
Minutes of an ordinary meeting of the Development Support Special Committee held in the Council Chamber of the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 13 February 2012 commencing at 6:00pm

Members attendance

Cr Jan Bonde (Mayor)
Cr Amanda Diprose
Cr Philip Viney

Cr Garry Carpenter
Cr Tony van Rooyen
Ms Sandra Ayton

Members apologies

Cr Shane Broad

Employees attendance

Director Development & Regulatory Services (Mr Michael Stretton)
Land Use Planning Group Leader (Mr Ian Sansom)

Employees apologies

Nil

Public Attendance

Three members of the public attended during the course of the meeting.

CONFIRMATION OF MINUTES OF THE COMMITTEE

8/2012 Confirmation of minutes

The Director Development & Regulatory Services reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 9 January 2012 have already been circulated. The minutes are required to be confirmed for their accuracy.

The *Local Government (Meeting Procedures) Regulations 2005* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

- Cr Viney moved and Cr Diprose seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 9 January 2012 be confirmed.”

Carried unanimously

MAYOR’S COMMUNICATIONS

9/2012 Mayor’s communications

The Mayor reported as follows:

“Under the terms of appointment of the Development Support Special Committee, it acts in agreed circumstances as if it were the Council and, accordingly, as a planning authority under the *Land Use Planning and Approvals Act 1993*.

Members are reminded that the *Local Government (Meeting Procedures) Regulations 2005* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.

In the event that items listed for consideration are referred, under the terms of the Committee’s appointment, to the Council (e.g. any matter the Committee cannot determine unanimously), or if the Committee is unable to make a determination within the relevant statutory time limit, such items will be referred to a meeting of the Council for a decision.”

- Cr van Rooyen moved and Cr Carpenter seconded, “That the Mayor’s report be received.”

Carried unanimously

PECUNIARY INTEREST DECLARATIONS

10/2012 Pecuniary interest declarations

The Mayor reported as follows:

“Members are requested to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.”

The Land Use Planning Group Leader reported as follows:

“The *Local Government Act 1993* provides that a member must not participate at any meeting of a special committee in any discussion, nor vote on any matter, in respect of which the member has an interest or is aware or ought to be aware that a close associate has an interest.

Members are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a member must declare any interest in a matter before any discussion on that matter commences.

All interests declared will be recorded in the minutes at the commencement of the matter to which they relate.”

No interests were declared at this time.

ADJOURNMENT OF MEETING

11/2012 Adjournment of meeting

The Mayor reported as follows:

“In order to effectively consider the reports before this meeting of the Committee it is appropriate that I adjourn the meeting to enable the related documents to be workshopped prior to resumption of the meeting and formal resolution of the agenda items.”

The workshop having been concluded, the Mayor resumed the meeting.

DEPUTATIONS

12/2012 Deputations

The Director Development & Regulatory Services reported as follows:

“No requests for deputations to address the meeting or to make statements or deliver reports have been made.”

OPEN REPORTS

**13/2012 Business and professional services – veterinary clinic - 92B Main Road, Penguin
Application No. DA211194**

The Director Development & Regulatory Services reported as follows:

“The Land Use Planning Group Leader has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA211194
<i>APPLICANT:</i>	Mrs Roslyn Flanagan
<i>LOCATION:</i>	92B Main Road, Penguin
<i>ZONING:</i>	Business
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Planning Scheme 2005</i> (the Scheme)
<i>ADVERTISED:</i>	14 January 2012
<i>REPRESENTATIONS EXPIRY DATE:</i>	30 January 2012
<i>REPRESENTATIONS RECEIVED:</i>	11
<i>42-DAY EXPIRY DATE:</i>	16 February 2012
<i>DECISION DUE:</i>	13 February 2012

PURPOSE

The purpose of this report is to discuss the assessment of an application and make a recommendation regarding a change of use to a veterinary clinic at 92B Main Road, Penguin.

BACKGROUND

It is proposed to change the use of the existing building and lot from a hairdressing salon to a veterinary clinic. The practice would employ two people and would operate from 9:00am to 5:30pm Monday to Friday and 9:00am to noon on Saturday. One vehicle would be involved in the business. The applicant indicated that she had struck an informal arrangement with the owner of the hotel two doors away to park in the hotel car park.

The lot is small and the building occupies most of the lot except for a 50m² open area at the rear of the building, to which there is no formal vehicle access. The rear area is fenced in metal sheet that obscures views between the property and a neighbouring residence and café. The applicant indicated that the rear yard would be used mainly for the drying of drapes used in the care of animals.

The applicant indicated that the owner of the dwelling at 94 Main Road had agreed to allow pedestrian passage to the rear of the building over his driveway.

There is no car parking available on the site. The application includes a Traffic Impact Assessment (TIA) report from a traffic engineer which addresses the shortfall in car parking.



A copy of the application is provided at Annexure 1 and a location plan at Annexure 2.

DISCUSSION

The following table is an assessment of the relevant Scheme provisions:

CLAUSE	ASSESSMENT AND COMMENT
ZONE STANDARDS	
<p>The purpose statements for the Business Zone are:</p> <p>12.1.1 To provide for retailing, offices and community services in a concentrated area.</p>	<p>Compliant.</p> <p>The proposed use is professional service comprising consulting and treatment rooms and office within the concentrated area identified as the Business Zone in Penguin.</p>
<p>12.1.2 To provide for the safety, comfort and enjoyment of workers, residents and visitors through</p>	<p>Compliant.</p> <p>The proposed use would not by its nature constitute a likely risk, or involve any activity that would be inconsistent with the provision of a safe</p>

the provision of good quality spaces and effective urban design.	and comfortable environment.
12.1.3 To focus business activity within the established business areas centred at: (a) (b) Main Road, Penguin.	Compliant. The proposed use would be located within the established business area of Main Road, Penguin.
12.1.4 To provide opportunities for residential activity to locate within business centres where this can be accommodated without fragmenting the commercial centre or creating conflicts between residential and commercial uses.	Compliant. While the premises themselves do not provide a residential use, the commercial centre of the town does provide a mixture of residential and commercial uses. There is little reason to believe that the proposed use or any other commercial use of the property would be likely to cause a conflict with any surrounding residential or commercial uses.
12.2 Table of Use	The proposed use has a Permitted status.
12.3.1 Land near a Residential Zone	Not applicable. The property is not within 100m of a Residential zone: the Acceptable Solution, which limits operating times to between 7:00am and 9:00pm daily, only becomes active where the site is within 100m of a Residential Zone.
DEVELOPMENT STANDARDS	
12.4.3 Building design and siting	Not applicable. The building is existing with an existing use right:

A1 – building height	no change to the building fabric is proposed. In any event the building is only single storey and well below the 8m maximum established for Penguin.
A2 – building façade	<p>Not applicable.</p> <p>The building is existing with an existing use right and no change to the building fabric is proposed. In any event the building would satisfy the minimum wall area of 25% (the building has 100%), and the minimum glazed area of 40% would be met (the majority of the façade is glazed). The requirement for a 1.5m entrance would not be met.</p>
A3 – awning	<p>Not applicable.</p> <p>The building is existing with an existing use right and no change to the building fabric is proposed. In any event the building provides an awning that would likely satisfy the requirement for an awning to be 3m deep, positioned over the footpath, and extend along the whole frontage.</p>
<p>12.4.4 Building access/services A1</p>	<p>Compliant.</p> <p>The property is situated in an urban area for which a full range of basic engineering services are provided, particularly those required under the Scheme, as follows:</p> <ul style="list-style-type: none"> (a) road access constructed to Municipal Drawing SD-1003 [the property has a legal right of access to Main Road but no constructed vehicle access]; (b) water connected to water supply – 200kPa at 10l per second; (c) sewer connected to reticulated sewerage; (d) stormwater connected to reticulated storm-

	<p>water;</p> <p>(e) electricity connected to electricity supply; and</p> <p>(f) telecommunications connected to telecommunications system.</p>
<p>12.4.5 Crime prevention A1 – Entrance area</p>	<p>Not applicable.</p> <p>The building is existing with an existing use right and no change to the building fabric is proposed. In any event the building provides a level of visibility that exceeds the Acceptable Solution standards for the visibility of the entry area from the road (i.e. within 50m) and from inside the building with door closed.</p>
<p>A2 – Footpath lighting</p>	<p>Not applicable.</p> <p>There is no existing or proposed pedestrian arcade or public pathway on the property, which is what the provision is taken to mean.</p> <p>It would not make sense for this provision to relate to the public footpath in the street reserve as clause (c) that requires visibility from a road or public space, would be a nonsense i.e. the public footpath is to be visible from itself. The provision only makes sense if an arcade or pathway is to be constructed on private land.</p>
<p>12.4.6 Delivery areas A1 – Provision of on-site goods loading/ unloading area</p>	<p>Non-compliant.</p> <p>The Acceptable Solution requires the provision of a goods loading/unloading area that is located on-site, separated from public access areas, and accessible to all tenancies on the site.</p> <p>In this case there is no space available on the site for loading/unloading and such activities would need to occur on-street, as they would have done with the previous use.</p>

<p>Performance Criteria P1</p>	<p>The street immediately outside the premises is ½ hour restricted parking area while two hour parking restrictions apply on the other side of Main Road. The area is near the edge of the business area and on-street demand for parking could reasonably be described as low most of the time.</p> <p>The Performance Criterion requires that loading and unloading facilities are safe.</p> <p>In this case the nature of goods being delivered/ collected would be small animals and veterinary supplies of a non-bulky nature. The majority of delivery traffic would be small sized vehicles (cars and vans) including the veterinarian’s own vehicles. The applicant expects the number of clients to be 15–20 per day (some of which would be pedestrian-based). For larger sized animals and elderly clients the veterinarians would visit the animals on-site.</p> <p>On-street parking demand is likely to remain at a low level, so parking close to the premises is likely to be available most of the time.</p> <p>There would seem to be no inherent safety risks in the likely loading and unloading operations in the context of the nature of the goods involved, the expected size and volume of delivery vehicles and the generally low parking demand in the area.</p> <p>Consequently, it is considered that the Performance Criteria and objective of section 12.4.6 Delivery areas, for loading and unloading facilities to be safe, would be satisfied and that an exercise of discretion on the Acceptable Solution, would be justified.</p>
<p>12.4.7 Refuse storage</p>	<p>Compliant.</p> <p>The Acceptable Solution requires that a refuse</p>

<p>A1 – Provision of on-site refuse storage</p>	<p>storage area be provided on the site, which is accessible for collection and is not visible from a public area.</p> <p>All refuse is proposed to be stored in the rear section of the building marked “store” on the plan. Refuse or waste generated by the surgery would include dead animals and animal parts, used ‘kitty litter’, ‘sharps’ and general waste (e.g. plastics and cardboard).</p> <p>The applicant indicated that dead animals would be frozen and disposed of approximately weekly, that ‘sharps’ and used ‘kitty litter’ would be collected by a contractor and disposed of weekly or as often as required, and general waste would be disposed of once per week.</p> <p>All forms of waste would be small in scale and, conceivably, easily transferrable through the surgery to the street via the front door for collection.</p> <p>In this case the arrangements for the storage and collection of waste is considered to be consistent with the Acceptable Solution in that it would be:</p> <p>(a) on-site;</p> <p>(b) accessible for collection; and</p> <p>(c) not visible from a road/public space.</p>
<p>SCHEDULES</p>	
<p>S11 Car Parking</p>	<p>Non-compliant.</p> <p>The Car Parking Schedule requires a total of five spaces for the proposed use. None are provided and none can be provided on the site as the building extends over most of the lot.</p>

<p>Performance criteria P1</p>	<p>Relevant matters to assess when considering discretion on parking are listed in the Performance Criteria of section S11.3.1 Car Parking Provision, as follows:</p> <ul style="list-style-type: none"> (i) no adverse effect on streetscape; (ii) no traffic hazard or on-street congestion caused; (iii) no adverse effect to the amenity of the area. <p>In considering whether these criteria are satisfied, it is necessary to consider whether the impact of the shortfall for the former use of the site and whether that is likely to change with the introduction of the new use.</p> <p>Application of the car parking requirements to the former hairdressing salon use on the properties shows the need for eight spaces, based on application of the formula for General retail and hire i.e. one per staff member, plus seven spaces per 100m² of floor area.</p> <p>There was a shortfall of eight car parking spaces created on the site, which is satisfied by on-street parking and/or other arrangements made by the business owner.</p> <p>The impact of this shortfall may be arguable, but the general impact is considered to be acceptable in that there is no obvious adverse effect on the streetscape, there is no unacceptable level of traffic safety or congestion, and the amenity in the business area can be reasonably described as agreeable, certainly in as far as traffic and parking are concerned.</p> <p>The car parking requirement for the new uses is significantly less than that for the previous uses,</p>
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	<p>i.e. four spaces.</p> <p>It is difficult to see how a substantially reduced short fall would create any greater impact, or change to an adverse extent, against those criteria listed in the Performance Criteria (P1). Consequently it is considered that an exercise of discretion on the four car parking spaces required but not provided on the site, would be justified.</p> <p>In this context and for those reasons, it is considered that a contribution of cash for non-provided car parking under the Council's Car Parking Cash-in-Lieu Contribution Policy would not be appropriate.</p>
S15 Penguin Urban Design Guidelines	<p>Not applicable.</p> <p>The building is existing with an existing use right and no change to the building fabric is proposed.</p> <p>Relevant provisions of the Guidelines relate to physical elements, in particular building height, length of front and rear walls, length of side walls, boundary setbacks, location of parking and vehicle cross-overs. While the development would conform to most of these requirements, they are not matters requiring compliance due to the existing nature of the building and its existing use rights.</p>

CONSULTATION

In accordance with s.57(3) and of the *Land Use Planning and Approvals Act 1993*:

- a site notice was posted;
- an advertisement was placed in the Public Notices section of The Advocate newspaper; and
- adjoining owners were sent a letter advising of the application and inviting comment.

The application was referred to the Council's Planning and Assessment Team.

Any relevant comments received from the Planning and Assessment Team are included in the recommendation of the application.

Eleven representations were received, plus one that was outside the statutory advertising period.

The objections are contained in Annexure 3 and are summarised and responded to as follows:

MATTERS RAISED	RESPONSE
SUBMISSION 1	
1 A second veterinary clinic would be unviable.	The viability or otherwise of commercial operations is not a matter covered by the Scheme and cannot be a consideration in the Council's decision.
2 The adjacent restaurant and a veterinary clinic are incompatible.	<p>It is unlikely that the veterinary clinic would cause odours or noise that would cause conflict with the adjacent restaurant use. Waste would be stored in doors and removed regularly, while animals would not be stored on-site other than on infrequent occasions.</p> <p>While opening times may vary, the stated opening times of the restaurant would be outside those proposed by the veterinary clinic.</p>
3 Inadequate parking for large vehicles.	It is unlikely that any or many large vehicles would visit the site. The majority of animals are likely to be small and domestic in nature. Larger animals would be visited by the veterinarian on the farm etc.

4 Increased competition for on-street car parking would adversely affect other businesses.	Any increase in car parking is likely to be less than was for the case with the former hairdressing use which existed comfortably with other businesses.
SUBMISSION 2	
1 Increased competition could undermine viability of an existing surgery.	Viability or otherwise of commercial operations is not a matter covered by the Scheme and cannot be a consideration in the Council's decision.
2 Absence of on-site parking could make on-street parking dangerous.	Large vehicles are not likely to be generated by the operation and the impact of on-street parking demand generated by it is not likely to be problematic. Consequently it is unlikely that a dangerous situation would result.
SUBMISSION 3	
1 Carriage of goods and people with pets on the footpath will cause a safety risk to passers-by.	The risk is not considered to be significant. Goods deliveries would not involve bulky materials, and it is likely that pet owners visiting the surgery would have their animals under control. Also this part of the business area is not particularly heavily trafficked by pedestrians.
SUBMISSION 4	
1 Application is inconsistent.	No significant inconsistency was identified.
2 Inadequate car parking provided to meet need for the size of the clinic, the number of people likely to be employed and vehicles with trailers.	The absence of on-site car parking is not considered to be detrimental to the area, for the reasons stated in this report.

3 Traffic engineers report is inaccurate.	No serious flaws on the Traffic Engineer's report were observed.
4 Use of the front door by clients, removal of waste and deliveries is not appropriate and could be confronting for some.	It is likely that the veterinarian would arrange for the collection of dead animals and waste matter at times that do not conflict with main surgery times - it would be in their own interests to do so.
5 Ambience of small café next door will be adversely affected by noise and smells.	<p>It is unlikely that the veterinary clinic would cause odours or noise that would cause conflict with the adjacent restaurant use. Waste would be stored in-doors and removed regularly, while animals would not be housed on-site overnight other than on infrequent occasions. Any impact of the clinic would be modified by the colorbond fence between the properties.</p> <p>While opening times may vary, the stated opening times of the restaurant would be outside those proposed by the veterinary clinic.</p>
SUBMISSION 5	
1 A second vet in Penguin could undermine viability of existing practice.	Viability or otherwise of commercial operations is not a matter covered by the Scheme and cannot be a consideration in the Council's decision.
SUBMISSION 6	
1 Noise and odour from animals and waste matter would be offensive to neighbouring properties.	It is unlikely that the veterinary clinic would cause odours or noise that would cause conflict with the adjacent restaurant use. Waste would be stored in doors and removed regularly, while animals

	would not be housed on-site overnight other than on infrequent occasions.
2 Building has only one exit. Consequence is fire risk to occupants and use of front door for transferring dead animals.	<p>The matter of risk (e.g. fire) and the number of exits in the building is not a matter considered under the Scheme. It is dealt with by a Building Surveyor as a building matter under the Building Code of Australia.</p> <p>The veterinarian has indicated that the collection of dead animals and waste matter would be arranged for times that do not conflict with use by the public during main surgery times, and therein any significant degree of simultaneous use of the front door.</p>
3 If animals are housed overnight, noise could disturb surrounding residents.	The applicant advises that animals would not normally be housed on-site overnight other than on infrequent occasions. Any impact of the clinic would be modified by the colorbond fence between the properties.
SUBMISSION 7	
1 Application is incomplete – blank spaces are left on the Commercial Questionnaire.	There are no blank spaces on the questionnaire, and there is sufficient detail on which to make an informed determination.
2 Advertisement did not mention variations on delivery area and refuse storage.	The advertisement identified the site, proposed use and principal discretion which is car parking. There is no discretion on refuse storage and the reference to delivery area was omitted for the sake of brevity. Listing the matters of discretion is not a statutory requirement and in this case would

	not be fatal to the application.
3 No Environmental Supplement was provided with the application.	The application was deemed to contain sufficient information regarding environmental impact, which was assessed as minor. An Environmental Supplement in this context was not considered necessary.
4 The traffic engineer's report incorrectly states the floor area, use of nearby properties and hours of operation of the proposed clinic.	The traffic engineer's report states the floor area to be 110m ² . His calculation is considered to be accurate. The list of surrounding uses seems to be correct: if there are any inaccuracies they would be minor and of minor significance in determining traffic/parking demand in the area. The traffic engineer states the opening hours to be between 8:30am and 5:30pm. The applicant has stated opening hours between 9:00am and 5:30pm. The half hour difference in the morning makes little difference to assessing the impact of the development.
5 The car parking requirement is inaccurate and the development provides no car parking.	Our car parking assessment has been checked and regarded as accurate. It is true that no car parking is proposed: it is the matter on which discretion is being sought.
6 The clinic will not be able to accommodate large vehicles, and will cause dangerous parking on the street.	The veterinarian states that only small domestic animals will be treated at the surgery. Larger animals such as cattle would be visited on the owner's property. Consequently large vehicles attending the clinic are unlikely.
7 The premises has no delivery facilities and only one doorway into the building, possibly	The matter of deliveries has been discussed elsewhere in this report and is considered to be adequate.

resulting in conflict between animals and a risk in the event of an emergency.	Many veterinary clinics use a single “public” doorway for entry and exit. Use of the same in this case should not be problematic. Matters concerning risk in a building are assessed and controlled under the Building Code of Australia.
8 Proposal does not provide adequate refuse storage.	This is not considered to be a problem, for the reasons given elsewhere in this report.
9 Use of rear area behind the building for animal cleansing, treatment and grooming would interfere with adjacent café and residence uses.	The rear area of the subject property would be used mainly for the drying of cloths used in the care of animals. In any event the sheet metal fence between the properties would screen views and limit noise.
10 Application is unlikely to meet mandatory requirements of the Tasmanian Veterinary Board.	This is not a matter for which the Council has any jurisdiction. Any requirements of the Tasmanian Veterinary Board would need to be satisfied outside Land Use Planning & Approvals Act 1993.
SUBMISSION 8	
1 Increased competition could undermine viability of an existing surgery.	Viability or otherwise of commercial operations is not a matter covered by the Scheme and cannot be a consideration in the Council’s decision.
SUBMISSION 9 –	
1 Development is not appropriate in this area because: <ul style="list-style-type: none"> • limited parking in the area; • property has no rear access; • use would be next to a café. 	Each of these matters has been discussed elsewhere in this report.

SUBMISSION 10	
<p>1. Development is not appropriate in this area because:</p> <ul style="list-style-type: none"> . no parking is provided; . use would be next to a café; . use would exacerbate parking problem in the area; . barking animals could cause a nuisance. 	<p>Each of these matters has been discussed elsewhere in this report.</p>
SUBMISSION 11	
<p>1 Clinic would have an adverse impact on the adjacent café – toxic waste, odour, large amounts of refuse, noise, radiation, noxious chemicals and dead animals.</p>	<p>This matter has been discussed elsewhere in this report.</p>
<p>2 Insufficient car parking is provided and there would be no space for large vehicles other than on-street, which would undermine the amenity of Penguin.</p>	<p>This matter has been discussed elsewhere in this report.</p>
<p>3 Only one entrance to the building is provided, which is unsafe for occupants and inadequate for loading and unloading of goods.</p>	<p>This matter has been discussed elsewhere in this report.</p>
<p>4 Use of a single doorway could result in the public being confronted by vicious animals on the footpath, or the unpleasantness of seeing dead animals being transported.</p>	<p>The likelihood of encountering vicious animals is low: animals would be with their owners and under their control.</p>

5 Removal of waste through the front door does not meet planning scheme requirements for adequate refuse storage.	This matter has been discussed elsewhere in this report.
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IMPACT ON RESOURCES

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, and possibly costs associated with an appeal against the Council's determination should one be instituted by the applicant.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2009–2014 includes the following strategies and key actions:

The Shape of the Place

- Adopt an integrated approach to land use planning
- Encourage a creative approach to new development

A Connected Central Coast

- Connect the people with services

Community Capacity and Creativity

- Facilitate entrepreneurship in the business community

The Environment and Sustainable Infrastructure

- Contribute to a safe and healthy environment
- Develop and manage sustainable built infrastructure
- Contribute to the preservation of the natural environment.

CONCLUSION

The proposed development is a Permitted use in the Business Zone. Consequently it must be approved, with or without conditions. The two matters of greatest relevance under the Scheme are the shortage of car parking (none provided) and the absence of an on-site delivery area.

Some of the representations referred to detailed matters concerning requirements of the Tasmanian Veterinary Board and the Building Code of Australia (fire access). These are not matters that should be considered by the Council in its consideration of the application as a planning matter under

the Scheme. Those requirements would be the subject of assessment by others at later stages in the approval process.

In relation to car parking, it is considered that an exercise of discretion on the four spaces required under the Car Parking Schedule would be justified for the following reasons:

- The requirement is half that for the former hairdressing use which existed without apparent conflict with the surrounding area; and
- The proposal is consistent with the Performance Criteria P1 of S11.3.3 Car parking provision, in that:
 - (a) There would be no adverse impact on the streetscape;
 - (b) There would be no traffic hazard or on-street parking congestion caused; and
 - (c) There would be no adverse impact on the amenity of the area.

The absence of an on-site delivery area on the property is not considered to be a major disadvantage in this case, as:

- (a) most of the goods delivered are likely to be small scale, deliverable from the street;
- (b) the number of deliveries is likely to be limited due to the relatively small size of the clinic, and many goods would be brought to the clinic by the veterinarian; and
- (c) the size of animals brought to the clinic is likely to be small: larger animals would be visited elsewhere (e.g. farms).

It is considered that the veterinary clinic proposal is acceptable in relation to the requirements of the Scheme, and should be approved subject to appropriate conditions.

Recommendation

It is recommended that the application be approved in accordance with the draft Permit at Annexure 4.'

The report is supported."

The Director Development & Regulatory Services reported as follows:

“Copies of the annexures referred to in the report have been circulated to all members.”

■ Cr van Rooyen moved and Cr Carpenter seconded that, “The application for a veterinary clinic at 92B Main Road, Penguin is approved subject to conditions and notes listed on the draft Permit at Annexure 4 (a copy being appended to and forming part of the minutes).”

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 6:09pm.

CONFIRMED THIS DAY OF , 2012.

Chairperson

(ms:jar)

QUALIFIED PERSON'S ADVICE

The *Local Government Act 1993* provides (in part) as follows:

. A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

. A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

I therefore certify that with respect to all advice, information or recommendation provided to the Development Support Special Committee within these minutes:

(i) the advice, information or recommendation was given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and

(ii) where any advice was directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Sandra Ayton
GENERAL MANAGER



I, LISA MACKRILL (name)
 Executive Services Officer, do certify that this is the
 ..1st. page of pages comprising the Planning
 Permit granted at and referred to in the Minutes of
 the Meeting of the Council numbered 13/2012
 and held on the 13/02/2012

 (signed) [Signature] Dated 14/02/2012

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PLANNING PERMIT (DISCRETIONARY) (S57 Land Use Planning & Approvals Act 1993)

To: Mrs R Flanagan
 5 Lyndhurst Ct
 PENGUIN TAS 7316

Details of Planning Application:

Property Address: 92 Main Road Penguin 7316 Permit No: **DA211194**
 Development/Use: Veterinary clinic
 Zone: Use Class:

Decision:

The decision is reproduced as follows:

Approved with Conditions. Authorised by Development Support Special Committee (DSSC).

- 1 The development must be substantially in accordance with the application for this permit, unless modified by a condition of this permit.
- 2 The management, production, storage and disposal of controlled and general waste is to be in accordance with the Environmental Management and Pollution Control Act 1994 and Regulations made thereunder.

Please note:

- 1 A planning permit remains valid for two years. If the use or development has not substantially commenced within this period an extension may be granted if a request is made before this period expires. If the permit lapses, a new application must be made.
- 2 A planning permit does not circumvent the need for any other approvals, such as a building permit or a licence under State legislation.
- 3 Building and plumbing permits are required for the proposed development. A copy of this planning permit should be given to your building surveyor.

If you wish to appeal against any of the permit conditions, you must lodge an appeal with the Resource Management and Planning Appeal Tribunal, GPO Box 2036, Hobart 7001 within 14 days from the date of this advice (refer s.61 of the Land Use Planning and Approvals Act 1993). The appeal must be in writing and lodged with the prescribed fee - please contact the Tribunal (ph 6233 6464) about procedures and further information regarding lodgement of an appeal.

<i>Name:</i> Ian Sansom	<i>Signed:</i> DRAFT ONLY	<i>Date:</i>
Title: LAND USE PLANNING GROUP LEADER		Permit No: DA211194