frontal dune it is unlikely the dwelling will be visible from the beach even taking into consideration the gap in the dune.
None of the proposed residence should be visible from the beach. Zone regulation 34.4.2 requires setback compatible with prevailing setbacks on nearby lots. 34.4.2 requires regard to amenity of adjoining lots and the visual impact of buildings when viewed in the landscape and from the foreshore.	As the building meets the setback of 20m to the beach the P3 does not apply and cannot be considered.
The height of the building exceeds the 5.0m maximum limit stipulated under 34.4.1. The building fails to satisfy 34.4.1 P1 as it is very obtrusive, is not consistent with the surrounding pattern of development and unreasonably impacts the visual amenity of the neighbouring lots, in particular 1120 to the west, through its height and bulk.	See response to Representation 1 above.
The ceiling heights of 2.7m and 3.5m are out of character with the area.	Ceiling heights in of themselves are not a consideration.
The capacity of the dwelling at 6 persons is too large for safe ongoing operation of the wastewater system. The water use calculations are too low and the anticipated higher water use will put a strain on the wastewater system.	A wastewater assessment has been provided concluding that an AWTS with subsurface irrigation is suitable for the site. Details will be assessed at the building approval stage.
The number of bedrooms should be reduced to two to reduce the impact on the dunes from people walking over them.	This is not something that can be considered under the planning scheme assessment.
Amenity is not being preserved for neighbouring residents. Including views of nature across dunes undisturbed by man-made obstacles or structures. Complete absence of streetlights and light from other dwellings. The elevation of the proposed dwelling will allow light to enter the coastal reserve. Bore water may be impacted by the volume and content of waste generated by 6 person dwelling. Natural flow of dunes without visible dwellings.	As discussed in the response to representation 1, man-made structures and lights are visible when looking across the dunes and from other dwellings.  Bore water is not something that can be considered under the planning scheme assessment
<b>Representation 5</b>	<b>Response</b>
Building height over 5m, impossible to tell the impact the height will have on amenity from the southern boundary as no	See response to Representation 1.



measurements or impressions presented. The amenity from 1120 Dolphins Sand Rd will be ruined by the size of the building.	
More detail is required about the previous levelling. The author of the applicants report has made too many guesses and a comparison of land heights for at least the two neighbouring properties on either side would be useful in determining natural ground levels.	See response to Representation 1.
The quantities of water usage seem very low. Our household uses over double that amount and we are conscious of saving water. Overloading the wastewater system may result in immediate risk to public health form surface ponding and seepage.	A wastewater assessment has been provided concluding that an AWTS with subsurface irrigation is suitable for the site. Details will be assessed at the building approval stage.

## 15. Conclusion

The assessment of the application taken in association with the representations received has identified that the proposal is able to satisfy the relevant provisions of the Glamorgan Spring Bay Interim Planning Scheme 2015 and therefore the application is recommended to be approved.

## 16. Recommendation

### That:

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2021 / 282, at 1130 Dolphin Sands Road, Dolphin Sands (CT54666/175) for the construction of a dwelling to be used for visitor accommodation be approved with the following conditions:

1. Use and development must be substantially in accordance with the endorsed plans and documents unless modified by a condition of this permit.  
Advice: any changes may either be deemed as substantially in accordance with the permit or may first require a formal amendment to this permit or a new permit to be issued.
2. Plans submitted for building approval must include a Soil and Water Management Plan (SWMP) and this must be implemented to ensure soil and sediment does not leave the site during the construction process.  
Advice: a series of Fact Sheets on [Soil and Water Management on Building Sites](#) and how to develop a SWMP is available on the Environment Protection Authority website.
3. All external surfaces must be finished using colours with a light reflectance value not greater than 40 percent and must be natural colours such as black, grey, brown and green.
4. Advertising signage for the visitor accommodation is to be limited to a maximum of one sign no greater than 0.2m<sup>2</sup> in size and located within the property boundary. No additional signs are to be displayed without separate approval.

5. To the satisfaction of Council's General Manager, the internal driveway and areas set aside for vehicle parking and turning must be designed, constructed and maintained to a durable all-weather surface to avoid:
  - a) dust or mud generation
  - b) erosion
  - c) sediment transfer off site.
6. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:
  - a) ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility;
  - b) not burn debris or waste on site;
  - c) ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage;
  - d) pay the costs associated with any alteration, extension, reinstatement and repair or cleaning of Council infrastructure or public land.
7. The developer must provide a commercial skip (or similar) for the storage of builders waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.  
 Advice: Builders waste, other than of a quantity and size able to be enclosed within a standard 140-litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos-based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.
8. Stormwater drainage must be retained onsite to the satisfaction of Council's General Manager and in accordance with a Plumbing Permit issued by the Permit Authority in accordance with the Building Act 2016.

**The following advice is provided for information and assistance only**

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. Further and separate approval or consent may be required for the following:
  - i. Building and plumbing approval from Council under the *Building Act 2016*
  - ii. Certificate of certifiable work for Water and sewerage from TasWater under the *Water and Sewerage Industry Act 2008*
- d. The permit does not take effect until 15 days after the date it was served on you the applicant and the representor provided no appeal is lodged, as provided by s.53 of the *Land Use Planning and Approvals Act 1993*.
- e. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of Council's General Manager, or otherwise extended by written consent.
- f. The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- g. The native vegetation approved for removal is limited to that necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of the Bushfire Hazard Management Plan. Clearing or adversely impacting other native vegetation on the property at any stage in the future may

require a separate planning permit and advice should be sought from the Glamorgan Spring Bay Council prior to commencing any additional works.

- h. Modification of native vegetation for bushfire hazard management or firebreaks should involve slashing rather than removal thereby minimising soil disturbance and the potential for soil erosion and weed invasion.
- i. The issue of this permit does not ensure compliance with the provisions of the Tasmanian *Threatened Species Protection Act 1995* or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Policy and Conservation Assessment Branch of the Department of Primary Industry, Parks, Water and Environment or the Commonwealth Minister for a permit.
- j. To minimise the spread of weeds and plant diseases through the site and region it is recommended that
  - i. Construction vehicles and equipment be washed or shaken down to remove soil prior to entering or leaving either the construction site or the transport depot
  - ii. Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- k. The granting of this permit takes in no account of any civil covenants applicable to the land. The developer should make their own enquiries as to whether the proposed development is restricted or prohibited by any such covenant and what consequences may apply.
- l. In the event that any suspected Aboriginal cultural material is inadvertently encountered during surface or sub surface disturbance, please consult the Unanticipated Discovery Plan at <http://www.aboriginalheritage.tas.gov.au/Documents/UDP.pdf>

## **DECISION 222/21**

Moved Deputy Mayor Jenny Woods, seconded Cllr Cheryl Arnol that:

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2021 / 282, at 1130 Dolphin Sands Road, Dolphin Sands (CT54666/175) for the construction of a dwelling to be used for visitor accommodation be approved with the following conditions:

1. Use and development must be substantially in accordance with the endorsed plans and documents unless modified by a condition of this permit.  
Advice: any changes may either be deemed as substantially in accordance with the permit or may first require a formal amendment to this permit or a new permit to be issued.
2. Plans submitted for building approval must include a Soil and Water Management Plan (SWMP) and this must be implemented to ensure soil and sediment does not leave the site during the construction process.  
Advice: a series of Fact Sheets on [Soil and Water Management on Building Sites](#) and how to develop a SWMP is available on the Environment Protection Authority website.
3. All external surfaces must be finished using colours with a light reflectance value not greater than 40 percent and must be natural colours such as black, grey, brown and green.
4. Advertising signage for the visitor accommodation is to be limited to a maximum of one sign no greater than 0.2m<sup>2</sup> in size and located within the property boundary. No additional signs are to be displayed without separate approval.
5. To the satisfaction of Council's General Manager, the internal driveway and areas set aside for vehicle parking and turning must be designed, constructed and maintained to a durable all-weather surface to avoid:
  - a) dust or mud generation
  - b) erosion
  - c) sediment transfer off site.
6. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:
  - a) ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility;
  - b) not burn debris or waste on site;
  - c) ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage;
  - d) pay the costs associated with any alteration, extension, reinstatement and repair or cleaning of Council infrastructure or public land.
7. The developer must provide a commercial skip (or similar) for the storage of builders waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.  
Advice: Builders waste, other than of a quantity and size able to be enclosed within a standard 140-litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos-based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.
8. Stormwater drainage must be retained onsite to the satisfaction of Council's General Manager and in accordance with a Plumbing Permit issued by the Permit Authority in accordance with the Building Act 2016.

**The following advice is provided for information and assistance only**

- a. Please read all conditions of this permit and contact the planner for clarification if required.
- b. All costs associated with acting on this permit are borne by the person(s) acting on it.
- c. Further and separate approval or consent may be required for the following:
  - i. Building and plumbing approval from Council under the *Building Act 2016*
  - ii. Certificate of certifiable work for Water and sewerage from TasWater under the *Water and Sewerage Industry Act 2008*
- d. The permit does not take effect until 15 days after the date it was served on you the applicant and the representor provided no appeal is lodged, as provided by s.53 of the *Land Use Planning and Approvals Act 1993*.
- e. This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of Council's General Manager, or otherwise extended by written consent.
- f. The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- g. The native vegetation approved for removal is limited to that necessary for the construction of buildings and works, the connection of services, vehicular access and the implementation of the Bushfire Hazard Management Plan. Clearing or adversely impacting other native vegetation on the property at any stage in the future may require a separate planning permit and advice should be sought from the Glamorgan Spring Bay Council prior to commencing any additional works.
- h. Modification of native vegetation for bushfire hazard management or firebreaks should involve slashing rather than removal thereby minimising soil disturbance and the potential for soil erosion and weed invasion.
- i. The issue of this permit does not ensure compliance with the provisions of the Tasmanian *Threatened Species Protection Act 1995* or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Policy and Conservation Assessment Branch of the Department of Primary Industry, Parks, Water and Environment or the Commonwealth Minister for a permit.
- j. To minimise the spread of weeds and plant diseases through the site and region it is recommended that
  - i. Construction vehicles and equipment be washed or shaken down to remove soil prior to entering or leaving either the construction site or the transport depot
  - ii. Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- k. The granting of this permit takes in no account of any civil covenants applicable to the land. The developer should make their own enquiries as to whether the proposed development is restricted or prohibited by any such covenant and what consequences may apply.
- l. In the event that any suspected Aboriginal cultural material is inadvertently encountered during surface or sub surface disturbance, please consult the Unanticipated Discovery Plan at <http://www.aboriginalheritage.tas.gov.au/Documents/UDP.pdf>

Through the Chair, Clr Keith Breheny stated the following:

*I will not be supporting the motion as I'm certain the proposal fails to meet the Assessment Standards in relation to Performance Criteria D34.4.1 (P1 (a) and (c) ) Building exceeding building height of 5metres and Performance Criteria for Inundation Prone Areas Code E15.7.3 (P1 (c) and (e) )*

**Regarding D34.4.1, (a) 'The building height must be unobtrusive within the surrounding landscape'**

*The report relies on the concept that neighbouring dwellings on adjacent properties have similar Australian Height Datum (AHD) levels and therefore this building, although having a slightly higher AHD level than most of the surrounding dwellings, will satisfy the criteria. This fails to address the intent of the words 'within the surrounding landscape' – regardless of the AHD level of surrounding rooflines, it is the word 'landscape', not 'roofline' that must be considered.*

*A 7.8m high roofline in a landscape void of any vegetation other than low coastal scrub is considerably more 'obtrusive in the landscape' than a 5m high roofline in the same landscape of low scrub, regardless of the similar AHD of the top of the roof. Simply equating obtrusion to the highest common denominator of a coastline of level rooflines should not be considered adequate consideration of the performance criteria.*

**Regarding D34.4.1 (c) 'building height must not unreasonably impact on the amenity of adjoining lots from.... visual bulk'**

*It is impossible to argue that the proposed structure does not have considerable visual bulk. Its extensive footprint area, elongated facade and extensive height creates a visible presence impossible to avoid. The Montage 5 on Drawing Number A-DA-16 A (pp26 of 121 of attachments) is a clear indication of the visual impact of the structure and attempts in Drawings 12, 13 and 14 to represent minimal visual bulk fail to address the impact from adjoining lot perspectives and from full frontage road views.*

**Regarding E15.7.3 (P1 (c)) 'risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods'**

*The Figure no. 2 (pp42 of 121 of attachments) shows the proposed dwelling within the zone of permanent submersion caused by sea level rise projected for 2100.*

*Figure no. 3 (pp43 of 121 of attachments) shows the dwelling within the zones of inundation by projected storm surge projected for 2050 and 2100.*

*Nowhere in the proponent's report or the planning report is there any reference to adequate mitigation through siting, structural or design methods. Other than a reference to extending foundation footings no references can be found regarding mitigating the impacts of inundation.*

**Regarding E15.7.3 (P1 (e)) 'Access to the site will not be lost or substantially compromised by expected future sea level rise either on or off-site'**

*From Figure no. 2 it is unambiguous, the site will be permanently compromised by sea level rise even by the standards provided in the proponent's report. Comments relating to 'habitable' rooms are not defined within the planning scheme and failure to address the impact on all features of the dwelling (including the ground floor) fails to adequately address the intent of the performance criteria.*

*In addition to aspects of the reports lack of adequate consideration of compliance with the specific intent of the Performance Criteria in relation to inundation and flooding of the proposed dwelling, there is a serious matter of the relevance of the information provided by the proponent in relation to the source of the flooding and storm level figures provided in the report.*

*They are based, as stated in the report, on the Department of Premier and Cabinet (DPAC) Coastal Hazards in Tasmania: Summary Report on Coastal Hazard Technical Report (DPAC) 2016.*

*This report predates, by at least 3 years, the lowering of the foredune immediately in front of this dwelling and the construction of a 3metre wide breach of the foredune to the beachfront. Both these considerable earthworks will have dramatically altered the likely impact of sea level rise and storm surge into the property and so would considerably alter the outdated inundation projections of the 2016 DPAC report.*

*In addition to the use of the outdated (albeit the only available) DPAC report to date, the projections used in the DPAC report are based purely on the Intergovernmental Panel on Climate Change Fifth Assessment Report (IPCC 5AR) dated 2014.*

*That report has been subsequently updated by the current IPCC 6AR (curiously dated 2022). It is clear from this latest report that the projections for sea level rise and storm surge as used by the proponent's report are outdated and most likely grossly understated.*

*As an example of the likely degree of disparity, the Sea Level Rise and Coastal Vulnerability section of the latest IPCC 6AR report states that 'by 2050, many latitudes will experience 100 year events annually'.*

*This is an update on current levels – a clear and unambiguous warning that outdated projections are inadequate when dealing with current planning considerations in relation to the performance criteria E15.7.3. we are dealing with here.*

#### **Chapter 4 of the IPCC AR6 2022 Implications for Low-Lying islands, Coasts and Communities**

*States the following.....*

***Choosing and implementing responses to SLR presents society with profound governance challenges and difficult social choices, which are inherently political and value laden (high confidence).*** *The large uncertainties about post 2050 SLR, and the substantial impact expected, challenge established planning and decision making practises and introduce the need for coordination within and between governance levels and policy domains. ....The report goes on to state....."Choosing and implementing responses is further challenged through .... various coastal stakeholders having conflicting interests in the future development of heavily used coastal zones...*

*The Planning Scheme insists that we seriously consider the impacts of Climate Change and Sea level rise when considering proposed development in coastal zones. This proposal is an example of a coastal development that requires serious consideration.*

*I do not agree that the information provided in the report adequately addresses the related Performance Criteria I have raised and therefore I cannot support this motion.*

Through the Chair, Cllr Rob Churchill stated the following:

*Firstly, I would like to thank Cllr Breheny for his analysis of the application, anything I have to say is in support of what Cllr Breheny has already said.*

*I also want to acknowledge the high quality of the representations. They include many issues that are outside our remit as a Planning Authority. However, there are significant concerns expressed that are within the standards of the Planning Scheme that we must consider. Some of which are discretionary.*

*I would also like to make the point that I believe that the presentation of the reports from the proponents were deficient in a couple of areas. The measurements that we were given on this building were inadequate and I am still not comfortable with some of the measurements we have been given, and they should have been detailed to our planners much better than they were. I have an issue with the height of this building. The building in all of the reports that we had we were led to believe that the building was 7.7 metres from ground level. When examined more closely, it is in fact 8.2 metres from the actual ground level. This can be easily calculated, we were given an overall AHD of 9.5 metres and the proponent has stated that the actual level of the ground from which the dwelling will be constructed is at 1.3 AHD.*

*Depending on where you look at this building from within the environment it will have various different visual measurements because of its irregular shape. At a minimum, from the eastern elevation it is around 10 metres wide. At the north-eastern elevation, that would stretch to somewhere over 37 metres wide.*

*Under standard 34.4.1 Building Height, the acceptable solution is 5 meters. At around 8.2 metres above actual ground level it is clearly above 5 meters by more than 60%.*

*At 8.2 meters high and an upper floor area of around 300 square meters I think this building would be obtrusive within the landscape and present unreasonable visual bulk. In its longest dimension it is almost 37 meters. Some of the walls of the lower floor have openings however I think that due to the overall size of the building the lower floor will read as a large structure containing both open and closed garage and storage spaces.*

*Cllr Breheny has given a very good description of the inundation prone area code, which I can't add much to what he has said there.*

*The building has a floor level well below the minimum level at 1.3 meters. This lower floor area combined with a frontal dune lowered by human excavation will potentially compromise access to the immediate building site and its surrounds. In the face of climate change I think the risk of inundation to users of the site and adjoining nearby land is unacceptable.*

*In summary the height and bulk of the building is unacceptable, and the possibility of site inundation is very real.*

#### **THE MOTION WAS PUT AND LOST 2/5**

For: Deputy Mayor Jenny Woods, Cllr Cheryl Arnol

Against: Mayor Robert Young, Cllr Annie Browning, Cllr Keith Breheny, Cllr Rob Churchill, Cllr Grant Robinson



## **DECISION 223/21**

Moved Cllr Rob Churchill, seconded Cllr Keith Breheny that:

Pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 and the Glamorgan Spring Bay Interim Planning Scheme 2015, Development Application 2021/282, at 1130 Dolphin Sands Road, Dolphin Sands (CT54666/175) for the construction of a dwelling to be used for visitor accommodation be refused.

*Mayor Robert Young asked Cllr Churchill if he wished to adopt the matters he raised in the refusal of the voting against the last motion as reasons for this motion.*

*Cllr Churchill agreed to this and further stated that he had nothing more to add.*

*Mayor Robert Young then asked Cllr Breheny if he also wished to adopt the matters he raised in the previous motion as reasons for this motion.*

*Cllr Breheny confirmed that he would like to support the motion with his previous statement being the reasons.*

For clarification, a copy of Cllr Breheny's and Cllr Churchill's statements are listed below:

Through the Chair, Cllr Keith Breheny stated the following:

*I will not be supporting the motion as I'm certain the proposal fails to meet the Assessment Standards in relation to Performance Criteria D34.4.1 (P1 (a) and (c) ) Building exceeding building height of 5metres and Performance Criteria for Inundation Prone Areas Code E15.7.3 (P1 (c) and (e) )*

### ***Regarding D34.4.1, (a) 'The building height must be unobtrusive within the surrounding landscape'***

*The report relies on the concept that neighbouring dwellings on adjacent properties have similar Australian Height Datum (AHD) levels and therefore this building, although having a slightly higher AHD level than most of the surrounding dwellings, will satisfy the criteria. This fails to address the intent of the words 'within the surrounding landscape' – regardless of the AHD level of surrounding rooflines, it is the word 'landscape', not 'roofline' that must be considered.*

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### ***Regarding D34.4.1 (c) 'building height must not unreasonably impact on the amenity of adjoining lots from.... visual bulk'***

*It is impossible to argue that the proposed structure does not have considerable visual bulk. Its extensive footprint area, elongated facade and extensive height creates a visible presence impossible to avoid. The Montage 5 on Drawing Number A-DA-16 A (pp26 of 121 of attachments) is a clear indication of the visual impact of the structure and attempts in Drawings 12, 13 and 14 to represent minimal visual bulk fail to address the impact from adjoining lot perspectives and from full frontage road views.*

### ***Regarding E15.7.3 (P1 (c)) 'risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods'***

*The Figure no. 2 (pp42 of 121 of attachments) shows the proposed dwelling within the zone of permanent submersion caused by sea level rise projected for 2100.*

*Figure no. 3 (pp43 of 121 of attachments) shows the dwelling within the zones of inundation by projected storm surge projected for 2050 and 2100.*

*Nowhere in the proponent's report or the planning report is there any reference to adequate mitigation through siting, structural or design methods. Other than a reference to extending foundation footings no references can be found regarding mitigating the impacts of inundation.*

**Regarding E15.7.3 (P1 (e)) 'Access to the site will not be lost or substantially compromised by expected future sea level rise either on or off-site'**

*From Figure no. 2 it is unambiguous, the site will be permanently compromised by sea level rise even by the standards provided in the proponent's report. Comments relating to 'habitable' rooms are not defined within the planning scheme and failure to address the impact on all features of the dwelling (including the ground floor) fails to adequately address the intent of the performance criteria.*

*In addition to aspects of the reports lack of adequate consideration of compliance with the specific intent of the Performance Criteria in relation to inundation and flooding of the proposed dwelling, there is a serious matter of the relevance of the information provided by the proponent in relation to the source of the flooding and storm level figures provided in the report.*

*They are based, as stated in the report, on the Department of Premier and Cabinet (DPAC) Coastal Hazards in Tasmania: Summary Report on Coastal Hazard Technical Report (DPAC) 2016.*

*This report predates, by at least 3 years, the lowering of the foredune immediately in front of this dwelling and the construction of a 3metre wide breach of the foredune to the beachfront. Both these considerable earthworks will have dramatically altered the likely impact of sea level rise and storm surge into the property and so would considerably alter the outdated inundation projections of the 2016 DPAC report.*

*In addition to the use of the outdated (albeit the only available) DPAC report to date, the projections used in the DPAC report are based purely on the Intergovernmental Panel on Climate Change Fifth Assessment Report (IPCC 5AR) dated 2014.*

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*States the following.....*

**Choosing and implementing responses to SLR presents society with profound governance challenges and difficult social choices, which are inherently political and value laden (high confidence).** *The large uncertainties about post 2050 SLR, and the substantial impact expected, challenge established planning and decision making practises and introduce the need for coordination within and between governance levels and policy domains. ....The report goes on to state....."Choosing and implementing responses is further challenged through .... various coastal stakeholders having conflicting interests in the future development of heavily used coastal zones...*

*The Planning Scheme insists that we seriously consider the impacts of Climate Change and Sea level rise when considering proposed development in coastal zones. This proposal is an example of a coastal development that requires serious consideration.*

*I do not agree that the information provided in the report adequately addresses the related Performance Criteria I have raised and therefore I cannot support this motion.*

Through the Chair, Cllr Rob Churchill stated the following:

*Firstly, I would like to thank Cllr Breheny for his analysis of the application, anything I have to say is in support of what Cllr Breheny has already said.*

*I also want to acknowledge the high quality of the representations. They include many issues that are outside our remit as a Planning Authority. However, there are significant concerns expressed that are within the standards of the Planning Scheme that we must consider. Some of which are discretionary.*

*I would also like to make the point that I believe that the presentation of the reports from the proponents were deficient in a couple of areas. The measurements that we were given on this building were inadequate and I am still not comfortable with some of the measurements we have been given, and they should have been detailed to our planners much better than they were. I have an issue with the height of this building. The building in all of the reports that we had we were led to believe that the building was 7.7 metres from ground level. When examined more closely, it is in fact 8.2 metres from the actual ground level. This can be easily calculated, we were given an overall AHD of 9.5 metres and the proponent has stated that the actual level of the ground from which the dwelling will be constructed is at 1.3 AHD.*

*Depending on where you look at this building from within the environment it will have various different visual measurements because of its irregular shape. At a minimum, from the eastern elevation it is around 10 metres wide. At the north-eastern elevation, that would stretch to somewhere over 37 metres wide.*

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*At 8.2 meters high and an upper floor area of around 300 square meters I think this building would be obtrusive within the landscape and present unreasonable visual bulk. In its longest dimension it is almost 37 meters. Some of the walls of the lower floor have openings however I think that due to the overall size of the building the lower floor will read as a large structure containing both open and closed garage and storage spaces.*

*Cllr Breheny has given a very good description of the inundation prone area code, which I can't add much to what he has said there.*

*The building has a floor level well below the minimum level at 1.3 meters. This lower floor area combined with a frontal dune lowered by human excavation will potentially compromise access to the immediate building site and its surrounds. In the face of climate change I think the risk of inundation to users of the site and adjoining nearby land is unacceptable.*

*In summary the height and bulk of the building is unacceptable, and the possibility of site inundation is very real.*

#### **THE MOTION WAS PUT AND CARRIED 5/2**

For: Mayor Robert Young, Cllr Annie Browning, Cllr Keith Breheny,  
Cllr Rob Churchill, Cllr Grant Robinson

Against: Deputy Mayor Jenny Woods, Cllr Cheryl Arnol

*Under Regulation 25 of Local Government (Meeting Procedures) Regulations 2015 the Chairperson hereby declares that the Council is no longer acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993 for Section 2 of the Agenda.*

**RECOMMENDATION**

That Council no longer acts as a Planning Authority at (Time:)

**DECISION 224/21**

Moved Cllr Grant Robinson, seconded Cllr Keith Breheny that Council no longer acts as a Planning Authority at 2.34pm

**THE MOTION WAS PUT AND CARRIED UNANIMOUSLY 7/0**

For: Mayor Robert Young, Deputy Mayor Jenny Woods, Cllr Cheryl Arnol,  
Cllr Keith Breheny, Cllr Annie Browning, Cllr Rob Churchill, Cllr Grant Robinson

Against: Nil

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### **3. CLOSE**

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The Mayor declared the Special Meeting closed at 2.35pm.

**CONFIRMED** as a true and correct record.

**Date:**

**Mayor Robert Young**