



Appendix 4 Compliance assessment



RULE	COMPLIANCE ASSESSMENT	STATUS
Chapter 21 – General Rules		
21.8.2	Any erection of a dwelling and/or subdivision of land, except for designation purposes, that does not meet the existing or required density of the zone is a non-complying activity. <i>Comment – the proposal is a non-complying activity under Rule 31.5.1.</i>	Non-complying activity
Chapter 30 – Utilities and Traffic Management		
30.6.1.1	All land uses in any Residential Zone or Business Zone, and any dwellinghouse in any Rural Zone, shall be located on a site that has access to a road which complies with the design attributes of Table 30.1, Table 30.2 for the Residential 7 Zone, other than land uses in the Residential 6, 6A and Business 1 Zones at Pegasus which shall be located on a site that has access to a road which complies with the design attributes of Table 32.2. <i>Comment – the access to the minor residential dwelling meets the design attributes contained in Table 30.1, where applicable.</i>	Complies
30.6.1.13	Any accessway, except on a State Highway where the posted speed limit is 70km/hr or greater, shall comply with the minimum standards of Table 30.3. Rural Zones – minimum formed width 4m, minimum legal width – 10m <i>Comment – the posted speed limit of Paisley Road is 80km/hr. The existing access meets the minimum widths.</i>	Complies
30.6.1.19	The maximum number, spacing and width of vehicle crossings for all roads, other than State Highways where the posted speed limit is 70km/hr or greater, shall comply with Table 30.4. <i>Comment – complies.</i>	Complies
30.6.1.24	Vehicle crossings on arterial, strategic and collector roads shall have minimum unobstructed sight distances that comply with Table 30.5 and there shall be no obstruction to visibility inside the area bounded by the sight lines as depicted in Figure 30.4. <i>Comment – the existing access meets the minimum sightlines required in Table 30.5.</i>	Complies
30.6.1.26	Distances of vehicle crossings to intersections shall comply with Table 30.6. <i>Comment – the existing vehicle crossing is located 284m from the nearest intersection, therefore complies with this standard.</i>	Complies
30.6.1.34	Except as provided for by Rule 30.6.1.40, all parking spaces shall: be provided on-site for the activity and in accordance with Table 30.8 and explanatory Figure 30.8, and Tables 30.9, 30.10. and 30.11. Dwellinghouse - 2 spaces per dwellinghouse <i>Comment – the minor residential dwelling provides two car parking spaces.</i>	Complies
Chapter 31 – Health, Safety and Wellbeing		
Buildings and Structures		
31.1 Permitted Activities	Any land use is a permitted activity if it: a) is not otherwise listed as a controlled, discretionary (restricted), discretionary or non-complying activity under Rules 31.2 to 31.5; b) complies with the conditions under Rule 31.1.1; and	Does not comply



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	<p>c) complies with all the conditions and provisions for permitted activities in this and all other chapters.</p> <p>Comment – <i>the proposed dwelling provides at least one car parking space.</i></p>	
31.5.1 Non-complying activities	<p>Any land use which does not comply with Rules 31.1.1.1 to 31.1.1.6 (standards for a site, or delineated area, containing a dwellinghouse) or Rules 31.3.2 and 31.4.2 is a non-complying activity except where exempted under Rule 31.1.2.</p> <p>Comment – <i>the minor residential dwelling does not meet the standards of Rules 31.1.1.1 and 31.1.1.3 (b).</i></p>	Non-complying activity
Conditions		
31.1.1.1	<p>In the Rural Zone any dwellinghouse shall be on a site which has a minimum area of 4ha.</p> <p>Comment – <i>there are two dwellings located on a 6.07ha application site.</i></p>	Does not comply
31.1.1.3	<p>In the Rural Zone, where there is more than one dwellinghouse on a site, it shall be able to be shown that:</p> <p>a) each dwelling can be contained within its own delineated area and there is no overlap between delineated areas;</p> <p>b) Rules 32.1.1.1 (areas and dimensions), 32.1.1.3 (provision for a building platform and sewage disposal area), 32.1.1.30 and 32.1.1.31 (common vehicle crossing for multiple lots), 32.1.1.58 and 32.1.1.59 (energy supply to the allotment) and 32.1.1.64 (stormwater connection to public drain) can be complied with as though any delineated area was an allotment;</p> <p>c) Rules 30.6.1.2 (access to seven or more sites) and 31.1.1.15 (setbacks for structures) and 31.10.1.1 (glare) can be complied with as though any delineated area was a site;</p> <p>d) any delineated area, other than one that encompasses an existing habitable dwellinghouse, can be connected to a reticulated potable water supply; and</p> <p>e) no esplanade reserve or esplanade strip would be required to be created or set aside in accordance with Chapter 33: Esplanades: Locations and Circumstances – Rules if any delineated area was created by subdivision.</p> <p>Comment – <i>Compliance with 31.1.1.3 is set out below:</i></p> <p>a) <i>both dwellings are contained within delineated areas that do not overlap.</i></p> <p>b) <i>the minor residential dwelling does not meet the requirement of Rule 32.1.1.1, however, meets the provisions for sewage, transport, energy supply and stormwater connections.</i></p> <p>c) <i>the minor residential dwelling complies with the built form standards relating to setbacks and glare.</i></p> <p>d) <i>the minor residential dwelling has connection to a potable water supply.</i></p> <p>e) <i>no esplanade strips or reserves are proposed.</i></p>	Does not comply
31.1.1.10	<p>The structure coverage of the net area of any site shall not exceed:</p> <p>c) 20% in the Rural Zone</p> <p>Comment – <i>complies, the total site coverage is approximately 0.85%.</i></p>	Complies
31.1.1.15	<p>Any structure shall comply with the minimum setback requirements in Table 31.1 and measurements shall be taken from the nearest point of any part of any structure (or dwellinghouse).</p> <p>Any road boundary – 20m</p> <p>Any internal site boundary – 20m</p> <p>Comment – <i>the minor residential dwelling is located approximately 35m from the nearest (northern) internal boundary.</i></p>	Complies



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31.1.1.20	<p>a. All non-residential activities with parking areas and/or loading areas used during hours of darkness: Lighting of parking areas and loading areas shall be maintained at a minimum level of two lux, with high uniformity, during the hours of operation.</p> <p>b. Any urban activity, except:</p> <ul style="list-style-type: none">i. residential activities containing less than three car parking spaces; orii. sites where access is obtained from an unsealed road; oriii. temporary activities and buildings. <p>The surface of all car parking areas, loading areas, and associated access areas shall be formed, sealed and drained and car parking spaces permanently marked.</p> <p>Comment – non-residential activity is not proposed.</p>	N/A