

## APPENDIX 2A - EXAMPLES

EXAMPLE OF AN ISSUE ARISING FROM A PLANNING SCHEME OR OTHER RELEVANT INSTRUMENT	ADEQUATE GROUND OF APPEAL	INADEQUATE GROUND OF APPEAL
The proposed development does not have the setback required by the planning scheme.	The proposed development having a setback of 1 metre from the eastern boundary does not satisfy the requirement of clause 12.1 of the planning scheme, which requires a minimum of 2 metres setback. The effect of the non-compliance is .....	<p><b>The proposed development is contrary to clause 12.1 of the planning scheme.</b> <i>(This is inadequate because it does not say how it is contrary to the requirements.)</i></p> <p><b>The proposed development has an inadequate setback.</b> <i>(Because it does not refer to the relevant provision of the planning scheme.)</i></p>
The proposed development is inconsistent with the desired future character for the zone, and contrary to the planning scheme requirements regarding a bulk and scale consistent and compatible with surrounding development.	The proposed development is inconsistent with the desired future character for the residential zone contrary to the requirement of clause 25.2 of the planning scheme in that its bulk and height are twice as great as, and completely out of scale with, the surrounding development.	<p><b>The proposed development does not comply with clause 25.2 of the planning scheme.</b> <i>(Because it does not say in what respect it does not comply).</i></p> <p><b>The proposed development is out of scale with surrounding development.</b> <i>(Because it does not say in what respect, or identify what provision of the planning scheme is not complied with.)</i></p>
A condition limiting the use of a transport depot to three days a week is not justified by the provisions of the planning scheme which require residential amenity to be maintained.	Condition 3 of the permit limiting use as a transport depot to three days a week is not justified by clause 26 of the planning scheme requiring residential amenity to be maintained, because the nearest residences are at least 500 metres away.	<b>Condition 3 of the permit is too restrictive and is not justified by the planning scheme.</b> <i>(Because it does not say in what respect, or identify what provision of the planning scheme)</i>

EXAMPLE OF A TYPE OF CONCERN ARISING FROM A PLANNING SCHEME OR OTHER RELEVANT INSTRUMENT	ADEQUATE GROUND OF APPEAL	INADEQUATE GROUND OF APPEAL
Overshadowing of a residence by the proposed development.	My house will be unacceptably overshadowed by the proposed development contrary to clause . . . of the planning scheme.	<b>“The councillors did not give proper weight to their planning officer’s advice”; or “The councillors were biased”</b> <i>(Irrelevant because the Tribunal is not concerned with the way in which Council reached its decision, in these respects.).</i>
The height of the development above ground level exceeds that allowed by the planning scheme.	The development is higher than allowed by clause . . . of the planning scheme.	<b>“There are too many units in the area”.</b> <i>(Because the relevant provision in the scheme controls height rather than development density.)</i>