



# Minutes

of a Special Meeting  
held at 7.00pm

12 APRIL 2010

Note:  
Minutes subject to confirmation at  
a meeting of the Council to be held on  
19 April 2010

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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 Monday, 12 April 2010 commencing at 7.00pm.**

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**Councillors attendance**

Cr Mike Downie (Mayor)  
Cr Lionel Bonde  
Cr Amanda Diprose  
Cr Ken Haines  
Cr Tony van Rooyen

Cr Jan Bonde (Deputy Mayor)  
Cr John Deacon  
Cr Cheryl Fuller  
Cr Gerry Howard  
Cr Philip Viney

**Councillors apologies**

Cr David Dry, Cr Brian Robertston

**Employees attendance**

General Manager (Ms Sandra Ayton)  
Director Development & Regulatory Services (Mr Michael Stretton)  
Director Engineering Services (Mr Bevin Eberhardt)  
Executive Services Officer (Miss Lisa Mackrill)

**Media attendance**

There was no media in attendance.

**Public attendance**

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

**Prayer**

The Meeting opened in Prayer

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## MAYOR'S COMMUNICATIONS

### 98/2010 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 (J) Bonde moved and Cr Haines seconded, “That the Mayor's report be received.”

Carried unanimously

### 99/2010 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

Cr Fuller reported as follows:

“I am declaring an interest in respect of Rezoning section of land at CT15608/1 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 (Minute No. 101/2010).

**DEPARTMENTAL BUSINESS**

DEVELOPMENT & REGULATORY SERVICES

**100/2010 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 Services has submitted the following report:

‘If any such actions arise out of Minute Nos 101/2010, 102/2010 and 103/2010, 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 Haines moved and Cr Diprose seconded, “That the Mayor’s report be received.”

Carried unanimously

*Cr Fuller, having declared an interest, retired from the meeting and left the Chamber for that part of the meeting relating to the consideration, discussion and voting on the matter of rezoning section of land at CT15608/1 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 Rezoning section of land at CT15608/1 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**

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 15608/1 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 a combined Scheme amendment/permit application. The application is seeking to rezone a section of land at CT15608/1 Maskells Road, Ulverstone from Rural Resource to Industrial (Annexure 1). The application is then seeking a four lot subdivision and the development of a Manufacturing and processing use at CT15608/1 Maskells Road and CT155475/1 Fieldings Way, Ulverstone.

In accordance with the Act, a person who requests a planning authority (the Council) to amend a planning scheme may also request the planning authority 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*

Because the Council currently owns the property which is the subject of this development application, the planning assessment was outsourced to consultants GHD P/L (‘the planning consultant’) to ensure both objectivity and transparency. The planning consultant’s report is included under the ‘Discussion’.

*DISCUSSION*

**'Purpose of the Report**

To assess the application made by Bullock Consulting on behalf of Fairbrother Pty Ltd for the rezoning and development of the land located at the eastern end of Industrial Drive, Ulverstone. The site adjoins industrial properties which have frontage to Kilowatt Court to the east, Maskells Road to the west, the Western Railway to the north and Bass Highway to the south.

GHD has been engaged by the Central Coast Council to assess the application which proposes an amendment to the Central Coast Planning Scheme 2005 to rezone approximately 4.1 ha of rural land at the eastern end of Industrial Drive so as to accommodate a new industrial development. The arms length assessment has been requested by Council as it owns both of the parcels of land affected.

The Central Coast Planning Scheme 2005 ('the scheme') requires a 500 metre attenuation distance around a metal fabrication activity. However, the scheme allows for the attenuation zone to be reduced if a scientifically calculated assessment demonstrates that the noise from a proposed metal fabrication activity would not create an adverse impact on nearby sensitive (residential) land uses.

The proponents have engaged a suitably qualified Acoustic Engineer (Mr. Peru Terts) to investigate and report on the issue of noise emissions from the proposed workshop.

**Process: Application under Section 43A Land Use Planning and Approvals Act 1993**

The proposal has been prepared as an application pursuant to Section 43A of the Land Use Planning & Approvals Act 1993. An application made under the provisions of section 43A allows the Council to consider concurrently an application for the rezoning and the development of the land, as if the land was already zoned for industrial development.

The application is considered by Council, a decision made which is then placed on public exhibition. During that time any person may make representation to the proposal. At the conclusion of the exhibition period the Council considers any representations received, forms an opinion as to the merit of any raised in representation and then refers the documentation and the Council's recommendation to the Tasmanian Planning Commission (TPC) for decision.

In the event that representations are received, the TPC will invite representors to attend a hearing, following which a decision will be made. Note that the TPC may convene a hearing even if there are no representations to the proposal and may do so to consider the strategic merit of the proposed rezoning.

Council has consulted the Tasmanian Planning Commission and discussed the issues associated with the proposal. One of these issues concerns the Aboriginal heritage report which at the time of this assessment is not yet complete. A draft report has been prepared and received. The TPC has confirmed that the Council may consider the proposal in the absence of the report which can be addresses as part of the TPC's deliberations.

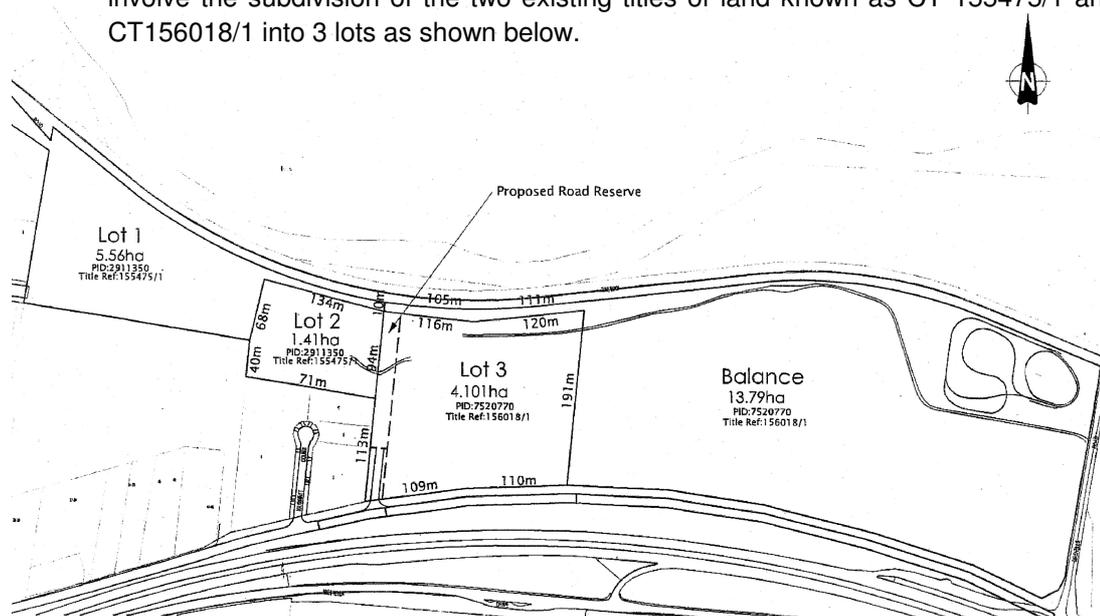
In terms of its consideration the usual practice is for the TPC to consider the strategic merits of the rezoning and then to assess the development proposals which in this case will include the subdivision and the development by Fairbrother Pty Ltd (Degree C).

**Process**

The report provides an assessment of the application [Annexure 2 - site plan, application, titles, supporting report and plans] and makes recommendations as to each of the components:

- The rezoning of one 4.101ha lot (Lot 3) described as CT 156018/1 from Rural Resource to Industrial zone;
- The three-lot subdivision of two titles described as follows: CT 155475/1 and CT 156018/1; and
- The development of the proposed fabrication workshop facility for Fairbrother Pty Ltd.

To summarise, the rezoning, subdivision and development application proposals will involve the subdivision of the two existing titles of land known as CT 155475/1 and CT156018/1 into 3 lots as shown below.



**Figure 1 – Subdivision Plan to be amended (area of Lot 2)**

## Summary

The area shown on the proposal plan as lot 3 (4.10ha) will be rezoned to the Industrial classification to enable the establishment of the proposed fabrication workshop.

The proposals reflect the demand for appropriately located industrial developments into an area of established industrial development with adequate separation from nearby residential nodes.

The development at this site will reinforce the industrial development node within an area which is fully serviced.

The proposals are considered to be generally consistent with the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993* (LUPAA), the Central Coast Planning Scheme, and all relevant State policies.

The proposals will not compromise the character or amenity of the surrounding locality and will not have a detrimental impact on the amenity and quality of life now experienced by residents in the locality nor will there be a detrimental impact upon land set aside for rural land use.

In summary, the development proposal represents the orderly expansion of industrial development in a sustainable manner. This application demonstrates that the main issues have been addressed and the site is suitable for the development proposed.

## Report Structure

This report is prepared on behalf of the Central Coast Council (Council) for consideration of the approval for the rezoning, subdivision and development proposals:

- . Rezoning assessment is outlined in Section 5;
- . Subdivision Assessment is outlined in Section 6;
- . Development Proposal is outlined in Section 7.

The report provides a description of the site and existing environmental conditions and identifies the key planning strategies and development controls that apply to the assessment of the development proposal for this site.

This report has been structured to incorporate information required for the planning scheme amendment as outlined in the Planning Note - 'Information relevant to the Commission' for consideration of the Amendment to the Planning Scheme prepared by the Tasmanian Planning Commission. The 'Information Checklist' includes the following:

- . Title references, area and dimensions;
- . Existing and proposed uses;
- . Existing zoning of the land and surroundings and any special controls applying;
- . Natural and cultural values and features of the land, including buildings, water and any hazards or contamination;
- . Availability and capacity of reticulated, community and transport infrastructure;
- . Details of use and development of adjacent land and of neighbouring land owners and occupiers consulted or to be notified; and
- . Statutory References.

As is required for a Section 43A Application, the details and assessment of the proposed subdivision and development form part of this report.

### **Background to Proposal**

- . The proposal involves the subdivision of three lots and balance located at the eastern end of Industrial Drive, of which lot 3 (proposed) will be rezoned from *Rural Resource* to *Industrial*. The proposed lots 1 and 2 are within the present Industrial zone. The zone change to *Industrial* will facilitate the new industrial development. The industrial development proposed for the subject site is Degrees C, which is a refrigeration, air conditioning, heating, ventilation, insulation and metal fabrication workshop.

### **Rezoning**

- . The land is located off the eastern end of Industrial Drive, Ulverstone and adjoins industrial properties fronting onto Kilowatt Court to the east, Maskells Road to the west, the Western Railway to the north and the Bass Highway to the south. There are several residences reasonably proximate to the proposed development:
  - Westella House located to the South of the Bass Highway some 200 metres away from the subject site; and
  - 25 Maskells Road located some 260 metres North-East of the subject site, on the far side of the Western Rail Line. It is noted that 25 Maskells Road has an approved Low Density Residential subdivision which is yet to be developed. However, the existing

residence would still be the closest to the subject site if the subdivision development proceeds.

### Subdivision

- . The subdivision is relatively minor in scope and is located in a serviced area. There are no known site contamination concerns with the subject site.

### Development

- . Ultimately the site will include a number of businesses providing a variety of allied services under the same ownership. The current development application is for Stage 1 only, which involves the Degree C Office, Showroom and Fabrication areas together with a facilities management office. Stage 2, which will be subject to a future development application, will include the office and corporate headquarters for Fairbrother, the office for the building arm of Fairbrother covering the North West part of the state.
- . The proposed use and development of the site comprises office space and associated car parking which has little potential to impact surrounding residences. Additionally, the site will house various low impacts dry industries which have little or no emission of fumes, dust or liquid waste that may cause environmental harm/nuisance under the *Environmental Management & Pollution Control Act 1994*.
- . The only foreseeable potential to cause environmental harm/nuisance is from operational noise. The proponents have submitted a report prepared by an acoustic consultant which satisfactorily addresses this issue. The proposal for the development of Stage 2 will require a similar acoustic investigation.



Figure 2 - Development Site Shown in Outline



Statutory References

**Name of Planning Instrument**

The subject of the proposed amendment is the Central Coast Planning Scheme 2005.

**Name of Planning Authority**

The planning authority is the Central Coast Council.

**Justification**

**Rezoning**

The rezoning of Lot 3 (part of CT 156018/1) will enable the expansion of the existing industrial estate at east Ulverstone and facilitate the establishment of a major construction company within Tasmania, located within proximity to major road rail and shipping arterials to service both Tasmanian development and interstate.

The rezoning will reflect the strategic objectives of the Central Coast Planning Scheme, specifically clause 10.1.2 which recognises the need for a focus of industrial activity around the Industrial Estate area. The proposed rezoning will reinforce this focus, servicing the demand for Industrial zoned land within an area identified and developed for industrial activity. The location relatively isolated from residential development nodes is located adjacent to the major road networks.

Furthermore the land to be rezoned is adjacent to the existing Industrial zone, and extension of the zone represents an orderly and planned approach to the provision of industrial land to service demand in this area.

From a strategic perspective the development aligns with the Council's strategic plan and the Central Coast Strategic Framework for Settlement & Investment. The report prepared by SG Economics and Planning analysed the land demand for local service and export oriented industries concluding that by 2011 an additional 4.9ha would be required to service demand and a total of 20.2ha assuming growth of the North West population continued at long term averages.

The provision of this additional 4.1ha of land is consistent with this forecast.

**Subdivision**

The industrial subdivision is considered an appropriate use for the two adjoining titles (CT 155475/1 & CT 156018/1) for it will provide for an industrial use of the land that

will consolidate the focus of industrial activity around the East Ulverstone Industrial Estate area.

The demand for appropriately sited industrial subdivision is significant with surrounding subdivision allotments being taken up.

The subdivision is therefore seen as supplying the needs of the local and wider community as it will be providing for a more appropriate use of the land than if left for agricultural use, which given its classification and significant constraints (Class 4) is considered to be unsustainable.

### **Development Application**

The proposal is to construct workshops, offices and storage areas to support a business fabricating building components for major construction projects within the state and interstate.

The items manufactured at the site will include ventilation, refrigeration and air conditioning systems, structural steel fabrication, metal work and custom building fittings for offsite civil and building projects.

The development is considered to be in accordance with the intent of the Industrial Zone, as it provides for an appropriate and sustainable use of the land which is located immediately adjacent to an established industrial area, proximate to the major transport corridor and which is adequately separated from nearby sensitive (residential) use.

The use will generate significant employment both at the site and the wider Tasmanian community with a total of 96 employees required as part of Stage 1 and a further 77 employees for Stage 2.



- Facilities Management (FM) Office: - FM is a business that caters for the facility management (building maintenance) of existing buildings.

. **Stage 2: Office and Corporate Headquarters for *Fairbrother***

- Fairbrother is the overarching company that controls all facets of the business. It provides administration facilities for the other firms located on the site together with the Executive Board of Management.

The application demonstrates that the emissions from the activity will be managed with noise emissions expected to be no greater than the ambient noise levels in the area including the vehicle noise generated by the Bass Highway main arterial, and that emanating from the existing industrial development within the adjoining estate.

The development will provide for surrounding industrial needs while being attractively designed and presented with thoughtful landscaping and architecture to contribute significantly to the streetscape character of the area.

### **Site and Surrounds**

#### **Subject Site**

The proposed subdivision, rezoning and development application relates to the two existing titles registered as CT 155475/1 and CT 156018/1. The titles are owned by the Central Coast Council and are immediately adjacent running from east to west along the coastal frontage.

The proposed lots are located at Industrial Drive, on the eastern fringe of Ulverstone setback from the coastline between Turners Beach to the east and Buttons Beach to the west.

The Subdivision relates to CT 155475/1 (Lots 1 and 2) and CT 156018/1 (Lot 3). The rezoning and development application relates to Lot 3. The characteristics of each lot are as follows:

- . Lot 1 is 5.56ha in area and has a 23m frontage to Export Drive to the west and frontage of 10m to the proposed Road Reserve to the east. The lot encompasses an industrial subdivision to the west of the main body of the site, within which various lots have been developed for industrial use. Adjacent to the lot and to the south is a single title also developed for industrial purposes. To the north is the railway line and beyond that the Environmental Management Zone. The site has a northerly aspect and is

within close proximity to the coastline and surrounding industrial subdivisions. Lot 1 is within the existing Industrial zone.

- . Lot 2 is also 1.41ha in area and will have road frontage of 94m to the proposed Road Reserve to the east. It is bordered to the west and north by the proposed Lot 1, to the east by the proposed Lot 3 and to the south by 2 undeveloped titles that are within the Industrial zone. The site has a northerly aspect, is clear of vegetation and is proximate to the coastline, the Environmental Management Zone and railway line to the north. Lot 2 is also within the Industrial zone.
- . Lot 3 is 4.10ha in area and will have road frontage of 207m to the proposed Road Reserve. It is part of a larger title of land owned by Council, the balance of which is 13.79ha in area (Figure 2). The subject site and balance of land have been used previously for grazing purposes. Lot 3 will be bordered to the east by the balance of remaining land, to the west by the proposed Road Reserve, to the south by a strip of land owned by the Crown, and to the north by the railway line and the Environmental Management zone. Lot 3 is within 60m of the Bass Highway, has a northerly aspect and is within close proximity to a Low Density Residential zone located to the north east. Lot 3 is within the Rural Resource zone.
- . Balance lot 13.79ha to the east will remain Rural Resource zone.

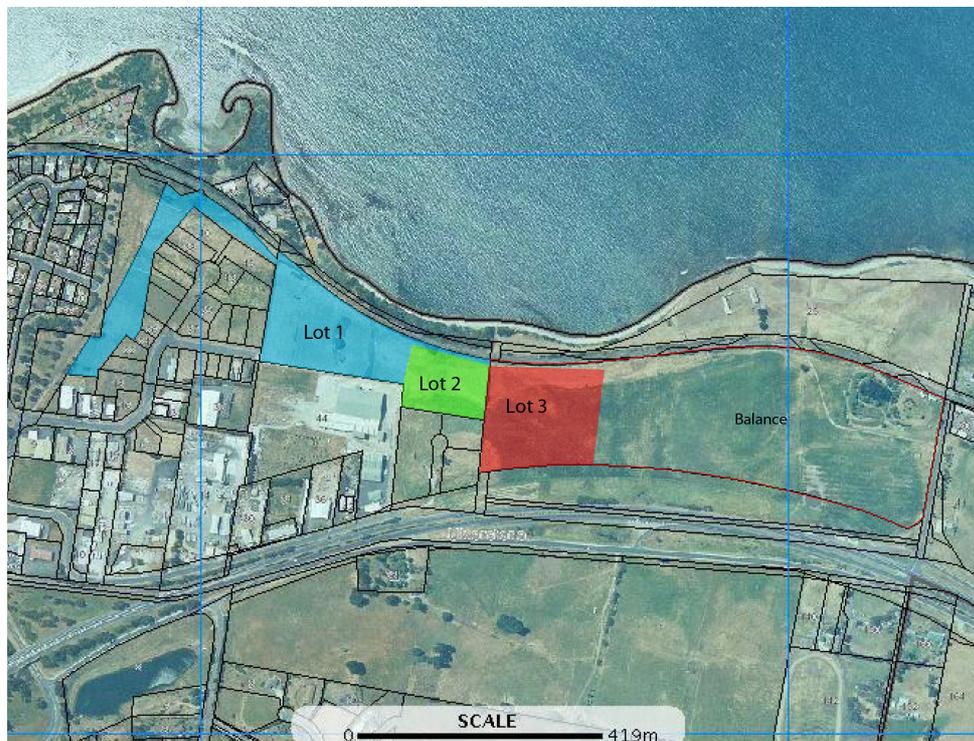
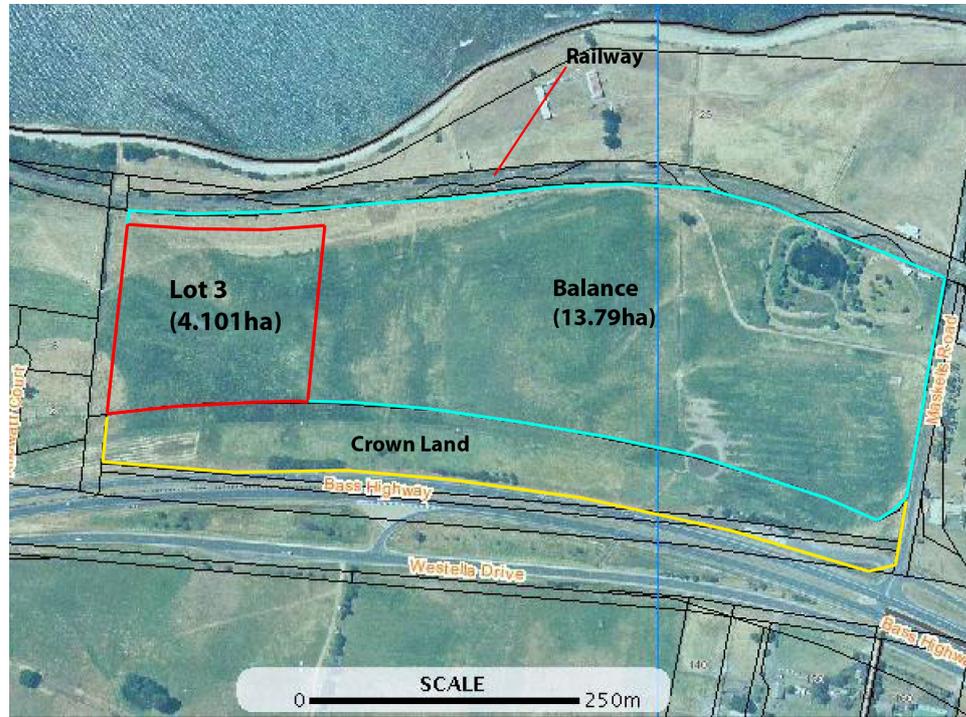


Figure 6 - Aerial View of the 3 Proposed Lots (part of CT 155475/1 and CT 156018/1)



**Figure 7 - Aerial View of Lot 3 and Balance**

**Land Use History**

In relation to the two titles the subject of this application, the Central Coast Council acquired the land in 2009. The land has been used for agricultural purposes in the past (livestock grazing) with no intensive cropping carried out. Prior to purchase of the land by Council in 2009, part of the site was used as a model train operation.

The land is significantly constrained by the Bass highway on its southern boundary and by the Low Density residential development located on the northern side of the railway line.

**Surrounding Area**

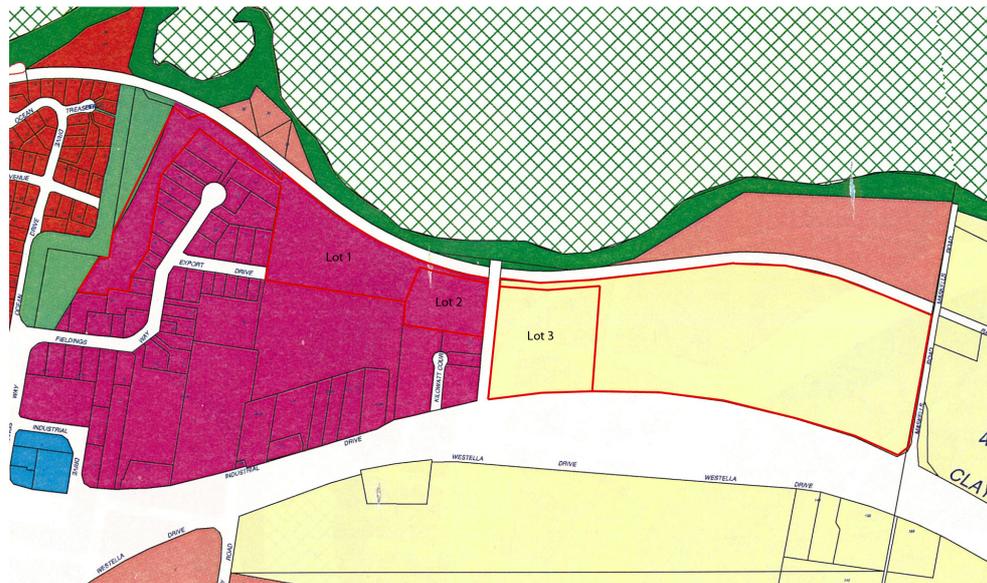
The two titles of land are in two separate zones. CT 155475/1 is situated to the west and is located within the Industrial zone (Figure 8), and CT 156018/1 is situated to the east and is located within the Rural Resource zone (Figure 8).

To the north of the two titles is the railway line that is part of the transport network (identified as the Western Line), and beyond this is the coast. Bordering the northern boundary is the Environmental Management zone which extends the length of the Ulverstone coastline.

Subdivision of the existing Industrial zone has seen the establishment of a number of commercial enterprises including Fork Truck Specialists, Dobmac Agricultural Machinery, Emmark Studios Web Design, Van Ek Solid Builders, Elite Crash Repairs, and NG Upholstery.

The ideal location of the industrial area due to its situation proximate to the major road arterial raises the demand for the development of these lots. Based upon observation of the availability of industrial zoned land, the area is about to reach full built capacity.

To the south of CT 156018/1 is the Bass Highway and beyond this are a number of titles that are within the Rural Resource zone and are used for agricultural purposes. To the north of CT 156018/1 is a small area of land zoned Low Density Residential upon which there currently exists one residential dwelling and whilst undeveloped to this point one would expect residential development to occur over time. As noted previously the closest residence is that located at 25 Maskells Road.



Zoning Index

	Residential Zone		Rural Resource Zone
	Low Density Residential Zone		Recreation Zone
	Mixed Use Zone		Industrial Zone
	Rural Living Zone		Local Business Zone
	Environmental Management Zone		Business Zone
	Environmental Management Zone		Commercial Zone
	Ulverstone Wharf Schedule		

Figure 8 – Surrounding Zones



**Figure 9 - Aerial View of Both Titles Showing Relationship to the Industrial Zone**

### **Existing Environment**

### **Topography and Drainage**

The site is cleared pasture that straddles a shallow depression which runs west to east parallel to the rail line. Slopes are minor with the highest point on the land in the south west corner at 7.5m AHD falling to 4.25m AHD on the western boundary.

Drainage flows from a major culvert under the Bass Highway and onto the site and into the shallow drainage path that traverses the land. The drainage path does hold water to a depth of 150mm during wetter parts of the year and there are a number of excavated farm drains to reduce water logging of the pasture.

Design of the site must ensure adequate drainage and the carriage of water from the Bass Highway. The submission provided to Council addresses the issue in part, and if approved conditions of consent will require that this issue is addressed in detail.

Proposed lots 1 and 2 are situated on a reasonably flat parcel of land, being within a coastal area that is well drained.

The proposed Lot 3 is relatively flat, being located in a coastal area. The site graduates downwards from the south west corner (7.5m AHD) to the western boundary (4.25m AHD). During heavy rain, the site collects water from surrounding land, particularly from the agricultural land on the southern side of the Bass Highway via a pipe under the road. As such, a series of water channels have been dug into the site to minimise water logging. Despite this, water pooling is still evident during the wetter parts of the year.

The traffic noise generated from the near by Bass Highway is audible, but as the proposed development is concerned with an industrial classification and use which is not a sensitive use, traffic noise is not considered an issue.

### **Surface Water**

The area of the title which will encompass lot 3 is as described above subject to surface water collection. Distribution of such water through the site is via a series of water channels, cut into the surface of the land. The site straddles a gentle gully between the rail line embankment and the Bass Highway reservation which is low lying with some water logging and shallow ponding which occurs during the wetter periods of the year.

The land falls to a low point on the proposed eastern boundary and a formed shallow drainage channel traverses the site from the Bass Highway boundary to this point. The channel runs through the balance of the title to a multi-cell culvert under the rail line some 300m from the proposed title boundary in the balance of the title. The channel is agricultural in origin and reduces the area of land affected by seasonal inundation.

The drainage channel carries water primarily from a 1.05m diameter drainage pipe under the Bass Highway that collects stormwater from the road reservation and land to the south of the highway. A second drainage system follows the western boundary of the site before terminating in an open drain running north to a smaller diameter culvert under the rail line. The drain whilst piped for part of its length is too high to service the land but does collect stormwater from Kilowatt Court properties and the eastern end of Industrial Drive.

The applicant notes that the primary stormwater design issue for the site is to convey stormwater from the Bass Highway culvert through the proposed development and manage ponding of the water in the lower areas of the land. The raised rail line embankment and adjacent foreshore reserve severely restricts the construction of a viable underground drainage system.

The applicant has advised: *Preliminary design studies indicate that the existing DN1050 culvert under the Bass Highway serves a catchment of some 22ha of mostly rural land and can be anticipated to deliver approx. 1.22m<sup>3</sup>/sec to the property during a 100 year ARI storm event. The developed site will generate approximately 1.38m<sup>3</sup>/sec at the 100 year ARI event for its own catchment, and the combination of both catchments will deliver approx. 1.88m<sup>3</sup>/sec to the open drain running east from the site. The existing open drains runs at an average grade of 0.25% and the proposal is to widen and reshape this drain to produce an evenly graded, flat bottomed drain that will better convey water to the outlet east of the site without ponding within the land.*

*Design calculations indicate that a lightly vegetated drainage channel, 6m wide at the base and a maximum depth of 0.56m during a 100 year ARI event would be adequate for a flow of 1.88m<sup>3</sup>/sec, albeit at the low velocity of 0.41/sec which would encourage the slow silting of the channel and subsequent need for maintenance clearing.*

*Gravelling the base of the channel would improve the hydraulic efficiency considerably, providing for a velocity of 0.73 m/s at a depth of 0.35 m for the same flow rate. The open drain may also be incorporated with minor pools planted as wetlands to improve runoff quality and to provide a periphery of landscaped vegetation along the edges of the main channel. It is proposed that such a feature be incorporated within the landscaping plan of the site.*

### **Flood Risk**

The risk of flooding to the majority of the site is considered low. Whilst Lot 3 is prone to water logging after heavy rain this is an issue which can be addressed adequately. The land has an elevation between 4.5m AHD and 7.0m AHD which is considered sufficient to provide protection against the effect of sea level rise and storm surge. The estimate provided assuming the worst case scenario identified by the DPIWE site indicates inundation at year 2100 to impact the site but not such as would affect the development as proposed. The use proposed is not residential in nature.

### **Land Stability**

There are no land stability issues associated with this site.

### **Vegetation**

The land primarily consists of cleared grassland. A search of the DPIW Natural Values Atlas has been undertaken which identified that there are no recorded threatened flora and fauna observations or threatened vegetation communities within the site. Within 500m of the site however there are a number of threatened fauna

species and within 100 meters of the site are a number of identified Tasmanian Vegetation Communities, but these mostly relate to coastal vegetation communities. None of these communities will be affected by this development.

### **Bushfire Areas**

As there is no standing vegetation which is 1 ha or larger in extent within the site or within 100 m of the site, it is not within a Bushfire Prone Area as defined by the 'Guidelines for Development in Bushfire Prone Areas of Tasmania' (Tasmanian Fire Service, 2005).

### **Land Capability**

The majority of the site is classified as Class 4, under the 'Land Capability Survey of Tasmania, Pipers, 1:100,000 map' (Noble 1990), (Figure 10). The area has very limited potential to be used for anything more than grazing given the total land area is 16ha, restricted by the location of the Bass Highway on the southern boundary and railway line to the north.

Relocation of the Industrial zone boundary which will result in a reduction in the rural land area will not alter the viability of the land in terms of its potential as a rural enterprise nor will the development fetter the use of existing rural holdings in the locality.

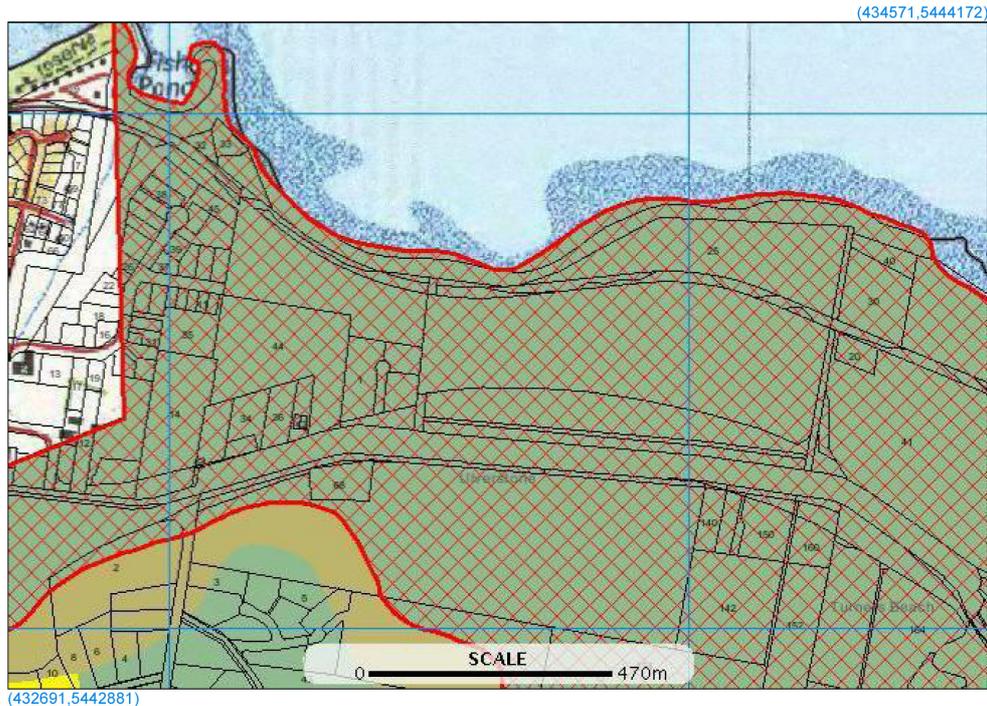
The land capability classification combined with the location of the site and its relationship to surrounding development demonstrates that the proposed development on the subject site is not in conflict with the State Policy on the Protection of Agricultural Land (PAL) 2009.

The PAL policy aims to foster sustainable agriculture in Tasmania by ensuring the continued productive capacity of the State's agricultural land resource. The policy comprises 11 guiding principles, of which principles 2 and 3 relate specifically to prime agricultural land (Classes 1-3). As there is no prime agricultural land on the site, the proposed development is not in conflict with those principles.

Principle 7 of the policy provides for the protection of non-prime agricultural land from conversion to non-agricultural use which will be determined through consideration of the local and regional significance of that land for agricultural use. Given the many constraining factors affecting this land it is determined to have no regional or local significance in terms of an agricultural resource.

In terms of the more general issues of conversion of agricultural land, any cropping potential on the subject site is marginal at best. It is concluded that owing to the

inherently low agricultural potential throughout the site, the proposal will not conflict with the policy.



### Identify Results - Land Capability

LANDCAP_ID	1262
COMPLEX	4
DESCRIPTION	Land well suited to grazing but which is limited to occasional cropping or a very restricted range of crops

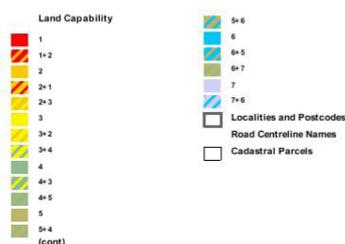


Figure 10 - Land Capability

### Landscape/Scenic Values

The site itself is not subject to any special planning areas, but bordering the site to the north is an Environmental Management Zone. The rezoning, subdivision and fabrication workshop development proposals will not impact the natural values and characteristics that the adjacent Environmental Management Zone is established to preserve. The development will be suitably landscaped and whilst presenting a built

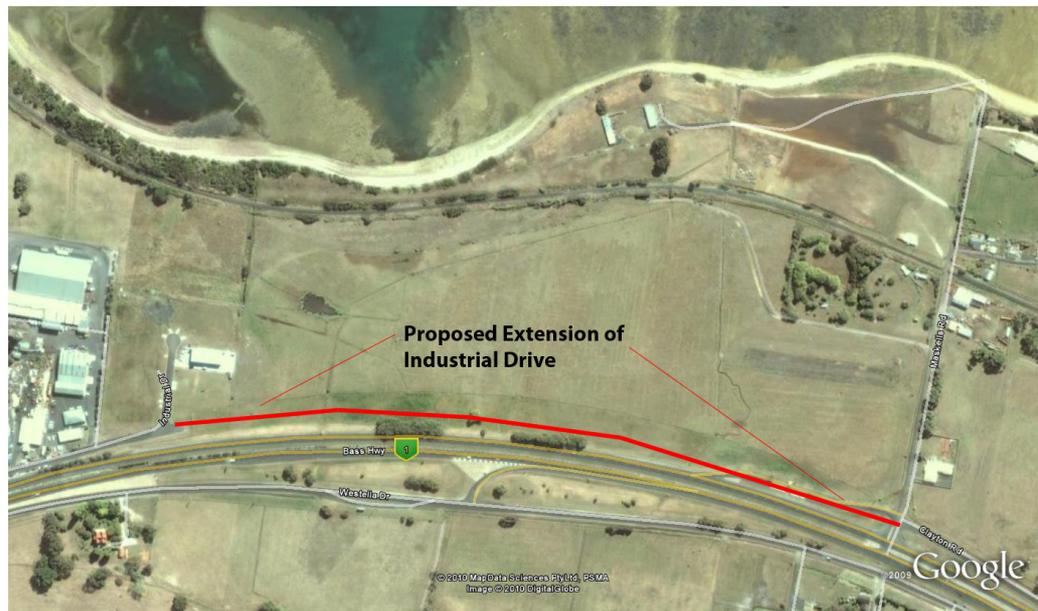
form within an environment which is presently pasture, the landscape is already impacted by the Industrial and residential development to the west.

### Infrastructure

#### Roads

Currently, the only road that has connection to the two titles is Export Drive, located towards the west of the subject land. Council have confirmed that subject to subdivision approval, Industrial Drive will be extended to service the lots that will connect through to Maskells Road (Figure 11).

The existing road network is considered to be sufficient in catering for extra traffic generated by any future industrial development as Industrial Drive was developed to bear heavy industrial traffic due to the surrounding industrial zoned area. The extension of Industrial Drive to service the site will occur subject to rezoning approval, and will be constructed to full industrial road design standards.



**Figure 11 - Aerial View showing the proposed extension of Industrial Drive through to Maskells Road**

#### Services & Infrastructure

All lots proposed within the subdivision are cable of connection to the existing service infrastructure.

### **Stormwater**

Stormwater from the development is to be connected to existing services and appropriately managed on site. In addition as a condition of any approval, the applicant will be required to undertake an analysis to determine the capacity of the existing drainage system and identify any limitations.

Drainage flows from a major culvert under the Bass Highway onto Lot 3 and into the shallow drainage path that traverses the proposed Lot. The drainage path holds water to a depth of approximately 150mm during the wetter parts of the year and there are a number of excavated water channels developed to reduce water logging of the site. This issue is to be addressed as a condition of consent.

### **Heritage**

#### **European Heritage**

The site is not listed within the Tasmanian Heritage Register, noting that the site is undeveloped and not impacted by heritage considerations.

#### **Aboriginal Heritage**

The locality, situated on the coastal plain between the Leven and the forth Rivers, has a long history of use by aboriginal peoples. An aboriginal cultural heritage study has been commissioned and at the time of this assessment is in draft form only.

Cultural Heritage Management Australia was engaged by the applicant to undertake an Aboriginal heritage assessment of the proposed development site [Annexure 3]. That report confirms following a search of the Tasmanian Aboriginal Site Index (TASI) that there are 5 registered aboriginal heritage sites within 3km of the study area. One of these 5 sites appears to be located within the boundaries of the development site located to the south west. During the field survey assessment, one aboriginal heritage site was identified (Ulv 1.) The site has been classified as an isolated artefact that is situated approximately 5m north of the northern boundary of the study area. The consultants assess the site as being of low scientific significance value.

Nevertheless the consultants in their draft report recommend as a part of management options and recommendations, further sub-surface investigations to determine the presence/ absence of Aboriginal artefact material at both the (Ulv 1.) site and the area located in the south west of the development site registered as (TASI 10401).

The findings of this additional study would form an addendum to the initial report which would include management strategies. The consultants advise that in the event that artefact material was located within the test pit areas, then recommendations would be formulated around mitigation strategies for identified sites, including the requirements applying for relevant permits, the potential scope of additional investigations, or protection strategies for areas of particular significance.

In the event that there were no artefacts discovered, it would be recommended that there were no Aboriginal archaeological constraints to development works proceeding in these areas.

As the report is not yet complete, it is understood that the Tasmanian Planning Commission has agreed that the Council should proceed with consideration of the development proposal and that the issue of aboriginal heritage be further considered by the Commission once the matter is referred to the TPC.

Depending upon the timing of the public exhibition period and delivery of the final report, it is likely that the Council will have the opportunity to review the recommendations and any further findings prior to referral of a recommendation to the Commission.

### **Rezoning Assessment**

#### **Proposed Amendment**

The proposal is to rezone the land (CT 156018/1) from Rural Resource to Industrial zoning under the *Central Coast Planning Scheme 2005*.

#### **Impact of the Amendment**

The proposed amendment is consistent with Council's strategic documents, Schedule 1 of LUPAA and does not jeopardise the principles of any State Policies. The rezoning will allow for the site to be developed for industrial purposes, responding to the need for appropriately located industrial land. The rezoning would benefit surrounding industrial uses, enhancing the connectivity of the area through the Industrial Drive extension through to Maskells Road and provide a mix of lot sizes to address an identified need.

#### **Reasoning for the Proposal**

The East Ulverstone area surrounding Industrial Drive is one of the fastest growing industrial areas in Tasmania. With linkages across the north east and north west of the state to Devonport and Launceston, Zeehan and Hobart beyond via the Bass and

the Murchison Highway's, the area is situated within an ideal location to produce and provide industrial related product to the State.

The availability of land for industrial development within the Industrial zone located directly adjacent to the site to the west is fast becoming scarce. The rezoning would be responding to demand for industrial land while providing for the appropriate use of land that is not suited (given the sites significant constraints) to agricultural uses.

The proposed rezoning will provide suitable land for industrial development within a location that has been strategically chosen as being suitable for the expansion of industrial Ulverstone. The future development of the site will support the continuing demand for quality industrial developments that produce quality products. The Industrial Drive/East Ulverstone area is very well suited for further industrial development being located within close proximity to an existing Industrial zone and location of highway and rail linkages across the State.

### **Planning Scheme Controls - Central Coast Planning Scheme**

The amendment to zone the land (CT 156018/1) at Industrial Drive, East Ulverstone must be assessed in terms of consistency with the objectives, general and specific of the *Central Coast Planning Scheme 2005*.

### **General Objectives**

The proposed amendment must be consistent with the objectives of the Central Coast Planning Scheme. The relevant Principal Objectives and an assessment of the proposal against them is provided below:

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

**Response:** The proposed rezoning would reinforce a concentration of industrial activity as it is adjacent to an existing Industrial zone and developed industrial area.

- (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.*

**Response: N/A:** The proposed rezoning is not concerned with residential development, however we would comment that the provision of the land at this location is in accordance with Council's settlement strategy and represents a logical extension to the existing industrial development.

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

**Response: N/A.**

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

**Response:** Access to the site will be developed from Industrial Drive constructed and sealed to Councils satisfaction. The proposed access network will meet the standards for the planning scheme and provide for the safe and efficient intercommunication of occupants of the estate. The future extension of Maskells Road will depend upon the future proposals for the development of land to the east which at this stage has not been determined. The two main access roads enable safe communication into and through the existing road network and to the main Bass Highway arterial.

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

**Response:** All infrastructure services are located and are available adjacent to the site and would therefore not require expensive extension. Further investigation is required with respect to the efficient management of stormwater from the Bass Highway and the catchment.

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

**Response: N/A.** The subject site is not associated with any recreational land or open space that is used by the community. The site has previously been used for agricultural grazing purposes.

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

**Response:** The proposed rezoning will allow for the sensitive development of industrial uses in a manner which will maintain the quality of any located surface and ground water.

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

**Response:** No important flora or fauna habitats have been discovered on the subject site.

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

**Response:** Any future industrial development will comply with the development standards for the proposed Industrial zone and the Coastal and Riparian Schedule ensuring the environmental quality of the adjacent coastal system will be protected.

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

**Response:** Any future industrial development will be carried out so as to minimise environmental harm. Other than the adjacent coast there are no important or significant environmental features on the site that could be subject to harm.

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

**Response:** Resource development is not an option for this site. The potential for agricultural resource development is extremely limited due to the poor soil quality and drainage of the site, the constraints of the site's location and the proximity of adjoining development.

Under these circumstances applying a rural use to this land would not be making optimal use of the land. As agricultural potential is limited, agricultural needs will not be met.

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

**Response:** The proposed rezoning to allow for industrial development is considered to be appropriate to the site and surrounding pattern of development. Protecting the land for agricultural purposes would be an unsustainable objective as use of the land for agricultural uses cannot be maintained.

- (m) *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.*

**Response:** N/A – The subject site is located in East Ulverstone, therefore not applicable.

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

**Response: N/A** – The Subject site is not nor will it be located within the Rural Living zone, therefore not applicable.

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

**Response:** A Draft report yet to be completed has been received from consultants engaged by the proponent. That report identifies the location of possible artefacts and recommends that further subsurface investigation be undertaken. This issue will be addressed with the TPC once the full report and recommendations are available.

#### **Planning Scheme Controls - Industrial Zone**

In accordance with Clause 10.0 of the Central Coast Planning Scheme, the purposes of the Industrial zone is as follows:

*To provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be off-site impacts that affect the amenity of other uses.*

**Response:** The Subject site is appropriate in providing for an industrial use, as the site is isolated from sensitive developments that may be impacted upon as a result of an industrial use.

*To focus industrial activity within the established industrial areas at:*

- (a) *Enterprise Avenue and South Road, Penguin;*
- (b) *Short/Trevor/Jetty Streets, Ulverstone; and*
- (c) *East Ulverstone Industrial Estate.*

**Response:** The Subject site is located within the East Ulverstone/Industrial Estate area, allowing for focused industrial activity.

*To ensure that development is attractively designed and presented.*

**Response:** Any future development will need to comply with the provisions of the Industrial zone of the Central Coast Planning Scheme.

*To minimise off-site impacts.*

**Response:** Any future development will need to ensure that off site impacts will be minimised.

### **Land Use Impacts under the Industrial Zone**

This section provides an assessment of the potential future uses and development that could occur on the site under the Industrial zone and their impacts on surrounding land uses.

### **Permitted and Discretionary Uses within the Industrial Zone**

#### **Permitted**

- . Bulky goods sales (gross floor area not exceeding 2000m<sup>2</sup>)
- . Retail sales
- . Equipment and machinery sales and hire
- . Research and development
- . Service industry
- . Storage
- . Transport depot and distribution
- . Utilities
- . Vehicle fuel sales and service
- . Vehicle parking
- . Vehicle sales and hire

#### **Discretionary**

- . Manufacturing and processing
- . Recycling and waste disposal
- . Resource processing

#### **Prohibited**

- . All other use

**Response:** The above range of uses that may be considered within the Industrial zone will not pose any significant land use conflicts with adjoining zones. Appropriate development controls exist at Clause 10.4.3 of the Scheme to control the siting and form of development within the Industrial zone.

#### **Emissions**

Objective: *To ensure that emissions do not detract from the amenity of the locality.*

The applicant must demonstrate that the use will not cause the emission of a pollutant that would cause environmental harm.

### **Land near a Residential Zone**

Objective: *To ensure that use does not unreasonably reduce residential amenity in a nearby Residential zone.*

On a lot within 100m of a Residential zone a use must not operate before 7am or after 9pm daily. The operating hours may be extended Provided that there is no unreasonable reduction in residential amenity for properties in a Residential zone within 100m of the lot from:

- (a) noise;
- (b) traffic movements;
- (c) light spillage; or
- (d) odour or other emissions.

**Response:** Lot 3 is within 100m of a Low Density Residential zone. Any future industrial development on Lot 3 will need to comply with the above provisions.

### **Subdivision**

Objective: *To ensure that:*

- (1) *the area and dimension of lots are appropriate for the zone;*
- (2) *the design provides for the sustainable development of adjoining properties; and*
- (3) *each lot has road, access, sewerage, water, stormwater, energy and communication services appropriate for the zone.*

Each lot must have a minimum area of at least 1200m<sup>2</sup>, have a frontage of at least 6m, be able to contain a 20m diameter circle with the centre of the circle not more than 20m from the frontage, and have new boundaries aligned from buildings that satisfy the setback standards. Each lot must be able to be connected to full Council services.

**Comment:** The rezoning is to an Industrial rezoning, it can be envisaged that a single industrial development would more than likely occur on the subject site due to the size and shape of the site. Lot 3 satisfies the minimum area and frontage requirements and can contain a 20m diameter circle, the centre of which is within 20m of the road frontage. Council have expressed, subject to the rezoning approval, full service connections will be made to the site, extended from the adjacent Industrial zone.

## State Policies

### State Policy on the Protection of Agricultural Land 2000

The purpose of the PAL Policy is to foster sustainable agriculture in Tasmania by ensuring the continued productive capacity of the State's agricultural land resource. The objectives of the PAL Policy are as follows:

- . *To provide a consistent framework for planning decisions involving agricultural land by ensuring that the productive capacity of agricultural land is considered in all planning decisions.*
- . *To foster the sustainable development of agriculture in Tasmania by:*
- . *Enabling farmers to undertake agricultural activities without being unreasonably constrained by conflicts with adjoining non agricultural land users; and*
- . *Providing greater direction and certainty for landowners, developers, land managers and the community in planning decisions involving agricultural land.*

Land capability was assessed according to the Tasmanian Land Capability Classification System. The principles of this system are fully described by Noble (1992a). Land is ranked according to its ability to sustain a range of agricultural activities without degradation of the land resource. There are 7 classes ranked in increasing degree of limitation. Class 1 land is the best land and Class 7 is the poorest. Class 4 land is marginal for cropping. Class 5 to Class 7 is unsuitable for cropping. Class 4 and Class 5 land provide good grazing potential, while Class 6 land provides marginal grazing potential. Class 7 land has no agricultural potential.

A land capability assessment has not been undertaken however the Land Capability Survey of Tasmania indicates that all of the land comprising the site is Class 4 agricultural land. Class 4 agricultural land is defined within the Land Capability Handbook, Guidelines for the Classification of Agricultural Land in Tasmania as:

*Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation. Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than*

*suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return.)*

The agricultural potential for the site is limited to grazing purposes due to the water logging that occurs on site and the significant constraints impacting the site. Given the close proximity to the coast, the quality of the soil for cropping purposes and these constraints, the potential for cropping or intensive rural use is considered to be low. Furthermore, any future industrial development on the site will not interfere with surrounding agricultural activity as surrounding agricultural activity is only concerned with the remaining balance of land that is part of the same title and the balance of land also cannot be used for prime agricultural uses.

#### **State Policy on Water Quality Management 1997**

A watercourse is located on the site in the form of a 6m wide open water channel located towards the north. The State Policy on Water Quality Management 1997 is considered applicable, as any development of the site will require urban stormwater runoff to be managed. Clause 33.1 of the Policy relates to the control of urban stormwater runoff. It is considered that by applying the principles of Water Sensitive Urban Design to the subdivision, an outcome that results in best practice environmental management can be achieved. Council can therefore require that any future subdivision design incorporates elements of Water Sensitive Urban Design.

#### **State Coastal Policy**

The site is located within one kilometre of the coast, therefore the provisions of the State Coastal Policy are applicable. The State Coastal Policy is created under the State Policies and Projects Act 1993. The objectives of this policy are outlined by Schedule 1, State Policies and Projects Act 1993 and include the promotion of sustainable development, the integration of public involvement, facilitation of economic development and the sharing of responsibility for resource management and planning. An assessment of the proposal against each of the three main principles of the Policy is provided below.

#### **Natural and Cultural values of the coast shall be protected**

The rezoning of the subject site will not lead to an impact upon the natural values of the coast. The site is significantly buffered from the coast by the western rail line and the separation of the development on the site from the immediate coastal environs. All development proposed will be fully serviced and located so as to ensure the impacts are minimised.

**The coast shall be used and developed in a sustainable manner**

The development is proposed within and adjacent to land zoned for industrial use. The area is fully serviced and the application demonstrates that future development of the site can be undertaken in a sustainable manner.

The proposed rezoning would allow for an industrial development which addresses a specific demand within an area identified for future industrial expansion.

**Integrated management and protection of the coastal zone is a shared responsibility**

The rezoning process requires approval at both a local government level and at a State level through the Tasmanian Planning Commission.

**Objectives of Schedule 1 of LUPAA 1993**

**RMPS Objectives (Part 1 of Schedule 1)**

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

The proposed rezoning from the 'Rural Resource' zone to the 'Industrial' zone will not result in any impact on threatened vegetation species as other than grass, the site is absent of major vegetation.

The rezoning is considered to promote the sustainable development of physical resources by providing for an industrial use of the land. Industrial use is considered to be highly appropriate for the site given the demand for industrial product, the proximity to an existing Industrial zone, and the limited potential of the land for agricultural purposes.

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

The proposed amendment will provide for a viable and sustainable use of land. As discussed in this report, the site is virtually untenable for viable agricultural production due to a number of constraints. By allowing industrial development to be considered on the site, Council would be promoting orderly expansion of the Industrial Drive area that will result in a focus of quality industrial developments that are away from residential developments and is in accordance with Clause 6.2, General Objectives of the Scheme.

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

Community consultation will be undertaken as part of the planning scheme amendment processes and any proposed future use and development.

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

The proposed amendment will provide an opportunity for industrial development and a limited number of supporting uses consistent with the Industrial zone provisions to be considered without conflict with the above objectives.

- (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 amendment represents a process of shared responsibility between State government, local government, the land development industry and the community.

Any future subdivision of the land for industrial lots or development of the site will be subject to a discretionary planning application which will enable further public comment on the detailed design.

#### **Planning Process Objectives (Part 2 of Schedule 1)**

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

The proposed amendment is soundly based in terms of a strategic expansion of Industrial Drive that is in accordance with the general objectives of the Scheme and the specific Scheme provisions for the Industrial 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 Central Coast Planning Scheme and relevant State Policies are accepted as appropriate planning instruments to control the use, development and protection 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. The rezoning will allow for industrial development and subdivision to be considered under the Central Coast Planning Scheme, and if approved will ultimately lead to a greater availability and choice of industrial facilities for the public that is within the municipality and located within close proximity to an existing Industrial zone.

- (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 furthers the State and municipal objectives of sustainable economic development of land in a manner that does not compromise environmental, social, conservation or resource management values.

- (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 process enables a coordinated approach to the assessment of all issues associated with the development of the land and the consideration of planning approvals.

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

The proposal presents an opportunity to provide for a pleasant, efficient and safe working environment that is in close proximity to existing industrial developments and services.

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

The cultural values associated with the site are the subject of consideration by the consultants engaged to undertake Aboriginal heritage assessment. The report once completed will be available for assessment as a part of this process.

- (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 would allow for the provision of an industrial development that will result in an orderly and co-ordinated expansion of the existing Industrial zone that will benefit the community in terms of service availability and choice.

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

It has been demonstrated in Section 7.10.1 of this report that the proposed amendment does not conflict with the intent of the PAL Policy 2000.

### **Conclusion**

The proposed amendment is considered consistent with the requirements of section 32 of the Land Use Planning and Approvals Act 1993.

The proposed rezoning of the land located at Industrial Drive, East Ulverstone (CT156018/1) is consistent with the Central Coast Planning Scheme objectives and principles and Schedule 1 of LUPAA 1993.

The rezoning is concerned with a 4.10ha parcel of land that forms part of the remaining 13.79ha of the title, from Rural Resource to the Industrial zone. The rezoning presents an opportunity to provide for industrial demand of the Industrial Drive/East Ulverstone area in a location that will not have a significant impact on the coastline or natural values, where services can be extended and to service the development, and in a strategic location in terms of transport networks. Given the proximity of the site, it may be appropriate to consider a railway siding into the future.

Further the proposal will reinforce the consolidation of industrial development that is within an area that has been identified as strategically important. Future development will be in such a manner that is sympathetic to the existing patterns of development and character of the area.

The submission and assessment has demonstrated that the proposal is consistent with all State Policies and furthers the objectives of Schedule 1 of LUPAA 1993.

Importantly the rezoning of the site is entirely in accordance with Council's Planning Scheme and Strategic direction. The development will provide for a strategically planned approach to the extension of the industrial estate within the Industrial Drive/East Ulverstone locality.

On the basis of the above issues having been addressed and the economic and strategic advantages which will flow from the proposed rezoning for the site is considered appropriate.

The initiation of an amendment pursuant to Section 33 of the *Land Use Planning and Approvals Act 1993* is recommended.

### **Subdivision Assessment**

#### **Proposed Subdivision**

The proposed subdivision involves the development of 3 lots on the two titles of land known as CT 155475/1 and CT 156018/1. Lot 1 will be 5.56ha in area, Lot 2 will be 1.41ha, and Lot 3 will be 4.101ha. A balance area of 13.79ha will remain [Annexure 4].

#### **Impact of the Subdivision**

The proposed subdivision is consistent with Council's strategic direction and does not jeopardise the principles of any State Policies. The subdivision will allow for the site to be developed for industrial purposes, responding to the need for appropriately located industrial land.

The rezoning would benefit surrounding industrial uses, enhancing the connectivity of the area via the eventual extension of Industrial Drive through to Maskells Road.

#### **Planning Scheme Controls - Central Coast Planning Scheme**

In seeking a subdivision of the land located at Industrial Drive, East Ulverstone, the proposal must be assessed in terms of consistency with the objectives, general and specific of the *Central Coast Planning Scheme 2005*.

#### **General Objectives**

The proposed subdivision must be consistent with the objectives of the Central Coast Planning Scheme. The relevant Principal Objectives and an assessment of the proposal against them is provided below:

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

**Response:** The proposed subdivision would allow for a concentration of industrial activity as it is adjacent to an existing Industrial zone that is within an industrial area. The extension of the subdivision will not cause significant detriment and is located immediately adjacent to the current subdivision. The subdivision therefore represents a logical extension of the existing estate.

- (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.*

**Response:** N/A. The proposed subdivision is not concerned with Residential development.

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

**Response: N/A.** Although not concerned with housing, the subdivision would allow for the development of an industrial (manufacturing) facility that will result in a quality design that will contribute aesthetically to the range of surrounding industrial building types.

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

**Response:** There is no direct connection from the site to the Bass highway however there are two road connections into the proposed development – Export Drive and Industrial Drive. If the subdivision proceeds the continuation of Industrial Drive through to Maskells Road would occur. This will provide for a more logical and safer road system that does not revolve around a dead end street.

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

**Response:** Full infrastructure services are available and will be extended to service each lot. Such services are located adjacent to the site due to the existing Industrial zone, and would therefore not require costly extension or augmentation.

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

**Response: N/A -** The subject site is not associated with any recreational land or open space that is used by the community. The site has previously been used for agricultural grazing purposes.

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

**Response:** The proposed subdivision will allow for a sensitive industrial (manufacturing) development that will maintain the quality of any located surface and ground water. Permit conditions are proposed to address this issue to ensure that water quality is not impacted.

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

**Response:** No important flora or fauna habitats have been identified on the subject site.

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

**Response:** Any future industrial development will comply with the development standards for the proposed Industrial zone and the Coastal and Riparian Schedule ensuring the environmental quality of the adjacent coastal system will be protected.

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

**Response:** Any future industrial development will be carried out so as to minimise environmental harm. The impact of the Degree C development in terms of noise emission can be addressed adequately by condition relating to hours of operation as recommended.

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

**Response:** The potential for agricultural resource development is very limited due to the poor agricultural value and drainage of the site. As the agricultural potential of the land is limited, the use proposed is seen as the most appropriate given the development pattern within the locality, the existence of services and the low impact nature of the development proposed. The development of the site as proposed will assist in meeting the industrial needs of the community and indeed the entire north-west of the State providing for an optimal use of the land.

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

**Response:** The proposed subdivision to allow for industrial development is considered to be appropriate to the site and surrounding area. Protecting the land for agricultural purposes would be an unsustainable use of the land as agricultural uses cannot be maintained.

(m) *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.*

**Response:** N/A - Subject site located in east Ulverstone, therefore not applicable.

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

**Response: N/A** - Subject site is not nor will be located within the Rural Living Zone, therefore not applicable.

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

**Response:** A draft report has been prepared by consultants Cultural Heritage Management Australia. The final report including the report from the Senior Aboriginal Heritage Officer is awaited, however preliminary results indicate the need for additional sub-surface investigations for areas adjacent to the development site and the recorded site within the boundary of the development site. The implications being that if artefacts are located then management prescriptions will be required together with appropriate permits associated with the development of the site. At this stage Council will await the final report and address the issue further with the Tasmanian Planning Commission.

#### **Planning Scheme Controls - Industrial Zone**

In accordance with Clause 10.0 of the Central Coast Planning Scheme, the purpose of the Industrial zone is as follows:

*To provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be off-site impacts that affect the amenity of other uses.*

**Response:** The Subject site is appropriate in providing for an industrial subdivision and future industrial use, as the site is located some distance from sensitive developments that may be impacted upon as a result of an industrial use. The use proposed is envisaged by the zoning and will add value in terms of employment and ultimately the provision of a mix of industrial/manufacturing uses and allied services.

*To focus industrial activity within the established industrial areas at:*

- (a) *Enterprise Avenue and South Road, Penguin;*
- (b) *Short/Trevor/Jetty Streets, Ulverstone; and*
- (c) *East Ulverstone Industrial Estate.*

**Response:** The Subject site is located within the East Ulverstone/Industrial Estate area, allowing for focused industrial activity.

*To ensure that development is attractively designed and presented.*

**Response:** Any future industrial development will need to comply with the provisions of the Industrial zone of the Central Coast Planning Scheme 2005. The development proposal has been designed to ensure that the impact of the development is appropriately minimised and that the design responds to the local context.

*To minimise off-site impacts.*

**Response:** Any future development will need to ensure that off site impacts will be minimised. In terms of the present proposal, the development can be appropriately conditioned to ensure these issues are addressed.

### **Subdivision Standards Under the Industrial Zone**

This section provides an assessment of the proposed subdivision against the relevant provisions of the Central Coast Planning Scheme.

#### **Subdivision Objective**

(1) *the area and dimension of lots are appropriate for the zone;*

**Response:** The area and dimension of Lot 1, Lot 2 and Lot 3 are consistent with surrounding industrial subdivision lot sizes and are considered to be appropriate to the zone.

(2) *the design provides for the sustainable development of adjoining properties;  
and*

**Response:** The majority of adjoining industrial properties have been developed. The proposed lots are of a size, shape and orientation that would allow a reasonably sized industrial development to be built without detracting from solar gain to other properties, allowing development to comply with the scheme standards. Infrastructure service requirements for the development can be met within the existing service capacity without augmentation. Adjoining properties will not be detrimentally impacted.

(3) *each lot has road, access, sewerage, water, stormwater, energy and communication services appropriate for the zone.*

**Response:** Full council services including road access, sewerage, water, stormwater, energy and communication services are available for each lot.

**General Standards**

**A1** Each lot must:

- (a) have a minimum area of at least 1200m<sup>2</sup>;
- (b) have a frontage of at least 6m;
- (c) be able to contain a 20m diameter circle with the centre of the circle not more than 20m from the frontage; and
- (d) have new boundaries aligned from buildings that satisfy the setback standards.

**P1** Where a development is lodged with a plan of subdivision, a lot must satisfy AS subclause (b) and (d) but may have lesser area or dimension if all setback standards are met.

**Response:** Each Lot has an area in excess of 1200m<sup>2</sup> with a minimum frontage of 34m. A 20m diameter circle can be contained within 20m from the road frontage and the site's boundaries will allow for development to comply with scheme provisions. In fact the lot sizes are significantly greater than the minimum which will ensure that there is flexibility in lot availability to meet demand (as can be seen by the *Fairbrother proposal* which has required a significantly larger area).

**A2** Each lot must:

- (a) be serviced by a road and access constructed to the relevant Institute of Public Works Engineering Australia – Tasmania Division Municipal Standard Drawings;
- (b) be connected to a reticulated water supply of 200kPa pressure at 10l per second;
- (c) be connected to a reticulated sewerage system;
- (d) be connected to a reticulated stormwater system or capable of on-site absorption and disposal; and
- (e) be connected to telecommunications and electricity supply:
  - (i) as per the existing structure for infill development; or
  - (ii) by underground service for new building estates.

**P2** Each lot for Utilities must have access and services appropriate to the intended use.

**Response:** The development includes the extension of Industrial Drive and construction of the proposed internal access road which will provide frontage for lots 2 and 3. The construction standard shall be in accordance with the standards of the planning scheme and the requirements of Council.

### Specific Standards

**A3** Each rear lot must:

- (a) have a minimum area of at least 1200m<sup>2</sup>;
- (b) be able to contain a 20m diameter circle with the centre of the circle not more than 20m from where the access strip joins the body;
- (c) have a frontage and access width of at least 6m;
- (d) have new boundaries aligned from buildings that satisfy the setback standards; and
- (e) not result in more than 3 adjoining access strips to a road.

**P3** Where a development is lodged with a plan of subdivision, each rear lot must satisfy AS subclauses (c), (d) and (e) but may have lesser area and dimension.

**Response:** The lots as designed comply with the provisions.

**A4** Each lot for Utilities must have:

- (a) a frontage, access strip or right of way to a road at least 3.6m wide; and
- (b) sufficient area and dimension to facilitate its servicing.

**P4** No performance criteria.

**Response: N/A.**

**A5** In a boundary adjustment, each lot must have:

- (a) a minimum area of 1000m<sup>2</sup>;
- (b) a frontage, or for a rear lot, frontage and access width, of at least 6m; and
- (c) new boundaries aligned from buildings that satisfy the setback standards.

**P5** No performance criteria

**Response: N/A** - No boundary adjustments are proposed.

### Additional Standards

**A6** A building estate must provide for road and services connections to the boundary of adjoining land where:

- (a) the adjoining land has the capacity for building estate development; and
- (b) the provision of road connections facilitates the future intercommunication of the public and the efficient provision of services connections.

**P6** No performance criteria.

**Response:** There is no adjoining land to the proposed lots that will rely directly on road and service connections from the lots. If the balance lot is to be developed then access and infrastructure services can be provided to facilitate the development of this land into the future.

### **Planning Scheme Schedules – Attenuation Schedule**

#### **Setback of Buildings from Roads and Rail Lines**

**A1** The minimum distance between an environmentally relevant activity and a sensitive use or development must be:

- (a) in accordance with Attenuation Table S2.3.2; or
- (b) a scientifically calculated attenuation distance where:
  - (i) there is no unreasonable environmental impact on a sensitive use or development taking into consideration, topography, the degree of encroachment; operating hours and the intensity of the impact; and
  - (ii) the operations of an existing environmentally relevant activity have a significant level of investment and value to the local or regional economy.

**P1** No performance criteria.

**Response:** Not applicable.

**A2** Subdivision of a lot for a sensitive use or development must not be within the distance prescribed in Attenuation Table S2.3.2.

**P2** The minimum distance specified in the AS for the subdivision of a lot in a residential, low density residential or rural living zone may be reduced if there is likely to be no unreasonable environmental impact on a sensitive use or development on that lot.

**Response:** Under Table 2.3.2 a 500m attenuation distance is required around a metal fabrication workshop (the proposed use for the subdivided land). As the proposed subdivision is within 500m of residential use the proposal does not comply with the acceptable solution.

The physical emissions from the proposed future fabrication workshop are considered to be minimal therefore the only emissions that could cause a disturbance to the surrounding community would be noise emissions from the workshop.

A report has been undertaken by Mr. Pearu Terts to investigate and report on the issue of noise emissions from the proposed workshop [Annexure 5]. In his report, Mr. Terts comments that *“the area is not tranquil, being dominated by the highway traffic, industry, and to the North, by train noise and surf”*. He measured the ambient background noise level for the area as 42.5 dB(A)L90 during the daytime period, and 33 dB(A)L90 during the night-time period.

When the noise levels which will be emitted by the workshop are compared to the ambient background noise level for the area, it is clear that the noise which will be generated by the workshop will not exceed the areas ambient background noise level. Mr Terts also states that *“we can add penalties (increases) for tonal components and banging associated with the workshop noise, however the level of noise emitted would still be close to the daytime noise level”*. He concludes that *“The noise from the metal sheet steel workshop is unlikely to generate community complaints”*.

As demonstrated within Mr. Pearu Terts' noise report, the likelihood of noise emission impacting on sensitive use or development is highly unlikely given the nature of the work being carried out. The emitted noise will be no louder than that emanating from traffic using the existing Bass Highway and therefore the attenuation distance should be reduced to allow for subdivision of the subject site.

### **Planning Scheme Schedules – Coastal and Riparian Schedule**

**A1** A building containing habitable rooms must be at least 90m inland from the 2.64m Australian Height Datum contour.

**P1** An application for a new building containing habitable rooms that does not comply with the AS must be accompanied by a coastal vulnerability report that demonstrates that the siting and design will achieve the objective.

**Response:** Under the Central Coast Planning Scheme, habitable room means:

*Any room of a dwelling other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.*

On the basis that the subdivision and development is proposed for the development of an industrial use (fabrication workshop space) and that the development will not contain habitable rooms within the definition provided by the planning scheme, *a coastal vulnerability report is not required for the development*. Regardless, the development on lot 3 (*building*) is located approximately 150m inland from the 2.64m

Australian Height Datum contour and will be developed between the 4.5 and 7.0m AHD, sufficient to provide protection against sea level rise and storm surge.

### **State Policies**

#### **State Policy on the Protection of Agricultural Land 2009**

The purpose of the PAL Policy is to foster sustainable agriculture in Tasmania by ensuring the continued productive capacity of the State's agricultural land resource. The objectives of the PAL Policy are as follows:

- . *To provide a consistent framework for planning decisions involving agricultural land by ensuring that the productive capacity of agricultural land is considered in all planning decisions.*
  
- . *To foster the sustainable development of agriculture in Tasmania by:*
  - *Enabling farmers to undertake agricultural activities without being unreasonably constrained by conflicts with adjoining non agricultural land users; and*
  
  - *Providing greater direction and certainty for landowners, developers, land managers and the community in planning decisions involving agricultural land.*

Land capability was reviewed according to the Tasmanian Land Capability Classification System. The principles of this system are fully described by Noble (1992a). Land is ranked according to its ability to sustain a range of agricultural activities without degradation of the land resource. There are 7 classes ranked in increasing degree of limitation. Class 1 land is the best land and Class 7 is the poorest. Class 4 land is marginal for cropping. Class 5 to Class 7 is unsuitable for cropping. Class 4 and Class 5 land provide good grazing potential, while Class 6 land provides marginal grazing potential. Class 7 land has no agricultural potential.

A land capability assessment has not been undertaken however the Land Capability Survey of Tasmania indicates that all of the land comprising the site is Class 4 agricultural land. Class 4 agricultural land is defined within the Land Capability Handbook, Guidelines for the Classification of Agricultural Land in Tasmania as:

*Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation. Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during*

*'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return.)*

The agricultural potential for the proposed lots is limited to grazing purposes, particularly for Lot 3 due to the water logging that occurs on site. Given the close proximity to the coast, the quality of the soil for cropping purposes is considered to be low.

Furthermore, any future industrial development on the site will not interfere with surrounding agricultural activity as adjacent agricultural activity is only concerned with the remaining balance of land that Lot 3 is part of. The balance of land also cannot be used for prime agricultural uses.

### **State Policy on Water Quality Management 1997**

A watercourse is located on Lot 3 towards the north of the site in the form of a 6m wide open water channel. The State Policy on Water Quality Management 1997 is considered applicable, as any development of the site will require urban stormwater runoff to be managed.

Clause 33.1 of the Policy relates to the control of urban stormwater runoff. It is considered that by applying the principles of Water Sensitive Urban Design in any future subdivision an outcome that results in best practice environmental management can be achieved. Council can therefore require that any future subdivision design incorporates elements of Water Sensitive Urban Design. Appropriate conditions are proposed to address this issue.

### **State Coastal Policy**

The proposed lots are located within one kilometre of the coast, therefore the provisions of the State Coastal Policy are applicable. The State Coastal Policy is created under the State Policies and Projects Act 1993. The objectives of this policy are outlined by Schedule 1, State Policies and Projects Act 1993 and include the promotion of sustainable development, the integration of public involvement, facilitation of economic development and the sharing of responsibility for resource management and planning. An assessment of the proposal against each of the three main principles of the Policy is provided below.

**Natural and Cultural values of the coast shall be protected**

The site of the subdivision development is adjacent to the existing industrial development and will occur on a site which has no particular values in regard to flora and fauna characteristics. The proposed subdivision will not impact upon the natural values of the coast.

**The coast shall be used and developed in a sustainable manner**

The proposal demonstrates that the development can occur in a sustainable manner, and conditions may be imposed by the Council to ensure that this sustainability is achieved.

The proposed subdivision is a logical extension of the existing industrial estate and all services can be provided without the need for service without significant augmentation. The development will not impact the coast in any significant sense and is therefore sustainable.

**Integrated management and protection of the coastal zone is a shared responsibility**

The rezoning process requires approval at both a local government level and at a State level through the Tasmanian Planning Commission.

**Conclusion**

The proposal for the development of the 3-lot subdivision and balance located at Industrial Drive, East Ulverstone (CT 155475/1 & CT 156018/1) is consistent with the Central Coast Planning Scheme objectives and principles and specifically the provisions for *Subdivision* within the *Industrial* zone.

The proposed subdivision represents an opportunity to provide for industrial demand and will not have a significant impact on the coastline or natural values. The development can be fully serviced to allow for the sustainable development of the land as proposed. Future industrial development will be in such a manner that is sympathetic to the existing patterns of development and character of the area.

This report has demonstrated that the proposed 3-lot subdivision including the balance is consistent with the Central Coast Planning Scheme, and all State Policies.

**Development Proposal Assessment**

**Development Proposal**

The proposed development involves the construction of a two-storey industrial fabrication workshop on Lot 3, located at Industrial Drive, East Ulverstone.

The development will fabricate building elements required for major construction projects, such as ventilation, refrigeration and air conditioning systems, structural steel fabrication, metal work and custom building fittings for offsite civil and building projects. Associated with the fabrication workshop are a number of offices, workshops, meeting rooms, storage areas and a showroom.

The construction of the fabrication workshop and associated spaces is proposed as Stage 1 of the overall masterplan for Lot 3. Two stages are proposed, the second stage involving office and corporate headquarters for Fairbrother.

### **Impact of the Development Proposal**

The proposed development is consistent with Council's strategic documents and does not jeopardise the principles of any State Policies. The development will not impact on any threatened flora or fauna and will maintain the natural values and characteristics of the coast and nearby Environmental Management zone. Emissions will be minimal, with noise emissions being no greater than the existing Bass Highway.

The proposed development is considered to have a positive impact upon the local economy, providing for a quality development that provides an operation in high demand offering customers a choice of product and service.

### **Planning Scheme Controls - Central Coast Planning Scheme**

In seeking development on the land known as Lot 3 (part of CT 156018/1) located at Industrial Drive, East Ulverstone, the proposal must be assessed in terms of consistency with the objectives, general and specific of the *Central Coast Planning Scheme 2005*.

### **General Objectives**

The proposed amendment must be consistent with the objectives of the Central Coast Planning Scheme.

The relevant Principal Objectives and an assessment of the proposal against them is provided below:

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

**Response:** The proposed development would be contributing to a concentration of industrial activity within an Industrial zone that is within a specifically designed industrial area.

(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.*

**Response:** The proposed fabrication workshop development is not concerned with residential development.

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

**Response: N/A** The proposed fabrication workshop development is not concerned with residential development.

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

**Response:** The proposed development will be serviced by an extension of Industrial Drive, which may eventually connect through to Maskells Road. The proposed road connections will provide for safe vehicle and pedestrian access to the development, while providing for a more logical and safer road system for the surrounding industrial developments that currently rely on Industrial Drive as a dead end street.

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

**Response:** Full services will be extended to service each lot within the subdivision. Such services are located adjacent to the site due to the existing Industrial zone, and would therefore not require significant augmentation to service the development.

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

**Response:** The subject site is not associated with any recreational land or open space that is used by the community. The site has previously been used for agricultural grazing purposes.

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

**Response:** The proposed development will maintain the quality of any surface and ground water and enable the better management of surface and subsurface drainage through the site. The analysis of stormwater and drainage issues will include the

implementation of water sensitive urban design techniques to both address the issue and capture water flows for reuse.

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

**Response:** No important flora or fauna habitats have been identified on the subject site.

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

**Response:** The proposed industrial development complies with the development standards for the proposed Industrial zone and the Coastal and Riparian Schedule ensuring the environmental quality of the adjacent coastal system will be protected.

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

**Response:** The proposed development will be carried out so as to minimise environmental harm. Other than the adjacent coast there are no important or significant environmental features on the site that could be subject to harm due to building construction or use.

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

**Response:** The potential for agricultural resource development on Lot 3 is very limited due to the poor soil quality and drainage of the site combined with the constraints impacting the land. Use of the land for agricultural purposes would not be making optimal use of the site.

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

**Response:** The remaining rural balance area will not be impacted significantly as a result of the rezoning and development.

(m) *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.*

**Response:** Subject site located in East Ulverstone, therefore not applicable.

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

**Response:** Subject site is not nor will it be located within the Rural Living zone, therefore not applicable.

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

**Response:**

#### **Planning Scheme Controls - Industrial Zone**

In accordance with Clause 10.0 of the Central Coast Planning Scheme, the purposes of the Industrial zone is as follows:

*To provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be off-site impacts that affect the amenity of other uses.*

**Response:** The Subject site is highly appropriate in providing for an industrial development as the site is away from sensitive developments that may be impacted upon as a result of the industrial use.

*To focus industrial activity within the established industrial areas at:*

- (a) *Enterprise Avenue and South Road, Penguin;*  
(b) *Short/Trevor/Jetty Streets, Ulverstone; and*  
(c) *East Ulverstone Industrial Estate.*

**Response:** The Subject site is located within the East Ulverstone/Industrial Estate area, allowing for focused industrial activity.

*To ensure that development is attractively designed and presented.*

**Response:** The proposed development is considered to comply with the provisions of the Industrial zone of the Central Coast Planning Scheme.

*To minimise off-site impacts.*

**Response:** The proposed development will ensure that off site impacts will be minimised as part of the construction and use of the site. Potential noise emissions have been assessed (a noise impact report included with this report), and it has been

concluded that the resulting noise emissions will be no greater than the existing Bass Highway, and will therefore not affect the amenity of the few surrounding residential developments.

### **Development Standards under the Industrial Zone**

#### **Permitted and Discretionary Uses within the Industrial Zone**

##### **Permitted**

- . Bulky goods sales (gross floor area not exceeding 2000m<sup>2</sup>)
- . Retail sales
- . Equipment and machinery sales and hire
- . Research and development
- . Service industry
- . Storage
- . Transport depot and distribution
- . Utilities
- . Vehicle fuel sales and service
- . Vehicle parking
- . Vehicle sales and hire

##### **Discretionary**

- . Manufacturing and processing
- . Recycling and waste disposal
- . Resource processing

##### **Prohibited**

- . All other use

**Response:** The proposed fabrication workshop is considered to be a manufacturing and processing development and is therefore listed as discretionary under the Planning Scheme. Appropriate development controls exist at Clause 7.5.4 of the Scheme to control the siting and form of development within the Industrial zone, an assessment of which is given below.

##### **Emissions**

**Objective:** *To ensure that emissions do not detract from the amenity of the locality.*

**A1** The applicant demonstrates that the use will not cause the emission of a pollutant that would cause environmental harm.

**P1** No performance criteria

**Response:** The proposed fabrication workshop will house various low impact dry industries which have little or no emission of fumes, dust or liquid waste that may cause environmental harm/nuisance under the *Environmental Management & Pollution Control Act 1994*. Standard flumes and dust collectors will be fitted to the building to prevent the emission of particulates that might cause environmental harm. Waste water will be directed into the nearby trunk sewer on the rail reserve on the northern boundary. There are not expected to be many emissions due to the nature of the work (metal folding, joining etc.).

Noise emissions will result due to the nature of the development, however according to Mr. Pearu Terts noise report (refer to Appendix \*) the level of noise will be within the existing ambient background noise of the vicinity and is therefore unlikely to cause environmental nuisance.

**Land near a Residential Zone**

**Objective:** *To ensure that use does not unreasonably reduce residential amenity in a nearby Residential zone.*

**A1** On a lot within 100m of a Residential zone a use must not operate before 7am or after 9pm daily.

**P1** The hours of operation may be extended provided that there is no unreasonable reduction in residential amenity for properties in a Residential zone within 100m of the lot from:

- (a) noise;
- (b) traffic movements;
- (c) light spillage; or
- (d) odour or other emissions.

**Response:** The subject site is situated within 100m of a Low Density Residential Zone, located towards the north east of the site. A residential subdivision has been approved for this zone that has yet to be developed.

Within Mr. Pearu Terts noise report operation hours are suggested to be restricted to daylight hours, to reduce noise impact. As the lot is only partly located within 100m of the Low Density Residential zone noise emissions will not affect the amenity of the area. The noise emissions from the fabrication workshop are described as minimal and being no louder than the sound of the Bass Highway and the noise of the surf. Considering the above, the workshop would not be considered to cause unreasonable reduction in residential amenity.

A report from the Director Development & Regulatory Services comments as follows:

“The land is located off the eastern end of Industrial Drive, Ulverstone and adjoins industrial properties fronting onto Kilowatt Court to the east, Maskells Road to the west, the Western Railway to the north and the Bass Highway to the south. There are several residences in reasonable proximity to the proposed development:

- . Westella House located to the South of the Bass Highway some 200 metres away from the subject site; and
- . 25 Maskells Road located some 260 metres North-East of the subject site, on the far side of the Western Rail Line. It is noted that 25 Maskells Road has an approved Low Density Residential subdivision which is yet to be developed. However, the existing residence would still be the closest to the subject site if the subdivision development proceeds.

Ultimately the site will include a number of businesses providing a variety of allied services under the same ownership. The current development application is for Stage 1 only, which involves the Degree C Office, Showroom and Fabrication areas together with a facilities management office. Stage 2, which will be subject to a future development application, will include the office and corporate headquarters for Fairbrother, the office for the building arm of Fairbrother covering the North West part of the state.

The proposed use and development of the site comprises office space and associated car parking which has little to no potential to impact on surrounding residences. Additionally, the site will house various low impacts dry industries which have little or no emission of fumes, dust or liquid waste that may cause environmental harm/nuisance under the *Environmental Management & Pollution Control Act 1994*. The only foreseeable potential to cause environmental harm/nuisance is from operational noise. The proponents have submitted an acoustic consultant’s report which satisfactorily addresses this concern (see discussion on the proposed development). The development application for Stage 2 will need to be supported by a similar acoustic investigation and report.

Given the light industrial nature of the proposed land use, the proposed hours of operation for the activities, the existing industrial land use to the West and the existing noise from the highway, it is considered unlikely that the rezoning would result in any unreasonable impacts on nearby sensitive uses including the Westella House to the South of the Highway, or 25 Maskells Road to the North-East of the site. Additionally, while it is likely that the Council owned

Rural Resource land to the immediate East of the subject site will ultimately be developed for some form of mixed use, it is considered that the proponents of any development on this land will need to be cognisant of the Industrial land use on the subject site and provide a sufficient buffer so as to not increase the likelihood of environmental harm/nuisance occurring.

### **Industrial Development**

The industrial development proposed for the subject site is Degrees C, which is a refrigeration, air conditioning, heating, ventilation, and insulation and metal fabrication workshop. The proposed use involves the fabrication of building components using both timber and metals, and processes/activities including guillotines, metal folders, plasma cutters, welders, angle grinders and duct seam hammers.

Standard flumes and dust collectors fitted to the building will prevent the emission of particulates that might cause environmental harm/nuisance. The only foreseeable potential to cause environmental harm/nuisance is from operational noise.

The Central Coast Planning Scheme 2005 ('the scheme') requires a 500 metre attenuation distance around a metal fabrication activity. However, the scheme allows for the attenuation zone to be reduced if a scientifically calculated assessment demonstrates that the noise from a proposed metal fabrication activity would not create an adverse impact on nearby sensitive (residential) land uses.

The proponents have engaged a suitably qualified Acoustic Engineer (Mr. Peru Terts) to investigate and report on the issue of noise emissions from the proposed workshop.

In his report, Mr. Terts comments that "*the area is not tranquil, being dominated by the highway traffic, industry, and to the North, by train noise and surf*". He measured the ambient background noise level for the area as 42.5 dB(A)<sub>L90</sub> during the daytime period, and 33 dB(A)<sub>L90</sub> during the night-time period.

Mr. Terts has established the noise level which will be emitted by the different sources in the proposed workshop by measuring the noise emitted in a number of existing Degrees C metal fabrication workshops. He found that the noise levels would be as follows:

Workshop # 1:	86.3 dB(A) <sub>Leq</sub>
Workshop # 2:	87.9 dB(A) <sub>Leq</sub>

Workshop # 4: 84.0 dB(A)<sub>Leq</sub>

**Mean 85.2 dB(A)<sub>Leq</sub>**

Based on accepted acoustic modelling methodology, Mr. Terts has calculated the noise levels which would be experienced at the surrounding residences from the proposed metal fabrication workshop:

	<b>Westella House 68 Westella Drive</b>	<b>Northern subdivision (320 m)</b>	<b>2 Gumnut Place</b>
<b>Workshop</b>	41.4 dB(A)	-	36.5 dB(A)
<b>With roller door open</b>	-	42.1 dB(A)	-
<b>With roller door shut</b>	-	35.9 dB(A)	-

When the noise levels which will be emitted by the workshop are compared to the ambient background noise level for the area, it is clear that the noise which will be generated by the workshop will not exceed the areas ambient background noise level. Mr Terts also states that *“we can add penalties (increases) for tonal components and banging associated with the workshop noise, however the level of noise emitted would still be close to the daytime noise level”*. He concludes that *“The noise from the metal sheet steel workshop is unlikely to generate community complaints”*.

Under the *Environmental Management and Pollution Control Act 1994* it is an environmental nuisance offence to emit noise at a time, level, frequency or duration which causes unreasonable interference to a person’s enjoyment of the environment. A noise level of 5dB(A) or greater above ambient background level may constitute unreasonable interference. While this measure is based on a now superseded Australian Standard, it is generally accepted as a measure of unreasonable level of noise by environmental management professionals and acoustic consultants alike.

Accordingly, by assessing the level of noise which will be emitted from the metal fabrication workshop it is apparent that during the day time period, the level of noise which will be emitted from the various noise sources in the workshop is within the existing ambient background noise level and is therefore unlikely to cause an environmental nuisance. On this basis, it is considered acceptable to reduce the 500m attenuation distance because the scientifically calculated assessment undertaken by Mr Terts demonstrates

that the noise from the metal fabrication activity would not create an adverse impact on nearby sensitive (residential) land uses.

However, it is recommended that if the development is approved, it should only be done so for operation in the day time period, as Mr Terts limits his assessment to this period and cautions that any extension of the working hours into the late night period would exceed the ambient background noise levels and could potentially cause an environmental nuisance.”

### **Building Design and Siting**

**Objective:** *To ensure that the height, setbacks, siting and design of buildings and treatment of land complements the streetscape and have minimal adverse impact on the locality.*

**A1** A building must not exceed a maximum building height of 15m.

**P1** Where equipment, processes or manufacture require a greater maximum building height, the building must not:

- (a) have a significant adverse visual impact on the streetscape or locality; or
- (b) cause unreasonable shading of adjoining properties.

**Response:** The maximum building height is 12.8m and will therefore not have any adverse effect on the streetscape or cause unreasonable shading of adjoining existing or future industrial development.

**A2** A building must be setback at least:

- (a) 10m from the frontage; or
- (b) for a rear lot, 3m from the boundary which abuts the access strip; and
- (c) 4m from all other boundaries.

**P2 (1)** A building may have a front setback of not less than 6m if:

- (a) the landscaping requirements are met; and
- (b) the design is in keeping with, or enhances, the streetscape character.

(2) The setback to one side may be reduced if:

- (a) there is adequate access to the rear of the lot for emergency services vehicles; and
- (b) it does not cause unreasonable shading of adjoining properties.

**Response:** The proposed development is not on a rear lot, is setback at least 10m from the frontage to Industrial Drive and the proposed Road Reserve, and it is set back at least 4m from other boundaries.

**A3** A building facade must:

- (a) be masonry, concrete, timber or colour bonded pressed steel; and
- (b) have at least 30% glass or feature panel.

**P3** A building facade may have other materials and treatment if the colour and design enhances the streetscape.

**Response:** The building façade consists of pre fabricated concrete panels, glass, and Colourbond capping, trimming and cladding. The percentage of feature wall and glazing for each façade is as follows:

- . North elevation = 6%
- . South elevation = 22%
- . East elevation = not known (elevation not provided) however it is estimated to be also under 30% based on the plans
- . West elevation = 3.5%

Therefore none of the facades have at least 30% glass or feature panel, however the main façade that is read as the 'face' of the building (the south facade) is well articulated and utilises glazing and feature walls. As the proposal is rather deep in terms of building mass, the façade area that will be read and seen at ground level will be what is most prominently presented towards the front, which consists of glazing and feature panels. The southern façade consists of the entrance and office spaces that extend approximately 30m from the rest of the north façade. This face is predominantly glass and will be read as such from human height, therefore the southern façade is considered to comply.

With regards to the northern façade the percentage is worked out based on stage 1 of the development. Stage 2 should also be considered in this calculation however as it will form what will be the end result of the façade. The proposal will therefore comply as the majority of the stage 2 development consists of glazing.

In regard to the western facade, the majority of the façade area for this face of the building consists of the fabrication workshop and storage area. This wall area could be considered as a main façade due to the location of the car park on this side and it could be argued that more façade articulation is therefore needed. This is not

necessary as the main face and entrance of the building is the southern façade and the western façade should remain clearly defined as the side of the building. The western façade is softened with the inclusion of well considered landscaping.

**A4** The entry point to the building closest to the frontage must face the frontage and be provided with an awning with a minimum depth of 2m.

**P4** No performance criteria

**Response:** The entry point to the building faces the road frontage of Industrial Drive and has an awning with a minimum depth of 2m. The entrance of the building is well articulated and defined through the use of paving, glazing and building elements.

**A5** Site coverage for other than Utilities must not exceed 60%.

**P5** No performance criteria

**Response:** The site coverage does not exceed 60%.

**A6** Storage areas must be:

- (a) at least 10m from the frontage; and
- (b) effectively screened from public view.

**P6** No performance criteria

Storage areas are contained within the building envelope of the development proposal and are at least 10m from the road frontage with direct access to the road.

### **Building Access and Services**

**Objective:** *To ensure that the access to the road servicing the site and services to the site are appropriate for the proposed use.*

**A1** The site must:

- (a) be serviced by an access constructed to Central Coast Council Municipal Standard Drawing No. SD-1003;
- (b) be connected to a reticulated water supply of 200kPa pressure at 10l per second;
- (c) be connected to a reticulated sewerage system;

- (d) be connected to a reticulated stormwater system or capable of on-site absorption and disposal; and
- (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.

**P1** Each site for Utilities must have access and services appropriate to the intended use.

**Response:** Full infrastructure services are available nearby for connection to the site. Subject to subdivision approval, extensions will be made to allow for full service connections to the site (as discussed with Council).

### **Landscaping**

**Objective:** *To ensure that land is developed to enhance the appearance of the streetscape.*

**A1** Except for a rear lot, each lot must have at least 50% of the area between the frontage and the front setback landscaped in accordance with a landscape plan approved by Council.

**P1** The area required to be landscaped may be less than the AS if:

- (a) the required area exceeds 10% of the area of the lot;
- (b) the design is in keeping with the streetscape character; and
- (c) the design will enhance the appearance of the streetscape.

**Response:** Landscaping is proposed for both the south and west between the building setback and road frontage. At least 50% of the area for the southern side is landscaped, with trees, shrubs and lawn spaces. Less than 50% of the area for the western side is landscaped and therefore does not comply. The western side is considered to comply with the Performance Criteria as it is in keeping with the streetscape character of the industrial area and the landscaping has been carefully considered to make optimum use of the small space that enhances the appearance of the streetscape, especially considering that the majority of space is utilised for car parking. In fact, landscaping is minimal for most of the existing industrial uses, and the proposed landscaping is considered to be a welcome addition to the area.

**A2** Fences higher than 1m must not be erected within 10m of the frontage.

**P2** Fences must have a colour, design and siting to enhance the streetscape.

**Response:** No fences are proposed to be erected within 10m of the frontage.

### **Delivery Areas**

**Objective:** *To ensure that adequate provision is made for the safe loading and unloading of goods.*

**A1** An area for the loading and unloading of goods must:

- (a) be provided on-site;
- (b) be paved with concrete, masonry blocks or bituminous seal if within 10m of the frontage; and
- (c) not encroach on landscape areas.

**P1** No performance criteria

**Response:** An area for the unloading of goods is provided in the form of a truck drop-off area consisting of a turning circle. The unloading area is paved with bituminous seal and does not encroach on landscaped areas.

### **Refuse storage**

**Objective:** To ensure that:

- (1) *adequate provision is made for the appropriate storage of refuse; and*
- (2) *the storage of refuse does not detract from the streetscape.*

**A1** Provision must be made for on-site storage of refuse which must not be:

- (a) located within 10m of the frontage; and
- (b) visible from public areas.

**P1** No performance criteria

**Response:** Although a dedicated refuse storage area is not indicated on the plans or site plan, a large internal storage area is provided that has direct access to vehicle services which is not located within 10m from the frontage and is screened from public areas.

### **Planning Scheme Schedules - Road and Rail Line Schedule**

#### **Access Sight Distance on Category I, II, III, IV, V and VI Roads**

**A1** In all speed limit areas on category I, II or III roads, an access onto, or new junction with, a road must comply with the Safe Intersection Sight Distance Table S1.6.2.

**P1** No performance criteria

**Response:** The proposed development does not require a new access to a railway line.

**A2** In an area subject to a speed limit exceeding 60 km/h on category IV, V or VI roads, an access onto, or new junction with, a road must comply with Safe Intersection Sight Distance Table S1.6.2. (a) be provided on-site;

**P2** In an area subject to a speed limit exceeding 60 km/h on category IV, V or VI roads:

(a) TIA must demonstrate that the objective will be achieved with respect to the design, layout, and location of any access onto, or new junction with, a road.

**Response:** Industrial Drive is not subject to a speed limit exceeding 60 km/h.

**A3** On a category IV or V road in an area subject to a 60 km/h or lower speed limit an access onto, or new junction with a road must comply with the Safe Intersection Sight Distance Table S1.6.2.

**P3** On a category IV or V road in an area subject to a 60 km/h or lower speed limit an access onto, or new junction with a road which can not comply with the AS due to topographical or site constraints must:

(a) have a design, layout and location of the access which complies with the Access Sight Distance requirements of the relevant road authority, including the relevant Institute of Public Works Engineering Australia – Tasmanian Division Municipal Standard Drawings; or

(b) demonstrate through a TIA that the objective will be achieved with respect to the design, layout and location of any access onto, or new junction with a road

**Response:** As the speed limit is 50km/h the required sight distance is 90m. The site distance exceeds 400m.

**A4** A new access, intensification of an access or a new junction with a category VI road in an area subject to a 60km/h or lower speed limit must comply with the Access Sight Distance requirements in the relevant institute of Public Works Engineering Australia – Tasmanian Division Municipal Standard Drawings.

**P4** Where it is not practical to comply with the AS due to topographical or site constraints, a new access, a material change of an access, or a new junction with a category VI road in an area subject to a 60km/h or lower speed limit must comply with the Access Sight Distance requirements of the relevant road authority, including the relevant Institute of Public Works Engineering Australia – Tasmanian Division Municipal Standard

**Response:** The new junction is concerned with Industrial Drive which is a category V Road.

#### **Use of Accesses and Junctions onto Category IV, V and VI Roads**

**A1** In an area subject to a speed limit exceeding 60km/h, an access must be:

- (a) at least:
  - (i) 100m from the junction of a category 1 road; or
  - (ii) 50m from the junction of a category II or III road; and
  - (iii) 50m from an access located on the opposite side of the road measured between the centreline of those accesses along the centre of the road; and
- (b) on the frontage with the more minor category road where a site has frontage to more than one road.

**P1** In an area subject to a speed limit exceeding 60km/h, a TIA must demonstrate that the objective will be achieved with respect to the number, location, layout and design of accesses and junctions.

**Response:** The area is not subject to a speed limit exceeding 60km/h.

**A2** In an area subject to a speed limit exceeding 60km/h the use or development must not generate more than 40 vehicle movements per day.

**P2** In an area subject to a speed limit exceeding 60km/h and the use or development is likely to generate more than 40 vehicle movements per day, a TIA must demonstrate that:

- (a) no material change will occur at the nearest junction with a category I, II or III road; or
- (b) safety and efficiency of that junction will not be adversely affected.

**Response:** The area is not subject to a speed limit exceeding 60km/h.

**A3** In an area subject to a 60km/h or lower speed limit:

- (a) there must be only:
  - (i) one access providing both entry and exit; or
  - (ii) two accesses providing separate entry and exit; and
- (b) accesses must be at least 9m from the junction with a category I, II or III road.

**P3** In an area subject to a 60km/h or lower speed limit and use or development is likely to generate more than 40 vehicle movements per day, the applicant must demonstrate that the objective will be achieved in respect to the number, location, layout and design of accesses and junctions.

**Response:** There is one main access and exit into the site via the proposed Road Reserve.

#### **Setback of Buildings from Roads and Rail Lines**

**A1** Within an area subject to a speed limit exceeding 60km/h, new building for a sensitive use must have a setback of at least 50m from a category I, II or III road.

**P1** Within an area subject to a speed limit exceeding 60km/h for new building for a sensitive use within 50m of a category I, II or III road the applicant must demonstrate that:

- (a) the design or siting mitigates significant transport related environmental impacts on sensitive uses; and
- (b) the topography and characteristics of the area are such that the building is unlikely to impede existing and future road infrastructure.

**Response:** The area is not subject to a speed limit exceeding 60km/h.

**A2** Within an area subject to a speed limit exceeding 60km/h, an existing building within 50m of a category I, II or III road may be extended if:

- (a) any sensitive use is no closer to that road; and
- (b) the building extension will not impede existing and future road infrastructure.

**P2** Within an area subject to a speed limit exceeding 60km/h, for an extension to an existing building within 50m of a category I, II or III road, the applicant must demonstrate that:

- (a) the design and siting mitigates significant transport related environmental impacts on sensitive uses; and
- (b) the topography and characteristics of the area are such that the building extension is unlikely to impede existing and future road infrastructure.

**Response:** The area is not subject to a speed limit exceeding 60km/h.

**A3** A new building for a sensitive use must have a setback of at least 50m from a rail line.

**P3** For a new building for a sensitive use within 50m of a rail line, the applicant must demonstrate that the design and siting mitigate significant noise and vibration impacts and allows for the safe operation of the rail line.

**Response:** Under the Central Coast Planning Scheme, a Sensitive Use means:

*Any part of a residential building, aged or child care facility, hospital, school, holiday accommodation, caravan park or similar use which persons occupy for extended periods for living, sleeping, care, educational purposes and the like.*

Therefore, as the proposed development is a Fabrication Workshop, it is not associated with a sensitive use.

**A4** Within an area subject to a speed limit exceeding 60km/h, the size and shape of all new lots created by subdivision in proximity of a category I, II or III road must be such that development for sensitive uses may be setback 50m from an existing or future road.

**P4** Within an area subject to a speed limit exceeding 60km/h, the applicant must demonstrate that the size and shape of all new lots created by subdivision in proximity of a category I, II or III road are such that development for:

- (a) sensitive uses will not be subject to significant transport related environmental impacts; and

- (b) buildings can be located in areas which will not impede future road infrastructure.

**Response:** The area is not subject to a speed limit exceeding 60km/h.

**A5** Within 50m of an existing or future rail line all new lots created by subdivision must have a size and shape as to enable development for sensitive uses to be set back 50m from the existing or future rail line.

**P5** Within 50m of an existing or future rail line, the applicant must demonstrate that the size and shape of all new lots created by subdivision are such that future sensitive uses will not be subject to significant transport related environmental impacts.

**Response:** Lots 1, 2 and 3 are being created for the purpose of industrial development and will not include the development of sensitive uses.

#### **Planning Scheme Schedules – Attenuation Schedule**

##### **Setback of Buildings from Roads and Rail Lines**

**A1** The minimum distance between an environmentally relevant activity and a sensitive use or development must be:

- (a) in accordance with Attenuation Table S2.3.2; or
- (b) a scientifically calculated attenuation distance where:
- (i) there is no unreasonable environmental impact on a sensitive use or development taking into consideration, topography, the degree of encroachment; operating hours and the intensity of the impact; and
  - (ii) the operations of an existing environmentally relevant activity have a significant level of investment and value to the local or regional economy.

**P1** No performance criteria

**Response:** Under Table 2.3.2 a 500m attenuation distance is required around a metal fabrication workshop. As the proposed fabrication workshop is within 500m of residential use a scientifically calculated attenuation distance must be demonstrated.

A report has been undertaken by Mr. Pearu Terts to investigate and report on the issue of noise emissions from the proposed workshop. In his report, Mr. Terts comments that *“the area is not tranquil, being dominated by the highway traffic, industry, and to the North, by train noise and surf”*. He measured the ambient

background noise level for the area as 42.5 dB(A)L90 during the daytime period, and 33 dB(A)L90 during the night-time period.

When the noise levels which will be emitted by the workshop are compared to the ambient background noise level for the area, it is clear that the noise which will be generated by the workshop will not exceed the areas ambient background noise level. Mr Terts also states that *“we can add penalties (increases) for tonal components and banging associated with the workshop noise, however the level of noise emitted would still be close to the daytime noise level”*. He concludes that *“The noise from the metal sheet steel workshop is unlikely to generate community complaints”*.

Therefore it is considered to be acceptable for the attenuation distance to be reduced to approximately 300m.

**A2** Subdivision of a lot for a sensitive use or development must not be within the distance prescribed in Attenuation Table S2.3.2.

**P2** The minimum distance specified in the AS for the subdivision of a lot in a residential, low density residential or rural living zone may be reduced if there is likely to be no unreasonable environmental impact on a sensitive use or development on that lot.

**Response:** The subdivision is within 500m of a residential use. As mentioned previously, the emissions from the fabrication workshop are considered to be minimal. The only emissions that could cause a disturbance to the surrounding community would be noise emissions. As demonstrated within Mr. Pearu Terts' noise report, the likelihood of noise emission impacting on sensitive use or development is highly unlikely given the nature of the work being carried out. The emitted noise will be no louder than that generated from the Bass Highway and therefore the attenuation distance should be reduced to allow for subdivision of the subject site.

#### **Planning Scheme Schedules – Coastal and Riparian Schedule**

**A1** A building containing habitable rooms must be at least 90m inland from a 2.64m Australian Height Datum contour.

**P1** An application for a new building containing habitable rooms that does not comply with the AS must be accompanied by a coastal vulnerability report that demonstrates that the siting and design will achieve the objective.

**Response:** Under the Central Coast Planning Scheme, habitable room means:

*Any room of a dwelling other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.*

The fabrication workshop space is not a dwelling. Regardless, it is located approximately 150m inland from the 2.64m Australian Height Datum contour.

### **Planning Scheme Schedules – Car parking Schedule**

#### **Car parking provision**

**A1** The number of car parking spaces to be provided on-site must be in accordance with the Car Parking Table S10.3.2 and:

- (a) where a development involves multiple uses, the car parking requirements must be the sum of the requirements for each of those uses;
- (b) where the use involves shifts, the number of employees is the maximum number of persons employed on-site in any given shift in the normal course of operations; and
- (c) where no standard is set in the Car Parking Table S10.3.2 for a use there is no acceptable solution for that use.

**P1** Where the number of car parking spaces to be provided on-site does not satisfy the AS A1 or A2:

- (a) the number of car parking spaces may be waived or reduced if:
  - (i) there is no adverse impact on the streetscape;
  - (ii) the number or size of vehicles will not create a traffic hazard or create on-street parking congestion; and
  - (iii) there is no adverse impact on the amenity of the surrounding locality;
- (b) the Council may require a cash-in-lieu contribution for the number of car parking spaces not provided; and
- (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. 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.

**Response:** According to Table S10.3.2, a Manufacturing and processing use requires 1 parking space per employee plus 1 visitor space (minimum 4 spaces). Stage 1 of the development will have 96 employees and 97 parking spaces are provided. Although the minimum of 4 spaces for visitor parking is not provided, the provided parking spaces are considered to be adequate to provide for employees and visitors as not all employees will require parking at the same time due to off site installations and site work. Customers are not considered to be many with the majority of work remotely contracted, therefore the spaces that will be available for visitor parking when employees are not on site are considered to be sufficient.

**A2** Where there is no minimum standard set in Table S10.3.2, there is no acceptable solution.

**P2** The minimum on-site carparking spaces to be provided must demonstrate that the use including:

- (a) the anticipated vehicle movements;
- (b) number of employees in any shift;
- (c) number anticipated visitors on-site at any time; and
- (d) other relevant factors will not:
  - (i) adversely impact on the streetscape;
  - (ii) create a traffic hazard;
  - (iii) create on-street parking congestion; or
  - (iv) adversely impact on the amenity of the surrounding locality.

**Response:** The minimum standard is set out in Table S10.3.2 and the development complies.

### **Car park design and construction**

**A1** The access, dimensions and design of car parking spaces must comply with Australian Standard AS 2890.1-1993 Off Street Parking Part 1- Car Parking Facilities.

**P1** No performance criteria.

**Response:** The car parking layout and design is compliant with AS 2890.1-1993 in terms of space size and layout. However, safety considerations for pedestrian and vehicle points of conflict is lacking.

It is considered that better pedestrian treatment is required, particularly where the western carpark merges with the southern car park. At this point pedestrians cannot

easily gain access to the main entrance without considering traffic movement. A dedicated walkway and/or pedestrian crossing is suggested. This would help to guide pedestrians from the western car park to the main entrance and will help to define the entrance point for visitors parking in the western car park.

**A2 (a)** In the following zones parking spaces, accesses and turning bays must be paved with concrete, masonry blocks or bituminous seal and be graded, drained, kerbed and marked out:

- (i) Residential Zone;
- (ii) Industrial Zone;
- (iii) Local Business Zone;
- (iv) Business Zone; and
- (v) Commercial Zone;

(b) In other zones, paving material must provide all-weather access.

**P2** No performance criteria

**Response:** Access and turning bays will be paved with bituminous seal, are to be kerbed, marked and drained.

**A3** An on-site turning area must be provided where more than 2 car parking spaces are required or commercial vehicles enter the site.

**P3** No performance criteria.

**Response:** A dedicated onsite turning area is provided at the north of the site for commercial vehicles.

**A4** All public car parking areas must be designed and developed in accordance with a detailed landscape plan.

**P4** No performance criteria.

**Response:** A detailed landscape plan is provided that details the parking areas.

### **State Policies**

#### **State Policy on the Protection of Agricultural Land 2000**

The purpose of the PAL Policy is to foster sustainable agriculture in Tasmania by ensuring the continued productive capacity of the State's agricultural land resource. The objectives of the PAL Policy are as follows:

- . *To provide a consistent framework for planning decisions involving agricultural land by ensuring that the productive capacity of agricultural land is considered in all planning decisions.*
- . *To foster the sustainable development of agriculture in Tasmania by:*
  - *Enabling farmers to undertake agricultural activities without being unreasonably constrained by conflicts with adjoining non agricultural land users; and*
  - *Providing greater direction and certainty for landowners, developers, land managers and the community in planning decisions involving agricultural land.*

Land capability was assessed according to the Tasmanian Land Capability Classification System. The principles of this system are fully described by Noble (1992a). Land is ranked according to its ability to sustain a range of agricultural activities without degradation of the land resource. There are 7 classes ranked in increasing degree of limitation. Class 1 land is the best land and Class 7 is the poorest. Class 4 land is marginal for cropping. Class 5 to Class 7 is unsuitable for cropping. Class 4 and Class 5 land provide good grazing potential, while Class 6 land provides marginal grazing potential. Class 7 land has no agricultural potential.

A land capability assessment has not been undertaken however the Land Capability Survey of Tasmania indicates that all of the land comprising the site is Class 4 agricultural land. Class 4 agricultural land is defined within the Land Capability Handbook, Guidelines for the Classification of Agricultural Land in Tasmania as:

*Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation. Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return.)*

The agricultural potential for the site is limited to grazing purposes due to the water logging that occurs on site. Given the close proximity to the coast, the quality of the soil for cropping purposes is considered to be low. Furthermore, the industrial development on the site will not interfere with surrounding agricultural activity as surrounding agricultural activity is only concerned with the remaining balance of land

that is part of the same title and the balance of land also cannot be used for prime agricultural uses.

### **State Policy on Water Quality Management 1997**

A watercourse is located on the site in the form of a 6m wide open water channel located towards the north. The State Policy on Water Quality Management 1997 is considered applicable, as the development of the site will require urban stormwater runoff to be managed. Clause 33.1 of the Policy relates to the control of urban stormwater runoff. It is considered that by applying the principles of Water Sensitive Urban Design in building and site design an outcome that results in best practice environmental management can be achieved. Council can therefore require that the proposed development incorporates elements of Water Sensitive Urban Design.

### **State Coastal Policy**

The site is located within one kilometre of the coast, therefore the provisions of the State Coastal Policy are applicable. The State Coastal Policy is created under the State Policies and Projects Act 1993. The objectives of this policy are outlined by Schedule 1, State Policies and Projects Act 1993 and include the promotion of sustainable development, the integration of public involvement, facilitation of economic development and the sharing of responsibility for resource management and planning. An assessment of the proposal against each of the three main principles of the Policy is provided below.

### **Natural and Cultural values of the coast shall be protected**

Whilst recognising that the Aboriginal heritage assessment for the site is yet to be completed in all other respects the proposed development will not impact upon the natural values of the coast. It is anticipated that this report will be available for further review by Council as part of the public exhibition process.

### **The coast shall be used and developed in a sustainable manner**

Based upon the supporting submission and associated reports it is considered that development of the site can be undertaken in a sustainable manner so as to comply with the requirements and stipulations of the Central Coast Planning Scheme.

### **Integrated management and protection of the coastal zone is a shared responsibility**

The proposed development requires approval at both a local government level and at a State level through the Planning Commission. The process for the assessment of

the application will ensure an integrated approach to management of the coastal zone.

### **Conclusion**

The proposed development of a fabrication workshop located on Lot 3 at Industrial Drive, East Ulverstone (CT156018/1) is consistent with the Central Coast Planning Scheme objectives and principles, and specifically the standards for development within the Industrial zone.

The proposed development presents an opportunity to provide for industrial demand of the Industrial Drive/East Ulverstone area in a location that will not have a significant impact on the coastline or natural values, where full service and infrastructure connections can be made, in a location identified as strategic in terms of industrial land use within the north-west coast. The proposed development will reinforce and consolidate industrial development, furthering the general objectives of the Scheme.

The proposed development will be conducted in such a manner that is sympathetic to the existing patterns of development and character of the area.

This report concludes that the proposal is consistent with all State Policies and furthers the general objectives of the Central Coast Planning Scheme. It has been demonstrated that the development can comply with the standards for development within the Industrial zone.'

### *IMPACT ON RESOURCES*

The generation of this report has involved the engagement of a Land Use planning consultant to undertake 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

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

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

Council Sustainability and Governance

- . Effective communication and engagement

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

*CONCLUSION*

It is recommended Council resolves:

- (a) that the proposed amendment is in accordance with the requirements of s.32 of the *Land Use Planning and Approvals Act 1993*; and
- (b) to initiate an amendment to the Central Coast Planning Scheme 2005 pursuant to s.33 of the *Land Use Planning and Approvals Act 1993*.

*RECOMMENDATION*

It is recommended that:

In accordance with s.43A of the *Land Use Planning and Approvals Act 1993* the application submitted by Bullock Consulting on behalf of Fairbrother Pty Ltd is approved and a permit granted for the following:

- 1 Subdivision of Lots 1, 2, 3 and balance in accordance with the proposal plan numbered 300.41b; and
- 2 Development of office, showroom and fabrication building together with facilities management office (Stage 1);

The permit is granted subject to the following conditions:

*Permit Conditions – Planning*

- 1 The development shall be undertaken in accordance with the drawings, except where specified otherwise in this permit and documents lodged with this application. Any substantial variation from this application shall require the further planning consent of the Council.

- 2 In accordance with the *Land Use Planning and Approvals Act 1993* the approval will lapse after a period of two (2) years if the development is not substantially commenced within that period.
- 3 Subdivision shall be carried out in accordance with the endorsed plan showing Lots 1-3 and balance.
- 4 A landscape development plan, prepared by an appropriately qualified professional shall be prepared and submitted for the approval of the Council. The plan shall identify plant species, paving, drainage, furniture and layout. Fencing proposals shall be specified, and design and location shall be subject to the approval of the Council.
- 5 The final plan of survey together with three (3) copies shall be lodged with the planning authority.
- 6 A minimum of 100 car park spaces shall be provided to service the development. A detailed design plan of the proposed on site parking in accordance with the requirements of AS 2890.1, 1993 Parking Facilities – Off Street Car Parking, shall be provided to incorporate a minimum of 100 car parking bays and adequate turning provision for vehicles to enable ingress and egress in a forward direction.
- 7 An Environmental Management Plan shall be prepared and submitted prior to commencement of civil construction works on the site, addressing the potential environmental effects of the construction work to be carried out including the likely impact upon adjoining properties.
- 8 No goods shall be stored or left exposed outside the subject premises so as to be visible from any public road or thoroughfare.

*Aboriginal Archaeology – Aboriginal Heritage Assessment*

- 9 Upon receipt of the Final report from Cultural Heritage Management Australia (CHMA) the findings and recommendations of that report shall be reviewed and implemented.

In accordance with the provisions of the Aboriginal Cultural Heritage Act 1975 the following procedure shall be followed prior to or as part of the excavation of the development site:

- 1.1 An assessment/analysis is to be made to determine the existence of *aboriginal cultural heritage* material that may be uncovered within the

excavation footprint; – such investigation/works being completed under the supervision of an aboriginal heritage consultant.

- 1.2 Please note that should materials such as shells and or shell fragments, rock material, human remains and or any bone fragments that are not identifiable as animal bones – be identified and unearthed during the construction phase, the work shall cease and notification provided to the aboriginal heritage consultant or Aboriginal Heritage Tasmania.
- 1.3 Queries concerning issues associated with matters of Aboriginal Cultural Heritage (Archaeology) and/or responsibilities under the *Aboriginal Relics Act 1975* may be directed to the Aboriginal Heritage Office (tel. 03 6231 0288) or the Tasmanian Aboriginal Land Council (tel. 03 6231 0288) or aboriginal heritage consultant.

*Development Permit Conditions – Engineering*

- 10 The subdivider shall:
  - (a) Provide water supply reticulation and a connection and meter to each lot;
  - (b) Provide sewer reticulation and a connection point to each lot;
  - (c) Provide, extend or upgrade the stormwater reticulation, where necessary, and provide an underground stormwater connection point to each lot;
  - (d) Undertake a downstream analysis of the current stormwater drainage system to determine if there are any capacity limitations;
  - (e) Meet all costs associated with the upgrade of the stormwater reticulation system in order for the system to support the proposed development;
  - (f) Undertake any works necessary to redirect the existing stormwater discharge from the Bass Highway culvert to an approved discharge location, to the satisfaction of the Council's Director Engineering Services;
  - (g) Provide, extend or upgrade the road infrastructure to the satisfaction of the Council's Director Engineering Services;

- (h) Provide a concrete vehicular access to each lot in accordance with Standard Drawing SD-1003 Urban Roads - Typical Vehicle Crossing (copy enclosed);
  - (i) Provide (where necessary) water supply and drainage easements;
  - (j) Relocate (where necessary) existing Council services along lot boundaries;
  - (k) Provide appropriate landscaping treatment within the road reservation;
  - (l) Provide separate underground power mains and services to each lot, together with associated street lighting standards;
  - (m) Advise Telstra in relation to the provision of services to the subdivision;
  - (n) 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;
  - (o) Not commence construction until the relevant design drawings are approved by the Director Engineering Services.
- 11 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.
- 12 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.
- 13 Any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services is to be rectified to the satisfaction of Council's Director Engineering Services at the applicant's expense.
- 14 The Final Plan must be endorsed to show any area that cannot be serviced by the existing or new reticulated sewer, stormwater or water.
- 15 The subdivider shall arrange for the necessary transfer of the road reservations and public open spaces (as appropriate) to 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 are to be met by the subdivider.

- 16 The construction works shall be carried out in accordance with plans and specifications approved by Council and prepared by:
  - (a) A qualified Engineer approved by the Corporation; or
  - (b) Another person approved by the Corporation provided that such plans and specifications have been certified as correct by a Civil Engineer approved by the Corporation; and
  - (c) the work shall be supervised by the Design Engineer in (a) and (b) above.
- 17 On the completion of construction and prior to commencement of the required maintenance period the certifying Engineer shall confirm in writing that the works have been substantially completed in accordance with the approved plans. The Council's development assessment fee of 1% of the project infrastructure construction value shall apply.
- 18 Underground power and communications cabling shall be provided to each lot in the subdivision. Street lighting is to be provided to the subdivision in accordance with the requirements of Aurora Energy and to the satisfaction of the Council.

*Developer to Note:*

- A Cradle Mountain Water (CMW) 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.
- B 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.
- C 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.
- D 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.

- E 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.

*Development Permit Conditions – Environmental*

- 19 The activity endorsed by this permit must be carried out in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994*, and Regulations made thereunder.
- 20 The Central Coast Council must be notified in writing of any change to the identity of the owner and/or occupier of the site, within five working days of the change.
- 21 The applicant must not, in the course of carrying out the activity, without the prior written approval of the Council, change any process, construct, install, alter or remove any structure or equipment or change the nature or quantity of materials used or produced which might cause or increase the issue of a pollutant, or otherwise result in environmental harm.
- 22 No noise is to be emitted from any device or from any source or activity on the land so as to become a proven environmental nuisance to the occupiers of properties nearby.
- 23 No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving waterbodies or watercourses.
- 24 All solid/inert waste materials generated by the activity are to be either disposed of to an appropriately approved waste disposal facility or reclaimed/recycled if possible.

*Cradle Mountain Water DA2010.0056 Development – Permit Conditions*

*Water Supply:*

- 25 A reticulated water supply for the development with individual connections to each allotment and fire plugs in accordance with the requirements of the Tasmania Fire Service must be designed and constructed in compliance with WSAA Water Supply Code of Australia and CMW requirements.

- 26 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.
- 27 The approved engineering drawings must not be altered without the prior written consent of the CMW.
- 28 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.
- 29 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.
- 30 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.
- 31 'As Constructed Drawings' prepared by a qualified Surveyor are to be provided to CMW prior to CMW acceptance of the completion of the works.
- 32 Any water services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW.
- 33 Any redundant water services are to be disconnected and capped to the satisfaction of CMW.

### *Sewerage Supply:*

- 34 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.
- 35 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 the 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 the CMW.
- 36 The approved engineering drawings must not be altered without the prior written consent of the CMW.
- 37 All connections to and associated work on CMW assets must be carried out by CMA 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.
- 38 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 the approved plans and WSAA standards.
- 39 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.
- 40 'As Constructed Drawings' prepared by a qualified Surveyor are to be provided to CMW prior to acceptance of the completion of the works.
- 41 Any sewer or water services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW.
- 42 Any redundant sewer services are to be disconnected and capped to the satisfaction of CMW.
- 43 Three metre (3) wide easement(s) over the CMW sewerage mains passing through the property must be accurately shown in the Final Survey Plan lodged with Council for sealing.

*Industrial Development:*

- 44 An individual suitably sized water supply connection for domestic and fire fighting supply (if required) designed by the Developer or the Developer's Agent in accordance with WSAA Standards, the requirements of the Tasmania Fire Service, to the satisfaction of CMW is to be provided from the CMW water main.

- 45 The development is to have an independent sewerage service connected at the lowest point of the property to CMW's sewerage main and all cost associated with the connection are to be at the applicant's expense to the satisfaction of CMW.
- 46 All connections to and associated work of 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.
- 47 The developer is to comply with CMW's trade water policy and enter into a trade waste agreement and adhere to any criteria set by CMW if required.

*Water and Sewerage Headworks Contribution:*

- 48 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 Lot 3:

\$11,065 per gross hectare of allotments sealed on the final plan:

For Lots 1, 3 and Balance:

The Central Coast Council is to enter into an agreement with CMW in relation to establishing headworks charges during the referral process for these lots as development proposals arise.

- 49 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 Executive Services Officer reported as follows:

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

- Cr Deacon moved and Cr van Rooyen seconded, "That

- (a) the proposed amendment is in accordance with the requirements of s.32 of the *Land Use Planning and Approvals Act 1993*; and
- (b) an amendment be initiated to the Central Coast Planning Scheme 2005, identified as Amendment 1/2010 (a copy being appended to and forming part of the minutes) to rezone a section of land at CT15608/1 Maskells Road, Ulverstone from Rural Resource to Industrial, a four lot subdivision and the development of a Manufacturing and processing use at CT15608/1 Maskells Road and CT155475/1 Fieldings Way, Ulverstone pursuant to s.33 of the *Land Use Planning and Approvals Act 1993*.

And further, in accordance with s.43A of the *Land Use Planning and Approvals Act 1993* the application submitted by Bullock Consulting on behalf of Fairbrother Pty Ltd is approved and a permit granted for the following:

- 1 Subdivision of Lots 1, 2, 3 and balance in accordance with the proposal plan numbered 300.41b; and
- 2 Development of office, showroom and fabrication building together with facilities management office (Stage 1);

The permit is granted subject to the following conditions:

*Permit Conditions - Planning*

- 1 The development shall be undertaken in accordance with the drawings, except where specified otherwise in this permit and documents lodged with this application. Any substantial variation from this application shall require the further planning consent of the Council.
- 2 In accordance with the *Land Use Planning and Approvals Act 1993* the approval will lapse after a period of two (2) years if the development is not substantially commenced within that period.
- 3 Subdivision shall be carried out in accordance with the endorsed plan showing Lots 1-3 and balance.
- 4 A landscape development plan, prepared by an appropriately qualified professional shall be prepared and submitted for the approval of the Council. The plan shall identify plant species, paving, drainage, furniture and layout. Fencing proposals shall be specified, and design and location shall be subject to the approval of the Council.

- 5 The final plan of survey together with three (3) copies shall be lodged with the planning authority.
- 6 A minimum of 100 car park spaces shall be provided to service the development. A detailed design plan of the proposed on site parking in accordance with the requirements of AS 2890.1, 1993 Parking Facilities – Off Street Car Parking, shall be provided to incorporate a minimum of 100 car parking bays and adequate turning provision for vehicles to enable ingress and egress in a forward direction.
- 7 An Environmental Management Plan shall be prepared and submitted prior to commencement of civil construction works on the site, addressing the potential environmental effects of the construction work to be carried out including the likely impact upon adjoining properties.
- 8 No goods shall be stored or left exposed outside the subject premises so as to be visible from any public road or thoroughfare.

*Aboriginal Archaeology – Aboriginal Heritage Assessment*

- 9 Upon receipt of the Final report from Cultural Heritage Management Australia (CHMA) the findings and recommendations of that report shall be reviewed and implemented.

In accordance with the provisions of the Aboriginal Cultural Heritage Act 1975 the following procedure shall be followed prior to or as part of the excavation of the development site:

- 1.1 An assessment/analysis is to be made to determine the existence of *aboriginal cultural heritage* material that may be uncovered within the excavation footprint; – such investigation/works being completed under the supervision of an aboriginal heritage consultant.
- 1.2 Please note that should materials such as shells and or shell fragments, rock material, human remains and or any bone fragments that are not identifiable as animal bones – be identified and unearthed during the construction phase, the work shall cease and notification provided to the aboriginal heritage consultant or Aboriginal Heritage Tasmania.
- 1.3 Queries concerning issues associated with matters of Aboriginal Cultural Heritage (Archaeology) and/or responsibilities under the *Aboriginal Relics Act 1975* may be directed to the Aboriginal Heritage Office (tel. 03 6231 0288) or the Tasmanian Aboriginal Land Council (tel. 03 6231 0288) or aboriginal heritage consultant.

*Development Permit Conditions – Engineering*

- 10 The subdivider shall:
- (a) Provide water supply reticulation and a connection and meter to each lot;
  - (b) Provide sewer reticulation and a connection point to each lot;
  - (c) Provide, extend or upgrade the stormwater reticulation, where necessary, and provide an underground stormwater connection point to each lot;
  - (d) Undertake a downstream analysis of the current stormwater drainage system to determine if there are any capacity limitations;
  - (e) Meet all costs associated with the upgrade of the stormwater reticulation system in order for the system to support the proposed development;
  - (f) Undertake any works necessary to redirect the existing stormwater discharge from the Bass Highway culvert to an approved discharge location, to the satisfaction of the Council's Director Engineering Services;
  - (g) Provide, extend or upgrade the road infrastructure to the satisfaction of the Council's Director Engineering Services;
  - (h) Provide a concrete vehicular access to each lot in accordance with Standard Drawing SD-1003 Urban Roads – Typical Vehicle Crossing (copy enclosed);
  - (i) Provide (where necessary) water supply and drainage easements;
  - (j) Relocate (where necessary) existing Council services along lot boundaries;
  - (k) Provide appropriate landscaping treatment within the road reservation;
  - (l) Provide separate underground power mains and services to each lot, together with associated street lighting standards;
  - (m) Advise Telstra in relation to the provision of services to the subdivision;
  - (n) 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;
  - (o) Not commence construction until the relevant design drawings are approved by the Director Engineering Services.

- 11 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.
- 12 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.
- 13 Any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services is to be rectified to the satisfaction of Council's Director Engineering Services at the applicant's expense.
- 14 The Final Plan must be endorsed to show any area that cannot be serviced by the existing or new reticulated sewer, stormwater or water.
- 15 The subdivider shall arrange for the necessary transfer of the road reservations and public open spaces (as appropriate) to 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 are to be met by the subdivider.
- 16 The construction works shall be carried out in accordance with plans and specifications approved by Council and prepared by:
  - (a) A qualified Engineer approved by the Corporation; or
  - (b) Another person approved by the Corporation provided that such plans and specifications have been certified as correct by a Civil Engineer approved by the Corporation; and
  - (c) the work shall be supervised by the Design Engineer in (a) and (b) above.
- 17 On the completion of construction and prior to commencement of the required maintenance period the certifying Engineer shall confirm in writing that the works have been substantially completed in accordance with the approved plans. The Council's development assessment fee of 1% of the project infrastructure construction value shall apply.
- 18 Underground power and communications cabling shall be provided to each lot in the subdivision. Street lighting is to be provided to the subdivision in accordance with the requirements of Aurora Energy and to the satisfaction of the Council.

*Developer to Note:*

- A Cradle Mountain Water (CMW) 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.
- B 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.
- C 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.
- D 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.
- E 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.

*Development Permit Conditions - Environmental*

- 19 The activity endorsed by this permit must be carried out in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994*, and Regulations made thereunder.
- 20 The Central Coast Council must be notified in writing of any change to the identity of the owner and/or occupier of the site, within five working days of the change.
- 21 The applicant must not, in the course of carrying out the activity, without the prior written approval of the Council, change any process, construct, install, alter or remove any structure or equipment or change the nature or quantity of materials used or produced which might cause or increase the issue of a pollutant, or otherwise result in environmental harm.
- 22 No noise is to be emitted from any device or from any source or activity on the land so as to become a proven environmental nuisance to the occupiers of properties nearby.
- 23 No liquids other than unpolluted rain water are to be allowed to discharge or drain to the Council's stormwater system or receiving waterbodies or watercourses.

- 24 All solid/inert waste materials generated by the activity are to be either disposed of to an appropriately approved waste disposal facility or reclaimed/recycled if possible.

*Cradle Mountain Water DA2010.0056 Development – Permit Conditions*

*Water Supply:*

- 25 A reticulated water supply for the development with individual connections to each allotment and fire plugs in accordance with the requirements of the Tasmania Fire Service must be designed and constructed in compliance with WSAA Water Supply Code of Australia and CMW requirements.
- 26 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.
- 27 The approved engineering drawings must not be altered without the prior written consent of the CMW.
- 28 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.
- 29 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.
- 30 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.
- 31 ‘As Constructed Drawings’ prepared by a qualified Surveyor are to be provided to CMW prior to CMW acceptance of the completion of the works.
- 32 Any water services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW.

- 33 Any redundant water services are to be disconnected and capped to the satisfaction of CMW.

*Sewerage Supply:*

- 34 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.
- 35 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 the 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 the CMW.
- 36 The approved engineering drawings must not be altered without the prior written consent of the CMW.
- 37 All connections to and associated work on CMW assets must be carried out by CMA 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.
- 38 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 the approved plans and WSAA standards.
- 39 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.
- 40 'As Constructed Drawings' prepared by a qualified Surveyor are to be provided to CMW prior to acceptance of the completion of the works.
- 41 Any sewer or water services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW.
- 42 Any redundant sewer services are to be disconnected and capped to the satisfaction of CMW.

- 43 Three metre (3) wide easement(s) over the CMW sewerage mains passing through the property must be accurately shown in the Final Survey Plan lodged with Council for sealing.

*Industrial Development:*

- 44 An individual suitably sized water supply connection for domestic and fire fighting supply (if required) designed by the Developer or the Developer's Agent in accordance with WSAA Standards, the requirements of the Tasmania Fire Service, to the satisfaction of CMW is to be provided from the CMW water main.
- 45 The development is to have an independent sewerage service connected at the lowest point of the property to CMW's sewerage main and all cost associated with the connection are to be at the applicant's expense to the satisfaction of CMW.
- 46 All connections to and associated work of 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.
- 47 The developer is to comply with CMW's trade water policy and enter into a trade waste agreement and adhere to any criteria set by CMW if required.

*Water and Sewerage Headworks Contribution:*

- 48 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):

For Lot 3:

\$11,065 per gross hectare of allotments sealed on the final plan:

For Lots 1, 3 and Balance:

The Central Coast Council is to enter into an agreement with CMW in relation to establishing headworks charges during the referral process for these lots as development proposals arise.

- 49 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."

Carried unanimously

Cr Fuller returned to the meeting at this stage.

**102/2010 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**

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)

*PURPOSE*

The purpose of this report is to consider the merits of a combined Scheme amendment/permit application to rezone a portion of land at 6 Turners Beach Road, Turners Beach (CT 8179/3) and an associated eight lot subdivision.

In accordance with the Act, a person who requests a planning authority (the Council) to amend a planning scheme may also request the planning authority 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*

An application has been received 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). The subject land

comprises a land area of approximately 6,387m<sup>2</sup> and is zoned Environmental Management under the Scheme.

A site plan showing the subject area is attached as Annexure 1.

A copy of the application and supporting information is attached as Annexure 2. This includes supporting information addressing coastal vulnerability and dune management considerations as detailed by the assessments provided by coastal geomorphologist, Frances Mowling, and environmental engineer, Chris Martin.

The land is part of a larger site occupied by the former Turners Beach Caravan Park and was the subject of a previous combined amendment/permit application in December 2006.

That application was made under the Council's previous Planning Scheme (the Central Coast S.46 Planning Scheme 1993) and sought approval for the rezoning of the land from Conservation (PVO) – Private Open Space and Rural (R) – General to Residential (RA) – Closed and an associated 26 lot subdivision. A more detailed assessment outlining the site locality, and strategic rationale for the rezoning and subdivision was provided with that application.

Following the resolution of the Council to initiate the combined amendment/permit in December 2006, the application was subject to the usual statutory process required by the Act, including the final determination of the application by the former Resource Planning and Development Commission (now the Tasmanian Planning Commission (the Commission)).

In July 2007, and following public hearings on the application, the Commission determined to reduce the area of land for residential zoning by excluding the portion of land comprised by Lots 1–8 of the original subdivision plan (and therefore retaining the Private Open Space zoning) and disallowing the subdivision of these allotments. The remainder of the land was approved to be rezoned and subdivided as proposed.

In its decision to exclude this portion of land from rezoning, the Commission cited that this portion of the site would require significant dune rehabilitation and other preparatory works before this land should be developed for residential lots.

With the introduction of the new Scheme in 2008, this portion of the land was designated as Environmental Management Zone consistent with the

Commission's previous decision on the combined amendment/permit application.

The proponent has since undertaken significant work on the site including dune rehabilitation and revegetation work, and this current application seeks to rezone and subdivide that portion of land previously excluded by the Commission in 2007. This work was carried out in accordance with the previous conditions of approval for the subdivision, and includes a devised dune rehabilitation plan. Consultation between the applicant and Council staff, together with various inspections of the site by Council officers, confirm that these works have been undertaken.

The application includes a revised lot layout for the subject area (lots marked 1-7 on the submitted subdivision plan) and the provision of public open space land (lot marked as Lot 101 Public Open Space).

A copy of the revised Plan of Subdivision is attached as Annexure 3.

This application seeks the rezoning of the land of Lots 1-7 (as shown on the submitted subdivision plan) from Environmental Management to Residential.

The subject land comprises a land area of approximately 6,387m<sup>2</sup> and is zoned Environmental Management under the Scheme. No zoning change is proposed for Lot 101 Public Open Space, which is to retain the Environmental Management zoning, and this lot will be the remaining land left over from the rezoning and subdivision of Lots 1-7.

The proposed subdivision component involves the development of those lots identified on the submitted plan as Lots 1-7 and 101 (Public Open Space).

The remaining balance of the land on the site is to be developed in accordance with the permit conditions approved by the Commission in July 2007 (Permit ref. COM2006.1). The revised subdivision layout plan is generally in accordance with that approval, and this application does not seek to alter that portion of the site already approved for subdivision. The preparatory works undertaken on the site constitute substantial commencement of the previous permit (for the purposes of the Act). Accordingly this assessment does not include that land already approved for subdivision in 2007.

#### *DISCUSSION*

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, and also a consideration of the issues raised by the Commission in 2007, when it determined to refuse the rezoning and subdivision of the subject land.

*Legislative requirements –*

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*

Comments – The proposed rezoning/subdivision represents a sustainable use of land within an existing town settlement. Following the Commission’s decision on the original application in 2007, significant work has been undertaken to facilitate a safeguarding of the sand dune system to the north of the subject land. This work was carried out in accordance with a devised dune rehabilitation plan which was required as a permit condition to the previous subdivision permit in 2007. Consultation with Council staff and various inspections of the site by Council officers confirm that these works have been undertaken. These works, together with the revised subdivision layout, are considered to be consistent with this objective.

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

Comments – The proposed rezoning and subdivision will be infill residential development within the boundaries of the existing Turners Beach settlement, and complete the original plan for the site proposed by the previous application in 2006. The proposed subdivision will utilise existing infrastructure and will consolidate the current urban area of Turners Beach. 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*

Comments – 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*

Comments – The proposal will provide opportunity for infill residential 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.*

Comments – The revised subdivision layout (detailing the provision and dimensions of the public open space land) and dune rehabilitation measures have evolved from consultation between the proponent, the Council, the Turners Beach Coastcare group, and the Crown Lands Service. This is consistent with the above objective.

*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 including environmental considerations, the applicable land use and development controls established by the Scheme, public consultation, and the final determination of the application by the Commission.

*S.32(1)(b) State Policies –*

*State Coastal Policy 1996 –*

The *State Coastal Policy 1996* is applicable to the draft amendment as the subject land is within 1km of the coastline. Expert advice in support of the original application in 2006 outlined that the proposed rezoning and subdivision could occur pending the rehabilitation of the existing dune system. That work has now been undertaken and additional expert information has been provided in respect of the new application with regard to the protection and management of the dune system (this information is included with Annexure 2). That information details the circumstances under which the lots can be developed and any appropriate conditions for approval.

The Scheme, which came into effect in July 2008, was certified by the Commission as being in accordance with the existing *State Coastal Policy 2006*. The proposed subdivision will be assessed against the requirements of the Scheme, which reflect the requirements of the *State Coastal Policy*.

The draft amendment represents infill residential development within an existing urban settlement and not within or upon any actively mobile coastal landforms (as detailed by the accompanying coastal geomorphic information). Accordingly (and pending the assessment against the specific requirements of the Scheme), the draft amendment is considered to be in accordance with the *State Coastal Policy 2006*.

*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 PAL Policy is not applicable as the site is not agricultural land as per the definition of agricultural land under that Policy.

*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 previously accommodated the Beach Haven Caravan Park and Holiday Village for a number of decades. To the Council's knowledge no industrial activity has occurred on the site that would create a concern in terms of contamination. The site was subject to a building permit in 2009 for the demolition of existing buildings on the site, which removed all asbestos structures from the site. 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 residential infill within an existing urban settlement. The subject area is bounded by Residential zoned land on all sides except to the north. The adjoining coastline and dune systems to the north have been subject to rehabilitation works by the proponent and will be appropriately managed through the revised subdivision layout and the use of appropriate permit conditions.

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 residential consolidation within the Turners Beach settlement and will result in additional land being available for residential development. This presents economic and social advantages and the infill style of subdivision minimises urban sprawl. Appropriate management of the adjoining dune systems and coastal area can be achieved through retention of an Environmental Management zoning, the proposed layout of subdivision and appropriate permit conditions.

- . *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 within an existing urban area.

- (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.*

The draft amendment represents infill development of an existing urban settlement.

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

The draft amendment will create additional land for residential development and create an opportunity for a variety of housing types.

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

Adequate vehicular and pedestrian networks are provided.

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

The proposed subdivision will be appropriately serviced.

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

The draft amendment provides for adequate provision of public open space and public thoroughfare to the beach.

- (g) *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.

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

Appropriate flora and fauna investigations have been undertaken, and the draft amendment is not expected to compromise these values.

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

Appropriate coastal investigations have been undertaken (including coastal geomorphic, sea level rise vulnerability and risk assessments as detailed in the accompanying reports attached in Annexure 2) and will be incorporated into the assessment of the proposal and can be appropriately included as permit conditions.

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

As above.

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

Not applicable. Subject site is not rural land, nor zoned for rural purposes.

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

Not applicable. Subject site is not rural land, nor zoned for rural purposes.

*(m) 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. Turners Beach is a separate settlement to those specified above.

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

Not applicable. Subject land is not within the Rural Living Zone.

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

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

. *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. Lots 1–7 (to be rezoned to Residential) as depicted on the submitted plan of subdivision will be subject to the relevant provisions of the Residential Zone.

The lot depicted on the submitted subdivision plan as Lot 101 Public Open Space (which is to retain an Environmental Management zoning) will be the remaining balance land left over from the rezoning and subdivision of Lots 1–7. The development of this lot will be subject to the relevant provisions of the Environmental Management Zone.

The proposed subdivision will also be assessed against the Schedules of the Scheme.

RESIDENTIAL ZONE (APPLICABLE PROVISIONS ONLY)	
SCHEME PROVISION	ASSESSMENT AND COMMENT
6.1 Purpose of Residential Zone	The proposed subdivision adequately complies with the Zone Purpose.
6.2.1 Table of Use	The proposed subdivision is for residential use and this has a permitted use status in the Residential Zone.
6.3.1 Residential amenity	The proposed subdivision does not seek approval for a non-residential use. Any future non-residential use of the land will require a separate planning application.
6.4.1 Subdivision	The proposed subdivision complies with the Acceptable Solution prescribed by clause 6.4.1 A1.  The proposed subdivision will adequately comply with the Acceptable Solution

	prescribed by clause 6.4.1 A2. Appropriate assessments have been carried out by the Council's Engineering Services Department and Cradle Mountain Water. Conditions pertaining to these assessments will be included on the draft permit.
ENVIRONMENTAL MANAGEMENT ZONE (APPLICABLE PROVISIONS ONLY)	
SCHEME PROVISION	ASSESSMENT AND COMMENT
14.1 Purpose of Environmental Management Zone	The proposed Lot 101 (as depicted) will provide for the protection and management of the coastal dune system. Accordingly, it is consistent with the intent of the Zone.
14.2.1 Table of Use	<p>Pursuant to clause 4.8 of the Scheme, a development must be categorised as one of the defined uses listed and described in clause 3.2.1 of the Scheme. Given that the proposed Lot 101 (Public Open Space) is to be created to allow for dune management and protection and is in a coastal reserve type location, it is considered that the most appropriate defined use class under the Scheme is Natural and cultural values management.</p> <p>This defined use class is described under clause 3.2.1 of the Scheme as "<i>...the use of land to protect, conserve or manage, ecological systems, cultural sites or landscapes.</i>"</p> <p>Development for this use carries a permitted status within this Zone, and no qualification is prescribed.</p>
14.3.1 Water Quality	The creation of Lot 101 (Public Open Space) will not be within the proximity of an existing wetland or watercourse, and the purpose of Lot 101 to serve as a coastal reserve will not result in any adverse

	<p>impacts on water quality. Development of the adjoining Residential zoned Lots 1–7 (to the south) can be managed with the use of appropriate permit conditions to ensure adequate management of sewer/ stormwater runoff.</p>
14.4.1 Subdivision	<p>Although the defined specific use class of Natural and cultural management (into which the proposed subdivision of Lot 101 has been assigned) is not detailed in the uses and developments prescribed by provision 14.4.1 P1, the proposed use of the lot as a coastal reserve to manage and protect the coastal dune system is consistent with the Subdivision objectives detailed under 14.4.1.</p> <p>Pedestrian access to the beach will involve the walkway depicted between Lots 3 and 4 on the submitted plan and will connect with the existing boardwalk. A fence to be constructed along the southern boundary of proposed Lot 101 will restrict access across the dunes to the existing walkway.</p> <p>The proposed creation of Lot 101 (Public Open Space) is considered to be consistent with the subdivision requirements detailed by the Scheme.</p>
14.4.6 Vegetation	<p>The draft permit can be appropriately conditioned to ensure that any removal or modification of native vegetation that may be required in the development of proposed Lot 101 is appropriately managed.</p>
14.4.7 Coastal Protection	<p>The coastal geomorphic assessment provided by the proponent identifies the dune system located within proposed Lot 101 as not actively mobile. Accordingly Acceptable Solution 14.4.7 A1 is satisfied.</p>

	Acceptable Solution 14.4.7 A2 is not applicable as the development of Lot 101 does not propose any further Tourist Accommodation or Residential development of that lot. The lot will be transferred to Council ownership and utilised as a coastal reserve.
PLANNING SCHEME SCHEDULES	
S1.0 Application Requirements	The proponent has provided sufficient information to comply with requirements of Schedule 1.
S2.0 Road and Rail	The site has been previously approved for subdivision pursuant to the issued permit COM2006.1. This application seeks to complete that plan by subdividing the lots to the north of the site previously disallowed by the Commission. As such, no new access to the site is proposed and appropriate conditions relating to access requirements for each of the new lots can be appropriately included as permit conditions. The proposed subdivision is deemed to comply with this Schedule.
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	Not applicable. The proposed land to be subdivided will be allocated a Residential 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, Environmental Management Zone and Rural Resource Zone.

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	Not applicable. The subject land is not considered land that is unstable or potentially unstable.
S7.0 Coastal and Riparian	<p>The subject land is identified as vulnerable coastal land as identified under clause S7.3.1 of the Scheme. Supporting information addressing coastal vulnerability and dune management considerations has been provided and is included in Annexure 2.</p> <p>A coastal geomorphic assessment (prepared by Frances Mowling) was provided in support of the original application in 2006. That information is again relevant to the current application and additional supporting information has been sought from Frances Mowling regarding the revised subdivision layout for Lots 1–7 and Lot 101 (Public Open Space) as shown on the submitted subdivision plan.</p> <p>A risk assessment analysis of the proposed subdivision has also been carried out by Environmental Engineer, Chris Martin. The information provided by these suitably qualified persons adequately addresses the requirements identified by the Schedule and recommendations contained within that information (such as floor levels and building setbacks) can be incorporated into the draft permit. Accordingly, the proposed subdivision is assessed to adequately comply with the requirements of this Schedule.</p>

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. Determination of car parking requirements will be determined for the specific future use and development of the lots.
S12.0 Signage	Not applicable.
S13.0 Telecommunications	Not applicable. No development of any telecommunications or broadcasting facility proposed.
S14.0 Ulverstone Wharf	Not applicable.

The proposed subdivision of Residential zoned Lots 1–7, and the balance Environmental Management zoned lot identified as Lot 101 Public Open Space on the submitted plan of subdivision have been assessed to be in accordance with the requirements of the Scheme.

*Issues previously identified by the Commission –*

In the assessment of the draft amendment it is also prudent to consider the issues/considerations which were identified by the Commission in its 2007 decision to exclude the proposed rezoning and subdivision of the residential lots now depicted as Lots 1–7 on the newly submitted subdivision plan. Primarily these considerations centered upon the need for adequate dune rehabilitation measures to be implemented before proceeding with any future rezoning and development of the subject land.

In compliance with the conditions of approval prescribed in 2007, the proponent has undertaken various preparatory works of the site, including

the management and revegetation of the dune system which has been carried out in accordance with a devised dune rehabilitation plan. Consultation between the applicant and Council staff, together with various inspections of the site by Council officers, confirm that these works have been undertaken.

The dune rehabilitation plan, together with the revision subdivision plan (for Lots 1–7) and the provision of public open space (as shown by Lot 101) was devised in consultation with the Council, Crown Land Services and the Turners Beach Coastcare community group.

The draft amendment is supported by information addressing coastal vulnerability and dune management considerations as detailed by the assessments provided by coastal geomorphologist, Frances Mowling and environmental engineer, Chris Martin.

The information provided by Chris Martin also addresses the issue of stormwater management with the protection of the dune system to the rear of proposed Lots 1–7. The management of stormwater runoff from these residential lots is to be designed in accordance with the Water Sensitive Urban Design principles which will see water returned to the groundwater table via soakage drains. The design and operation of such a system will be developed in consultation with the Council's Engineering Services Department, and an appropriate condition to this effect will be included on the draft permit.

The proposed development of Lot 101 (public open space) on the submitted plan of subdivision also provides for an appropriate buffer between the dune system and the proposed residential Lots 1–7. The width of the proposed public open space lot (Lot 101) ranges from a width of 9m at the western end to 12m at the eastern end. The information provided by Frances Mowling suggests that this provision of land would provide for an adequate buffer distance for the ongoing protection and management of the dune system between the development of Lots 1–7 for residential use. Frances Mowling further prescribes an additional 4.5m setback from the southern boundary of Lot 101 (and therefore into the residential lots depicted by Lots 1–7 on the submitted plan) to provide a nominal buffer for any possible future dune movement to 2050. This exclusion area is to remain free of any buildings, structures, infrastructure, excavation, or any other physical works.

Upon Frances Mowling's recommendations, consensus was reached between the proponent and the Council that the inclusion of this setback would not compromise the building envelope size available for Lots 1–7. A condition to this effect will be included on the draft permit.

In addition to the above, the retention of Lot 101 within the Environmental Management Zone will allow for the effective management and protection of the dune system through the zoning controls on land use and development prescribed by the Scheme.

It is also recommended that a boundary fence be established along the east-west transect of the southern boundary of Lot 101 to demarcate the coastal reserve land from privately owned land. This will serve to better allow for dune management and concentrate and constrain pedestrian access to the boardwalk walkway depicted between Lots 3 and 4 on the submitted subdivision plan.

Incorporating the comments from Frances Mowling and those contained in the dune rehabilitation plan, it is recommended that a fence constructed of non-combustible materials, to a height of 1.8m, and of a ring-lock post box and strainer wire style be erected along the southern boundary of Lot 101.

On the basis of the above information and the assessments provided by coastal geomorphologist, Frances Mowling and environmental engineer, Chris Martin, it is considered that the issues identified by the Commission in 2007, for the future development of the subject land, have been adequately addressed by the proponent in the making of this application.

### *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). Any conditions of approval prescribed by CMW will be included 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

- 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

- 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 and suitably responds to the issues identified by the Commission in the assessment of the original application in 2007. Appropriate information has been provided by the applicant addressing coastal vulnerability and appropriate dune management as detailed by the assessments provided by coastal geomorphologist, Frances Mowling and environmental engineer, Chris Martin.

The draft amendment provides for infill urban development and has been suitably prepared to address the anticipated effects of climate change and to provide for the appropriate management of the coastal dune systems on the site.

*RECOMMENDATION*

It is recommended that:

- 1 the draft amendment, identified as Amendment 3/2010 (copy attached) be initiated to the Central Coast Planning Scheme 2005 to rezone the land comprising Lots 1–7 as shown on the submitted Plan of Subdivision, from Environmental Management to Residential; 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 eight lot subdivision (identified as Lots 1–7 and Lot 101 [Public Open Space] on the submitted plan of subdivision) 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 Lots 1–7 inclusive to prohibit the development of any buildings, infrastructure or excavation works (including decking, sheds, gardens, paving or other hard surfaces, barbecue structures, and the like) within 4.5m of the northern boundary of Lots 1–7;
- (g) A suitable covenant is also to be included in the Schedule of Easements for Lots 1–7 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 1.8m and of a ring-lock post box and strainer wire style is to be erected along the southern boundary of Lot 101 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) 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

- (l) 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;
- (m) 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;
- (n) 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;
- (o) 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;
- (p) The Final Plan must be endorsed to show any area that cannot be serviced by the existing or new reticulated sewer, stormwater or water;
- (q) 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

- (r) 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;
- (s) 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;

- (t) The approved engineering drawings must not be altered without the prior written consent of CMW;
- (u) 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;
- (v) 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;
- (w) 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;
- (x) "As Constructed Drawings" prepared by a qualified Surveyor are to be provided to CMW prior to CMW acceptance of the completion of the works;
- (y) Any water services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW;
- (z) Any redundant water services are to be disconnected and capped to the satisfaction of CMW;

### Sewerage Supply

- (aa) 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;
- (bb) 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;

- (cc) The approved engineering drawings must not be altered without the prior written consent of CMW;
- (dd) 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;
- (ee) 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;
- (ff) 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;
- (gg) "As Constructed Drawings" prepared by a qualified Surveyor are to be provided to CMW prior to acceptance of the completion of the works;
- (hh) Any sewer or water services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW;
- (ii) Any sewer services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW;
- (jj) Any redundant sewer services are to be disconnected and capped to the satisfaction of CMW;
- (kk) 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

- (ll) 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)

- (mm) 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 (2) 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 Annexures referred to in the Acting Land Use Planning Group Leader's report have been circulated to all Councillors.”

■ Cr Deacon moved and Cr Haines seconded, “That:

- 1 the draft amendment, identified as Amendment 3/2010 (a copy being appended to and forming part of the minutes) be initiated to the Central Coast Planning Scheme 2005 to rezone the land comprising Lots 1-7 as shown on the submitted Plan of Subdivision, from Environmental Management to Residential; 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 eight lot subdivision (identified as Lots 1-7 and Lot 101 [Public Open Space] on the submitted plan of subdivision) 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 Lots 1-7 inclusive to prohibit the development of any buildings, infrastructure or excavation works (including decking, sheds, gardens, paving or other hard surfaces, barbecue structures, and the like) within 4.5m of the northern boundary of Lots 1-7;
  - (g) A suitable covenant is also to be included in the Schedule of Easements for Lots 1-7 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 1.8m and of a ring-lock post box and strainer wire style is to be erected along the southern boundary of Lot 101 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) 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

- (l) 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;
- (m) 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;
  - (n) 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;
  - (o) 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;
  - (p) The Final Plan must be endorsed to show any area that cannot be serviced by the existing or new reticulated sewer, stormwater or water;
  - (q) 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

- (r) 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 WSA Water Supply Code of Australia and CMW requirements;

- (s) Prior to commencement of works, detailed construction plans of all proposed works, prepared by a suitably qualified engineer, demonstrating compliance with WSA 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 WSA Standards, details must be to the satisfaction of CMW. Design calculations to confirm design are to be provided if requested by CMW;
- (t) The approved engineering drawings must not be altered without the prior written consent of CMW;
- (u) All works are to be constructed under the supervision of a qualified engineer in accordance with WSA 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 WSA Standards;
- (v) 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;
- (w) 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;
- (x) 'As Constructed Drawings' prepared by a qualified Surveyor are to be provided to CMW prior to CMW acceptance of the completion of the works;
- (y) Any water services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW;
- (z) Any redundant water services are to be disconnected and capped to the satisfaction of CMW;

#### Sewerage Supply

- (aa) A reticulated sewerage system for the development with individual connections to each allotment must be designed and constructed in accordance with WSA Sewerage Code of Australia and CMW requirements;

- (bb) 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;
- (cc) The approved engineering drawings must not be altered without the prior written consent of CMW;
- (dd) 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;
- (ee) 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;
- (ff) 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;
- (gg) 'As Constructed Drawings' prepared by a qualified Surveyor are to be provided to CMW prior to acceptance of the completion of the works;
- (hh) Any sewer or water services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW;
- (ii) Any sewer services crossing title boundaries are to be disconnected and capped to the satisfaction of CMW;
- (jj) Any redundant sewer services are to be disconnected and capped to the satisfaction of CMW;
- (kk) 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

- (ll) 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)

- (mm) 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 (2) 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

**103/2010 Residential outbuilding (variation to side wall height)  
2 Gisellevista Court, Ulverstone – Application No. DEV2009.112**

The Director Development & Regulatory Services reported as follows:

"The Planning Officer has prepared the following report:

<i>'DEVELOPMENT APPLICATION No.:</i>	DEV2009.112
<i>APPLICANT:</i>	J T & S A Cumming
<i>LOCATION:</i>	2 Gisellevista Court, Ulverstone
<i>ZONING:</i>	Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Planning Scheme 2005</i> (the Scheme)
<i>ADVERTISED:</i>	6 March 2010
<i>REPRESENTATIONS EXPIRY DATE:</i>	21 March 2010
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	12 April 2010
<i>DECISION DUE:</i>	12 April 2010

*PURPOSE*

This report considers an application that proposes a residential outbuilding with a wall that is higher than is permitted in the Residential Zone standards of the Scheme. It also considers the representation made in relation to the application.

*BACKGROUND*

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

The applicant proposes an outbuilding with a wall height that exceeds the height limit prescribed by the relevant Acceptable Solution of the Scheme. Therefore, the proposal requires assessment against the corresponding Performance Criteria. Any assessment against the Performance Criteria requires a discretionary planning application according to s.57 of the *Land Use Planning and Approvals Act 1993* (the Act).

*DISCUSSION*

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

SCHEME PROVISION	ASSESSMENT
2.0 Objectives for Planning	Complies. The proposal is consistent with the objectives for planning prescribed by the Scheme.
6.1 Zone purpose	Complies. Residential use is consistent with the purpose of the Residential Zone.
6.2.1 Use table	Complies. Residential is a permitted use in the Residential Zone.
6.4.3 Building design and siting	Complies with all the Acceptable Solutions except 6.4.3 A12(d) (see below).

<p>6.4.3 A12 Outbuilding setbacks</p>	<p><i>An outbuilding on a lot (other than a rear lot) 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) 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; and</i></p> <p><i>(d) for a side or a rear setback:</i></p> <p><i>(i) 0m if the wall height does not exceed 2.7m; or</i></p> <p><i>(ii) 2m if the wall height exceeds 2.7m.</i></p>
	<p>The proposed development is non-compliant with 6.4.3 A12(d).</p> <p>The Scheme defines wall height as:</p> <p>“...the vertical distance from the lowest point on a wall at natural ground level to the highest point on that wall...”</p> <p>The permitted wall height of an outbuilding on the boundary is 2.7m or less. The proposed side wall height ranges from 2.8m to 3.8m.</p> <p>Accordingly, the application must be considered against the corresponding Performance Criteria 6.4.3 P12 of the Scheme.</p>

<p>6.4.3 P12</p>	<p><i>P12 An outbuilding may have a lesser setback where the AS cannot be satisfied due to:</i></p> <ul style="list-style-type: none"> <li><i>(a) the irregular shape of the lot;</i></li> <li><i>(b) the lot having less than the minimum area or dimensions required by this planning scheme;</i></li> <li><i>(c) unsuitable topography;</i></li> <li><i>(d) the location of Utilities on the lot; or</i></li> <li><i>(e) the location of existing buildings on the lot;</i></li> </ul> <p><i>if:</i></p> <ul style="list-style-type: none"> <li><i>(i) the setback is in keeping with the general building alignment and streetscape character; and</i></li> <li><i>(ii) there is no unreasonable shading of, or loss of privacy to, adjoining properties.</i></li> </ul> <p>It is considered that there is justification in this instance to consider a lesser setback for the outbuilding on the basis of the irregular shape of the lot.</p> <p>It is then necessary to consider if:</p> <ul style="list-style-type: none"> <li><i>(i) the setback is in keeping with the general building alignment and streetscape character; and</i></li> </ul> <p>This subdivision was approved in 2003 and is being developed with residential dwellings. The land around the proposal site is undeveloped so there is no general building alignment or streetscape character established to assess this development against. There is a mix of new dwellings in the area so this development would fit in with the streetscape character of the area.</p>
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	<p><i>(ii) there is no unreasonable shading of, or unreasonable loss of privacy to, adjoining properties.</i></p> <p><i>Unreasonable loss of privacy:</i></p> <p>The outbuilding is not a habitable space so would not cause any loss of privacy.</p> <p><i>Unreasonable shading:</i></p> <p>The wall height of the shed ranges from 2.8m to 3.8m. At the highest point there are footings of 1.1m because of the topography of the land. The actual wall height of the shed is 2.7m and if the site had been flat it would have complied with the Acceptable Solutions.</p> <p>Due to the topography of the land it is considered that some level of overshadowing would occur to adjoining properties, regardless of whether the outbuilding is located on the boundary or within the prescribed permitted setbacks.</p> <p>It is therefore considered that the proposed location of the outbuilding would not result in an unreasonable level of shading to adjoining properties.</p>
<p>6.4.4 Building access and services</p>	<p>The lot is connected to all the required services; road, water, reticulated sewage, reticulated stormwater, telecommunications and electricity.</p> <p>There is no new vehicular access or change to the existing access proposed as part of this application.</p>

*OBJECTIVES OF THE ACT*

The proposed development is consistent with the objectives of the Act which are:

- “(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.”

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

*CONSULTATION*

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

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

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

*REPRESENTATION*

One representation from the adjoining property at 1 Gisellevista Court was received within the prescribed time. The property at 1 Gisellevista Court is a vacant residential block adjoining the south–western boundary of the subject land (as detailed in the location plan attached as Annexure 2). A copy of the representation is provided at Annexure 4. The representation’s main concerns were overshadowing and the size and use of the garage, and are summarised in the following Table.

ISSUES	CONSIDERATIONS
Overshadowing during the winter months	The variation is for the height of the side wall as the side wall height ranges from between 2.8m to 3.8m. The permitted wall

	<p>height allowed on a side boundary is 2.7m. The location of the shed is to the rear of the lot and the house is situated higher to the north-west of 1 Gisellevista Court.</p> <p>The representor's property at 1 Gisellevista Court is to the south-east of the proposal property. The land slopes from the top of Gisellevista Court to where it intersects with Holliview Way. Because of the topography of the land the representor's property would most likely experience overshadowing during the winter months from 2 Gisellevista Court regardless of whether the shed is built on the boundary or within the prescribed permitted setbacks and building height (see Annexure 3).</p> <p>Notwithstanding this, the property at 1 Gisellevista Court is undeveloped, and in the absence of a dwelling on this property it is difficult to justify that the proposed development will create an unreasonable level of overshadowing.</p>
<p>Size and use of garage</p>	<p>The proposed outbuilding's aggregate gross floor area is 63m<sup>2</sup> and the building height is 4.445m. The permitted aggregate floor area of an outbuilding is 85m<sup>2</sup> and the permitted building height is 4.5m. The proposal meets the permitted size and height.</p> <p>The representor raises concerns that the garage was substantially larger than a car garage and may be used for a workshop. In response to these concerns, the outbuilding is under the Permitted aggregate floor area prescribed by the Scheme and can only be used for domestic residential purposes.</p>

*IMPACT ON RESOURCES*

This report has no impact on resources other than the usual resources in 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 2009–2014 includes the following strategies and key actions:

The Shape of the Place

- . Adopt an integrated approach to land use planning

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment

The proposal is consistent with these strategies and key actions.

*CONCLUSION*

The representation is deemed to have insufficient merit to warrant refusal and the proposal adequately complies with the requirements of the Scheme.

*RECOMMENDATION*

It is recommended that the application is approved in accordance with the following permit conditions:

General

- 1 The development must be sited in accordance with Dwg No's 16009–1, 16009–2 and 16009–4 drawn by J & M Weeda Building Consultants and dated 18/11/2009 and shed plan supplied by Sidach Burnie dated 13/10/2009 unless modified by a condition of this permit;
- 2 The external area of the 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;

#### Engineering

- 3 The developer shall rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of the Council's Director Engineering Services, at the owner's/developer's/applicant's expense;

#### Please note:

- A This permit expires two years from this date 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. Substantial commencement will be considered to be the lodgement of a building permit application.
- B 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.
- C Any works associated with existing kerb and channel, footpaths, roads or existing Council services will be undertaken by the Council at the owner's/developer's/applicant's cost, unless alternative arrangements are approved by the Council.
- D Please contact the Council's Engineering Services Department if you wish to discuss or arrange any infrastructure work requirements.
- E 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:

“The Annexures referred to in the Planning Officer’s report have been circulated to all Councillors.”

- Cr Haines moved and Cr van Rooyen seconded, “That the representation is deemed to have insufficient merit to warrant refusal and that the proposal complies with the Central Coast Planning Scheme 2005, thus the Residential outbuilding (variation to side wall height) at 2 Gisellevista Court, Ulverstone – Application No. DEV2009.112 be approved subject to the following conditions and restrictions:

#### General

- 1 The development must be sited in accordance with Dwg No’s 16009-1, 16009-2 and 16009-4 drawn by J & M Weeda Building Consultants and dated 18/11/2009 and shed plan supplied by Sidach Burnie dated 13/10/2009 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;

#### Engineering

- 3 The developer shall rectify any damage or disturbance to footpaths, roads, kerbs, naturestrips or existing services to the satisfaction of the Council’s Director Engineering Services, at the owner’s/developer’s/applicant’s expense.

#### Please note:

- A This permit expires two years from this date 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.

Substantial commencement will be considered to be the lodgement of a building permit application.

- B 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.
- C Any works associated with existing kerb and channel, footpaths, roads or existing Council services will be undertaken by the Council at the owner's /developer's/applicant's cost, unless alternative arrangements are approved by the Council.
- D Please contact the Council's Engineering Services Department if you wish to discuss or arrange any infrastructure work requirements.
- E Building and plumbing permits are required for the proposed development. A copy of this planning permit should be given to your building surveyor."

Voting for the motion

(9)

Cr Downie

Cr (J) Bonde

Cr (L) Bonde

Cr Deacon

Cr Diprose

Cr Fuller

Cr Haines

Cr Howard

Cr van Rooyen

Voting against the motion

(1)

Cr Viney

Motion

Carried

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### **Closure**

There being no further business, the Mayor declared the meeting closed at 7.32pm.

CONFIRMED THIS 19TH DAY OF APRIL, 2010.

### **Chairperson**

(sn:dil)

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## 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