

**2.3: DEVELOPMENT APPLICATION-SINGLE HOUSE 43 FORSYTH
GLADE, KRONKUP**

ALTERNATE MOTION BY COUNCILLOR DUFTY

**DATE & TIME REQUEST FOR ALTERNATE MOTION RECEIVED: Wednesday 3 October
2012 at 9.04am.**

**ITEM 2.3: ALTERNATE MOTION BY COUNCILLOR DUFTY
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council resolves to vary the relevant scheme requirements and ISSUE a Notice of Planning Scheme Consent for a single house in the development exclusion zone and landscape protection area on 43 (Lot 116) Forsyth Glade, Kronkup subject to conditions considered appropriate by the Executive Director Planning and Development services.

Councillor's Reason:

To clear land in the allotted building envelope would be an ecological disaster. It is very dense, diverse high quality bush and is much steeper than the site that was already cleared adjacent to the existing sheds.

Both a Torbay Catchment Group officer and a local Fire Control Officer agree that enforcing the building envelope would be detrimental because of the increased fire risk and the destruction of high quality bush.

The proponent has a history of good environmental management and can be relied upon to correctly address the revegetation of the area adjoining the proposed house.

The proponent has indicated that the proposed dwelling will be blended into the landscape.

Officer's Comment (Executive Director Planning and Development Services):

The land on which the dwelling is proposed to be constructed is located within Special Rural Zone Area No. 14 and is therefore subject to the Special Provisions set out in Item 14 of the Scheme.

Clause 5.1 of the Special Provisions states that "Buildings, tanks and structures shall not be constructed within the "Development Exclusion Area designated in the Subdivision Guide Plan".

The officer's recommendation is that the application should be refused as:

1. The proposed development is contrary to the requirement in clause 5.1 that buildings shall not be constructed within the "Development Exclusion Area" designated in the subdivision guide plan;
2. The proposed development is not consistent with the objective of the Zone as stated in clause 2.0 of Item 14, Schedule 1;
3. Variation of the requirements contained in clause 5.1 would have an adverse impact on the inhabitants of the locality or upon the likely future development of the locality:
and
4. The proposed development will provide further precedent for permitting the location of a dwelling within designated "Development Exclusion Areas".