



Minutes

of a Special Meeting
held at 7.01pm

10 MARCH 2009

Note:
Minutes subject to confirmation at
a meeting of the Council to be held on
16 March 2009

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Minutes of a special meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Tuesday, 10 March 2009 commencing at 7.01pm.

Councillors attendance

Cr Mike Downie (Mayor)	Cr Brian Robertson (Deputy Mayor)
Cr Jan Bonde	Cr John Deacon
Cr Cheryl Fuller	Cr Ken Haines
Cr Gerry Howard	Cr Terry McKenna

Councillors apologies

Cr Warren Barker, Cr David Dry and Cr Tony van Rooyen, Cr (L) Bonde for the early part of the meeting.

Cr (L) Bonde attended at 7.06pm

Employees attendance

General Manager (Ms Sandra Ayton)
Director Assets & Engineering (Mr Bevin Eberhardt)
Director Corporate & Community Services (Mr Cor Vander Vlist)
Director Development Services (Mr Michael Stretton)
Executive Services Officer (Miss Lisa Mackrill)
Town Planner (Mr Thomas Reilly)
Service Engineer (Mr Jamie Fawkner)

Media attendance

The media was not represented.

Public attendance

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

Prayer

The meeting opened in prayer.

MAYOR'S COMMUNICATIONS

69/2009 Authority for special meeting

The Mayor reported as follows:

“This special meeting of the Council has been convened at my direction. Only the items on the agenda may be discussed.”

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

Carried unanimously

70/2009 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.

DEPARTMENTAL BUSINESS

DEVELOPMENT & REGULATORY SERVICES

71/2009 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 Agenda Items 2.2 and 2.3, 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 Deacon moved and Cr (J) Bonde seconded, “That the Mayor’s report be received.”

Carried unanimously

**72/2009 Two cluster houses (variation to front setback) at 40 Main Street, Ulverstone
Application No. DEV2008.85**

The Director Development & Regulatory Services reported as follows:

“The Town Planner has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DEV2008.85
<i>APPLICANT:</i>	R K & P A McCann
<i>LOCATION:</i>	40 Main Street, Ulverstone
<i>ZONING:</i>	Residential

<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Planning Scheme 2005 (the Scheme)</i>
<i>ADVERTISED:</i>	7 February 2009
<i>REPRESENTATIONS EXPIRY DATE:</i>	21 February 2009
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	10 March 2009 (extension given to 16 March 2009)
<i>DECISION DUE:</i>	10 March 2009

PURPOSE

This report considers an application requiring relaxation of the Residential zone standards of the Scheme. It also considers the representations made in relation to the application.

BACKGROUND

Application is made to convert the site from a single dwelling to a cluster house development, a copy of which is provided at Annexure 1. A location plan is provided at Annexure 2. The development may not proceed as proposed by the applicant unless the Council relaxes a requirement of the Scheme. Therefore, the decision is discretionary according to section 57 of the *Land Use Planning and Approvals Act 1993* (the Act).

The relaxations to be considered are the setback of the existing dwelling (constructed proposed cluster house) to the frontage and to land that is not part of the same cluster house subdivision.

DISCUSSION

In determining compliance with the relevant standards and requirements, regard is given to:

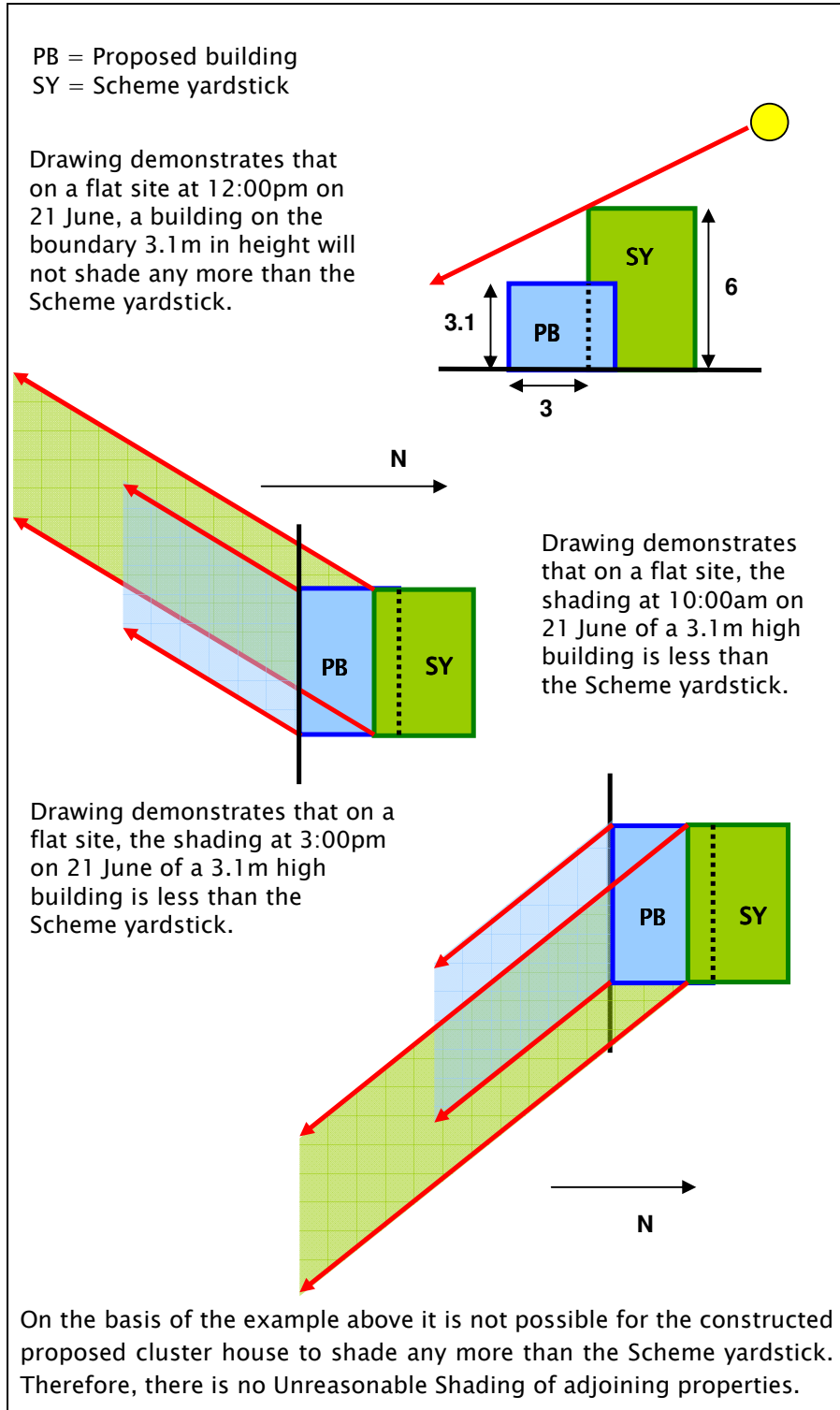
- 1 the objectives for planning as set out in Part A of the Scheme;
- 2 the purpose of the Residential zone;
- 3 the objectives of the relevant Acceptable Solutions and Performance Criteria; and
- 4 representations received.

REFERENCE	DETAIL AND COMMENT
6.3.3 A1	<p><i>A building must not exceed:</i></p> <ul style="list-style-type: none"> <i>(a) a maximum building height of 8m; and</i> <i>(b) a maximum wall height for residential building;</i> <ul style="list-style-type: none"> <i>(i) not exceeding 4m within 2m of a side boundary; or</i> <i>(ii) a minimum side boundary setback of ½ the height of a wall where the wall height is greater than 4m.</i> <p>The proposed development complies with all sub-clauses of this Acceptable Solution.</p>
6.3.3 A2	<p><i>Site coverage for other than Utilities, multiple dwelling or cluster house must not exceed:</i></p> <ul style="list-style-type: none"> <i>(a) 45% for sites greater than 650m² ;or</i> <i>(b) 50% for sites less than 650m².</i> <p>Not applicable – this provision does not apply to cluster housing.</p>
6.3.3 A3	<p><i>The external area of a dwelling unit adjacent to its front door must be:</i></p> <ul style="list-style-type: none"> <i>(a) visible from:</i> <ul style="list-style-type: none"> <i>(i) a part of a road within 50m of that door; or</i> <i>(ii) the inside of another dwelling unit within 20m of that door;</i> <i>(b) provided with artificial lighting operated by a sensor or from within the dwelling unit; and</i> <i>(c) visible from within the dwelling unit while the main front door is closed which may be achieved through:</i>

	<p>(i) nearby windows;</p> <p>(ii) transparent glass in the main front door or adjoining panels;</p> <p>(iii) a security keyhole viewing device in the main front door;</p> <p>(iv) a security door on the outside of the main front door; or</p> <p>(v) any other manner that is as effective as any of the above.</p> <p>The proposed development complies with sub-clause (a).</p> <p>Standard conditions can achieve compliance with sub-clauses (b) and (c).</p>
6.3.3 A4	<p><i>Residential (except cluster houses) and Tourist accommodation buildings must be setback at least:</i></p> <p>(a) 4.5m from the frontage; or</p> <p>(b) for a rear lot, 4.5m from the boundary which abuts the access strip; and</p> <p>(c) 3m from a secondary frontage; and</p> <p>(d) 1.5m from a side boundary; and</p> <p>(e) 4.5m from the rear boundary.</p> <p>Not applicable – this provision does not apply to cluster housing.</p>
6.3.3 A5	<p><i>The minimum setback for a Cluster house must be at least:</i></p> <p>(a) 4.5m from the frontage;</p> <p>(b) 1.5m from any other boundary with land that is not part of the same cluster house subdivision; or</p>

	<p><i>(c) 0m from boundaries, other than frontage, that are part of the same cluster house subdivision.</i></p> <p>The unconstructed proposed cluster house complies with all applicable sub-clauses of this Acceptable Solution.</p> <p>The constructed proposed cluster house (i.e. existing house) does not comply with sub-clauses (a) and (b).</p> <p>The constructed proposed cluster house complies with sub-clause (c).</p>
<p>6.3.3 P5</p>	<p><i>The minimum setback for a cluster house may be less than the Acceptable Solution if:</i></p> <p><i>(a) for a front setback, it is in keeping with the general building alignment and streetscape character;</i></p> <p><i>(b) for other setbacks, if:</i></p> <p style="padding-left: 40px;"><i>(i) the encroachment is minor or is no closer than any other part of the existing dwelling on the lot; and</i></p> <p style="padding-left: 40px;"><i>(ii) there is no unreasonable shading of, or unreasonable loss of privacy to, adjoining properties.</i></p> <p>Each sub-clause is addressed in turn:</p> <p><i>(a)</i> The constructed proposed cluster house by its pre-existence is in keeping with the streetscape character. It is also in keeping with the general building alignment along both Main and Crescent Streets.</p> <p><i>(b)(i)</i> The constructed proposed cluster house complies with sub-clause as the dwelling currently exists.</p> <p><i>(b)(ii)</i> Unreasonable loss of privacy</p> <p>As the constructed proposed cluster house currently exists, there can be no loss of privacy.</p>

	<p><i>(b)(ii)</i> Unreasonable shading</p> <p>The Scheme definition of unreasonable shading is:</p> <p><i>“...shading of an adjoining lot between the hours of 10.00am and 3.00pm on the 21st June that would be greater than caused by a building on the lot the subject of the application:</i></p> <ul style="list-style-type: none"><i>(a) of the same floor plan;</i><i>(b) built to the frontage and side setbacks in accordance with the relevant acceptable solutions; and</i><i>(c) the maximum building height of which at the setback from the boundary with the adjoining lot is at least 2m less than the maximum building height in accordance with the relevant acceptable solution...”</i> <p>Therefore, the Scheme determines Unreasonable Shading by measuring the shading of the proposed building against a Scheme standard of comparison building (Scheme yardstick) with the same floor plan, whose height is 2m less than the maximum building height (8m-2m=6m) and whose setback is 3m. Unreasonable Shading is shading greater than that caused by the Scheme yardstick.</p> <p>The height of the constructed proposed cluster house building along the south-eastern wall is approximately 3.2m. The site is not sloping to any significant degree.</p> <p>An Unreasonable Shading analysis is depicted below:</p>
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6.3.3 A6	<p><i>A garage or carport built under the same roof as the building it serves may be built to any boundary except frontages.</i></p> <p>The proposed development complies with this Acceptable Solution.</p>
6.3.3 A7	<p><i>A development for Residential or Tourist accommodation uses which does not include a garage or carport must be accompanied by a plan which demonstrates that a garage or carport can be established in accordance with the setback standards.</i></p> <p>Not applicable, the proposed development includes garages.</p>
6.3.3 A8	<p><i>Outbuildings must have:</i></p> <p><i>(a) an aggregate gross floor area not exceeding 85m²;</i></p> <p><i>(b) a wall height not exceeding 2.7m if the wall has less than 2m side setback; and</i></p> <p><i>(c) a maximum building height not exceeding 4.5m.</i></p> <p>The proposed development complies with all sub-clauses of this Acceptable Solution.</p>
6.3.3 A9	<p><i>An outbuilding must be setback at least:</i></p> <p><i>(a) 4.5m from the frontage; or</i></p> <p><i>(b) for a locality where the front setbacks of adjoining buildings are established at a greater or lesser setback than 4.5m, an outbuilding must be no closer than the greater setback of an adjoining building; or</i></p> <p><i>(c) for a rear lot, 4.5m from the boundary which abuts the access strip; and</i></p> <p><i>(d) 3m from a secondary frontage except that a garage or carport located to the rear of the associated dwelling unit can be built to a secondary frontage.</i></p>

	The proposed development complies with all sub-clauses of this Acceptable Solution.
6.3.3 A11	<p><i>Other buildings must be setback at least:</i></p> <p>(a) <i>8m from the frontage;</i></p> <p>(b) <i>4.5m from a secondary frontage;</i></p> <p>(c) <i>4.5m from the rear if the lot has only one frontage;</i> <i>and</i></p> <p>(d) <i>3m from any other boundary.</i></p> <p>Not applicable. No other buildings proposed.</p>
6.3.3 A12	<p><i>Residential development must provide a north facing room as a living area.</i></p> <p>The proposed development complies with this Acceptable Solution.</p>
6.3.4 A1	<p><i>A1 The site must:</i></p> <p>(a) <i>have an access constructed to Central Coast Council Municipal Standard Drawing No. SD-1003;</i></p> <p>(b) <i>be connected to a reticulated water supply of 200kPa pressure at 10l per second;</i></p> <p>(c) <i>be connected to a reticulated sewerage system;</i></p> <p>(d) <i>be connected to a reticulated stormwater system;</i> <i>and</i></p> <p>(e) <i>be connected to telecommunications and electricity supply by either underground service or in a manner consistent with the supply to which it is connected.</i></p> <p>Standard conditions can achieve this Acceptable Solution.</p>

CAR PARKING SCHEDULE	
S.10.3.2	<p><i>The number of car parking spaces to be provided on-site is 2 spaces per dwelling unit less the number of spaces provided in a garage or carport.</i></p> <p>The proposed development complies with the Acceptable Solution.</p>

The objectives of the Land Use Planning and Approvals Act 1993

The proposed development is consistent with the following objectives of the Act:

- “...(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
- (c) to encourage public involvement in resource management and planning; and
- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
- (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...”

Requirements of State Policies

The proposed development accords with the requirements of relevant State Policies.

CONSULTATION

In accordance with s.57(3) and of the Act:

- 1 A site notice was posted.
- 2 Letters to adjoining owners were sent.
- 3 An advertisement was placed in the Public Notices section of The Advocate newspaper.

The application was referred to the Council's Planning and Assessment Team. Any relevant comments received from the Planning and Assessment Team are included in the recommendation.

Representations

Two representations were received within the prescribed time. Copies of the representations are provided at Annexure 3.

The issues raised in the representations are as follows:

ISSUE (PARAPHRASED)	COMMENT
REPRESENTATION 1 (DATED 11 FEBRUARY 2009)	
Environmental nuisance created by proposed development.	The Scheme has no specific provision addressing environmental nuisances created by a proposed residential development.
REPRESENTATION 2 (DATED 16 FEBRUARY 2009)	
ISSUE (PARAPHRASED)	COMMENT
Environmental nuisance created by proposed development.	The Scheme has no specific provision addressing environmental nuisances created by a proposed residential development.

The representations relating to the development do not address the proposed development's compliance with the standards and requirements of the Scheme.

The Council may be able to assist in the management of environmental nuisance but this matter is not relevant to the determination of this planning application.

IMPACT ON RESOURCES

This report has no impact on resources other than the usual resources in the assessment of the application and preparation of a report. Additional resources required in the event of an appeal are unknown.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2004–2009 includes the following objectives:

- 1 Meet our statutory and regulatory obligations
- 2 Plan for and develop a sustainable community
- 3 Create a municipal area that is productive and socially and aesthetically attractive.

CONCLUSION

The proposed development complies with the Scheme. Standard conditions have been recommended as required.

Recommendation

It is recommended that the representations have insufficient merit to justify refusal of the application and that the application be approved subject to the following conditions and restrictions:

General

- 1 The development must be sited in accordance with Drawing Nos. 1009–2 and 1009–4, drawn by M Weeda Naumovski, dated 27/01/2009 unless modified by a condition of this permit;
- 2 The external area of a dwelling unit adjacent to its front door must:
 - (a) be provided with artificial lighting operated by a sensor or from within the dwelling unit; and
 - (b) be visible from within the dwelling unit while the main front door is closed which may be achieved through:
 - (i) nearby windows;
 - (ii) transparent glass in the main front door or adjoining panels;
 - (iii) a security keyhole viewing device in the main front door;
 - (iv) a security door on the outside of the main front door;
 - or
 - (v) any other manner that is effective as any of the above;
- 3 The Final Plan will not be sealed until the development is completed;

Engineering

- 4 The subdivider must:
 - (a) provide a water supply connection and meter to each lot;
 - (b) provide a sewer connection point to each lot;
 - (c) provide a stormwater connection point to each lot;
 - (d) provide a sealed vehicular access to each lot in accordance with the Council's Standard Drawing No. SD-1003;
 - (e) relocate (where necessary) house connection drains and services to within respective lot boundaries;
 - (f) provide separate power mains and services to each lot;
 - (g) advise Telstra in relation to the provision of services to the subdivision;
- 5 The provision, upgrading or extension of kerb and channel, footpath or road infrastructure as a result of the development, shall be to the satisfaction of the Council's Director Engineering Services;
- 6 The subdivider must maintain a minimum clearance of 1m from the nearest edge of any building or deck footing to the edge of the Council's sewer main in accordance with the Council's Standard Drawing No. SD-5004;
- 7 Footings located in the zone of influence will need to be designed by a practising accredited structural engineer and founded to a depth at least 300mm below the invert level of the sewer line or on sound rock. The designing engineer shall also signify, either by note on the drawings or by a separate covering letter, that due consideration has been given to the structural stability of the building in the prevailing ground conditions, with regard to:
 - (a) the potential effects of a future failure of the sewer main; and
 - (b) a potential requirement to physically access the sewer pipeline for the purpose of repair or replacement activity which may involve excavation; and
- 8 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.

Developer to note:

- A This permit expires two years from this date unless the development has substantially commenced.
- B A Council DN150 gravity sewer main exists on the property and appears to be located in proximity to the proposed development. A connection will be provided off this sewer main and the Council will abandon the remaining section of the line. As the main is approximately 2.0m deep, the sewer connection should be provided prior to undertaking any building work on site. It is recommended the applicant contacts the Council's Engineering Services Department to discuss.
- C Any works associated with the connection to existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developers cost, unless alternative arrangements are approved by the Council.
- D Any works associated with existing kerb and channel, footpath or roads will be undertaken by the Council at the developers cost, unless alternative arrangements are approved by the Council.
- E Any works (e.g. driveway construction) 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.
- F Contact the Council's Engineering Services Department if you wish to discuss or arrange any infrastructure work requirements.
- G Building and plumbing permits are required for the proposed development. A copy of this planning permit should be given to your building surveyor.'

The report is supported."

The Executive Services Officer reported as follows:

"A copy of the Annexures referred to in the Town Planner's report has been circulated to all Councillors."

■ Cr Robertson moved and Cr Deacon seconded, "That the representations have insufficient merit to justify refusal of the application and that Application No. DEV2008.85 be approved subject to the following conditions and restrictions:

General

- 1 The development must be sited in accordance with Drawing Nos. 1009-2 and 1009-4, drawn by M Weeda Naumovski, dated 27/01/2009 unless modified by a condition of this permit;
- 2 The external area of a dwelling unit adjacent to its front door must:
 - (a) be provided with artificial lighting operated by a sensor or from within the dwelling unit; and
 - (b) be visible from within the dwelling unit while the main front door is closed which may be achieved through:
 - (i) nearby windows;
 - (ii) transparent glass in the main front door or adjoining panels;
 - (iii) a security keyhole viewing device in the main front door;
 - (iv) a security door on the outside of the main front door; or
 - (v) any other manner that is effective as any of the above;
- 3 The Final Plan will not be sealed until the development is completed;

Engineering

- 4 The subdivider must:
 - (a) provide a water supply connection and meter to each lot;
 - (b) provide a sewer connection point to each lot;
 - (c) provide a stormwater connection point to each lot;
 - (d) provide a sealed vehicular access to each lot in accordance with the Council's Standard Drawing No. SD-1003;
 - (e) relocate (where necessary) house connection drains and services to within respective lot boundaries;
 - (f) provide separate power mains and services to each lot;
 - (g) advise Telstra in relation to the provision of services to the subdivision;

- 5 The provision, upgrading or extension of kerb and channel, footpath or road infrastructure as a result of the development, shall be to the satisfaction of the Council's Director Engineering Services ;
- 6 The subdivider must maintain a minimum clearance of 1m from the nearest edge of any building or deck footing to the edge of the Council's sewer main in accordance with the Council's Standard Drawing No. SD-5004;
- 7 Footings located in the zone of influence will need to be designed by a practising accredited structural engineer and founded to a depth at least 300mm below the invert level of the sewer line or on sound rock. The designing engineer shall also signify, either by note on the drawings or by a separate covering letter, that due consideration has been given to the structural stability of the building in the prevailing ground conditions, with regard to:
 - (a) the potential effects of a future failure of the sewer main; and
 - (b) a potential requirement to physically access the sewer pipeline for the purpose of repair or replacement activity which may involve excavation; and
- 8 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.

Developer to note:

- A This permit expires two years from this date unless the development has substantially commenced.
- B A Council DN150 gravity sewer main exists on the property and appears to be located in proximity to the proposed development. A connection will be provided off this sewer main and the Council will abandon the remaining section of the line. As the main is approximately 2.0m deep, the sewer connection should be provided prior to undertaking any building work on site. It is recommended the applicant contacts the Council's Engineering Services Department to discuss.
- C Any works associated with the connection to existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developers cost, unless alternative arrangements are approved by the Council.
- D Any works associated with existing kerb and channel, footpath or roads will be undertaken by the Council at the developers cost, unless alternative arrangements are approved by the Council.

- E Any works (e.g. driveway construction) 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.
- F Contact the Council's Engineering Services Department if you wish to discuss or arrange any infrastructure work requirements.
- G Building and plumbing permits are required for the proposed development. A copy of this planning permit should be given to your building surveyor."

Cr (L) Bonde attended the meeting at this time.

Carried unanimously

73/2009 Business and professional services and Hospital services (day surgery and consulting rooms) - variation to carparking at 11 Alexandra Road, Ulverstone Application No. DEV2008.92

The Director Development & Regulatory Services reported as follows:

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

<i>DEVELOPMENT APPLICATION NO.:</i>	DEV2008.92
<i>APPLICANT:</i>	R Ritson
<i>LOCATION:</i>	11 Alexandra Road, Ulverstone
<i>ZONING:</i>	Business
<i>PLANNING INSTRUMENT:</i>	Central Coast Planning Scheme 2005 (the Scheme)
<i>ADVERTISED:</i>	14 February 2009
<i>REPRESENTATIONS EXPIRY DATE:</i>	28 February 2009
<i>REPRESENTATIONS RECEIVED:</i>	Nil
<i>42-DAY EXPIRY DATE:</i>	26 March 2009
<i>DECISION DUE:</i>	10 March 2009

PURPOSE

The purpose of this report is to consider whether the proposal complies with the Scheme.

BACKGROUND

A location plan is provided as Annexure 1.

The Central Coast Council granted a planning permit for a similar development in May 2008. The developer has since changed the design. These changes centre around reducing the number of carparks provided onsite, and a modification to the floor plans of the proposal, resulting in a change in location on the site of the building. Given that the original application was deemed to comply fully with the carparking requirements of the Scheme, the change proposed required a full, new application, rather than a minor amendment to the existing permit. Application documents are provided as Annexure 2.

DISCUSSION

As per section 4.9 of the Scheme, in determining an application for a permit, the Council must:

- (a) seek to further the objectives of the *Land Use Planning and Approvals Act 1993*;
- (b) act in accordance with the requirements of a State Policy;
- (c) give effect to any direction from the (Resource Planning and Development) Commission under s.28(1)(a) or s.41(a) of the Act in accordance with s.51(3)(b) and (c) of the Act; and
- (d) give effect to all relevant standards and any other requirements specified in the Scheme;

and must have regard to:

- (e) the objectives for planning as set out in Part A;
- (f) the purpose of the relevant zone;
- (g) the purpose of the relevant schedule;
- (h) any advice, information or recommendation with respect to the application that it seeks from a person who has the necessary qualifications or experience; and
- (i) any representations received as a result of notification under s.57 of the Act.

The Discussion below is divided into two sections: "Objectives of the Act" and the "Specifics of the Scheme".

Objectives of the Act

This section provides the Objectives of the Resource Management and Planning System of Tasmania and an assessment of the proposal against these objectives

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

The proposal is for development within the existing township of Ulverstone. The question of sustainability is best addressed by standard conditions regarding the provision of services (e.g. water, sewer etc) and the assessment of the requested variation to carparking.

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

As per comments for (a).

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

The proposal was subject to advertising as required under the Act. No representations were received. Relevant public involvement also occurred at the time of the writing of the Scheme and the community consultation for State Policies.

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

Guidance on how to assess this is provided by the detail in the Scheme, assessed later in this report.

- (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;*

In this case, the sharing of responsibility has occurred in the writing of the Scheme, the approval of the Scheme by a State Government

body and the participation of the community throughout this process as provided for by the Act.

Given the framework of the planning system in Tasmania, much of the assessment in relation to these Objectives has been completed by the certification of the Scheme by the Resource Planning and Development Commission.

Specifics of the Scheme

REFERENCE	DETAIL AND COMMENT (WHERE REQUIRED)
2.1	<p>To achieve the purpose of this planning scheme the following objectives are most relevant:</p> <p><i>(a) Residential, commercial, industrial and community facilities are to be concentrated in the existing urban areas;</i></p> <p>The proposal is within an existing urban area, and is zoned Business.</p> <p><i>(b) 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;</i></p> <p>Not applicable. No residential development is proposed.</p> <p><i>(c) The development of a range of housing types is to be encouraged;</i></p> <p>Not applicable. No residential development is proposed.</p> <p><i>(d) A safe vehicular and pedestrian network throughout the planning area is to be encouraged;</i></p> <p>The Council's Engineering Services staff has assessed vehicular access to and from the site. This is detailed in their conditions.</p> <p><i>(e) Infrastructure services are to be used and extended in an efficient manner;</i></p> <p>The developer would be required to upgrade the existing infrastructure to meet the Council's requirements.</p>

	<p>Comments in relation to this have been provided from staff and are reproduced in the body of this report.</p> <p><i>(f) Sufficient land and facilities for recreational and open space purposes are to be reserved for the community;</i></p> <p>The proposal has no impact on this Objective.</p> <p><i>(g) The physical and biological quality of surface and groundwater is to be maintained and enhanced;</i></p> <p>The Council's Engineering Services and Environment & Health staff have provided advice as to how this can best be achieved, usually by the provision of standard conditions on any approval granted.</p> <p><i>(h) Important flora and fauna habitats are to be protected from inappropriate use and development;</i></p> <p>There is no known significant vegetation on the area.</p> <p><i>(i) The environmental qualities of the coastal and river systems are to be protected;</i></p> <p>The proposal has little to no capacity to impact on the coastal and river systems, beyond that addressed by the comments for (g) above.</p> <p><i>(j) Development of land and its use is to be carried out in a way so as to minimise environmental harm;</i></p> <p>The site is zoned for Business use and is in a fully serviced area. The comments for (g) above are most applicable.</p> <p><i>(k) Rural land is to be primarily used for resource development and conservation purposes;</i></p> <p>Not applicable. The land is not zoned Rural, nor is it in proximity to other rural lands.</p> <p><i>(l) Rural land is to be protected from inappropriate residential, industrial and commercial development;</i></p> <p>As per (k) above.</p> <p><i>(m) Residential use or development in the rural areas is to be encouraged in the existing settlements of North</i></p>
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	<p><i>Motton, South Riana and Sprent. The compact and limited growth of these settlements is to occur only within those areas that are zoned Mixed Use;</i></p> <p>Not applicable.</p> <p><i>(n) Infill and consolidation of development within the Rural Living zone is to be encouraged;</i></p> <p>The proposal is not within the Rural Living zone.</p> <p><i>(o) The cultural heritage, including Aboriginal relics, protected site and objects and registered places are protected.</i></p> <p>No known Aboriginal relics or values are known of for this site.</p>
12.1	Purpose of Business Zone.
12.1.1	<p><i>To provide for retailing, offices and community services in a concentrated area.</i></p> <p>Complies.</p>
12.1.2	<p><i>To provide for the safety, comfort and enjoyment of workers, residents and visitors for the provision of good quality spaces and effective urban design.</i></p> <p>The Acceptable Solutions, Performance Criteria and Schedules of the Scheme provide detailed guidance as to how to assess this Purpose.</p>
12.1.3	<p><i>To focus business activity within the established business areas centred at:</i></p> <p><i>(a) Reibey Street, Ulverstone; and</i></p> <p><i>(b) Main Road, Penguin.</i></p> <p>The proposal is in a street within the Business zone around Reibey Street, Ulverstone.</p>
12.1.4	<p><i>To provide opportunities for residential activity to locate within business centres where this can be accommodated without fragmenting the commercial centre or creating conflicts between residential and commercial uses.</i></p>

	The only opportunity for conflict with residential uses would be the units next door, however this interaction should be minimal.
12.2.1	Business and professional services are a Permitted use in the zone, and the Hospital services are a Discretionary use. However, the carparking makes the entire proposal discretionary.
12.2.2	Not applicable. Not within the Ulverstone Wharf Area Schedule S13.0.
12.2.3	Not applicable. As per 12.2.2.
12.3.1 A1	<i>On a lot within 100m of a Residential zone a use must not operate before 7am or after 9pm daily.</i> Complies. The hours of usage for the site can be considered for extension. Such a consideration would include noise impacts, traffic movements, light spillage, odour and other emissions under a new discretionary application.
12.4.1	Not applicable. No subdivision proposed.
12.4.2	Not applicable. No Strata scheme proposed.
12.4.3 A1	(a) Not applicable. (b) <i>Other buildings must not exceed a maximum building height of 10m.</i> Complies.
12.4.3 A2	<i>A building façade must have:</i> (a) <i>wall area of at least 25%;</i> (b) <i>a glazed area of at least 40%; and</i> (c) <i>an entry point recessed a minimum of 1.5m.</i> Complies.
12.4.3 A3	<i>A building built to the frontage must have an awning cantilevered or suspended at least 3m width over the adjoining footway within a road or carpark for the full</i>

	<p><i>frontage of the building.</i></p> <p>The proposal is being built to the frontage, however the section that extends to the frontage includes such protection for the public.</p>
12.4.4 A1	<p><i>The site must:</i></p> <ul style="list-style-type: none"> <i>(a) be serviced by an access constructed to Central Coast Council Municipal Standard Drawing No. SD-1003;</i> <i>(b) be connected to a reticulated water supply of 200kPa pressure at 10l per second;</i> <i>(c) be connected to a reticulated sewerage system;</i> <i>(d) be connected to a reticulated stormwater system; and</i> <i>(e) be connected to telecommunications and electricity supply by either underground service or in a manner consistent with the supply to which it is connected.</i> <p>This provision is covered by the inclusion of standard conditions relating to servicing.</p>
12.4.5 A1	<p><i>The external area of a building adjacent to its front door must be:</i></p> <ul style="list-style-type: none"> <i>(a) visible from a part of a road within 50m of that door;</i> <i>(b) provided with artificial lighting operated by a sensor or from within building; and</i> <i>(c) visible from within the building while the main front door is closed which may be achieved:</i> <ul style="list-style-type: none"> <i>(d) through nearby windows;</i> <i>(e) transparent glass in the main front door or adjoining panels;</i> <i>(f) a security keyhole viewing device in the main front door;</i> <i>(g) a security door on the outside of the main front door; or</i>

	<p><i>(h) any other manner as effective as the above.</i></p> <p>The design complies with (a). Clauses (b) and (c) are to be included as standard conditions.</p>
12.4.5 A2	<p>Not applicable. No Arcades or pedestrian pathways being created.</p>
12.4.6 A1	<p><i>An area for the loading and unloading of goods must be:</i></p> <p><i>(a) provided on-site;</i></p> <p><i>(b) separated from public access areas; and</i></p> <p><i>(c) accessible from all commercial tenancies on the site.</i></p> <p>A condition to ensure that the delivery areas are clearly marked on site will be necessary as the area provided is directly accessible from the customer carpark.</p>
12.4.7 A1	<p><i>Provision must be made for on-site storage of refuse which is:</i></p> <p><i>(a) accessible or collection; and</i></p> <p><i>(b) not visible from public areas.</i></p> <p>A standard condition in relation to screening will be included to ensure that the area is not visible from public areas, including the carpark.</p>
Schedules	<p>Complies with or not applicable for Schedules 1–9 and 11–13.</p> <p>The proposal is requesting a variation to S10.0 Car Parking Schedule.</p> <p>The proposal is required to include 55 carparking spaces as per Table S10.3.2.</p> <p>The plans as advertised provide for 39 spaces on site, leaving a shortfall of 16 spaces. This can be considered under S10.3.1 P1 as follows:</p>

	<p><i>Where the number of car parking spaces to be provided on-site does not satisfy the AS A1 or A2:</i></p> <p><i>(a) the number of car parking spaces may be waived or reduced if:</i></p> <p style="padding-left: 40px;"><i>(i) there is no adverse impact on the streetscape;</i></p> <p style="padding-left: 40px;"><i>(ii) the number or size of vehicles will not create a traffic hazard or create on-street parking congestion; and</i></p> <p style="padding-left: 40px;"><i>(iii) there is no adverse impact on the amenity of the surrounding locality;</i></p> <p><i>(b) the Council may require a cash-in-lieu contribution for the number of car parking spaces not provided; and</i></p> <p><i>(c) the amount of the cash-in-lieu is to be determined based on the cost of land plus the cost of drainage, kerbing, pavement, marking out, signage and landscaping works.</i></p> <p><i>The Council is not obliged to accept a cash-in-lieu contribution if it is practicable and desirable to provide the required number of car parking spaces on the land.</i></p> <p>The Council's Land Use Planning and Engineering Services staff have assessed the proposal against the requirement of the Scheme.</p> <p>The assessment revealed that the development is short of 16 car parking spaces required under the Scheme, which will likely result in the use of on-street spaces or other existing off-street spaces adjoining or in the vicinity of the proposed development. To put the shortfall of 16 car parking spaces into perspective, 16 on-street spaces will occupy approximately 100m of kerb.</p> <p>In addition, the proposed car park and service area for the development will require ingress and egress access onto Alexandra Road. To provide an acceptable level of sight distance and safety for vehicles exiting the car park as detailed in AS2890.1, approximately 8-9 potential car parking spaces along the Alexandra Road frontage will need</p>
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<p>to be restricted by the use of appropriate car parking control signage or road markings.</p> <p>Furthermore, given the proximity of the Visitor Information Centre access, an additional nine on-street car parking spaces will need to be restricted to provide an acceptable level of sight distance and safety for the users of this facility.</p> <p>Therefore it is unlikely the shortfall of the 16 spaces can be accommodated along the northern side of the Alexandra Road frontage.</p> <p>Preliminary car parking surveys undertaken by the Council indicate a moderate to high demand exists for parking in Alexandra Road between Reibey Street and Walker Street, with a very low demand between Walker Street and James Street. The survey data suggests some of the car parking shortfall can be accommodated on-street opposite and adjoining the development, with minimal impact on the residents. However, some additional parking restrictions may be required on the southern side to provide minimum sight distance requirements to allow vehicles to safely egress from the Walker Street intersection and the neighbouring properties.</p> <p>To accommodate the anticipated remaining shortfall of car parking spaces, Council land to the west of the proposed development can be potentially developed into a car park (refer Annexure 3).</p> <p>In order to develop the Council land for car parking associated with this development, it is considered appropriate that the Council require a cash-in-lieu contribution for one half of the shortfall, amounting to eight spaces. It is considered appropriate that the remaining eight spaces be waived. This would allow the development to occur in accordance with S10.3.1 P1, with an acceptable impact of parking demand on Alexandra Road.</p> <p>The requirement for cash-in-lieu is set in the Council's Fees and Charges 2008-2009 at \$11,000 per space. This results in a requirement for payment to the Council of \$88,000 to be included as a condition.</p>
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CONSULTATION

The application was advertised as required. Correspondence to the adjoining owners inviting them to view the application was also undertaken. No representations were received.

The application as a matter of procedure was referred to the Council's Planning and Assessment Team. Any relevant comments received from the Planning and Assessment Team are included in the body of the report.

IMPACT ON RESOURCES

This report has no impact on resources, notwithstanding the usual resources in assessment of the application and preparation of a report. Additional resourcing of time in the event of a Planning Appeal is unknown.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2004–2009 includes the following objectives:

- . Meet our statutory and regulatory obligations
- . Plan for and develop a sustainable community
- . Create a municipal area that is productive and socially and aesthetically attractive.

CONCLUSION

The proposal has been recommended for approval, subject to conditions, and meets the requirements of the Scheme.

Recommendation

It is recommended that Application No. DEV2008.92 be approved subject to the following conditions and restrictions:

General

- 1 The development generally conforming with the documents submitted with this application, unless otherwise altered by subsequent conditions of this permit;
- 2 The external area of the building adjacent to the front door must be:

- (a) provided with artificial lighting operated by a sensor or from within building; and
 - (b) visible from within the building while the main front door is closed which may be achieved:
 - (i) through nearby windows;
 - (ii) transparent glass in the main front door or adjoining panels;
 - (iii) a security keyhole viewing device in the main front door;
 - (iv) a security door on the outside of the main front door; or
 - (v) any other manner as effective as the above;
- 3 The area provided for the loading and unloading of goods must be clearly marked on-site to ensure that adequate provision is made for the safe loading and unloading of goods;
- 4 The area provided for the on-site storage of refuse must be screened to ensure it is not visible from public areas (including, but not limited to, the carpark);
- 5 Cash-in-lieu of carparking is required for eight spaces, at the rate of \$11,000 a space;

Engineering

- 6 The developer must:
- (a) upgrade or provide where necessary, an appropriately sized water supply connection and meter to the property;
 - (b) upgrade or provide where necessary, an appropriately sized sewer connection point to the property;
 - (c) upgrade or provide where necessary, an appropriately sized stormwater connection point to the property;
 - (d) provide parking facilities in accordance with AS2890.1;
 - (e) replace manholes and fire hydrant covers subject to vehicle loadings with heavy duty covers and surrounds and/or adjust to suit the revised finished surface level as required;

- (f) design and construct the internal road network geometry to enable refuse collection vehicles and other foreseeable vehicles appropriate with the use of development to access and attend to the site as required in accordance with AS 2890.1 and AS2890.2;
 - (g) provide a concrete vehicular access in accordance with the Council's Standard Drawing SD-1003;
 - (h) submit and obtain the Council's approval for any proposed landscaping, streetscape, or driveway works within the existing or proposed road reserves and public open spaces prior to obtaining a building permit;
- 7 The provision, upgrading, re-routing or extension of water, sewer and drainage services as a result of the development shall be to the satisfaction of the Council's Director Engineering Services;
- 8 The provision, upgrading or extension of kerb and channel, footpath or road infrastructure as a result of the development shall be to the satisfaction of the Council's Director Engineering Services;
- 9 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; and

Environment:

- 10 All clinical and related waste is to be handled, stored, transported and disposed of in accordance with the Approved Management Method (AMM) for Clinical and Related Waste made by the Director of Environmental Management under Regulation 12A of the *Environmental Management and Pollution Control (Waste Management) Regulations 2000*.

and that the applicant be further requested to note:

- A This Permit expires two years from the date of advice this decision is received unless the development has been substantially commenced. An extension of time to this period may be considered once only, but only if the request is received prior to the expiry of the specified time.
- B Building, plumbing and other permits may be required for the proposed development.

- C No variation to the operating hours within the Scheme (7.00am to 9.00pm daily) has been requested. If you wish to operate outside these hours, please contact the Council to apply for a discretionary permit to be considered.
- D In relation to Condition 5, the cash-in-lieu contribution rate is calculated from the Council's Fees and Charges for the financial year of 2008-2009.
- E In relation to Conditions 6 (a), 6(b) and 6(c) – as part of the original subdivision process, the Council was to provide a standard DN20 meter and DN25 water connection, 100mm sewer connection, and a 150mm stormwater connection to the property at no charge. If a connection point requires relocation or upsizing as a result of future development (including this proposal), the additional cost will be borne by the developer.
- F In relation to Condition 6(e) – this condition only applies if the existing manholes and fire hydrant are to be incorporated into the driveway or site works. If the manhole or fire hydrant need to be raised or lowered to suit the finished surface level of the driveway or site works, this work will be undertaken by the Council at the applicant's cost.
- G The works associated with the road, footpath, kerb and channel, etc, along and fronting the development will be constructed by the Council as part of the subdivision works. Further details about the design can be obtained from the Council's Engineering Projects Group Leader, Randell Stott on tel. (03) 6429 8986.
- H Any works associated with the connection to existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.
- I Any works (e.g. driveway 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.
- J Contact the Council's Engineering Services Department if you wish to discuss or arrange any infrastructure work requirements.
- K As at 1 October 2008, dental practices must employ amalgam

separators capable of at least 95% separation to treat all wastewater streams containing mercury amalgam residues.

- L Copies of the *Approved Management Method (AMM) for Clinical and Related Waste* are available from the Department of Environment, Parks, Heritage and the Arts at: <http://www.environment.tas.gov.au/index.aspx?base=240>.

The report is supported.”

The Executive Services Officer reported as follows:

“A copy of the Annexures referred to in the Land Use Planning Group Leader’s report has been circulated to all Councillors.”

- Cr McKenna moved and Cr Howard seconded, “That Application No. DEV2008.92 be approved on the basis of 16 car parking spaces being waived under S10.3.1P1(a) because it is deemed by the Council that the development will not result in any adverse impact on the streetscape; the number or size of vehicles will not create a traffic hazard or on-street parking congestion and there will be no adverse impact on the amenity of the surrounding area. The approval is subject to the following conditions and restrictions:

General

- 1 The development generally conforming with the documents submitted with this application, unless otherwise altered by subsequent conditions of this permit;
- 2 The external area of the building adjacent to the front door must be:
 - (a) provided with artificial lighting operated by a sensor or from within building; and
 - (b) visible from within the building while the main front door is closed which may be achieved:
 - (i) through nearby windows;
 - (ii) transparent glass in the main front door or adjoining panels;
 - (iii) a security keyhole viewing device in the main front door;
 - (iv) a security door on the outside of the main front door; or
 - (v) any other manner as effective as the above;
- 3 The area provided for the loading and unloading of goods must be clearly marked on-site to ensure that adequate provision is made for the safe loading and unloading of goods;

- 4 The area provided for the on-site storage of refuse must be screened to ensure it is not visible from public areas (including, but not limited to, the carpark);

Engineering

- 5 The developer must:
- (a) upgrade or provide where necessary, an appropriately sized water supply connection and meter to the property;
 - (b) upgrade or provide where necessary, an appropriately sized sewer connection point to the property;
 - (c) upgrade or provide where necessary, an appropriately sized stormwater connection point to the property;
 - (d) provide parking facilities in accordance with AS2890.1;
 - (e) replace manholes and fire hydrant covers subject to vehicle loadings with heavy duty covers and surrounds and/or adjust to suit the revised finished surface level as required;
 - (f) design and construct the internal road network geometry to enable refuse collection vehicles and other foreseeable vehicles appropriate with the use of development to access and attend to the site as required in accordance with AS 2890.1 and AS2890.2;
 - (g) provide a concrete vehicular access in accordance with the Council's Standard Drawing SD-1003;
 - (h) submit and obtain the Council's approval for any proposed landscaping, streetscape, or driveway works within the existing or proposed road reserves and public open spaces prior to obtaining a building permit;
- 6 The provision, upgrading, re-routing or extension of water, sewer and drainage services as a result of the development shall be to the satisfaction of the Council's Director Engineering Services;
- 7 The provision, upgrading or extension of kerb and channel, footpath or road infrastructure as a result of the development shall be to the satisfaction of the Council's Director Engineering Services;
- 8 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; and

Environment:

- 9 All clinical and related waste is to be handled, stored, transported and disposed of in accordance with the *Approved Management Method (AMM) for Clinical and Related Waste* made by the Director of Environmental Management under Regulation 12A of the *Environmental Management and Pollution Control (Waste Management) Regulations 2000*.

and that the applicant be further requested to note:

- A This Permit expires two years from the date of advice this decision is received unless the development has been substantially commenced. An extension of time to this period may be considered once only, but only if the request is received prior to the expiry of the specified time.
- B Building, plumbing and other permits may be required for the proposed development.
- C No variation to the operating hours within the Scheme (7.00am to 9.00pm daily) has been requested. If you wish to operate outside these hours, please contact the Council to apply for a discretionary permit to be considered.
- D In relation to Conditions 5 (a), 5(b) and 5(c) – as part of the original subdivision process, the Council was to provide a standard DN20 meter and DN25 water connection, 100mm sewer connection, and a 150mm stormwater connection to the property at no charge. If a connection point requires relocation or upsizing as a result of future development (including this proposal), the additional cost will be borne by the developer.
- E In relation to Condition 5(e) – this condition only applies if the existing manholes and fire hydrant are to be incorporated into the driveway or site works. If the manhole or fire hydrant need to be raised or lowered to suit the finished surface level of the driveway or site works, this work will be undertaken by the Council at the applicant's cost.
- F The works associated with the road, footpath, kerb and channel, etc, along and fronting the development will be constructed by the Council as part of the subdivision works. Further details about the design can be obtained from the Council's Engineering Projects Group Leader, Randell Stott on tel. (03) 6429 8986.
- G Any works associated with the connection to existing (live) Council water, sewer and stormwater services will be undertaken by the Council at the developer's cost, unless alternative arrangements are approved by the Council.

- H Any works (e.g. driveway 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.
- I Contact the Council's Engineering Services Department if you wish to discuss or arrange any infrastructure work requirements.
- J As at 1 October 2008, dental practices must employ amalgam separators capable of at least 95% separation to treat all wastewater streams containing mercury amalgam residues.
- K Copies of the *Approved Management Method (AMM) for Clinical and Related Waste* are available from the Department of Environment, Parks, Heritage and the Arts at: <http://www.environment.tas.gov.au/index.aspx?base=240>."

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 7.33pm.

CONFIRMED THIS 16TH DAY OF MARCH, 2009.

Chairperson

(lm:vjl)

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