

## **Resource Planning and Development Commission**

*Land Use Planning and Approvals Act 1993 and  
Resource Planning and Development Commission Act 1997*

### **Decision and Reasons for Decision**

#### **SORELL PLANNING SCHEME 1993 Draft Amendment 2/2008**

**A draft Amendment to change the provisions and standards for the residential use classes and the zones within which residential uses can occur.**

#### **Date and Place of Hearing**

2.15 PM Tuesday, 31 March 2009  
at the Sorell Council, 12 Somerville Street, Sorell

#### **Delegation**

At its meeting on 16 February 2009 and pursuant to Section 8 of the *Resource Planning and Development Commission Act 1997*, the Commission delegated to Mr Robin Nolan:

1. its powers and functions under sections 40, 41, 41A, 41B, 42(1) and 42(2) of the *Land Use Planning and Approvals Act 1993* in relation to draft amendment 2/2008 to the Sorell Planning Scheme 1993; and
2. in connection with the exercise of those powers in performance of those functions, its powers under Part 3 of the *Resource Planning and Development Commission Act 1997*.

#### **Representation**

One representation was received from Mr Stuart Clues, on behalf of the Tasmanian Housing Industry Association (HIA).

Council also received a letter from Mr Denis Pigden that was outside the public exhibition period and, while noting its contents, chose not to treat this as a formal representation.

#### **Issues raised in the representation**

The representation:

- Supported changing the status of Multiple Dwelling within the Residential Serviced zone to permitted; but
- Objected to a proposed dwelling site area of 400m<sup>2</sup>. The representation states that 350m<sup>2</sup> is sufficient and argues for consistency with the proposed minimum area for the Business zone and corresponding provisions in the Brighton Planning Scheme 2000.

Mr Pigden similarly objected to the proposed dwelling site area of 400m<sup>2</sup> and at the hearing sought to have the proposed maximum floor area for the use class dependent persons unit lifted from 60m<sup>2</sup> to 80 m<sup>2</sup> as is the case for the current house and ancillary apartment.

### **Council's response to the representations**

Council's s.39(2) of LUPAA report considered the representation and the draft amendment. Council resolved that issues raised in the representation did not warrant modification to the draft amendment.

However, Council resolved to recommend to the Commission that several changes be made to the draft amendment as contained in Appendix A and B of their planners report. The provisions of the certified draft amendment and Council's recommended changes are considered below.

### **Appearances at the hearing**

**Council:** Mr J Molnar represented the Sorell Council

### **Materially interested person:**

Mr D Pigden

### **Commission's assessment of the draft amendment**

#### ***Background***

The draft amendment:

- Introduces definitions for Site Coverage and for the use class Multiple Dwelling.
- Amends the existing use class definitions for Apartment and House and Ancillary Apartment'.
- Amends Schedule 2 – Table of Uses.
- Introduces provisions for Multiple Dwellings within Schedule 7 – Dwelling Units.
- Makes various amendments consequential to the above including consequential amendments to Schedule 12.

#### ***The parts of the draft amendment***

##### ***1. Site coverage***

The certified draft amendment specified:

‘Clause 1.5.4 - After the definition description for ‘Sign’ insert the following term and definition:

Site Coverage – means the proportion of a site covered by buildings.’

The draft amendment proposes limits on the proportion of a site to be developed for residential use. The definition accords with the Common Key Elements Template established by Planning Directive No. 1 (the Template). The proposed definition is appropriate. This part of the draft amendment should be approved.

##### ***2 Consequential amendment***

The certified draft amendment specified:

‘At clause 4.2.11 delete reference to House and Ancillary Apartment and replace with House and Dependant Persons Unit.’

As this change in name of the use class is not accepted this part of the draft amendment is rejected.

##### ***3 To make multiple dwellings in the Business zone subject to Schedule 7.***

The certified draft amendment specified:

‘Insert a new Clause (e) in 6.7.2 as follows:

(e) Development for the purposes of Multiple Dwellings must accord with the provisions of Schedule 7.’

4 *To make the use class house in the Village zone subject to Schedule 7.*

The certified draft amendment specified:

‘Insert a new Clause (d) in 6.8.2 as follows:

(d) Development for the purposes of a House must accord with the provisions of Schedule 7.’

5 *To make the use class house in the Tourist zone subject to Schedule 7.*

The certified draft amendment specified:

‘Insert a new Clause (d) at the end of 6.11.2 as follows:

(d) Development for the purposes of a House must accord with the provisions of Schedule 7.’

The above parts of the draft amendment at points 3,4 and 5 are appropriate and should be approved.

#### 6. *Definition of Apartment*

The current use definition of Apartment is:

means any land used for one or more dwelling units not elsewhere defined in the Schedule.

The certified draft amendment specified:

‘Amend Clause S1.2.1 to delete the definition for ‘Apartment(s)’ and replace with:

means any land used for the purpose of dwelling units located on a site within commercial areas whereby the dwelling unit does not have ground floor road frontage (i.e. is located on the first floor or to the rear of the commercial premise) and is not elsewhere defined in the Planning Scheme.’

Council subsequently recommended a revised definition for apartment to that certified so that the use is not confined to commercial areas with the definition for apartment to then read:

‘means any land used for a dwelling unit that does not have direct access from ground level and not elsewhere defined in the Planning Scheme. Examples are a walk-up flat or a dwelling unit attached to another use’.

Within the suite of residential definitions the use class multiple dwelling has the character of each unit having separate ground level access and private open space at ground level. An apartment does not necessarily have these characters and is therefore the preferred default use as in the current definition. In addition as certified, an apartment should not be confined to commercial areas and there would be few occasions in Sorell when an apartment would not have a direct ground floor access.

In consideration of the range of residential use definitions under review, the amended definition for apartment is not required. This part of the draft amendment should be rejected.

7. *House and Dependant Persons Unit*

The certified draft amendment specified:

‘Delete the use category House and ancillary apartment and replace with the term House and Dependant Persons Unit and insert the definition:

‘means any land used for a house, as defined above, and an additional dwelling unit where:

- (a) water, electricity and sewerage services to the House and Dependant Persons Unit are commonly metered; and
- (b) the Dependant Persons Unit:
  - i) is connected to that House
  - ii) has a Floor Area not exceeding 60m<sup>2</sup>;
  - iii) is occupied by a person that is a dependent of, or related to the occupants of the House.
  - iv) is designed to be relocatable or demountable, or is able to be incorporated as part of the existing House’

The current equivalent definition that is to be replaced is as follows:

**‘House and Ancillary Apartment**

means any land used for a House, as defined above, and an additional dwelling unit that is appurtenant to that House, provided that the floor area of the additional dwelling unit is not greater than 80m<sup>2</sup>, or 50% of the floor area of the dwelling unit of the House, whichever is the lesser.’

Council’s view on the definition is that the change of name is more descriptive of the purpose of the use class and there is validity in a separate use classification discrete from a house extension yet without being classified as a multiple dwelling or stand alone apartment.

Mr Pigden advocated the retention of the current minimum floor area of 80m<sup>2</sup>. Mr Pigden submitted that the reduced maximum floor area of 60m<sup>2</sup> is too small to permit a 2 bedroom dwelling unit or make allowance for access by disabled persons.

There are matters of principle that apply to both the current definition and the proposed replacement. First, a planning scheme should not seek to specify the occupants of a dwelling as this could be seen as discriminatory and cannot be enforced in practice. Second, the definition should stand without standards to define it and third, is there any effective difference between a house and ancillary apartment and simply an extension to a dwelling?

For the purpose of the current scheme the concept of house and ancillary apartment should be retained and the current definition name merged with the provisions of the certified alternative definition. Although the principle of not having standards in a definition holds, again within the context of the current scheme the current approach should be retained. Also to the floor area, Council’s position of a maximum floor area of 60m<sup>2</sup> is preferred. A purported house and ancillary apartment with a floor area greater than 60m<sup>2</sup> should be classified as either an apartment or multiple dwelling.

The modified definition is to read as follows:

**‘House and Ancillary Apartment**

‘means any land used for a House, as defined above, and an additional dwelling unit where.’

- (a) the House and additional dwelling unit are serviced from a common water, sewerage, gas, electricity and telecommunications connection and commonly metered, where applicable; and
- (b) the additional dwelling unit:
  - i) is connected to the House;
  - ii) has a Floor Area not exceeding 60m<sup>2</sup>;
  - iii) is designed to be relocatable or demountable, or is able to be incorporated as part of the House’.

8. *Multiple dwelling*

The certified draft amendment specified:

‘Insert a new term and definition after the definition description for ‘Motel’

**Multiple Dwelling**

Means any land used for two or more dwelling units on a single lot not elsewhere defined in this Schedule.’

Council subsequently recommended the definition be modified to:

**‘Multiple Dwelling**

Means any land used for two or more dwelling units on a single lot where each dwelling unit has its own defined site, individual access and ground level private open space.’

The proposed modified definition introduces a concept of defined site without defining what this might be. In principle the concept of defined site sets the area that is allocated for the exclusive use of a dwelling where there is more than one dwelling on a site. The concept can also effectively set the density of dwellings where standards for the area of a defined site are included.

At this stage, the recommended revised definition should be approved with a further modification to incorporate a definition for defined site. Should Council decide that standards for the area of defined sites should be included in the scheme, this can be by future amendment. At this stage the definition should be modified to:

**‘Multiple dwelling**

means any land used for two or more dwelling units on a single lot where each dwelling unit has a defined site that is set aside for the exclusive use of the occupants of the dwelling unit and individual access and ground level private open space for each dwelling unit.’

This part of the draft amendment should be approved with modifications.

9. *Consequential amendments*

The certified draft amendment specified:

‘In the definition for ‘Residential Building’, add the term ‘multiple dwelling’ following ‘guest house’.

‘In the definition for ‘Welfare Building’, add the term ‘multiple dwelling’ following ‘house’.

The above parts of the draft amendment should be approved.

*10. Classification of apartments in zones.*

The certified draft amendment proposed to prohibit apartments in all zones except to be discretionary in the Business and Village zones. Following recommendations for a revised definition for apartments, Council proposed retention of the current classification of apartments in zones. The existing classifications are appropriate. This part of the draft amendment should be rejected.

*11. Classification of multiple dwellings in zones*

The certified draft amendment classified multiple dwelling as a permitted use in the Residential zone, discretionary in the Business zone and prohibited in all other zones. Council subsequently recommended the use class be also classified in the Residential Unserviced zone as discretionary. In consideration of the range of zones and their intents this part of the draft amendment should be approved with the modification recommended by Council.

*12. Consequential amendments relating to the definition of House and Dependant Persons Unit'*

The certified draft amendment specified:

'In Schedule 2 Table of Uses delete the title 'House and Ancillary Apartment' at row 4 and replace with 'House and Dependant Persons Unit'

'Amend row 1 of Table 1 to Schedule 5 by omitting the term 'House & Ancillary Apartment' and 'ancillary apartment' and substituting with 'House and Dependant Persons Unit' and 'dependant persons unit'.

As the definition 'House and Dependant Persons Unit' is not accepted, the above modifications do not need to be made. This part of the draft amendment is rejected.

*13. Amendments to Schedule 5 Car parking*

This part of the certified draft amendment set out to provide identical carparking standards for apartments and multiple dwellings. Council subsequently sought to clarify the provisions relating to the various residential classifications as follows:

DEVELOPMENT	PER UNIT	MIN. NO. OF CAR PARK SPACES	ADDITIONAL REQUIREMENTS NOTES
House and Dependent Persons Unit	Not applicable	3	1 space for dependent persons unit
House	Dwelling unit	2	May be 'jockey' parking
Multiple Dwelling	Dwelling Unit	0.5 spaces + 0.5 spaces/bedroom per dwelling unit	1 additional common visitor space per 2 dwelling units.

Although Council's recommended changes did not include parking standards for apartments this use class was included in the certified documents as having the same standards as multiple dwellings.

Council's recommended changes help to clarify the position on parking standards beyond that in the certified draft. Further modifications are required as follows:

- Omit house and dependent persons unit and substitute house and ancillary apartment.
- Relocate the note for multiple dwellings in the 4<sup>th</sup> column to the 3<sup>rd</sup> column.
- Alter the heading of the 4<sup>th</sup> column to 'NOTES' to remove the prospect of standards being included in that column.
- Add under Notes a requirement for visitor spaces to be signed.
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This part of the draft amendment, with the modifications, should be approved as follows.

DEVELOP- MENT	PER UNIT	MIN. NO. OF CAR PARK SPACES	NOTES
House	Not applicable	2	May be 'jockey' parking
House and Ancillary Apartment	Not applicable	3	1 space for dependent persons unit
Apartment	Dwelling Unit	0.5 spaces + 0.5 spaces per bedroom per dwelling unit 1 additional common visitor space per 2 dwelling units.	Visitor spaces to be signed
Multiple Dwelling	Dwelling Unit	0.5 spaces + 0.5 spaces per bedroom per dwelling unit 1 additional common visitor space per 2 dwelling units.	Visitor spaces to be signed

#### 14. Amendments to Schedule 7-Dwelling Units

Schedule 7 applies to dwelling units generally, aspects of subdivision in terms of streetscape and landscaping and specific provision for apartments. The draft amendment expands the scope to include multiple dwellings and to make other consequential changes.

##### 14.1 Application of Schedule &

Council recommended additional clauses as follows:

'Introduce the following new heading S7.1 and associated two new clauses S7.1.1 and S7.1.2 and renumber subsequent clauses accordingly;

S7.1 Application of Schedule

- S7.1.1 This Schedule applies to development of a new dwelling unit or alteration or addition of an existing dwelling unit.
- S7.1.2 Proposals for development to which this Schedule applies must demonstrate compliance with the standards set out in clauses S7.2.1 to S7.3.3 below'

This additional directive clause clarifies the application of the Schedule to all dwelling units in all applicable zones and should be approved with the reference numbers to clauses in the schedule amended as required.

#### *14.2 Standards for apartments and multiple dwellings*

Schedule 7 currently makes specific provision for apartments. The certified draft amendment aimed to remove the apartment standards and to substitute standards for multiple dwellings. Council's recommended changes clarify this issue to some degree but the standards for both types of dwellings need to be defined.

The representation objected to the setting of a minimum multiple dwelling site area of 400m<sup>2</sup> with the preference for 350m<sup>2</sup>. Mr Pigden raised the same issue. The argument for the higher density was based on the density adopted in planning schemes for other Municipalities and that the requirements of a minimum density of 400m<sup>2</sup> meant few lots would be available for multiple dwellings where most lots subdivided were at a minimum lot size less than 800m<sup>2</sup>. Mr Molnar agreed that most recently subdivided lots were less than 800m<sup>2</sup>, but the older areas of Midway Point was exemplified as an area of larger lots where unit developments could potentially dominate the streetscape.

A further consideration is that Schedule 7 allows for the conditional approval of lots on a plan of subdivision less than 450m<sup>2</sup> in area and less than 300m<sup>2</sup> in area where part of an approved development plan. It could therefore be the case that subdivided lots for houses could be at a greater density than that allowed for multiple dwellings. Whilst noting this fact it is not considered as creating an inherent inconsistency in the planning scheme, as national and state residential codes (eg TASCARD) mostly promote small lot housing.

In terms of the ability for a planning scheme to set standards for development relevant to local requirements, the view of Council on minimum dwelling density is preferred. The standards set are for permitted development, and clause s.7.2.3 of the planning scheme allows for a variation to the standards if a higher density of multiple dwellings is required.

The next issue is private open space. The certified draft amendment sets open space standards for multiple dwellings at 40m<sup>2</sup> and 8m<sup>2</sup> for balconies or rooftops. However at S7.1.19 the private open space standard is 80m<sup>2</sup>. Clause S7.1.19 applies to all dwellings.

Mr Pigden submitted that the current standard of 80m<sup>2</sup> for each dwelling should be maintained. On the material available, there is scope to specify the minimum private open space standards specific to the type of dwelling. The private open space requirements are expressed as minimum and larger areas can be provided. Therefore with a basic requirement of 80m<sup>2</sup> for dwellings generally, 40m<sup>2</sup> for ground level open space for multiple dwellings and the 8m<sup>2</sup> for above ground open space for apartments clause 7.1.19 should be modified to include Council's recommended changes for apartments and multiple dwellings as follows:

### **Private Open Space**

S7.1.19 Private open space for each dwelling unit is to be provided as follows:

- (a) For multiple dwellings, an area directly accessible from the dwelling unit having a minimum area of 40 square metres or 20% of the building footprint, whichever is the greater, a minimum dimension of 4 metres and a maximum slope of 1 in 4 (25 per cent).
- (b) For apartments that do not have direct ground level access, a balcony or level rooftop area directly connected to the dwelling unit having a minimum area of 8m<sup>2</sup> and a minimum dimension of 2 metres.
- (c) For all other dwelling units, a minimum total area of 80 square metres consisting of:
  - (i) one part directly accessible from the dwelling having a minimum area of 25 square metres, a minimum dimension of 4 metres and a maximum slope of 1 in 4 (25 per cent); and
  - (ii) any other part having a minimum dimension of 2.5 metres.

(Note: no modifications to clauses S7.1.22 – S7.1.27 ‘Streetscape and Landscaping’)

## **S7.2 APARTMENTS AND MULTIPLE DWELLINGS**

S7.2.1 A development for Apartments shall be in accordance with the development standards specified in Table 3 to this Schedule.

**TABLE 3 TO SCHEDULE 7**

### **DEVELOPMENT STANDARDS - DIMENSIONS AND CONDITIONS**

- (a) Minimum lot area per Apartment:

(i)	Studio	120m <sup>2</sup>
(ii)	One Bedroom	150m <sup>2</sup>
(iii)	Two Bedroom	180m <sup>2</sup>
(iv)	Three Bedroom	210m <sup>2</sup>
- (b) Minimum separation of dwelling units opposite or across a court or driveway, 6 metres for a single storey development plus 3 metres for each additional dwelling storey.
- (c) Private open space in accordance with clause S7.1.19(b).

S7.2.2 A development for Multiple Dwellings shall be in accordance with the following development standards:

**Dwelling Site Area**

- (a) A minimum site area per dwelling unit of not less than 400m<sup>2</sup> in the Residential Serviced Zone and 350m<sup>2</sup> in the Business Zone.

**Site Coverage**

- (b) A maximum site coverage of 40%.

**Private Open Space**

- (c) Private open space for each dwelling unit in accordance with clause S7.1.19(a).

**Sunlight**

- (d) Buildings must be sited so that sunlight to at least 50% of the principal area of ground level living rooms and private open space of adjacent properties:
  - (i) is not reduced to less than five hours between 9.00am and 5.00pm on June 21; or
  - (ii) is not further reduced where existing overshadowing by buildings is greater than the above.

S7.2.3 A development for Apartments or Multiple Dwellings shall be in accordance with the following development standards:

**Privacy**

- (a) The design of buildings, footpaths, parking spaces, driveways and areas of common and private open space shall be such that the privacy of the occupants from both noise and overlooking is ensured.
- (b) No pedestrian path or vehicle driveway giving access to a dwelling unit shall be closer than 1 metre from the wall of another dwelling unit, or 2 metres, if such wall contains a window with a sill height less than 2 metres above the level of the path or driveway.

**Landscaping**

- (c) In the preparation of the land for building construction purposes or when landscaping the land, every effort shall be made to retain existing trees and shrubs.

- (d) Any common areas of open space shall be suitably landscaped, or developed in other appropriate ways for the enjoyment of residents.

### **Services**

- (e) Suitably designed and screened areas shall be provided for the storage of waste materials and garbage materials free from foraging animals.
- (f) Satisfactory provision shall be made for clothes drying facilities and mail.
- (g) In buildings of more than one storey, all pipes, ducts and vents servicing the building shall be concealed from public view.
- (h) Where practicable, a common TV antenna shall be provided in lieu of individual antennae for each dwelling unit.

### **Variations**

- S7.2.4 Council may grant a planning approval for a development for Apartments or Multiple Dwellings which is not in conformity with the requirements of S7.2.1, S7.2.2 and S7.2.3, subject to the provisions of Clause 2.5.

This part of the draft amendment concerning Schedule 7 as modified above should be approved.

#### *15. Amendments to Schedule 12 Criteria for on-site wastewater management systems*

The certified draft amendment for Schedule 12 was to reflect the changed residential use classes.

‘Omit S12.7 and substitute with

*S12.7 APARTMENTS, MULTIPLE DWELLINGS, DEPENDENT PERSONS UNIT, BUILDING EXTENSIONS AND OUTBUILDINGS*

Omit title S12.7.1 and substitute with– ‘Apartments and Multiple Dwellings’

Omit title S12.7.2 Building Extensions, Ancillary Apartments and Outbuilding’ and substitute with ‘Building Extensions, Dependant Persons Unit and Outbuilding’.

Omit, in third dot point of S12.7.2, ‘ancillary apartments’ and substitute with ‘Dependant Persons Unit’

Consistent with earlier decisions, the relevant use class is house and ancillary apartment where appearing except in respect to the third dot point of S12.7.2 where no modification is required. Clause s12.7.1 should have an additional modification to omit ‘land area per apartment’ and to substitute ‘site area’.

This part of the draft amendment should be approved as modified.

## **Application of State Policies**

State Policies are not applicable to the draft amendment.

## **Schedule 1 Objectives**

### **Part 1 objectives**

*(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;*

The draft amendment furthers the objective for sustainable development of physical resources through residential standards allowing for an increase in dwelling density consistent with the retention of residential amenity. The maintenance of ecological processes and genetic diversity are not directly relevant to the draft amendment.

*(b) to provide for the fair, orderly and sustainable use and development of air, land and water;*

The draft amendment furthers the objective for fair and orderly use and development through the residential standards that recognise different forms of residential development and standards that should protect residential amenity.

*(c) to encourage public involvement in resource management and planning;*

The draft amendment has included public processes.

*(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);*

The draft amendment furthers this objective consistent with the above objectives.

*(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

The draft amendment involves the sharing of responsibility for appropriate residential development in the Residential Serviced and Residential Unserviced zones of the Sorell Planning Scheme.

### **Part 2 objectives**

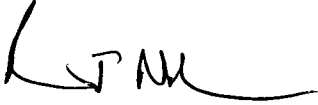
The part 2 objectives are furthered principally in terms of establishing a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.

## **Conclusion**

In accordance with Section 40(1) of LUPAA, the draft amendment, representations and Council's report have been considered. The draft amendment expands the provisions and standards for residential use or development appropriate to the planning scheme objectives and the intents of the relevant zones. The draft amendment should be approved with modifications.

**Decision**

Pursuant to Section 41(ab) of the *Land Use Planning and Approvals Act 1993* the Commission modifies the draft amendment as set out in Annexure A and gives its approval to the draft amendment as modified pursuant to Section 42 of the Act.

A handwritten signature in black ink, appearing to read 'R. Nolan', with a long horizontal stroke extending to the right.

Robin Nolan  
Delegate  
Resource Planning and Development Commission

6 May 2009  
Attachment: Annexure A

## ANNEXURE A

### Sorell Planning Scheme 1993 Amendment 2/2008

The Planning Scheme is amended as follows:

#### Part 1 Preliminary

- 1 Clause 1.5.4 - After the definition description for 'Sign' insert the following term and definition  
'Site coverage – means the proportion of a site covered by buildings'
- 2 Clause 6.7.2 -Insert a new clause (e) as follows:  
'(e) Development for the purposes of Multiple Dwellings must accord with the provisions of Schedule 7.'
- 3 Clause 6.8.2 - insert a new clause (d) in as follows:  
'(d) Development for the purposes of a House must accord with the provisions of Schedule 7.'
- 4 Insert a new Clause (d) at the end of 6.11.2 as follows:  
'(d) Development for the purposes of a House must accord with the provisions of Schedule 7.'
- 5 Clause S1.2.1 - Amend the definition of use category House and ancillary apartment with:

#### **'House and Ancillary Apartment**

'means any land used for a House, as defined above, and an additional dwelling unit where.'

- (a) the House and additional dwelling unit are serviced from a common water, sewerage, gas, electricity and telecommunications connection and commonly metered, where applicable; and
  - (b) the additional dwelling unit:
    - i) is connected to the House;
    - ii) has a Floor Area not exceeding 60m<sup>2</sup>;
    - iii) is designed to be relocatable or demountable, or is able to be incorporated as part of the House'.
- 6 Clause S1.2.1 - Insert a new term and definition after the definition description for 'Motel'

#### **'Multiple dwelling**

means any land used for two or more dwelling units on a single lot where each dwelling unit has a defined site that is set aside for the exclusive use of the occupants of the dwelling unit and individual access and ground level private open space for each dwelling unit.'

- 7 In the definition for ‘Residential Building’, add the term ‘multiple dwelling’ following ‘guest house’.
- 8 In the definition for ‘Welfare Building’, add the term ‘multiple dwelling’ following ‘house’.
- 9 In Schedule 2 insert a new row after row 4 of the Residential Uses Table as follows:

Multiple Dwelling	P	d	X	X	X	X	X	d	X	X	X	X	X	X
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Schedule 5

- 10 Omit rows 2 and 3 of Table 1 to Schedule 5 and replace with the following:

DEVELOPMENT	PER UNIT	MIN. NO. OF CAR PARK SPACES	NOTES
House	Not applicable	2	May be ‘jockey’ parking
House and Ancillary Apartment	Not applicable	3	1 space for dependent persons unit
Apartment	Dwelling Unit	0.5 spaces + 0.5 spaces per bedroom per dwelling unit 1 additional common visitor space per 2 dwelling units.	Visitor spaces to be signed
Multiple Dwelling	Dwelling Unit	0.5 spaces + 0.5 spaces per bedroom per dwelling unit 1 additional common visitor space per 2 dwelling units.	Visitor spaces to be signed

- 11 In schedule 7 insert the following new heading S7.1 and associated two new clauses S7.1.1 and S7.1.2 and renumber subsequent clauses accordingly;
  - ‘S7.1 Application of Schedule
    - S7.1.1 This schedule applies to development of a new dwelling unit or alteration or addition of an existing dwelling unit.
    - S7.1.2 Proposals for development to which this schedule applies must demonstrate compliance with the standards set out in clauses ..(insert applicable clauses as required to fit the schedule) below.’
- 12 In schedule 7 omit clauses s7.1.19 and S7.2. and substitute the following:

### **Private Open Space**

S7.1.19 Private open space for each dwelling unit is to be provided as follows:

- (a) For Multiple Dwellings, an area directly accessible from the dwelling unit having a minimum area of 40 square metres or 20% of the building footprint, whichever is the greater, a minimum dimension of 4 metres and a maximum slope of 1 in 4 (25 per cent).
- (b) for Apartments that do not have direct ground level access, a balcony or level rooftop area directly connected to the dwelling unit having a minimum area of 8m<sup>2</sup> and a minimum dimension of 2 metres.
- (c) For all other dwelling units, a minimum total area of 80 square metres consisting of:
  - (i) one part directly accessible from the dwelling having a minimum area of 25 square metres, a minimum dimension of 4 metres and a maximum slope of 1 in 4 (25 per cent); and
  - (ii) any other part having a minimum dimension of 2.5 metres.

(Note: no modifications to clauses S7.1.22 – S7.1.27 ‘Streetscape and Landscaping’).

## **S7.2 APARTMENTS AND MULTIPLE DWELLINGS**

S7.2.1 A development for Apartments shall be in accordance with the development standards specified in Table 3 to this Schedule.

### **TABLE 3 TO SCHEDULE 7**

#### **DEVELOPMENT STANDARDS - DIMENSIONS AND CONDITIONS**

- (a) Minimum lot area per Apartment:

(i)	Studio	120m <sup>2</sup>
(Ii)	One Bedroom	150m <sup>2</sup>
(Iii)	Two Bedroom	180m <sup>2</sup>
(Iv)	Three Bedroom	210m <sup>2</sup>
- (b) Minimum separation of dwelling units opposite or across a court or driveway, 6 metres for a single storey development plus 3 metres for each additional dwelling storey.
- (c) Private open space in accordance with clause S7.1.19(b).

S7.2.2 A development for Multiple Dwellings shall be in accordance with the following development standards:

**Dwelling Site Area**

- (a) A minimum site area per dwelling unit of not less than 400m<sup>2</sup> in the Residential Serviced Zone and 350m<sup>2</sup> in the Business Zone.

**Site Coverage**

- (b) A maximum site coverage of 40%.

**Private Open Space**

- (c) Private open space for each dwelling unit in accordance with clause S7.1.19(a).

**Sunlight**

- (d) Buildings must be sited so that sunlight to at least 50% of the principal area of ground level living rooms and private open space of adjacent properties:
  - (i) is not reduced to less than five hours between 9.00am and 5.00pm on June 21; or
  - (ii) is not further reduced where existing overshadowing by buildings is greater than the above.

S7.2.3 A development for Apartments or Multiple Dwellings shall be in accordance with the following development standards:

**Privacy**

- (a) The design of buildings, footpaths, parking spaces, driveways and areas of common and private open space shall be such that the privacy of the occupants from both noise and overlooking is ensured.
- (b) No pedestrian path or vehicle driveway giving access to a dwelling unit shall be closer than 1 metre from the wall of another dwelling unit, or 2 metres, if such wall contains a window with a sill height less than 2 metres above the level of the path or driveway.

**Landscaping**

- (c) In the preparation of the land for building construction purposes or when landscaping the land, every effort shall be made to retain existing trees and shrubs.

- (d) Any common areas of open space shall be suitably landscaped, or developed in other appropriate ways for the enjoyment of residents.

### **Services**

- (e) Suitably designed and screened areas shall be provided for the storage of waste materials and garbage materials free from foraging animals.
- (f) Satisfactory provision shall be made for clothes drying facilities and mail.
- (g) In buildings of more than one storey, all pipes, ducts and vents servicing the building shall be concealed from public view.
- (h) Where practicable, a common TV antenna shall be provided in lieu of individual antennae for each dwelling unit.

### **Variations**

S7.2.4 Council may grant a planning approval for a development for Apartments or Multiple Dwellings which is not in conformity with the requirements of S7.2.1, S7.2.2 and S7.2.3, subject to the provisions of Clause 2.5.

- 13 In schedule 12 omit S12.7 and substitute:  
*S12.7 APARTMENTS, MULTIPLE DWELLINGS, HOUSE AND ANCILLARY APARTMENT, BUILDING EXTENSIONS AND OUTBUILDINGS*
- 14 Modify clause S12.7 as follows:
- Omit title S12.7.1 and substitute with:  
*‘Apartments and Multiple Dwellings’*
  - Delete ‘land area per apartment’ and to substitute ‘site area’.
- 15 Omit title S12.7.2 Building Extensions, Ancillary Apartments and Outbuilding’ and substitute with:  
*‘Building Extensions, House and Ancillary Apartment and Outbuilding.’*