

Minutes

of an Ordinary Meeting
held at 6.00pm

17 MAY 2010

Note:
Minutes subject to confirmation at
a meeting of the Council to be held on
21 June 2010.

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Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 17 May 2010 commencing at 6.00pm.

Councillors attendance

Cr Mike Downie (Mayor)
Cr Lionel Bonde
Cr Amanda Diprose
Cr Cheryl Fuller
Cr Brian Robertson
Cr Philip Viney

Cr Jan Bonde (Deputy Mayor)
Cr John Deacon
Cr David Dry
Cr Gerry Howard
Cr Tony van Rooyen

Councillors apologies

Cr Ken Haines

Employees attendance

General Manager (Ms Sandra Ayton)
Director Corporate & Community Services (Mr Cor Vander Vlist)
Director Development & Regulatory Services (Mr Michael Stretton)
Director Engineering Services (Mr Bevin Eberhardt)
Executive Services Officer (Miss Lisa Mackrill)
Land Use Planning Group Leader (Mr Ian Sansom)
Planning Consultant (Ms Heidi Goess)

Guests of the Council

Mr Jernej Bajzelj and Mr Robert Milnes

Media attendance

The Advocate newspaper.

Public attendance

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

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

134/2010 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 19 April 2010 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 (J) Bonde moved and Cr Robertson seconded, “That the minutes of the previous ordinary meeting of the Council held on 19 April 2010 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

135/2010 Council workshops

The Executive Services Officer reported as follows:

“The following council workshops have been held since the last ordinary meeting of the Council.

- . 26.04.2010 – Sustainability Action Plan
- . 03.05.2010 – Local Government Association of Tasmania – AGM and General Meeting Briefing
- . 10.05.2010 – Dog Management Policy / Ulverstone Cultural Plan

This information is provided for the purpose of record only.”

■ Cr Deacon moved and Cr Viney seconded, “That the Officer’s report be received.”

Carried unanimously

MAYOR'S COMMUNICATIONS

136/2010 Mayor's communications

The Mayor reported as follows:

"I will now adjourn this meeting briefly for the following purposes:

- To present a Certificate of Appreciation to Mr Jernej Bajzelj in recognition of his contribution to the Ulverstone community and, in particular, his role in the construction of the Ulverstone Shrine of Remembrance ('the Clock').

Mr Bajzelj and his wife Wilhelmina have earlier joined Councillors at their meal this evening.

- To receive a Certificate of Appreciation from Mr Robert Milnes, on behalf of the Leven District Scout Association, in respect of the Council's contribution to scouting.

Mr Milnes earlier joined Councillors at their meal this evening. (Mr Milnes also presented the Council with a limited edition David Hopkins print celebrating 100 years of worldwide scouting.)

- A Certificate of Appreciation has been received from Relay for Life in respect of the Council's contribution to the Relay for Life 2010.
- An Award Certificate for being a finalist in the Best Workplace Health and Safety Management System – Public Sector (5th Annual Safe Work Australia Awards) has been received. The General Manager and Director Development & Regulatory Services recently attended the Award presentation in Canberra."

Following the presentations and acceptances, the Mayor resumed the meeting.

137/2010 Mayor's diary

The Mayor reported as follows:

"I have attended the following events and functions on behalf of the Council:

- Opt-in. Kids Theatre – 'Snow Bright and the Seven Wharfies'
- Ulverstone District Girl Guides – annual general meeting
- Cradle Coast General Managers – meeting re Cradle Mountain Sewerage Scheme

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- Turners Beach Bowls Club – annual dinner
 - Ulverstone Bowling Club – annual dinner
 - Returned & Services League of Australia, Ulverstone Sub-Branch – Anzac Day commemoration service
 - Cradle Mountain Water – TWSC Statewide Owners Representatives meeting (Launceston)
 - The Hon Ruth Forrest MLC – meeting re North West Industry Group
 - TJ McKenna House – official naming
 - Leven District Scout Association – centenary dinner
 - Ulverstone Senior Citizens Club – 42nd birthday social
 - Local Government Association of Tasmania – annual conference (Hobart)
 - Ulverstone Showground Redevelopment Sports Precinct Stage – official opening.”

Cr Cheryl Fuller has represented me at the following event:

- 2010 Australian IRB Championships Penguin SLSC – welcome and opening ceremony

Cr Lionel Bonde has represented me at the following event:

- National Volunteer Week – morning tea for Ulverstone History Museum volunteers.”

- Cr Howard moved and Cr (J) Bonded seconded, “That the Mayor’s report be received.”

Carried unanimously

Cr Dry left the meeting at this stage (6.13pm).

138/2010 Pecuniary interest declarations

The Mayor reported as follows:

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

The Executive Services Officer reported as follows:

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

Councillors 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 councillor 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.

139/2010 Public question time

The Mayor reported as follows:

“At 6.40pm or as soon as practicable thereafter, a period of not more than 30 minutes is to be set aside for public question time during which any member of the public may ask questions relating to the activities of the Council.

Public question time will be conducted as provided by the *Local Government (Meeting Procedures) Regulations 2005* and the supporting procedures adopted by the Council on 20 June 2005 (Minute No. 166/2005).”

COUNCILLOR REPORTS

140/2010 Councillor reports

The Executive Services Officer reported as follows:

“Councillors who have been appointed by the Council to community and other organisations are invited at this time to report on actions or provide information arising out of meetings of those organisations.

Any matters for decision by the Council which might arise out of these reports should be placed on a subsequent agenda and made the subject of a considered resolution.”

Cr Fuller reported on the CGU/Devonport Chamber of Commerce North West Business & Industry Awards.

Cr Dry returned to the meeting at this time (6.15pm).

Cr Howard reported on a meeting of the Riana Community Centre Committee.

APPLICATIONS FOR LEAVE OF ABSENCE

141/2010 Leave of absence

The Executive Services Officer reported as follows:

“The *Local Government Act 1993* provides that the office of a councillor becomes vacant if the councillor is absent without leave from three consecutive ordinary meetings of the council.

The Act also provides that applications by councillors for leave of absence may be discussed in a meeting or part of a meeting that is closed to the public.

There are no applications for consideration at this meeting.”

DEPUTATIONS

142/2010 Deputations

The Executive Services Officer reported as follows:

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

PETITIONS

143/2010 Petitions

The Executive Services Officer reported as follows:

“No petitions under the provisions of the *Local Government Act 1993* have been presented.”

COUNCILLORS' QUESTIONS

144/2010 Councillors' questions without notice

The Executive Services Officer reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide as follows:

- ‘29 (1) A councillor at a meeting may ask a question without notice of the chairperson or, through the chairperson, of –
- (a) another councillor; or
 - (b) the general manager.
- (2) In putting a question without notice, a councillor must not –
- (a) offer an argument or opinion; or
 - (b) draw any inferences or make any imputations –
- except so far as may be necessary to explain the question.
- (3) The chairperson must not permit any debate of a question without notice or its answer.
- (4) The chairperson, councillor or general manager who is asked a question without notice may decline to answer the question.
- (5) The chairperson may refuse to accept a question if it does not relate to the activities of the council.
- (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes.
- (7) The chairperson may require a councillor to put a question without notice in writing.’

If a question gives rise to a proposed matter for discussion and that matter is not listed on the agenda, Councillors are reminded of the following requirements of the Regulations:

- ‘8 (5) Subject to subregulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.
- (6) A council by absolute majority... may decide at an ordinary meeting to deal with a matter that is not on the agenda if the general manager has reported –
- (a) the reason it was not possible to include the matter on the agenda; and

-
- (b) that the matter is urgent; and
 - (c) that (qualified) advice has been provided under section 65 of the Act.'

Councillors who have questions without notice are requested at this time to give an indication of what their questions are about so that the questions can be allocated to their appropriate Departmental Business section of the agenda."

The allocation of topics ensued.

145/2010 Councillors' questions on notice

The Executive Services Officer reported as follows:

"The *Local Government (Meeting Procedures) Regulations 2005* provide as follows:

'30 (1) A councillor, 7 days before an ordinary meeting of a council or council committee, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.

(2) An answer to a question on notice must be in writing.'

It is to be noted that any question on notice and the written answer to the question will be recorded in the minutes of the meeting as provided by the Regulations.

Any questions on notice are to be allocated to their appropriate Departmental Business section of the agenda.

No questions on notice have been received."

DEPARTMENTAL BUSINESS

DEVELOPMENT & REGULATORY SERVICES

146/2010 Development & Regulatory Services determinations

The Director Development & Regulatory Services reported as follows:

“A Schedule of Development & Regulatory Services Determinations made during the month of April 2010 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

“A copy of the Schedule has been circulated to all Councillors.”

■ Cr Robertson moved and Cr Dry seconded, “That the Schedule of Development & Regulatory Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

147/2010 Central Coast Council Draft Climate Change Action Plan (50/2009 – 16.02.2009 and 218/2009 – 20.07.2009)

The Director Development & Regulatory Services reported as follows:

PURPOSE

The purpose of this report is to consider the adoption of the draft Central Coast Council Climate Change Action Plan (the Action Plan). A copy of the Action Plan is appended to this report.

BACKGROUND

According to the CSIRO, ‘...scientific consensus is greater than ever before that global warming is happening, and that the predominant cause of this warming is the production of greenhouse gases from human activities.’ The Central Coast Council recognises the importance of committing to long-term and strategic considerations of climate change and has included ‘The Environment and Sustainable Infrastructure’ as one of the five directions in the Strategic Plan 2009–2014 (the Strategic Plan). To

achieve this strategic direction, the Strategic Plan includes the following strategies and key actions:

- '4. Contribute to the preservation of the natural environment
- ...
2. Investigate and plan for the effects of climate change on the local area
3. Implement suitable climate change adaptation and/or mitigation strategies
- ...'

Along with the Strategic Plan, the Council's Environmental Policy commits the Council to incorporating the principles of sustainability and best practice environmental management into its management systems and decision making processes, to ensure the sound management as well as protection and development of the natural and built environment. Responding to the impacts of climate change is a large part of this.

DISCUSSION

Much of local government's response to climate change centres on the management of risks and specifically involves the prevention or management of situations in which property damage and risk to life and/or health may arise.

As a coastal community, the Central Coast Council must plan for the impacts of climate change. Risks of inundation in low-lying areas and accelerated coastal erosion are particular concerns. Given the uncertainty, but high probability that the sea level will continue to rise over the long term, it is important for the Council to determine how it will beneficially use coastal areas while recognising the long term planning needs to protect and accommodate as sea levels rise.

Climate variability is not new. Systems have been responding to variations in climate for centuries. The elements of surprise and flexibility of responses means that the widest possible range of plausible futures should be considered. Climate change offers opportunities as well as risk and multiple approaches and responses should be accommodated. The Action Plan outlines that the Council's response to climate change will involve a dual approach:

- . Management and reduction of greenhouse gas emissions (mitigation); and

- . Making adjustments to existing activities and practices so that vulnerability to potential impacts associated with climate change can be reduced or opportunities realised (adaptation).

The Action Plan will adopt the status of a related plan to the Council's Strategic Plan. Implementation of the actions proposed in the Action Plan will occur through the Council's annual planning process, which determines the initiatives and actions that will be funded each year to achieve the Council's strategic objectives.

CONSULTATION

The Action Plan was developed by a cross-divisional team comprising professionals from each Department and was workshopped with the Councillors on 9 March 2010.

IMPACT ON RESOURCES

A number of the actions proposed in the Action Plan are, and will continue to be, undertaken within existing resources. Implementation of the additional actions proposed in the Action Plan will be subject to funding from State and Federal Governments for climate change related activities. The cost and resource implications will be managed through the Council's annual planning and budget processes.

CORPORATE COMPLIANCE

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

The Shape of the Place

- . Conserve the physical environment in a way that ensures we have a healthy and attractive community
- . Encourage a creative approach to new development

A Connected Central Coast

- . Improve community wellbeing

Community Capacity and Creativity

- . Facilitate entrepreneurship in the business community

The Environment and Sustainable Infrastructure

- . Invest in and leverage opportunities from our natural environment
- . Contribute to a safe and healthy environment
- . Develop and manage sustainable built infrastructure
- . Contribute to the preservation of the natural environment

Council Sustainability and Governance

- . Effective communication and engagement
- . Improve the Council's financial capacity to sustainably meet community expectations
- . Strengthen local-regional connections

CONCLUSION

It is recommended that the Council endorse the draft Central Coast Council Climate Change Action Plan."

The Executive Services Officer reported as follows:

"A copy of the draft Central Coast Council Climate Change Action Plan has been circulated to all Councillors."

■ Cr Fuller moved and Cr Dry seconded, "That the Council endorse the draft Central Coast Council Climate Change Action Plan."

Continued after Minute No. 148/2010.

148/2010 Public question time

The time being 6.40pm, the Mayor introduced public question time.

Questions and replies concluded at 6.59pm.

Minute No. 147/2010 continued...

Voting for the motion

(9)

Cr Downie

Cr (J) Bonde

Cr (L) Bonde

Cr Diprose

Cr Dry

Cr Fuller

Cr Howard

Cr Robertson

Cr Viney

Voting against the motion

(2)

Cr Deacon

Cr van Rooyen

Motion

Carried

149/2010 Council acting as a planning authority

The Mayor reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide that if a council intends to act at a meeting as a planning authority under the *Land Use Planning and Approvals Act 1993*, the chairperson is to advise the meeting accordingly.

The Director Development & Regulatory Services has submitted the following report:

‘If any such actions arise out of Minute No’s 150/2010, 151/2010 and 152/2010, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Officer reported as follows:

“Councillors 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.”

- Cr Robertson moved and Cr Dry seconded, “That the Mayor’s report be received.”

Carried unanimously

150/2010 Rezoning section of land at CT156018/1 Maskells Road, Ulverstone from Rural Resource to Industrial, and together with CT155475/1 Fieldings Way, Ulverstone, a four lot subdivision and the development of Manufacturing and processing – Application No. COM2009.1 (101/2010 – 12.04.2010)

The Director Development & Regulatory Services reported as follows:

“ <i>AMENDMENT NO.:</i>	COM2009.1
<i>APPLICANT:</i>	Bullock consulting P/L obo Fairbrother P/L
<i>LOCATION:</i>	CT 156018/1 Maskells Road, Ulverstone and CT 155475/1 Fieldings Way, Ulverstone
<i>CURRENT ZONING:</i>	Rural Resource and Industrial
<i>PROPOSED ZONING:</i>	Industrial
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>LEGISLATION:</i>	<i>Land Use Planning and Approvals Act 1993</i> (the Act)

PURPOSE

The purpose of this report is to consider the merits of the representations received to the draft Combined Amendment during the public exhibition period and to allow the Council to advise the Tasmanian Planning Commission (the Commission) pursuant to s.39(2) of the Act.

BACKGROUND

At its meeting on 12 April 2010 (Minute No. 101/2010) the Council initiated and certified a draft Combined Amendment (COM2009.1) to rezone a section of land at CT156018/1 Maskells Road, Ulverstone from Rural Resource to Industrial and together with CT155475/1 Fieldings Way, Ulverstone, to undertake a four lot subdivision and development of Manufacturing and processing.

Section 39 of the Act provides that where representations are received to a draft Combined Amendment during the public exhibition period, the Council must consider each representation, and following that:

‘...forward to the Commission a report comprising–

- (a) a copy of each representation received by the authority in relation to the draft amendment...; and
- (b) a statement of its opinion as to the merit of each such representation, including, in particular, its views as to–
 - (i) the need for modification of the draft amendment in the light of that representation; and
 - (ii) the impact of that representation on the draft amendment as a whole; and
- (c) such recommendations in relation to the draft amendment as the authority considers necessary.’

Accordingly, this report to the Council will serve to satisfy s.39(2) of the Act.

After considering the Council’s s.39(2) report, the Commission must consider the draft Combined Amendment, any representations, statements and recommendations contained in the report. Pursuant to s.40 of the Act, the Commission must hold a hearing in relation to each representation contained in the report. The Commission may dispense with a hearing if:

- . the representations are in support of the draft Combined Amendment; or
- . the Commission has consulted with a person who made a representation and that person has advised the Commission in writing that he or she does not wish to attend a hearing.

Regardless of whether a hearing is conducted or not, the Commission, after consideration of the draft Combined Amendment, the Council's s.39(2) report and any representations may:

- . approve the draft Combined Amendment;
- . direct the Council to modify a draft Combined Amendment before approval; or
- . reject the draft Combined Amendment.

If the Commission is satisfied that the draft Combined Amendment is in order, it will notify the Council of its decision not later than three months from the date of the submission of this report.

DISCUSSION

The draft Combined Amendment has been provided to the Commission as part of the amendment process and has previously been provided to the Council.

The Combined Amendment was initiated and certified by the Council on 12 April 2010, and was advertised in The Advocate newspaper as required by the Act on Saturday, 17 April 2010. The representation period closed on Saturday, 8 May 2010.

Three representations were received during the statutory exhibition period. These are provided as Annexure 1 'Representations.' The issues raised in the representations are provided in Table 1 below. A response as required by s.39(2) of the Act is provided to each issue.

REPRESENTATION GROUNDS	MERIT STATEMENT
<p>REPRESENTATION 1:</p> <p>Supports the intent of the draft Combined Amendment.</p>	<p>Noted.</p> <p>No modification recommended.</p>

<p>REPRESENTATION 2:</p> <p>Advises of a report which has been prepared for the Central Coast Council meeting on 17 May 2010 recommending that the Council accept responsibility for the maintenance and future upgrading of the east and west stormwater outfalls from Maskells land, Ulverstone.</p> <p>Also advises that the scope of the stormwater analysis as required by Condition 10(d) of Planning Permit COM2009.1 has been extended to include the balance of the land and assessment of appropriate treatment for stormwater from potential future development of the site.</p>	<p>Condition 10(d) of Planning Permit COM2009.1 requires that the Council (as subdivider of the land) undertake a downstream analysis of the current stormwater drainage system to determine if there are any capacity limitations.</p> <p>The representation highlights that the Council intends to exceed the requirements of the condition by broadening the scope of the stormwater analysis to include the balance of the land and assessment of appropriate treatment for stormwater from potential future development of the site.</p> <p>This proposed action is noted.</p> <p>No modification recommended.</p>
<p>REPRESENTATION 3:</p> <p>Raises concerns with potential impacts on the representor's property from the proposed development including:</p> <ul style="list-style-type: none"> (a) stormwater disposal; (b) possible flooding; (c) impact of erosion; (d) environmental impact. 	<p>A response is provided below for each issue raised in the representation:</p> <ul style="list-style-type: none"> (a) Stormwater disposal <p>It is acknowledged that groundwater and stormwater are issues which require careful management on the subject site as it is low lying, flat and imperfectly drained.</p> <p>The applicant has undertaken investigations</p>

	<p>into this matter and has recommended various engineering solutions. Conditions have also been included on the Planning Permit to require that the subdivider undertake further investigative and upgrading works to ensure that the stormwater reticulation system is sufficient to cater for the proposed development.</p> <p>Further, Representation 2 has advised of an intention of the subdivider to expand the scope of the investigation and upgrading works to cater for drainage from the balance of the subject land as well as the development site. Accordingly, the stormwater disposal has been satisfactorily addressed.</p> <p>No modification recommended.</p> <p>(b) Possible flooding</p> <p>The land has an elevation between 4.5m AHD and 7.0m AHD which is sufficient to provide protection against sea level rise and storm surge.</p> <p>Conditions have been included on the Planning Permit requiring that the subdivider undertake necessary investigations and</p>
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	<p>upgrading works to the drainage infrastructure to ensure that it can adequately address the stormwater/groundwater generated by the development.</p> <p>Further, Representation 2 has advised of an intention of the subdivider to expand the scope of the investigation and upgrading works to cater for drainage from the balance of the subject land as well as the development site. Accordingly, the potential for flooding is satisfactorily addressed.</p> <p>No modification recommended.</p> <p>(c) Impact of erosion</p> <p>It is acknowledged that the discharge from stormwater outfalls has the potential to cause erosion in the area immediately surrounding the outfall. This is a known issue at the outfalls from Maskells land and has been addressed by conditions 10(d)–(f) in the Planning Permit.</p> <p>Further, Representation 2 advises of an intention for the subdivider to upgrade and maintain the east and west stormwater outfalls from Maskells land.</p>
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	<p>No modification recommended.</p> <p>(d) Environmental impact</p> <p>The potential environmental impacts from the development have been thoroughly addressed by the applicant. An acoustic report demonstrates that the noise emitted by the proposed development will be within the area's existing ambient background noise level.</p> <p>No modification recommended.</p>
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CONSULTATION

The statutory consultation period was fulfilled and is detailed in the 'Discussion' above. The draft Combined Amendment was advertised for a period of three weeks.

IMPACT ON RESOURCES

The application will impact on staff time and administrative costs associated with the statutory processes involved in the Combined Amendment assessment process. No other impact on resources is anticipated.

CORPORATE COMPLIANCE

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

The Shape of the Place

- . Conserve the physical environment in a way that ensures we have a healthy and attractive community
- . Encourage a creative approach to new development

A Connected Central Coast

- . Improve community wellbeing

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

Council Sustainability and Governance

- . Effective communication and engagement
- . Strengthen local-regional connections

CONCLUSION

There were three representations received by the Council on the draft Combined Amendment during the public exhibition period. One representation supported the draft Combined Amendment, another provided information on additional investigations/works proposed to be undertaken by the subdivider, whilst the third representation is primarily concerned with issues around the management of stormwater/groundwater from the site.

No modification is recommended as a result of the representations received.

It is recommended that the Tasmanian Planning Commission be advised as follows:

- 1 there were three representations to the draft Combined Amendment (identified as COM2009.1) during the public exhibition period; and
- 2 the Council does not recommend any modification to the draft Combined Amendment.”

The Executive Services Officer reported as follows:

“A copy of the representations have been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Deacon seconded, “That the Tasmanian Planning Commission be advised as follows in respect of the application for rezoning section of land at CT156018/1 Maskells Road, Ulverstone from Rural Resource to Industrial, and together with CT155475/1 Fielding Way, Ulverstone, a four lot subdivision and the development of Manufacturing and processing – Application No. COM2009.1:

- 1 there were three representations to the draft Combined Amendment (identified as COM2009.1) during the public exhibition period; and
- 2 the Council does not recommend any modification to the draft Combined Amendment.”

Carried unanimously

151/2010 Rezoning section of land at 6 Turners Beach Road, Turners Beach (CT 8179/3) from Environmental Management to Residential and eight lot subdivision – Application No. COM2009.3 (102/2010 – 12.04.2010)

The Director Development & Regulatory Services reported as follows:

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

<i>‘AMENDMENT NO.:</i>	COM2009.3
<i>APPLICANT:</i>	Richard Sands
<i>LOCATION:</i>	6 Turners Beach Road, Turners Beach (CT8179/3)
<i>CURRENT ZONING:</i>	Environmental Management
<i>PROPOSED ZONING:</i>	Residential
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>LEGISLATION:</i>	<i>Land Use Planning and Approvals Act 1993</i> (the Act)
<i>ADVERTISED:</i>	17 April 2010
<i>REPRESENTATIONS EXPIRY DATE:</i>	8 May 2010
<i>REPRESENTATIONS RECEIVED:</i>	Three

PURPOSE

The purpose of this report is to consider the merits of representations received during the statutory public exhibition period for the rezoning and subdivision of land at 6 Turners Beach Road, Turners Beach.

In accordance with the requirements of the Act, the Council is required to consider the merits of each representation, and whether any subsequent modifications are considered necessary to the proposed rezoning and draft permit originally initiated by the Council.

The Council’s response to the representations is then forwarded to the Tasmanian Planning Commission (the Commission) who will make the final assessment of the draft Amendment and draft permit concurrently and conduct public hearings as necessary.

BACKGROUND

At its meeting on 12 April 2010 (Minute No. 102/2010) the Council resolved to initiate an application to amend the Scheme by the rezoning and subdivision of eight new allotments from a portion of land at 6 Turners Beach Road, Turners Beach (CT8179/3).

In accordance with the requirements of the Act the draft Amendment was then placed on public exhibition for a period of three weeks during which time any person could inspect the draft Amendment and lodge representations to the Council in writing.

DISCUSSION

Three representations were received to the application during the statutory public exhibition period. Two representations were received from the applicant, and one was submitted by the Turners Beach Coastcare community group. The representations are summarised in the Table below, which also includes a response to the issues raised.

For reference purposes, a copy of the proposed plan of subdivision is provided at Annexure 1.

REPRESENTATION	ISSUES SUMMARY	RESPONSE
<p>1 Applicant (Copy of representation provided at Annexure 2)</p>	<p>Provides additional information in respect of application.</p>	<p>The additional information relates to matters including site vulnerability and risk in respect of climate change, and also matters relating to appropriate dune management for the site.</p> <p>This information was provided in respect of preliminary discussions concerning the proposal between the applicant and Council officers prior to the lodgement of the formal application. In early March 2010 the applicant advised the Council to proceed with the application on the information already provided, as there was no definite guarantee or timeframe as to the provision of this information.</p>

		<p>The applicant has subsequently provided this information during the public exhibition period.</p> <p>The additional information relates largely to material already supplied by the applicant, and does not influence the Council's original decision to initiate the draft Amendment. Furthermore, the information relating to matters such as the future maintenance of dune vegetation and slope, the response to possible erosion events etc. are considered to be of an advisory nature providing recommendations to the Council for the appropriate future management of the dune system on the proposed Lot 101 "Public Open Space" (the Council will take over ownership of Lot 101).</p> <p>Notwithstanding the above, and following discussions with the Council's Asset Management Group Leader, it is considered that it would be appropriate to ensure that the recommended dune rehabilitation works have been undertaken for the site and that the vegetation and restoration works on Lot 101 are established to an acceptable standard prior to</p>
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		<p>the Council taking over ownership of this land.</p> <p>It is recommended that appropriate conditions to this effect be included on the draft permit.</p> <p>(See also response to Representation 3).</p> <p>No modification to the draft Amendment or draft permit recommended.</p>
<p>2 Applicant (Copy of representation provided at Annexure 3)</p>	<p>Objects to the provision of and the height of fencing along the southern boundary of proposed Lot 101; and</p> <p>Objects to the cost of service infrastructure provision as prescribed by the Cradle Mountain Water conditions on the draft permit.</p>	<p><i>Fencing -</i></p> <p>Condition 3(i) of the draft permit prescribes the provision of a fence constructed of non-combustible materials, to a height of 1.8m, and of a ring-lock post box and strainer wire style to be erected along the southern boundary of Lot 101.</p> <p>The requirement for the provision of fencing along the east-west transect of the southern boundary of proposed Lot 101 was identified by coastal geomorphologist, Frances Mowling, as an appropriate measure for the management of the dune system. This was outlined in the information provided by the applicant in lodging the application, and also the additional information</p>

		<p>discussed above under Representation 1. It is considered that the provision of this fencing allows for the appropriate demarcation of the coastal reserve land from privately owned land, will better allow for management of the dune system and also concentrate and constrain pedestrian access to the boardwalk walkway depicted between Lots 3 and 4 on the submitted subdivision plan.</p> <p>Furthermore, condition 3(i) on the draft permit required the fencing along the southern boundary of proposed Lot 101. It is considered appropriate that this fencing requirement also be extended to the northern property boundary of proposed Lots 1, 2 and 3 which do not share a common boundary with Lot 101. It is recommended that the draft permit conditions be modified to also require this fencing.</p> <p>With respect to fencing height, the 1.8m height prescribed in the draft permit conditions originates back to the original application for the site in 2006. In its assessment of the representations for that proposal, the Council resolved to allow for a lesser fence height of not less than</p>
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		<p>1.2m.</p> <p>It is considered that a fence height of not less than 1.2m along the southern boundary of proposed Lot 101 is in keeping with the Council's decision on the issue in 2006 and a fence of this height is less visually intrusive than a fence with a height of 1.8m.</p> <p>Accordingly, it is recommended that condition 3(i) of the draft permit be amended to require a fencing height of not less than 1.2m.</p> <p><i>Cradle Mountain Water (CMW) conditions -</i></p> <p>The CMW conditions prescribed on the draft permit are entirely at the discretion of CMW as the statutory authority responsible for water and sewerage in the region.</p> <p>It is recommended that CMW be made a party to any public hearing held by the Commission on the draft Amendment, to allow for appropriate discussions in this forum.</p>
<p>3 Turners Beach Coastcare (Copy of representation)</p>	<p>Generally supports the proposal, but raises concerns with regard to lot covenants,</p>	<p><i>Lots 1-7 Covenants -</i></p> <p>The draft permit prescribed suitable covenants to be</p>

<p>provided at Annexure 4)</p>	<p>completion of the Dune Rehabilitation Plan, and fencing.</p>	<p>included on the Schedule of Easements for the land titles of Lots 1–7 prohibiting the removal and/or modification of vegetation and the development of works within 4.5m of the northern boundary of Lot 101. The representor raises concerns about the ability of the Council to effectively enforce these covenants.</p> <p>The covenants were devised in order to provide for the appropriate management of the dune system. A covenant is a legally binding requirement upon future property owners, and it is considered that the use of covenants is the most effective option available to the Council.</p> <p>No modification to draft Amendment or draft permit recommended.</p> <p><i>Dune Rehabilitation Plan -</i></p> <p>In compliance with the conditions of approval prescribed for the original application in 2006, the proponent has undertaken various preparatory works of the site, including the management and re-vegetation of the dune system which has been carried out in accordance with a previously prepared</p>
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		<p>Dune Rehabilitation Plan. The representor raises issues regarding the completion of the Dune Rehabilitation Plan, and the ongoing future maintenance of the dune system.</p> <p>Whilst it is noted that significant rehabilitation works on the dune system have been undertaken, it is considered appropriate that some level of “sign off” would be advantageous to ensure that the dune has been appropriately restored in accordance with the Dune Rehabilitation Plan.</p> <p>The future management of the dune system will be carried out by the Council (as future landowners of Lot 101) and appropriate management regimes will be devised in consultation with the Turners Beach community.</p> <p>It is recommended that additional permit conditions be included on the draft permit to appropriately provide for implementation of the Dune Rehabilitation Plan.</p> <p><i>Fencing –</i></p> <p>The representor raises concerns with respect to fencing within the 4.5m</p>
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		<p>development exclusion zone for proposed Lots 1-7 prescribed by condition 3(f) of the draft permit, and also the future maintenance of the fence along the southern boundary of proposed Lot 101.</p> <p>The provision of a boundary fence along the southern boundary of Lot 101 [as prescribed by condition 3(f) of the draft permit] would also serve as a boundary fence for proposed Lots 3-7, and accordingly there would be no need for further fencing to demarcate property boundaries between these lots.</p> <p>With regard to the future maintenance of the boundary fence along the southern boundary of Lot 101 this will become the responsibility of the Council, and it is not considered that this need be imposed as mandatory permit conditions for the proposed subdivision.</p> <p>No modification to draft Amendment or draft permit recommended.</p>
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Summary of recommendations –

The following information provides a summary of the recommendations for modification of the draft Amendment in light of the assessment of the received representations discussed in the previous section. The proposed modifications relate solely to conditions prescribed on the draft permit.

- To provide for appropriate fencing along the transect of the boundary between Lots 1–7 and Lot 101, and also the adjoining Crown land, it is recommended that condition 3(i) of draft permit COM2009.3 be modified (as highlighted) as follows:
 - “3(i) A fence constructed of non-combustible materials, to a height of not less than 1.2m and of a ring-lock post box and strainer wire style is to be erected along the southern boundary of Lot 101 and the northern boundary of Lots 1, 2 and 3, at the developer’s expense;”

- Following the issues raised in the representations and discussions with the Council’s Asset Management Group Leader, it is recommended that the following additional permit conditions be included on draft permit COM2009.3, to ensure that the appropriate site dune rehabilitation works are completed and vegetation on proposed Lot 101 is established to a satisfactory level:
 - “(k) Lots 1, 2 and part of Lot 3 are to be rehabilitated (including any revegetation works) to the satisfaction of the Council’s Director Engineering Services, at the developer’s expense;

 - (l) Appropriate development siting requirements to be determined for Lots 1, 2 and part of Lot 3 to the satisfaction of the Council’s Land Use Planning Group Leader prior to the sealing of the Final Plan of subdivision;

 - (m) The developer is to demonstrate, to the satisfaction of the Council’s Director Engineering Services, that the dune rehabilitation works outlined in the Dune Rehabilitation Plan prepared by landscape consultant, Philip Milner, dated 10th May 2008, have been completed;

 - (n) For a period of not less than 12 months from the date the dune rehabilitation works are determined to be complete [as specified in condition (m) above], the developer is to ensure that the vegetation and other restoration works of Lot 101 are maintained to a level deemed acceptable by the Council’s Director Engineering Services, and at the expense of the developer.”

CONSULTATION

In accordance with the requirements of the Act the draft Amendment was subject to:

- the placement of a site notice;
- notification to adjoining landowners;
- an advertisement was placed in the Public Notices section of The Advocate newspaper on two occasions (including a Saturday); and
- the draft Amendment was made available for public inspection and open to public comment for a period of three weeks.

IMPACT ON RESOURCES

The generation of this report has involved the usual amount of resources required for the assessment and preparation of a report.

Unless the Commission determines that a public hearing is not required, the Council will also need to be represented at the hearing of the draft Amendment.

CONCLUSION

This report has addressed the issues raised in the representations received during the statutory public exhibition period of the draft Amendment. The above discussion has identified some modifications are necessary to the draft permit for the proposed subdivision, which was considered by the Council at its meeting of 12 April 2010.

Recommendation –

It is recommended that the Council advise the Commission that there is considered no modification necessary to the rezoning proposed by the draft Amendment, but in accordance with s.43F (6) of the Act the following modifications (as highlighted) are considered necessary to draft permit COM2009.3.

- 3 That the proposed eight lot subdivision (identified as Lots 1–7 and Lot 101 [Public Open Space] on the submitted plan of subdivision) be approved subject to the following conditions and restrictions:
 - (a) the development of Lots 1–7 and Lot 101 (Public Open Space) must be in accordance with the plans and other information

submitted as part of the application for this permit, unless modified by a condition of this permit;

- (b) the balance of the site is to be developed in accordance with the conditions detailed in the previously approved permit COM2006.1;
- (c) The Final Plan of subdivision must be generally in accordance with the submitted Plan of subdivision prepared by Richard Sands, dated 4 August 2009, Drawing No. 0604-09-01;
- (d) Except with the prior written consent of the Council or as a result of a condition prescribed by this permit, covenants or similar restrictive controls must not be included on, or otherwise imposed on, the titles to the lots created by the subdivision if those covenants seek to prohibit any use provided for in the Central Coast Planning Scheme 2005 or otherwise place limits on development that may occur on any lot within the subdivision;
- (e) A suitable covenant is to be included in the Schedule of Easements for Lots 1-7 inclusive to prohibit the floor level of any habitable room being below the 3.6m Australian Height Datum (AHD);
- (f) A suitable covenant is to be included in the Schedule of Easements for each residential lot to prohibit the development of any buildings, infrastructure or excavation works (including decking, sheds, barbecue structures, and the like) within 4.5m of the northern boundary or such area as determined appropriate for Lots 3-7 under condition (l) below;
- (g) A suitable covenant is also to be included in the Schedule of Easements for Lots 3-7 inclusive to prohibit the removal and/or otherwise destruction of native vegetation within the 4.5m setback distance specified in condition (f) above;
- (h) Where sand or loam is removed during the construction of the subdivision, sufficient topsoil is to be retained to cover the area disturbed to a depth of at least 100mm. All disturbed areas are to be sown down with a suitable grass covering as soon as practicable after the completion of the works;

- (i) A fence constructed of non-combustible materials, to a height of not less than 1.2m and of a ring-lock post and strainer wire style is to be erected along the southern boundary of Lot 101, and the northern boundary of Lots 1, 2 and 3 at the developer's expense;
- (j) The removal and/or modification of native vegetation required to be undertaken in the construction of the boundary fence [detailed above in condition (i)] on Lot 101 Public Open Space (of which ownership will be transferred to the Council) is to be managed and/or rectified to the satisfaction of the Council;
- (k) Lots 1, 2 and part of Lot 3 are to be rehabilitated (including any revegetation works) to the satisfaction of the Council's Director Engineering Services, at the developer's expense;
- (l) Appropriate development siting requirements to be determined for Lots 1, 2 and part of Lot 3 to the satisfaction of the Council's Land Use Planning Group Leader prior to the sealing of the Final Plan of subdivision;
- (m) The developer is to demonstrate, to the satisfaction of the Council's Director Engineering Services, that the dune rehabilitation works outlined in the Dune Rehabilitation Plan prepared by landscape consultant, Philip Milner, dated 10th May 2008, have been completed;
- (n) For a period of not less than 12 months from the date the dune rehabilitation works are determined to be complete [as specified in condition (m) above], the developer is to ensure that the vegetation and other restoration works of Lot 101 are maintained to a level deemed acceptable by the Council's Director Engineering Services, and at the expense of the developer;
- (o) Appropriate dust control measures are to be implemented to ensure that dust emanating from the development of the lots does not pose an environmental nuisance to nearby property owners;

Engineering

- (p) The subdivider shall:

- (i) provide water supply reticulation and a connection to each lot;
- (ii) provide sewer reticulation and a connection point to each lot;
- (iii) provide an appropriate underground stormwater drainage system, including the extension or upgrading of stormwater reticulation where necessary, and provide an appropriate underground stormwater connection point to each lot;
- (iv) provide, extend or upgrade the road infrastructure to the satisfaction of the Council's Director Engineering Services;
- (v) provide a concrete or paved vehicular access to each lot in accordance with Standard Drawing SD-1003 Urban Roads - Typical Vehicle Crossing;
- (vi) provide (where necessary) water supply and drainage easements;
- (vii) relocate (where necessary) existing Council services along lot boundaries;
- (viii) provide appropriate landscaping treatment within the road reservation;
- (ix) provide separate underground power mains and services to each lot, together with associated street lighting standards;
- (x) advise Telstra in relation to the provision of services to the subdivision;
- (xi) submit for Council approval, engineering design drawings (including supporting documentation, calculations etc.) for all infrastructure to be constructed as part of the subdivision that is to become an asset of the Council; and

- (xii) not commence construction until the relevant design drawings are approved by the Council's Director Engineering Services;
- (q) The design and construction of the roads by the subdivider is to be in accordance with the *Local Government (Highways) Act 1982* and the Council's standard specifications and drawings;
- (r) The provision, upgrading, re-routing or extension of Council infrastructure and services as a result of the subdivision shall be to the satisfaction of the Council's Director Engineering Services;
- (s) Any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services is to be rectified to the satisfaction of the Council's Director Engineering Services at the applicant's expense;
- (t) The Final Plan must be endorsed to show any area that cannot be serviced by the existing or new reticulated sewer, stormwater or water;
- (u) The subdivider shall arrange for the necessary transfer of the road reservations and public open spaces (including lot identified as Lot 101 Public Open Space) to the ownership of the Central Coast Council at the time of lodgement of the Plan of Survey for sealing by the Council, with all costs involved in this procedure to be met by the subdivider;

Cradle Mountain Water (CMW)

Water Supply

- (v) A reticulated water supply for the development with individual connections to each allotment and fire plugs in accordance with the requirements of the Tasmanian Fire Services must be designed and constructed in compliance with WSAA Water Supply Code of Australia and CMW requirements;
- (w) Prior to commencement of works, detailed construction plans of all proposed works, prepared by a suitably qualified engineer, demonstrating compliance with WSAA Water Supply Code of Australia and CMW requirements, must be submitted and approved by CMW. In the case of discrepancies or items

not covered in the WSAA Standards, details must be to the satisfaction of CMW. Design calculations to confirm design are to be provided if requested by CMW;

- (x) The approved engineering drawings must not be altered without the prior written consent of CMW;
- (y) All works are to be constructed under the supervision of a qualified engineer in accordance with WSAA Water Supply Code of Australia. The qualified engineer is to certify to CMW that the works have been constructed in accordance the approved plans and WSAA Standards;
- (z) All connections to and associated work on CMW assets must be carried out by CMW staff via a Private Works Request at the cost of the developer. A Private Works Request is to be made to the CMW by the developer 21 days prior to the connection being required;
- (aa) The developer must pay all costs associated with all works required to provide water to the individual allotments including construction, extension, upgrade and/or connection to CMW assets required for the development;
- (bb) "As Constructed Drawings" prepared by a qualified Surveyor are to be provided to CMW prior to CMW acceptance of the completion of the works;
- (cc) Any water services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW;
- (dd) Any redundant water services are to be disconnected and capped to the satisfaction of CMW;

Sewerage Supply

- (ee) A reticulated sewerage system for the development with individual connections to each allotment must be designed and constructed in accordance with WSAA Sewerage Code of Australia and CMW requirements;
- (ff) Prior to commencement of works, detailed construction plans of all proposed works, prepared by a suitably qualified engineer, demonstrating compliance with WSAA Sewerage

- Code of Australia and CMW requirements, must be submitted and approved by CMW. In the case of discrepancies or items not covered in the WSAA Standards, details must be to the satisfaction of CMW. Design calculations to confirm design are to be provided if requested by CMW;
- (gg) The approved engineering drawings must not be altered without the prior written consent of CMW;
 - (hh) All connections to and associated work on CMW assets must be carried out by CMW staff via a Private Works Request at the cost of the developer. A Private Works Request is to be made to CMW by the developer 21 days prior to the connection being required;
 - (ii) All works are to be constructed under the supervision of a qualified engineer in accordance with WSAA Sewerage Code of Australia. The qualified engineer is to certify to CMW that the works have been constructed in accordance with the approved plans and WSSA standards;
 - (jj) The developer must pay all costs associated with all works required to provide sewerage to the individual allotments including construction, extension, upgrade and/or connection to CMW assets required for the development;
 - (kk) "As Constructed Drawings" prepared by a qualified Surveyor are to be provided to CMW prior to acceptance of the completion of the works;
 - (ll) Any sewer or water services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW;
 - (mm) Any sewer services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW;
 - (nn) Any redundant sewer services are to be disconnected and capped to the satisfaction of CMW;
 - (oo) Three (3) metre wide easement(s) over CMW sewerage mains passing through the property must be accurately shown in the Final Survey Plan lodged with Council for sealing;

Water and Sewerage Headworks Contribution

- (pp) Before the Council seals a Final Plan of subdivision for the proposal, or any stage of the proposal or the use commencing, there must be paid to the Tasmanian Water & Sewerage Corporation (North West Region) Pty Ltd (CMW) a headworks contribution for water and sewerage as follows:

For Sewerage: \$,1349.00 per additional allotment
For Water: \$,2,669.00 per additional allotment

(6 allotments)

- (qq) Each payment is calculated as at 1 January 2010. Each payment must be indexed in accordance with any increases in the Consumer Price Index with effect from 1 July in each financial year calculated to the date of payment. In the case of a subdivision proceeding in stages, the amount is to be calculated in accordance with the number of lots proposed in each stage.

The applicant is further requested to note:

- A This permit expires two years from the date of this advice unless the development has been substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time.
- B Substantial commencement will be considered to be the submission and approval of engineering drawings and the physical commencement of infrastructure works on the site or an arrangement of a Private Works Authority (PWA) or bank guarantee to undertake such works; or where it can be adequately demonstrated that requirements prescribed by one or more of the permit conditions have been substantially acted upon. Any arrangement for a PWA or bank guarantee will be at the sole discretion of the Council and/or Cradle Mountain Water.
- C Cradle Mountain Water should be consulted in respect to the provision, upgrading, re-routing or extension of water and/or sewer services as a result of the subdivision, or any water and

sewerage infrastructure/services that may exist on the property.

- D Please direct any questions regarding the Cradle Mountain Water conditions on this permit to Cradle Mountain Water on tel. 13 6992.
- E The Council will consider the use of suitable Water Sensitive Urban Design principles or detention type systems to assist in minimising the run-off generated from the full development of the subdivision.
- F Any works associated with the connection to existing (live) Council stormwater services will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.
- G Any works associated with existing kerb and channel, footpath, roads or stormwater infrastructure will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.
- H Any works undertaken within the road reservation require a Road Permit to be issued prior to the commencement of construction. An application form can be obtained from the Engineering Services Department. A fee applies.
- I Please contact the Council's Engineering Services Department to discuss or arrange any infrastructure work requirements.
- J The Final Plan will not be sealed until all conditions of approval have been met.
- K Where survey pegs are disturbed during the provision of services a re-peg survey must be undertaken by a registered surveyor.'

The report is supported.”

The Executive Services Officer reported as follows:

“A copy of the plan of subdivision and representations have been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Deacon seconded, "That the Tasmanian Planning Commission be advised that it is considered that no modifications are necessary in respect of the application for rezoning of land at 6 Turners Beach Road, Turners Beach (CT8179/3) from Environmental Management to Residential and eight lot subdivision – Application No. COM2009.3, but in accordance with s.43F (6) of the *Land Use Planning & Approvals Act 1993* the following modifications (as highlighted) are considered necessary to the draft permit COM2009.3:

- 3 That the proposed eight lot subdivision (identified as Lots 1–7 and Lot 101 [Public Open Space] on the submitted plan of subdivision) be approved subject to the following conditions and restrictions:
 - (a) the development of Lots 1–7 and Lot 101 (Public Open Space) must be in accordance with the plans and other information submitted as part of the application for this permit, unless modified by a condition of this permit;
 - (b) the balance of the site is to be developed in accordance with the conditions detailed in the previously approved permit COM2006.1;
 - (c) The Final Plan of subdivision must be generally in accordance with the submitted Plan of subdivision prepared by Richard Sands, dated 4 August 2009, Drawing No. 0604–09–01;
 - (d) Except with the prior written consent of the Council or as a result of a condition prescribed by this permit, covenants or similar restrictive controls must not be included on, or otherwise imposed on, the titles to the lots created by the subdivision if those covenants seek to prohibit any use provided for in the Central Coast Planning Scheme 2005 or otherwise place limits on development that may occur on any lot within the subdivision;
 - (e) A suitable covenant is to be included in the Schedule of Easements for Lots 1–7 inclusive to prohibit the floor level of any habitable room being below the 3.6m Australian Height Datum (AHD);
 - (f) A suitable covenant is to be included in the Schedule of Easements for each residential lot to prohibit the development of any buildings, infrastructure or excavation works (including decking, sheds, barbecue structures, and the like) within 4.5m of the northern boundary or such area as determined appropriate for Lots 3–7 under condition (l) below;
 - (g) A suitable covenant is also to be included in the Schedule of Easements for Lots 3–7 inclusive to prohibit the removal and/or otherwise destruction of native vegetation within the 4.5m setback distance specified in condition (f) above;

- (h) Where sand or loam is removed during the construction of the subdivision, sufficient topsoil is to be retained to cover the area disturbed to a depth of at least 100mm. All disturbed areas are to be sown down with a suitable grass covering as soon as practicable after the completion of the works;
- (i) A fence constructed of non-combustible materials, to a height of not less than 1.2m and of a ring-lock post box and strainer wire style is to be erected along the southern boundary of Lot 101, and the northern boundary of Lots 1, 2 and 3 at the developer's expense;
- (j) The removal and/or modification of native vegetation required to be undertaken in the construction of the boundary fence [detailed above in condition (i)] on Lot 101 Public Open Space (of which ownership will be transferred to the Council) is to be managed and/or rectified to the satisfaction of the Council;
- (k) Lots 1, 2 and part of Lot 3 are to be rehabilitated (including any revegetation works) to the satisfaction of the Council's Director Engineering Services, at the developer's expense;
- (l) Appropriate development siting requirements to be determined for Lots 1, 2 and part of Lot 3 to the satisfaction of the Council's Land Use Planning Group Leader prior to the sealing of the Final Plan of subdivision;
- (m) The developer is to demonstrate, to the satisfaction of the Council's Director Engineering Services, that the dune rehabilitation works outlined in the Dune Rehabilitation Plan prepared by landscape consultant, Philip Milner, dated 10th May 2008, have been completed;
- (n) For a period of not less than 12 months from the date the dune rehabilitation works are determined to be complete [as specified in condition (m) above], the developer is to ensure that the vegetation and other restoration works of Lot 101 are maintained to a level deemed acceptable by the Council's Director Engineering Services, and at the expense of the developer;
- (o) Appropriate dust control measures are to be implemented to ensure that dust emanating from the development of the lots does not pose an environmental nuisance to nearby property owners;

Engineering

- (p) The subdivider shall:
 - (i) provide water supply reticulation and a connection to each lot;

- (ii) provide sewer reticulation and a connection point to each lot;
 - (iii) provide an appropriate underground stormwater drainage system, including the extension or upgrading of stormwater reticulation where necessary, and provide an appropriate underground stormwater connection point to each lot;
 - (iv) provide, extend or upgrade the road infrastructure to the satisfaction of the Council's Director Engineering Services;
 - (v) provide a concrete or paved vehicular access to each lot in accordance with Standard Drawing SD-1003 Urban Roads - Typical Vehicle Crossing;
 - (vi) provide (where necessary) water supply and drainage easements;
 - (vii) relocate (where necessary) existing Council services along lot boundaries;
 - (viii) provide appropriate landscaping treatment within the road reservation;
 - (ix) provide separate underground power mains and services to each lot, together with associated street lighting standards;
 - (x) advise Telstra in relation to the provision of services to the subdivision;
 - (xi) submit for Council approval, engineering design drawings (including supporting documentation, calculations etc.) for all infrastructure to be constructed as part of the subdivision that is to become an asset of the Council; and
 - (xii) not commence construction until the relevant design drawings are approved by the Council's Director Engineering Services;
- (q) The design and construction of the roads by the subdivider is to be in accordance with the *Local Government (Highways) Act 1982* and the Council's standard specifications and drawings;
- (r) The provision, upgrading, re-routing or extension of Council infrastructure and services as a result of the subdivision shall be to the satisfaction of the Council's Director Engineering Services;

- (s) Any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services is to be rectified to the satisfaction of the Council's Director Engineering Services at the applicant's expense;
- (t) The Final Plan must be endorsed to show any area that cannot be serviced by the existing or new reticulated sewer, stormwater or water;
- (u) The subdivider shall arrange for the necessary transfer of the road reservations and public open spaces (including lot identified as Lot 101 Public Open Space) to the ownership of the Central Coast Council at the time of lodgement of the Plan of Survey for sealing by the Council, with all costs involved in this procedure to be met by the subdivider;

Cradle Mountain Water (CMW)

Water Supply

- (v) A reticulated water supply for the development with individual connections to each allotment and fire plugs in accordance with the requirements of the Tasmanian Fire Services must be designed and constructed in compliance with WSAA Water Supply Code of Australia and CMW requirements;
- (w) Prior to commencement of works, detailed construction plans of all proposed works, prepared by a suitably qualified engineer, demonstrating compliance with WSAA Water Supply Code of Australia and CMW requirements, must be submitted and approved by CMW. In the case of discrepancies or items not covered in the WSAA Standards, details must be to the satisfaction of CMW. Design calculations to confirm design are to be provided if requested by CMW;
- (x) The approved engineering drawings must not be altered without the prior written consent of CMW;
- (y) All works are to be constructed under the supervision of a qualified engineer in accordance with WSAA Water Supply Code of Australia. The qualified engineer is to certify to CMW that the works have been constructed in accordance the approved plans and WSAA Standards;
- (z) All connections to and associated work on CMW assets must be carried out by CMW staff via a Private Works Request at the cost of the developer. A Private Works Request is to be made to the CMW by the developer 21 days prior to the connection being required;

- (aa) The developer must pay all costs associated with all works required to provide water to the individual allotments including construction, extension, upgrade and/or connection to CMW assets required for the development;
- (bb) “As Constructed Drawings” prepared by a qualified Surveyor are to be provided to CMW prior to CMW acceptance of the completion of the works;
- (cc) Any water services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW;
- (dd) Any redundant water services are to be disconnected and capped to the satisfaction of CMW;

Sewerage Supply

- (ee) A reticulated sewerage system for the development with individual connections to each allotment must be designed and constructed in accordance with WSAA Sewerage Code of Australia and CMW requirements;
- (ff) Prior to commencement of works, detailed construction plans of all proposed works, prepared by a suitably qualified engineer, demonstrating compliance with WSAA Sewerage Code of Australia and CMW requirements, must be submitted and approved by CMW. In the case of discrepancies or items not covered in the WSAA Standards, details must be to the satisfaction of CMW. Design calculations to confirm design are to be provided if requested by CMW;
- (gg) The approved engineering drawings must not be altered without the prior written consent of CMW;
- (hh) All connections to and associated work on CMW assets must be carried out by CMW staff via a Private Works Request at the cost of the developer. A Private Works Request is to be made to CMW by the developer 21 days prior to the connection being required;
- (ii) All works are to be constructed under the supervision of a qualified engineer in accordance with WSAA Sewerage Code of Australia. The qualified engineer is to certify to CMW that the works have been constructed in accordance with the approved plans and WSSA standards;
- (jj) The developer must pay all costs associated with all works required to provide sewerage to the individual allotments including construction, extension, upgrade and/or connection to CMW assets required for the development;

- (kk) "As Constructed Drawings" prepared by a qualified Surveyor are to be provided to CMW prior to acceptance of the completion of the works;
- (ll) Any sewer or water services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW;
- (mm) Any sewer services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW;
- (nn) Any redundant sewer services are to be disconnected and capped to the satisfaction of CMW;
- (oo) Three (3) metre wide easement(s) over CMW sewerage mains passing through the property must be accurately shown in the Final Survey Plan lodged with Council for sealing;

Water and Sewerage Headworks Contribution

- (pp) Before the Council seals a Final Plan of subdivision for the proposal, or any stage of the proposal or the use commencing, there must be paid to the Tasmanian Water & Sewerage Corporation (North West Region) Pty Ltd (CMW) a headworks contribution for water and sewerage as follows:

For Sewerage: \$,1349.00 per additional allotment
For Water: \$2,669.00 per additional allotment

(6 allotments)

- (qq) Each payment is calculated as at 1 January 2010. Each payment must be indexed in accordance with any increases in the Consumer Price Index with effect from 1 July in each financial year calculated to the date of payment. In the case of a subdivision proceeding in stages, the amount is to be calculated in accordance with the number of lots proposed in each stage.

The applicant is further requested to note:

- A This permit expires two years from the date of this advice unless the development has been substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time.
- B Substantial commencement will be considered to be the submission and approval of engineering drawings and the physical commencement of infrastructure works on the site or an arrangement of a Private Works

Authority (PWA) or bank guarantee to undertake such works; or where it can be adequately demonstrated that requirements prescribed by one or more of the permit conditions have been substantially acted upon. Any arrangement for a PWA or bank guarantee will be at the sole discretion of the Council and/or Cradle Mountain Water.

- C Cradle Mountain Water should be consulted in respect to the provision, upgrading, re-routing or extension of water and/or sewer services as a result of the subdivision, or any water and sewerage infrastructure/services that may exist on the property.
- D Please direct any questions regarding the Cradle Mountain Water conditions on this permit to Cradle Mountain Water on tel. 13 6992.
- E The Council will consider the use of suitable Water Sensitive Urban Design principles or detention type systems to assist in minimising the run-off generated from the full development of the subdivision.
- F Any works associated with the connection to existing (live) Council stormwater services will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.
- G Any works associated with existing kerb and channel, footpath, roads or stormwater infrastructure will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.
- H Any works undertaken within the road reservation require a Road Permit to be issued prior to the commencement of construction. An application form can be obtained from the Engineering Services Department. A fee applies.
- I Please contact the Council's Engineering Services Department to discuss or arrange any infrastructure work requirements.
- J The Final Plan will not be sealed until all conditions of approval have been met.
- K Where survey pegs are disturbed during the provision of services a re-peg survey must be undertaken by a registered surveyor."

Carried unanimously

152/2010 Rezoning of land from Rural Resource to Rural Living, two lot subdivision and boundary adjustment at 258, 262 and 264 Ironcliffe Road, Penguin – Application No. COM2009.2

The Director Development & Regulatory Services reported as follows:

“The Planning Consultant has prepared the following report:

<i>‘AMENDMENT NO.:</i>	COM2009.2
<i>APPLICANT:</i>	Michell Hodgetts and Associates P/L
<i>LOCATION:</i>	258, 262 and 264 Ironcliffe Road, Penguin
<i>CURRENT ZONING:</i>	Rural Resource and Rural Living
<i>PROPOSED ZONING:</i>	Rural Living
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>LEGISLATION:</i>	<i>Land Use Planning and Approvals Act 1993</i> (the Act)

PURPOSE

The purpose of this report is to consider the merits of a combined Scheme amendment/permit application for:

- . rezoning of land at 258 and 262 Ironcliffe Road, Penguin from Rural Resource to Rural Living; and
- . a two lot subdivision and boundary adjustment involving 262 and 264 Ironcliffe Road, Penguin.

In accordance with the Act, a person who requests a planning authority (the Council) to amend a planning scheme may also request the Council to consider an application for a combined permit for a use or development which would not be allowable unless the planning scheme is amended.

The Council must first determine whether to initiate the requested amendment to the Scheme before it considers the combined permit application.

BACKGROUND

Site and Locality Description –

The application (contained in Annexure 1) involves three titles of land, CT6126/1 (258 Ironcliffe Road), CT66412/5 (262 Ironcliffe Road) and CT65290/2 (264 Ironcliffe Road). These titles, depicted on the location plans at Annexure 2, are all in separate ownership. Pursuant to s.43D(1) of the Act, written consent has been obtained from all relevant land owners with respect to this application. Evidence of this consent is contained at Annexure 3.

. Locality

The subject land, on the western side of Ironcliffe Road, is located approximately 2.5km south-west of the Penguin CBD and approximately 1.4km south of the Bass Highway. The Penguin High School and Penguin Sports Complex are located on the eastern side of Ironcliffe Road and are both within 1km north-east of the subject land (refer to Annexure 1).

Over time the Penguin township has extended south of the Bass Highway converting agricultural land to residential and recreational uses. Rural living uses are prevalent along Ironcliffe Road, particularly the western side, which also incorporates the subject land. While a large area of land south of the Bass Highway has been converted for residential and rural living purposes, it is noted that lots west of the subject land remain in agricultural production.

. 258 Ironcliffe Road

The lot at 258 Ironcliffe Road comprises an area of 0.7225ha and has a frontage of approximately 65m to Ironcliffe Road. The topography of the site is relatively flat and there are no waterways traversing the lot. The lot accommodates a detached single-storey dwelling and associated outbuildings. The dwelling is setback a minimum distance of 20m from all lot boundaries. Outbuildings are located on the southern side of the dwelling. One vehicular access to the lot is provided from Ironcliffe Road.

. 262 Ironcliffe Road

The lot at 262 Ironcliffe Road is a rear lot and comprises an area of 4.06ha. The lot contains a single-storey detached dwelling and associated outbuildings. The dwelling is setback more than a 110m

from Ironcliffe Road and more than 450m from the western lot boundary. There is an outbuilding situated to the south of the dwelling and another outbuilding to the east of the dwelling.

While the area around the dwelling is relatively flat, the topography of the lot on the western side of the dwelling falls away to the north with the land for the western portion of the lot falling away to the east. There are no waterways traversing the site and there is a dense stand of trees covering the western side of the lot. The LIST did not identify any significant fauna or flora for this lot.

. *264 Ironcliffe Road*

The lot at 264 Ironcliffe Road comprises an area of 2.02ha. The lot contains a two-storey detached dwelling and associated outbuilding which are setback more than a 100m from Ironcliffe Road. The dwelling is setback approximately 10m from the southern lot boundary of 262 Ironcliffe Road.

The topography of the lot is relatively flat around the dwelling although it is noted that the land west of the dwelling begins to fall away to the north.

. *Land instability*

The subject land was identified by the Landslide Planning Overlay held by Mineral Resources, Tasmania as being potentially susceptible to land instability. Accordingly further information was requested with respect to this matter. The applicant has provided a report prepared by Environmental Service and Design Pty. This is contained in Annexure 4.

This report highlights that the newly created lot will have sufficient area and dimension to contain a stable building envelope.

. *Land capability*

The LIST identifies that the land capability for the subject land is primarily Class 2 land.

DISCUSSION

REZONING OF LAND

The application proposes to rezone land at 258 and 262 Ironcliffe Road, Penguin from Rural Resource to Rural Living. The following is a discussion which justifies the proposed rezoning of land and demonstrates the draft Amendment will ensure that:

- . the existing residential use for 258 and 262 Ironcliffe Road is formalised; and
- . the zoning of 258 and 262 Ironcliffe Road will conform with the adjoining land to the south and north of these lots; and
- . the rezoning meets the legislative requirements.

Rural Living Zone adjoining the subject land –

The land north of lots at 258 and 262 Ironcliffe Road is zoned Rural Living and comprises an area of approximately 65ha. The land south of lots at 258 and 262 Ironcliffe Road is also zoned Rural Living and comprises an area of approximately 19ha. A further cluster of Rural Living zoned lots can be found further south of this area along Hardys Road and Isaac Road. A copy of the zoning plan is included in Annexure 5.

As outlined above, 258 and 262 Ironcliffe Road are zoned Rural Resource and are the only lots which separate these two areas (referred to above) zoned Rural Living. Accordingly, the rezoning of this land will acknowledge the existing residential uses associated with subject land as well as ensuring that the zoning conforms to the zoning of the adjoining land.

Draft Central Coast Planning Scheme 2005 (Draft Scheme)

The Draft Scheme, initiated by the Council on 19 September 2005, proposed that 258 and 262 Ironcliffe Road, Penguin be zoned from Residential (RG) – Rural/Residential under the *Central Coast S.46 Planning Scheme No. 1 of 1993* (previous Scheme), to Rural Resource Zone under the Draft Scheme. The lot at 254 Ironcliffe Road, Penguin was also proposed to be zoned from Residential (RG) – Rural/Residential, under the previous Scheme to Rural Resource under the Draft Scheme.

The Draft Scheme was placed on public exhibition from 1 April to 30 June 2006. Over 200 representations were received on the Draft Scheme. One

representation (Reference R208) lodged with the Council specifically related to 254 Ironcliffe Road, Penguin. The representation opposed the rezoning of the site. The representor requested that the land be zoned Rural Living.

The former Resource Planning and Development Commission (former RPDC) deemed that the agricultural use potential of this land is compromised by surrounding development. This and the adjoining property, 230 Ironcliffe Road, Penguin provide scope for further rural living development in close proximity to services. Accordingly the former RPDC supported a Rural Living Zone for 230 and 254 Ironcliffe Road, Penguin.

There were no representations received with regard to 258 and 262 Ironcliffe Road, Penguin. Accordingly the former RPDC did not alter the proposed zoning and this land was zoned Rural Resource under the Scheme.

Legislative requirements –

In considering the draft amendment it is necessary to take into account the relevant legislative requirements, the land use planning controls provided by the Scheme.

S.32 of the Act prescribes the requirements for the preparation of an amendment to a planning scheme:

- “(1) An amendment of a planning scheme –
 - (a) must seek to further the objectives set out in Schedule 1; and
 - (b) must be prepared in accordance with State Policies made under section 11 of the *State Policies and Projects Act 1993*; and
 - (c) may make any provision which relates to the use, development, protection or conservation of any land; and
 - (d) must have regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*; and
 - (e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and

- (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.
- (2) The provisions of section 20(2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.”

The following information provides an assessment against the above provisions.

- . *s.32(1)(a) Land Use Planning and Approvals Act 1993 – Schedule 1 Objectives*

Part 1 – Objectives of the Resource Management and Planning System of Tasmania –

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*

The expectation of 258 and 262 Ironcliffe Road was altered when land located to the north and south of these lots was zoned Rural Living. While the land capability of the subject land is predominantly Class 2, current constraints limit the potential of this land for agricultural purposes. There is a stand of eucalypts on the western portion of 262 Ironcliffe Road.

The proposal will not compromise the sustainable development of natural and physical resource nor should prevent the maintenance of ecological processes and genetic diversity and is therefore consistent with this objective.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water; and*

The proposed rezoning and subdivision will provide for sustainable use and development of air, land and water. The subject land is constrained from being utilised for agricultural purposes given the fragmented nature of the land and the existing residential uses.

The application to rezone land and associated subdivision is considered to be infill rural living development. The application will not result in additional land being converted from agriculture to rural living purposes. This draft Amendment also provides further opportunity for land to be utilised for rural living purposes in close proximity to existing services and facilities offered by the Penguin township.

It is considered that the proposal represents fair and orderly development and is therefore consistent with this objective.

- (c) *to encourage public involvement in resource management and planning; and*

Should the Council determine to initiate the draft Amendment, the application will be subject to the statutory public exhibition period required by the Act, during which time any person may view the draft Amendment and lodge representations with the Council.

- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b), and (c); and*

The proposal will provide opportunity for infill rural living development without conflicting with the above objectives. The proposal is considered to be consistent with this objective.

- (e) *to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

The application represents a process of sharing of responsibility between the state and local government as well as the community.

Part 2 – Objectives of the planning process established by this Act –

It is considered that the prescribed Part 2 objectives are furthered predominantly by the statutory process associated with the assessment of the application, the applicable land use and development controls established by the Scheme, public consultation, and the final determination of the application by the Tasmanian Planning Commission (the Commission).

- (a) *to require sound strategic planning and co-ordinated action by State and local government;*

The proposed rezoning of land is considered to be infill development that is in accordance with the general objectives of the Scheme and the specific Scheme provisions for the Rural Living Zone.

- (b) *to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;*

The Scheme, in particular the Rural Living Zone, along with the State Policies is considered to be adequate in setting objectives and controls for the use and development of land.

- (c) *to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;*

The proposed amendment will not impact significantly on the environment as the rezoning of land will allow for the subdivision and associated residential development to be considered under the Scheme.

- (d) *to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;*

The proposed amendment is considered to be consistent with the objectives of the Scheme and State Policies.

- (e) *to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;*

The proposed amendment allows a rezoning of land to be considered concurrently with an application for a discretionary permit.

- (f) *to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania;*

The proposal is consistent with this objective.

- (g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*

There were no buildings or places identified as being of scientific, aesthetic, architectural or historical interest.

- (h) *to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*

The proposed rezoning will not create any additional demand for infrastructure.

- (i) *to provide a planning framework which fully considers land capability.*

It has been demonstrated by the discussion below that the proposed amendment will not conflict with the State Policy on the Protection of Agricultural Land.

s.32(1)(b) State Policies –

State Coastal Policy 1996

The *State Coastal Policy 1996* is not applicable as the land is situated more than 1km of the coastline.

State Policy for Water Quality Management 1997

The *State Policy for Water Quality Management 1997* is applicable and will be appropriately addressed through the draft permit conditions relating to the management of sewerage and stormwater.

State Policy on the Protection of Agricultural Land 2009 (PAL Policy)

The purpose of the PAL Policy is to conserve and protect agricultural land so that it remains available for the sustainable development of

agriculture, particularly recognising the importance of prime agricultural land. The properties at 258 and 262 Ironcliffe Road are deemed to be Class 2 land under the Tasmanian Land Capability Classification System. Prime agricultural land means agricultural land that is classified as Class 1, 2 or 3 land (based on the class definitions and methodology from the Land Capability Handbook). Accordingly the area to be rezoned from Rural Resource to Rural Living is deemed to be prime agricultural land.

As outlined above, the agricultural potential of 258 and 262 Ironcliffe Road is compromised given that rural living uses currently exist on these lots.

Furthermore, any future residential development on the site will not interfere with agricultural activity situated to the west of 258 and 262 Ironcliffe Road, given that the subject land is separated by a stand of eucalypt trees from agricultural uses.

The proposed amendment is not considered to compromise the PAL Policy as the expectation of this land has been altered.

National Environment Protective Measures (NEPM)

These relate to:

- ambient air quality;
- national pollutant inventory;
- movement of controlled waste;
- use of packing materials;
- assessment of site contamination; and
- diesel vehicle emissions.

The subject land was previously utilised for agricultural purposes. To the Council's knowledge no activity has occurred on the site that would create a concern in terms of contamination. Therefore the potential for site contamination is low. Accordingly, it is considered that the NEPMs are not relevant to the draft Amendment.

s.32(1)(c) the amendment of a planning scheme may make any provision which relates to the use, development, protection or conservation of any land; –

The draft Amendment will be subject to assessment under the Scheme which regulates all land use and development within the municipal

area. In addition to zoning controls imposed by a change in land zoning, appropriate permit conditions will be included for the subdivision.

These measures demonstrate that appropriate consideration is given to the use, development, protection or conservation of the site.

- . *s.32(1)(d) the amendment must have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000; –*

The site is not affected by the gas pipeline and thus this clause is not relevant to this proposal.

- . *s.32(1)(e) the amendment must, as far as possible, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; –*

The draft Amendment represents infill development within an area that is currently utilised for rural living purposes. The rezoning and subdivision of the land as proposed is not expected to contribute to land use conflict with adjacent land areas.

- . *s.32(1)(f) the amendment must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms; –*

The draft Amendment is an opportunity for rural living development in close proximity to services and facilities. This presents economic and social advantages and the rezoning of land will not take additional land out of agricultural production.

- . *s.32(2) The provisions of section 20(2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes. –*

The draft Amendment will not affect compliance with these clauses of the Act.

Planning Controls –

The following section provides an assessment of the draft Amendment against the overall objectives of the Scheme and the relevant Zone requirements and Schedule provisions.

Objectives for Planning (Clause 2.0 of the Scheme) –

- (a) *Residential, commercial, industrial and community facilities are to be concentrated in the existing urban areas.*

The draft Amendment is outside of an existing urban area.

The residential settlement strategy is to reinforce the existing residential pattern and any new residential development is to be the infill or orderly extension of existing urban areas.

The draft Amendment represents infill development in an area where land has been converted to Rural Living to the north and south of the subject site. The draft Amendment will not extend the existing Rural Living area.

- (b) *The development of a range of housing types is to be encouraged.*

The draft Amendment will create an additional lifestyle lot for residential development.

- (c) *A safe vehicular and pedestrian network throughout the planning area is to be encouraged.*

Safe access can be provided to the proposed lots. This is demonstrated by the traffic impact assessment prepared by Pitt & Sherry.

- (d) *Infrastructure services are to be used and extended in an efficient manner.*

The proposed subdivision will be appropriately serviced.

- (e) *Sufficient land and facilities for recreational and open space purposes are to be reserved for the community.*

The draft Amendment does not provide any further land or facilities for passive and active recreation. There are sufficient services available in the area to service the Rural Living area.

- (f) *The physical and biological quality of surface and groundwater is to be maintained and enhanced.*

Water quality will be adequately maintained through the appropriate management of sewerage and stormwater.

- (g) *Important flora and fauna habitats are to be protected from inappropriate use and development.*

There are no known flora or fauna habitats identified on the subject land.

- (h) *The environmental qualities of the coastal and river systems are to be protected.*

There are no watercourses that traverse the subject site.

- (i) *Development of land and its use is to be carried out in a way so as to minimise environmental harm.*

As above.

- (j) *Rural land is to be primarily used for resource development and conservation purposes.*

The expectations of the subject land have been altered by rezoning of land north of the subject land. The area south of the subject land has also been long established for rural living purposes. While land to the west is utilised for agricultural purposes, topography and building setbacks should not compromise the adjoining land to be used for this purpose.

- (k) *Rural land is to be protected from inappropriate residential, industrial and commercial development.*

As above.

- (l) *Residential use or development in the rural areas is to be encouraged in the existing settlements of North Motton, South Riana and Sprent.*

The compact and limited growth of each of these settlements is to occur only within those areas that are zoned Mixed Use.

Not applicable. Ironcliffe Road is not located in any of the settlements specified above.

- (m) *Infill and consolidation of development within the Rural Living Zone is to be encouraged.*

This application represents infill and consolidation of development within the Rural Living Zone. Land to the north and south of the subject site is zoned Rural Living, leaving 258 and 262 Ironcliffe Road zoned Rural Resource. The proposal to subdivide this land furthers the intent of this objective.

- (n) *The cultural heritage, including Aboriginal relics, protected sites and objects and registered places are protected.*

No cultural heritage, Aboriginal relics, protected sites or objects have been identified as being present on the site.

Conclusion –

The above discussion has demonstrated that the rezoning of land proposed by this draft Amendment can be supported.

SUBDIVISION

Subdivision Proposal –

As outlined in the supporting documentation associated with the application (refer to Annexure 1), the plan of subdivision proposes to re-configure the lot boundaries of 262 and 264 Ironcliffe Road, Penguin to create three lots.

Proposed Lots 1 and 2 will have a minimum area of 1.2ha and 1.33ha respectively. These two lots will accommodate the existing dwellings and will provide vehicular access via Ironcliffe Road. Proposed Lot 3 will have a minimum area of 3.55ha and can be developed for rural living purposes. Vehicular access to Lot 3 is provided through an access strip situated on the southern side of proposed Lot 2.

Zoning controls and Schedule provisions prescribed by the Scheme –

The following Table examines the relevant Zone and Schedule Provisions with respect to the proposed subdivision.

Proposed Lots 1 and 2, as depicted on the submitted plan of subdivision, will be subject to the relevant provisions of the Rural Living Zone. Any redevelopment of 258 Ironcliffe Road will also be subject to the Rural Living Zone Provisions.

The proposed subdivision is also assessed against the Schedules of the Scheme.

RESIDENTIAL ZONE (APPLICABLE PROVISIONS ONLY)	
SCHEME PROVISION	ASSESSMENT AND COMMENT
9.1 Purpose of Rural Living Zone	The proposed subdivision will create lots that comply with the purpose of the Zone. The lots are of a shape and size that will ensure that energy principles can be applied to the future development of proposed Lots 1-3.
9.2.1 Table of Use	The proposed subdivision is for residential use and this has a permitted use status in the Rural Living Zone.
9.3.1 Water Quality	A residential use of the proposed lots is unlikely to adversely effect the water quality. Any future development of the lots can be appropriately conditioned to ensure that development complies with this provision.
9.4.1 Subdivision	The proposed subdivision complies with the Acceptable Solution prescribed by clause 9.4.1 A1 and A3. The proposed subdivision will adequately comply with the Acceptable Solution prescribed by clause 9.4.1 A2. Appropriate assessments have been carried out by the Council's Engineering Services Department, Environmental Health Officer and Cradle

DEVELOPMENT & REGULATORY SERVICES

	Mountain Water. Conditions pertaining to these assessments will be included on the draft permit.
9.4.2 Strata Scheme	No strata scheme proposed.
9.4.3 Building design and siting	No building proposed.
9.4.4 Building access and services	The proposed subdivision will adequately comply with the Acceptable Solution prescribed by clause 9.4.4 A1. Appropriate assessments have been carried out by the Council's Engineering Services Department, Environmental Health Officer and Cradle Mountain Water. Conditions pertaining to these assessments will be included on the draft permit.
9.4.5 Wetlands and watercourses	There are no watercourses that traverse any of the lots subject to the subdivision.
9.4.6 Protection of Agricultural Land	The future development of the lots created by the plan of subdivision can comply with the requirements of 9.4.6 A1.
PLANNING SCHEME SCHEDULES	
S1.0 Application Requirements	The proponent has provided sufficient information to comply with requirements of S1.0.
S2.0 Road and Rail	The proposal intends to create a new access to Ironcliffe Road. Ironcliffe Road is a Category VI road. The proposal must demonstrate compliance with the standards set out in clauses S2.5.1 to S2.6.3. Accordingly, a Traffic Impact Assessment Report (TIA) has been prepared by Pitt & Sherry in accordance with S2.0. The TIA was reviewed by the Council's Environmental Engineer. The Environmental Engineer concludes that: '...the proposed new

	<p>driveway access to Ironcliffe Road will have sufficient sight distance in both directions for the prevailing speed environment.'</p> <p>The TIA report demonstrates that the proposal can satisfy S2.0.</p>
S3.0 Attenuation	The proposed subdivision is suitably located away from any of the environmentally relevant activities prescribed in Attenuation Table S3.3.2.
S4.0 Bush Fire Prone Areas	The proposed land to be subdivided will be allocated a Rural Living zoning. Pursuant to provision S4.2.1, this Schedule is applicable to the development of a dwelling unit in a bush fire prone area in the Rural Living Zone. The plan of subdivision has identified a building envelope within which a dwelling unit must be developed. The proposal complies with S4.4.1 A1.
S5.0 Contaminated Land	Not applicable. The subject land is not considered to be contaminated land or potentially contaminated land as defined by provision S5.3.1.
S6.0 Land Stability	<p>The land was identified as being unstable or potentially unstable. This was identified by information obtained from the Landslide Planning Overlay held by Mineral Resources Tasmania. Accordingly S6.0 applies.</p> <p>The applicant was required to provide further information as required by Schedule 6.0. The information prepared by Environmental Service and Design Pty is attached in Annexure 4. This demonstrates that there is a sufficient area and dimension to contain a stable building envelope.</p>
S7.0 Coastal and Riparian	Not applicable.

S8.0 Heritage	Not applicable. The subject land is not in a place or heritage area declared under the <i>Historic Cultural Heritage Act 1995</i> , nor a protected site or containing objects declared under the <i>Aboriginal Relics Act 1975</i> , or land containing any relic as defined by the Scheme.
S9.0 Multiple Dwellings	Not applicable.
S10.0 Home Occupation Schedule	Not applicable.
S11.0 Car Parking Schedule	Not applicable. Car parking requirements will be determined for the specific future use and development of the proposed lot.
S12.0 Signage	Not applicable. No signage proposed.
S13.0 Telecommunications	Not applicable. No development of any telecommunications or broadcasting facility proposed.
S14.0 Ulverstone Wharf	Not applicable. Not within the Ulverstone Wharf Overlay Area.

The plan of subdivision has been assessed to be in accordance with the requirements of the Scheme. The proposed plan of subdivision can satisfy the provisions of the Scheme.

CONSULTATION

As part of the normal assessment process the draft Amendment was referred to the Council's Planning and Assessment Team (PAT). Any relevant comments and/or permit conditions specified by the PAT are included in this report.

Pursuant to the requirements of the *Water and Sewerage Industry Act 2008*, the draft Amendment was also referred to the regional water and sewerage authority, Cradle Mountain Water (CMW). There were no conditions of approval prescribed by CMW in the draft permit.

Should the Council determine to initiate the draft Amendment, it will be subject to the statutory public exhibition period prescribed by the Act. During this period any person may view the draft Amendment and lodge representations to the Council in writing.

IMPACT ON RESOURCES

The generation of this report has involved the usual amount of resources required for the assessment and preparation of a report. The statutory assessment process of a combined amendment/permit application will require a further report to the Council after the conclusion of the public exhibition period detailing any modifications to the draft Amendment that may be required in the event of representations. Unless the Commission determines that a public hearing is not required, the Council will also need to be represented at the hearing of the draft Amendment.

CORPORATE COMPLIANCE

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

The Shape of the Place

- Improve the value and use of open space
- Adopt an integrated approach to land use planning
- Conserve the physical environment in a way that ensures we have a healthy and attractive community
- Encourage a creative approach to new development

A Connected Central Coast

- Provide for a diverse range of movement patterns
- Connect the people with services

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

Council Sustainability and Governance

- Improve service provision
- Effective communication and engagement

The draft Amendment is consistent with the above strategies and key actions.

CONCLUSION

The draft Amendment has been assessed to be in accordance with the requirements of the Act and the Scheme.

The draft Amendment will allow 258 and 262 Ironcliffe Road to conform with the Rural Living Zone situated to the north and south of these properties.

The proposed subdivision and boundary adjustment is consistent with the Planning Scheme.

RECOMMENDATION

It is recommended that:

- 1 the draft Amendment, identified as Amendment 2/2010, be initiated to the Central Coast Planning Scheme 2005 to rezone the land contained in CT6126/1 and CT66412/5 as shown on the submitted Plan of Subdivision, from Rural Resource to Rural Living; and
- 2 the Council certify that the draft Amendment meets the requirements of s.32 of the *Land Use Planning and Approvals Act 1993*; and
- 3 the Council approve the proposed plan of subdivision (identified as Lots 1–3) subject to the following conditions and restrictions:
 - (a) the development of Lots 1–3 must be in accordance with the plans and other information submitted as part of the application for this permit, unless modified by a condition of this permit;
 - (b) the Final Plan of subdivision must be generally in accordance with the submitted Plan of subdivision prepared by Michell Hodgetts, dated 2/3/2010, Drawing No. 209200;
 - (c) except with the prior written consent of the Council or as a result of a condition prescribed by this permit, covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision if those covenants seek to prohibit any use provided for in the Central Coast Planning Scheme 2005 or otherwise place limits on development that may occur on any lot within the subdivision;

- (d) a separate application detailing the design and type of onsite wastewater management system is required at the building stage. Approval of a specific system will be subject to a site assessment by the Council's Environmental Health Officer. It is recommended that the applicant contact the Council's Environmental Health Officer prior to commencement of site or roadworks to ensure an adequate area remains for installation of a wastewater system;
- (e) the on-site wastewater management system for the proposed dwelling being installed in accordance with the Australian/New Zealand Standard AS/NZS 1547:2000 – Onsite Domestic Wastewater Management;
- (f) provision of a sealed vehicular access to each lot in accordance with Standard Drawing SD-1009 Rural Roads – Typical Standard Access;
- (g) rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of Council's Director Engineering Services at the owner's/developer's expense.

The applicant is further requested to note:

- A This permit expires two years from the date of this advice unless the development has been substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time.
- B Substantial commencement will be considered to be the submission and approval of engineering drawings and the physical commencement of infrastructure works on the site or an arrangement of a Private Works Authority (PWA) or bank guarantee to undertake such works; or where it can be adequately demonstrated that requirements prescribed by one or more of the permit conditions have been substantially acted upon. Any arrangement for a PWA or bank guarantee will be at the sole discretion of the Council.
- C Any works undertaken within the road reservation require a Road Reserve Permit to be issued prior to the commencement

of construction. An application form can be obtained from the Engineering Services Department. A fee applies.

- D Any works associated with existing kerb and channel, footpath or roads will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.
- E The Final Plan will not be sealed until all conditions of approval have been met.
- F Where survey pegs are disturbed during the provision of services a re-peg survey must be undertaken by a registered surveyor.
- G In regard to condition (b) - The lot appears suitable for the installation of an on-site wastewater management system subject to a minimum area of suitable land being dedicated to the on-site disposal of sullage and sewage effluent.'

The report is supported."

The Executive Services Officer reported as follows:

"A copy of the Annexes referred to in the Planning Consultant's report have been circulated to all Councillors."

■ Cr Fuller moved and Cr (L) Bonde seconded, "That:

- 1 the draft Amendment, identified as Amendment 2/2010, (a copy being appended to and forming part of the minutes) be initiated to the Central Coast Planning Scheme 2005 to rezone the land contained in CT6126/1 and CT66412/5 as shown on the submitted Plan of Subdivision, from Rural Resource to Rural Living; and
- 2 the Council certify that the draft Amendment meets the requirements of s.32 of the *Land Use Planning and Approvals Act 1993*; and
- 3 the Council approve the proposed plan of subdivision (identified as Lots 1-3) subject to the following conditions and restrictions:
 - (a) the development of Lots 1-3 must be in accordance with the plans and other information submitted as part of the application for this permit, unless modified by a condition of this permit;

- (b) the Final Plan of subdivision must be generally in accordance with the submitted Plan of subdivision prepared by Mitchell Hodgetts, dated 2/3/2010, Drawing No. 209200;
- (c) except with the prior written consent of the Council or as a result of a condition prescribed by this permit, covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision if those covenants seek to prohibit any use provided for in the Central Coast Planning Scheme 2005 or otherwise place limits on development that may occur on any lot within the subdivision;
- (d) a separate application detailing the design and type of onsite wastewater management system is required at the building stage. Approval of a specific system will be subject to a site assessment by the Council's Environmental Health Officer. It is recommended that the applicant contact the Council's Environmental Health Officer prior to commencement of site or roadworks to ensure an adequate area remains for installation of a wastewater system;
- (e) the on-site wastewater management system for the proposed dwelling being installed in accordance with the Australian/New Zealand Standard AS/NZS 1547:2000 – Onsite Domestic Wastewater Management;
- (f) provision of a sealed vehicular access to each lot in accordance with Standard Drawing SD-1009 Rural Roads – Typical Standard Access;
- (g) rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of Council's Director Engineering Services at the owner's/developer's expense.

The applicant is further requested to note:

- A This permit expires two years from the date of this advice unless the development has been substantially commenced. An extension of time to this period may be granted once only, but only if the request is received prior to the expiry of the specified time.
- B Substantial commencement will be considered to be the submission and approval of engineering drawings and the physical commencement of infrastructure works on the site or an arrangement of a Private Works Authority (PWA) or bank guarantee to undertake such works; or where it can be adequately demonstrated that requirements prescribed by one or more of the permit conditions have been substantially acted upon. Any arrangement for a PWA or bank guarantee will be at the sole discretion of the Council.

- C Any works undertaken within the road reservation require a Road Reserve Permit to be issued prior to the commencement of construction. An application form can be obtained from the Engineering Services Department. A fee applies.
- D Any works associated with existing kerb and channel, footpath or roads will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.
- E The Final Plan will not be sealed until all conditions of approval have been met.
- F Where survey pegs are disturbed during the provision of services a re-peg survey must be undertaken by a registered surveyor.
- G In regard to condition (b) - The lot appears suitable for the installation of an on-site wastewater management system subject to a minimum area of suitable land being dedicated to the on-site disposal of sullage and sewage effluent."

Carried unanimously

GENERAL MANAGEMENT

153/2010 Minutes and notes of committees of the Council and other organisations

The Executive Services Officer reported as follows:

“The following (non-confidential) minutes and notes of committees of the Council and other organisations on which the Council has representation have been received:

- . Ulverstone Local History Museum Committee – meetings held on 16 March 2010 and 20 April 2010;
- . Forth Community Representatives Committee – meeting held on 8 April 2010;
- . Central Coast Community Safety Partnership Committee – meeting held on 21 April 2010;
- . Youth Engaged Steering Committee – meeting held on 22 April 2010.

Copies of the minutes and notes have been circulated to all Councillors.”

- Cr Diprose moved and Cr Viney seconded, “That the (non-confidential) minutes and notes of committees of the Council be received.”

Carried unanimously

CORPORATE & COMMUNITY SERVICES

154/2010 Contracts and agreements

The Director Corporate & Community Services reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into during the month of April 2010 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

“A copy of the Schedule has been circulated to all Councillors.”

■ Cr (J) Bonde moved and Cr Viney seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

155/2010 Correspondence addressed to the Mayor and Councillors

The Director Corporate & Community Services reported as follows:

“PURPOSE

This report is to inform the meeting of any correspondence received during the month of April 2010 and which was addressed to the ‘Mayor and Councillors’. Reporting of this correspondence is required in accordance with Council policy.

CORRESPONDENCE RECEIVED

The following correspondence has been received and circulated to all Councillors:

- . 21 April 2010 – Letter of appreciation from Penguin Football Club in respect of provision of materials and assistance associated with canteen upgrade works.
- . 28 April 2010 – Letter requesting provision of a pet cemetery.
- . 28 April 2010 – Request for Councillors to meet with a delegation of the Lions Club of Penguin and local residents to inspect footpaths not considered to be wheelchair and pram ‘friendly’.

- . 28 April 2010 – Letter in respect of galah management practices and lack of management of J R Lee Memorial Park and Buttons Beach.

Where a matter requires a Council decision based on a professionally developed report the matter will be referred to the Council. Matters other than those requiring a report will be administered on the same basis as other correspondence received by the Council and managed as part of the day-to-day operations.”

- Cr Deacon moved and Cr Diprose seconded, “That the Director’s report be received.”

Carried unanimously

156/2010 Common seal

The Director Corporate & Community Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 20 April to 17 May 2010 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.”

The Executive Services Officer reported as follows:

“A copy of the Schedule has been circulated to all Councillors.”

- Cr Deacon moved and Cr (J) Bonde seconded, “That the common seal (a copy of the Schedule of Documents for Affixing of the Common Seal being appended to and forming part of the minutes) be affixed subject to compliance with all conditions of approval in respect of each document.”

Carried unanimously

157/2010 Financial statements

The Director Corporate & Community Services reported as follows:

“The following principal financial statements of the Council for the period ended 30 April 2010 are submitted for consideration:

- . Summary of Rates and Fire Service Levies
- . Operating and Capital Statement
- . Cash flow Statement
- . Capital Works Resource Schedule.”

The Executive Services Officer reported as follows:

“Copies of the financial statements have been circulated to all Councillors.”

■ Cr Deacon moved and Cr (J) Bonde seconded, “That the financial statements (copies being appended to and forming part of the minutes) be received.”

Carried unanimously

158/2010 Proposal for sale of Council land – Russell Avenue, Ulverstone (93/210 – 15.03.2010)

The Director Corporate & Community Services reported as follows:

“PURPOSE

The purpose of this report is to consider the disposal of certain Council-owned property situated between Russell Avenue and Buttons Avenue, Ulverstone, that is considered to be surplus to Council requirements.

BACKGROUND

At the Council meeting held on Monday, 15 March 2010 the Council unanimously agreed (Minute No 93/210 – 15.03.2010) to:

‘...initiate the process required to sell, lease, donate, exchange or otherwise dispose of the following parcel of public land that is considered surplus to requirements:

- . Title Ref. 208671/1 located at Russell Avenue, Ulverstone.’

The Council owns a parcel of land located between Russell Avenue and Buttons Avenue, Ulverstone, land that is currently vacant land used as public open space.

The land is one lot (Volume 208671 Folio 1) and comprises an area of some 8,917m². The land is currently zoned Residential.

Prior to the sale or disposal of any land, the Council is required to obtain a valuation under s.177 of the *Local Government Act 1993* (the Act).

Due to the land’s use as public open space, and its inclusion in the Council’s Register of Public Land, the land is deemed to be ‘public land’, the sale, lease, donation, exchange or otherwise disposal of which is governed by s.178 of the Act, which reads as follows:

- '(1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.
- (2) Public land that is leased for any period by a council remains public land during that period.
- (3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.
- (4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to –
 - (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and
 - (ab) display a copy of the notice on any boundary of the public land that abuts a highway; and
 - (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.
- (5) If the general manager does not receive any objection under subsection (4) and an appeal is not made under section 178A, the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under subsection (4).
- (6) The council must –
 - (a) consider any objection lodged; and
 - (b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –
 - (i) that decision; and
 - (ii) the right to appeal against that decision under section 178A.
- (7) The council must not decide to take any action under this section if –

- (a) any objection lodged under this section is being considered;
or
- (b) an appeal made under section 178A has not yet been determined; or
- (c) the Appeal Tribunal has made a determination under section 178B(b) or (c).'

The Council's decision to dispose of Title 208671/1 located at Russell Avenue, Ulverstone, was advertised on Saturday, 20 March, Friday, 23 April and again on Wednesday, 28 April.

DISCUSSION

Only one objection to the motion passed by the Council on 15 March 2010 has been received, a copy of which is included in the appendices.

The letter states (in part):

- '...My concern is not so much the property being sold, but
- . the method but the way in which it is to be sold,
 - . who has known about the sale
 - . what deals have been made or offers accepted
 - . the effect the development will have on traffic and safety
 - . the effect that a sale of land will have on adjacent residents
 - . the amount to be raised through the sale of the property
- ...'

The Act requires that the Council must consider any objection lodged.

The Act also defines what grounds any appeal may be made with relation to any Council decision not to take any action with relation to the objection namely that:

- '...(a) the community may suffer hardship due to the loss of access to, and the use of, the public land; or
- (b) there is no similar facility available to the users of that facility...'

The land in question lies between Russell Avenue and Buttons Avenue, Ulverstone, and is a large open space with no infrastructure. The land is surplus to Council requirements with a number of school grounds and other public reserves located

nearby and the Council believes that the community would not suffer hardship due to the loss of access to, or use of, this land.

The objection received states that the sale of the property itself is not in fact the primary concern for the objection and it should be noted that the appeal grounds clearly define the disposal of the land as the key issue.

A number of the concerns listed within the objection relate to the manner in which the land is to be sold and the effect that any development might have on the neighbourhood. The Act only requires that the Council obtains a valuation of the land prior to the disposal of the land, but does not rule specifically as to the way in which it is to be disposed of. Similarly the amount to be raised through the sale of the property is a matter for consideration by the Council subsequent to the decision to dispose of the land. Any discussions relating to possible development of the land are not relevant at this stage.

CONSULTATION

The report outlines the level of consultation undertaken as per the requirements under the *Local Government Act 1993*.

IMPACT ON RESOURCES

Further costs would be incurred through the sale process (i.e. legal costs). It is intended that all of these costs would be recouped through the sale of the property.

CORPORATE COMPLIANCE

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

The Shape of the Place

- . Improve the value and use of open space
- . Adopt an integrated approach to land use planning
- . Encourage a creative approach to new development

Council Sustainability and Governance

- . Improve the Council's financial capacity to sustainably meet community expectations
- . Effective communication and engagement

CONCLUSION

It is recommended that the Council not take any action with regard to the objection received to the sale, lease, donation, exchange or otherwise disposal of the following parcel of land that is considered surplus to requirements:

. Title 208671/1 located at Russell Avenue, Ulverstone;

and that the Council advise the objector of their right to appeal against that decision under s.178A of the *Local Government Act 1993*;

and further, that in the event that no appeal is made, undertake the subdividing of the property in accordance with the concept plan for the purpose of selling that land.”

The Executive Services Officer reported as follows:

“A copy of the objection has been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Deacon seconded, “That the Council not take any action with regard to the objection received to the sale, lease, donation, exchange or otherwise disposal of the following parcel of land that is considered surplus to requirements:

. Title 208671/1 located at Russell Avenue, Ulverstone;

and that the Council advise the objector of their right to appeal against that decision under s.178A of the *Local Government Act 1993*;

and further, that in the event that no appeal is made, undertake the subdividing of the property in accordance with the concept plan for the purpose of selling that land.”

Carried unanimously

ENGINEERING SERVICES

159/2010 Adoption of Guidelines for the installation of plaques and memorials in parks and open space within Central Coast

The Director Engineering Services reported as follows:

"PURPOSE

This report considers the adoption by the Council of Guidelines for the installation of plaques and memorials in parks and open space within Central Coast ('the Guidelines'). A copy of the Guidelines is appended to this report.

BACKGROUND

The Asset Management Group Leader reports as follows:

'The Central Coast Council from time to time receives requests for the installation of memorial plaques in parks and open space areas within the Central Coast municipal area.

Until now there has not been any guidance as to what is or is not acceptable, nor has there been criteria established to allow for the sensitive installation of plaques and memorials.

DISCUSSION

The purpose of the Guidelines is to provide guidance for the handling of requests for the installation of plaques/memorials within the Central Coast area.

These Guidelines are not related to niche walls and/or memorial parks.

The Guidelines will provide those involved with the requests for the installation of plaques/memorials with consistency and the criteria against which all applications will be assessed, i.e. location, type etc.

The Guidelines set out the initial costs associated with the provision of such infrastructure.

CONSULTATION

Consultation has been undertaken in conjunction with staff in the Engineering Services Department and the Senior Management Team as well

as researching policies/guidelines issued by other local government authorities.

These have been adapted to suit the circumstance within Central Coast.

IMPACT ON RESOURCES

There is no immediate impact on resources, however there will be longer term maintenance costs that can be handled within the existing budgets.

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure:

- Develop and manage sustainable built infrastructure

CONCLUSION

It is recommended that the Guidelines for the installation of plaques and memorials in parks and open space within Central Coast be adopted.'

The Asset Management Group Leader's report is supported."

The Executive Services Officer reported as follows:

"A copy of the Guidelines for the installation of plaques and memorials in parks and open space within Central Coast has been circulated to all Councillors."

- Cr Fuller moved and Cr Dry seconded, "That the Guidelines for the installation of plaques and memorials in parks and open space within Central Coast be adopted."

Carried unanimously

160/2010 Maskells land development – Drainage

The Director Engineering Services reported as follows:

"PURPOSE

The purpose of this report is to consider the future development of Maskells land, Ulverstone and associated drainage.

BACKGROUND

The Maskells land locality and catchment plan is shown as Drawing No. 932.01 and is attached at Annexure 1. The total catchment area is 165ha consisting of 145ha in 'Catchment A' south of Westella Drive, and 20ha in 'Catchment B' (Maskells land). 'Catchment A' discharges into culverts under the highway and then to outfalls to the east and west through property owned by Mr John Maskell.

The proposed subdivision of the land is shown as Drawing No. 300.41b and is attached as Annexure 2.

DISCUSSION

The maintenance of these outfalls has been an issue for many years and Mr Maskell has undertaken maintenance during this period with assistance from the Council from time to time. Due to the large catchment and number of property owners (including the Council) discharging stormwater to the outfalls, it has always been an issue as to responsibility for the outfalls. Based on Maskells land still being rural and undeveloped, and John Maskell having an interest in the property, the informal arrangement has worked well over the years.

With the proposed subdivision and development of Maskells land the situation will change and more concentrated runoff will occur from development of the land.

As part of the 'Development Permit Conditions - Engineering' for the western development of Maskells land the subdivider shall:

- '10(d) Undertake a downstream analysis of the current stormwater drainage system to determine if there are any capacity limitations...'

Consultants have commenced this assessment and their scope of work has been extended to include the balance of the land and assessment of appropriate treatment for stormwater from potential future development of the site. These treatments may include detention basins and wetlands.

The main issue to address at this stage is in respect to the responsibility for the outfall drains.

CONSULTATION

Consultation has been undertaken as part of the planning approval process.

IMPACT ON RESOURCES

The investigation work can be accommodated in the Estimates.

Maintenance and upgrading of the outfall drains will need to be provided in the Estimates as development occurs.

CORPORATE COMPLIANCE

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

The Shape of the Place

- . Improve the value and use of open space

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment
- . Develop and manage sustainable built infrastructure

CONCLUSION

It is recommended that the Council accept responsibility for the maintenance and future upgrading of the east and west outfalls from Maskells land, Ulverstone.”

The Executive Services Officer reported as follows:

“A copy of the locality and catchment plan and plan of the proposed subdivision have been circulated to all Councillors.”

- Cr (J) Bonde moved and Cr Deacon seconded, “That the Council accept responsibility for the maintenance and future upgrading of the east and west outfalls from Maskells land, Ulverstone.”

Carried unanimously

Cr Diprose and Cr van Rooyen left the meeting at this stage (8.40pm).

Cr Diprose returned to the meeting at this stage (8.42pm).

Cr van Rooyen returned to the meeting at this stage (8.45pm).

CLOSURE OF MEETING TO THE PUBLIC

161/2010 Meeting closed to the public

The Executive Services Officer reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2005* provide that a meeting of a council is to be open to the public unless the council, by absolute majority, decides to close the meeting or part of the meeting because it wishes to discuss a matter (or matters) in a closed meeting and the Regulations provide accordingly.

Moving into a closed meeting is to be by procedural motion. Once a meeting is closed, meeting procedures are not relaxed unless the council so decides.

It is considered desirable that the following matters be discussed in a closed meeting:

- . Minutes and notes of other organisations and committees of the Council; and
- . Cradle Mountain Water 2010/2011 Corporate Plan.

These are matters relating to:

- . information provided to the Council on the condition it is kept confidential.”

■ Cr Robertson moved and Cr Viney seconded, “That the Council close the meeting to the public to consider the following matters, they being matters relating to:

- . information provided to the Council on the condition it is kept confidential;

and the Council being of the opinion that it is lawful and proper to close the meeting to the public:

- . Minutes and notes of other organisations and committees of the Council; and
- . Cradle Mountain Water 2010/2011 Corporate Plan.”

Carried unanimously and
by absolute majority

The Executive Services Officer further reported as follows:

“1 The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed and is not to record the details of the outcome unless the council determines otherwise.

2 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

Similarly, an employee of a council must not disclose information acquired as such an employee on the condition that it be kept confidential.

3 In the event that additional business is required to be conducted by a council after the matter(s) for which the meeting has been closed to the public have been conducted, the Regulations provide that a council may, by simple majority, re-open a closed meeting to the public.”

GENERAL MANAGEMENT

162/2010 Minutes and notes of other organisations and committees of the Council

The Executive Services Officer reported (reproduced in part) as follows:

“The following minutes and notes of committees of the Council and other organisations on which the Council has representation have been received:

...

The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that ‘the general manager –

- (a) is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed; and
- (b) is not to record the details of the outcome unless the council or council committee determines otherwise.’

The details of this matter are accordingly to be recorded in the minutes of the closed part of the meeting.”

163/2010 Cradle Mountain Water 2010/2011 Corporate Plan

The General Manager reported (reproduced in part) as follows:

“*PURPOSE*

This report is to present the Cradle Mountain 2010/2011 Corporate Plan for noting by Councillors.

...

The *Local Government (Meeting Procedures) Regulations 2005* provide in respect of any matter discussed at a closed meeting that ‘the general manager –

- (b) is to record in the minutes of the open meeting, in a manner that protects confidentiality, only the fact that the matter was discussed; and
- (b) is not to record the details of the outcome unless the council or council committee determines otherwise.’

GENERAL MANAGEMENT

The details of this matter are accordingly to be recorded in the minutes of the closed part of the meeting.”

Closure

There being no further business, the Mayor declared the meeting closed at 10.09pm.

CONFIRMED THIS 21ST DAY OF JUNE, 2010.

Chairperson

(Imm:dl)

Appendices

- Minute No. 146/2010 – Schedule of Development & Regulatory Services Determinations
- Minute No. 152/2010 – COM2009.2, Amendment 2/2010
- Minute No. 154/2010 – Schedule of Contracts and Agreements
- Minute No. 156/2010 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 157/2010 – Financial statements

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 Council 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