

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

ALTERNATE MOTION BY COUNCILLOR GREGSON

**DATE & TIME REQUEST FOR ALTERNATE MOTION RECEIVED: Tuesday 2 October
2012 at 7.48pm.**

**ITEM 2.3: ALTERNATE MOTION BY COUNCILLOR GREGSON
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 of 43 (Lot 116) Forsyth Glades, Kronkup subject to the following conditions:

- a. Appropriate screening with fire retardant shrubs as part of the revegetation of the area to reduce the visual impact of the development of the area.**
- b. Formally notify the proponent that the outbuilding in the development exclusion area shall not be replaced in situ, nor shall any extension be permitted. In the event the proponent, or any future proponents, wish to add to or rebuild said outbuilding, a new building licence and approval to build outside the building envelope will have to be approved by Council.**
- c. Require a notification to be placed on the title advising prospective purchasers that the outbuilding located in the development exclusion zone shall not be replaced in situ and no extension shall be permitted without Council approval.**

Councillor's Reason:

The nominated cleared area was cleared by the former owner of the property. If the proponents are forced to clear a possible further 3000m² of the approved building envelope, it will create a huge scar on the landscape and will be seen from Lower Denmark Road and Hortin Road.

The approved building envelope is on an extremely steep slope and could be subject to severe erosion and land slips particularly in rains that have occurred in late September this year, with more than 80mm in 24 hours.

The owner would be forced to bulldoze pristine vegetation, some of the last remnant bushland area on the Torbay Hill.

The Torbay Hill (Kronkup) is in a volatile fire zone, and on this steep and heavily timbered slope an extra long fire break would have to be cleared downhill from the house if it were constructed within the nominated building envelope.

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".