

Notice of Special Council Meeting and

# Agenda

30 MAY 2016

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To all Councillors

NOTICE OF MEETING

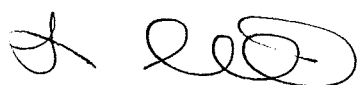
In accordance with the *Local Government (Meeting Procedures) Regulations 2005*, notice is given of a special meeting of the Central Coast Council which will be held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 30 May 2016. The meeting will commence at 6.00pm.

An agenda and associated reports and documents are appended hereto.

A notice of meeting was published in The Advocate newspaper, a daily newspaper circulating in the municipal area, on 21 May 2016.

Dated at Ulverstone this 25th day of May 2016.

This notice of meeting and the agenda is given pursuant to delegation for and on behalf of the General Manager.



Lisa Mackrill  
EXECUTIVE SERVICES OFFICER

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## CENTRAL COAST COUNCIL

### CODE OF CONDUCT OF COUNCILLORS

This Code of Conduct should be read in conjunction with the *Local Government Act 1993*, the *Local Government (General) Regulations 2015* and the *Local Government (Meeting Procedures) Regulations 2015*.

A person may make a complaint to the Council in relation to an alleged failure of a Councillor to comply with any provision of this Code.

This Code does not sit in place of the Act and Regulations above-mentioned, or any other relevant legislation. A Code of Conduct panel or Standards Panel established to deal with complaints will accordingly only consider matters that are not otherwise subject to action for offences under relevant legislation.

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| <ol style="list-style-type: none"><li>1 Councillors are expected to familiarise themselves with, and conduct themselves in accordance with, the principles and values outlined in the Code of Conduct. A Councillor has an obligation at all times to comply with the spirit, as well as the letter, of the law.</li><li>2 A Councillor must not participate at any meeting of the Council, Council committee, special committee, controlling authority, single authority or joint authority 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. A Councillor must, in all dealings, put the interests of the community to which the Council is accountable, foremost.</li><li>3 A Councillor must not disclose, without consent, confidential information or any other information which has been acquired as a result of the office of Councillor. A Councillor must actively protect all confidential and other information of the Council which comes into the possession or knowledge of a Councillor.</li><li>4 A Councillor must not give or receive, or seek to give or receive, a gift, benefit or advantage for the Councillor or for any other person for which they are not legally entitled or that could reasonably be perceived as intended or likely to influence a Councillor to act, or fail to act, in a particular way.</li><li>5 A Councillor must not procure the doing or not doing of anything by the Council to gain,</li></ol> | <p>directly or indirectly, an advantage or to avoid, directly or indirectly, a disadvantage for the Councillor or a close associate of the Councillor or a member of the Councillor's family.</p> <ol style="list-style-type: none"><li>6 A Councillor, Mayor or Deputy Mayor has a duty to use due care and diligence in fulfilling the functions of office and exercising the powers attached to their office.</li><li>7 A Councillor has an obligation to ensure that he or she brings an impartial and unprejudiced mind to all matters decided upon in the course of Council duties.</li><li>8 A Councillor must not direct or attempt to direct an employee of the Council in relation to the discharge of the employee's duties. A Councillor must show respect, courtesy, fairness and dignity when dealing with other Councillors, Council employees and the public.</li><li>9 A Councillor must not use any resources of the Council in a manner other than provided by legislation or authorised by the Council.</li><li>10 A Councillor should not engage in conduct likely to bring discredit upon the Council.</li><li>11 Council resources, equipment, email and internet facilities are provided to assist Councillors in the performance of their functions and must only be used by the Councillors for purposes consistent with the carrying out of their functions of office and must not be used for accessing, downloading or distributing inappropriate material.</li></ol> |
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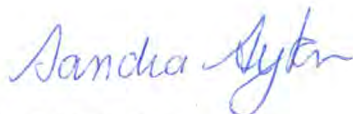
*QUALIFIED PERSON'S ADVICE*

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 recommendations provided to the Council in or with the following agenda:

- (i) the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- (ii) where any advice is 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

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## **AGENDA**

### **COUNCILLORS ATTENDANCE**

### **COUNCILLORS APOLOGIES**

### **EMPLOYEES ATTENDANCE**

### **MEDIA ATTENDANCE**

### **PUBLIC ATTENDANCE**

### **OPENING PRAYER**

May the words of our lips and the meditations of our hearts be always acceptable in Thy sight, O Lord.

### **BUSINESS**

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## 1 MAYOR'S COMMUNICATIONS

### 1.1 Authority for special meeting

The Mayor reports as follows:

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

The Executive Services Officer reports as follows:

“A suggested resolution is submitted for consideration.”

- “That the Mayor's report be received.”

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### 1.2 Pecuniary interest declarations

The Mayor reports 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 reports as follows:

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

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

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

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## 2 DEPARTMENTAL BUSINESS

### GENERAL MANAGEMENT

#### 2.1 TasWater – External Funding proposal

The General Manager reports as follows:

##### *“PURPOSE*

The purpose of this report is to seek a commitment from TasWater owner councils to extend the moratorium on increases in distributions to owner councils for a further seven years.

##### *BACKGROUND*

The following information has been provided by TasWater from its General Meeting agenda on 12 May 2016.

‘...Much of Tasmania’s sewage infrastructure is in a poor state with only 33% of the Sewage Treatment Plants (STPs) meeting their environmental licence conditions, many of which are not contemporary. Many small towns also continue to be subject to Boil Water Alerts or Do Not Consume Notices.

TasWater also has a disproportionate number of assets for the population served. TasWater estimates that to address all of the major rationalisations (in the major population centres of Hobart, Launceston and Devonport), environmental improvements for the sector and upgrades to drinking water systems, an investment of \$1.8 billion is required over the next 10 years.

This level of investment would enable rationalisation of a number of major STPs thus avoiding significant expenditure in upgrading outdated plants, the provision of safe drinking water to all serviced towns and material improvements in the health of a number of Tasmania’s key rivers.

The implications of not progressing these major projects over the next 10 years is that TasWater could be forced to upgrade existing outdated infrastructure thereby perpetuating inefficiencies that arise from having too many assets and hindering economic growth.

TasWater, through Tasmanian water and sewerage customers is unable to fully fund these projects in addition to a capital program of approximately \$110 million per annum

without unaffordable price increases, meaning that external funding is needed from all levels of government.

It is TasWater's view that funding from the State and Federal Governments is unlikely to be forthcoming if they are unable to show that the Owner Councils are not prepared to share some of the financial burden.

With respect to the contribution from owner councils, TasWater's modelling indicates that extending the current freeze on increases in distributions for a further seven years, beyond that already agreed to, would equate to a contribution of \$82 million to the major strategic projects.

The modelling also suggests that through average annual price increases of 4.5% customers would contribute approximately \$155 million to funding the major strategic projects.

TasWater will be able to fund a portion of the required expenditure in addition to its planned capital expenditure program of \$1.1 billion over the next 10 years through increased borrowings and productivity improvements.

External contributions from the Commonwealth and State Governments are also needed and would leverage TasWater's planned capital expenditure program from \$1.1 billion to \$1.8 billion.

TasWater's expectation is that detailed business cases could be developed for each of the major projects, confirming the economic and social benefits and providing an opportunity for reassessment at each major milestone to ensure the envisaged benefits are delivered...'

There is currently a three year freeze on increases in TasWater distributions in place. This caps owner council distributions at \$30m. per annum for the 2016, 2017 and 2018 financial years which gives the Central Coast Council an annual share of \$1.431m.

### *DISCUSSION*

The increase in the freeze on distributions to the owner councils has been proposed by TasWater based on the estimated funding needed to bring water and sewerage infrastructure up to an acceptable standard over the next 10 years. It is estimated that this will require a spend of \$1.8 billion.

TasWater can fund \$1.2 billion of the total funding required and has proposed that the shortfall of \$600m. be funded by:

- . TasWater finding further savings of \$10m. per annum or \$100m. over 10 years;
- . the State and Federal Governments contributing \$400m. over the next 10 years;
- . the current freeze on distributions to owner councils being extended for a further seven years.

Further correspondence from TasWater following the Owners' Representatives meeting held on 12 May 2016 included the following information:

'...TasWater can fund \$1.2 billion and we have put together a proposal that the \$600 million shortfall be funded by TasWater finding further savings of \$10 million pa or \$100 million, that the State and Federal Governments contributed \$400 million over the next 10 years and that the current freeze on distributions to Owner Councils be extended for a further seven years, which in effect means that Councils will have forgone \$82 million.

It is TasWater's view that in the absence of councils being prepared to share some of the financial pain with State and Federal Governments it is highly unlikely that we will be able to secure the additional funding needed to address the shortcomings in our infrastructure on a timely basis...'

This Council is in effect being asked to forego \$3.893m. in distributions over the 10 year period, but we will still receive \$14.310m. over that same period. TasWater has advised that they could not fund the \$1.8 billion capital program without external funding as the resulting level of gearing would unlikely be acceptable to Tascorp, and indeed the Board and owner councils.

The question for owner councils is whether they are prepared to accept reduction in projected distributions in order that TasWater has the opportunity to seek to persuade the State and Federal Governments to assist them in funding the \$1.8 billion investment in much needed upgrades to the State's water and sewerage infrastructure.

At the Owners' Representatives meeting on 12 May 2016, the representatives requested further information about the implications for individual councils. TasWater has provided an analysis on the implications for the Central Coast Council.

### *CONSULTATION*

Consultation with the owner councils was undertaken at the Owners' Representatives meeting held on 12 May 2016, with further information being provided to allow for full consideration with individual councils.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

The effect of extending the current freeze on distributions means that owner councils will have foregone \$82m. As mentioned above, the effect for the Central Coast Council will be that it foregoes \$3.893m. in distributions over the 10 year period, but will still receive \$14.310m. over that same period.

The impact of the 10 year freeze on Central Coast's distribution has been provided by TasWater. If agreed, the Council would forego any increase in distributions until the financial year commencing 1 July 2026.

Central Coast's distribution percentage is 4.77%.

Assuming distributions were to grow each (financial) year at the same rate as revenue, being 4% per annum (2016–2018), then 5% (2019–2021) and 4% per annum (2022 onwards), the following would be the impact of the freeze:

	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25
Estimate (no moratorium)	1,488	1,548	1,610	1,690	1,775	1,863	1,938	2,015	2,096	2,180
Moratorium	1,431	1,431	1,431	1,431	1,431	1,431	1,431	1,431	1,431	1,431
Impact	(57)	(117)	(179)	(259)	(344)	(432)	(507)	(584)	(665)	(749)

### *Summary –*

Total original distribution profile	\$18,203,000
10 year freeze distribution profile	\$14,310,000
Shortfall in distribution income	\$3,893,000

It should be noted that the current freeze and the proposed extension will have no impact on the Council's Long-term Financial Plan (LTFP). The LTFP does not assume any growth in TasWater distributions and assumes only the distribution of \$1.431m. per annum.

There is a case for significant capital expenditure on the water and sewerage treatment assets managed by TasWater. Relying on increases in the water and sewerage charges to consumers to fund the capital works, but at the same time increasing distributions to the owner councils may create some concerns in the community.

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- . Improve corporate governance
- . Improve service provision.

*CONCLUSION*

It is recommended that the Council commit to extending the current moratorium on increases in distributions until 2024–2025 in the event that TasWater secures commitments of no less than \$400 million from the State and Federal Governments over a 10 year period to upgrade the State’s water and sewerage infrastructure.”

The Executive Services Officer reports as follows:

“A suggested resolution is submitted for consideration.”

- “That the Council commit to extending the current moratorium on increases in distributions until 2024–2025 in the event that TasWater secures commitments of no less than \$400 million from the State and Federal Governments over a 10 year period to upgrade the State’s water and sewerage infrastructure.”

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## NOTES

COMMUNITY SERVICES

**2.2 Council acting as a planning authority**

The Mayor reports as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* 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 Community Services has submitted the following report:

‘If any such actions arise out of Agenda Items 2.3 and 2.4, 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 reports as follows:

“Councillors are reminded that the *Local Government (Meeting Procedures) Regulations 2015* 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.

A suggested resolution is submitted for consideration.”

- “That the Mayor’s report be received.”

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**2.3 Residential (dwelling and outbuilding – garage) – variation to side boundaries at 193 Allport Street East, Leith – Application No. DA215176**

The Director Community Services reports as follows:

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

<i>'DEVELOPMENT APPLICATION No.:</i>	DA215176
<i>PROPOSAL:</i>	Dwelling and outbuilding (garage)
<i>APPLICANT:</i>	Todd Wilkin
<i>LOCATION:</i>	193 Allport Street East, Leith
<i>ZONE:</i>	Rural Living
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	20 April 2016
<i>REPRESENTATIONS EXPIRY DATE:</i>	5 May 2016
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	30 May 2016
<i>DECISION DUE:</i>	30 May 2016

*PURPOSE*

The purpose of this report is to consider an application for a dwelling and outbuilding (garage) at 193 Allport Street East, Leith.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – Submission to Planning Authority Notice from TasWater, Reference No. TWDA 2016/00490-CC.

*BACKGROUND*

*Development description –*

It is proposed to erect a new dwelling and shed (garage) on a vacant internal lot off Allport Street East, Leith. Access to the site is by access strip to a small cul-de-sac.

The dwelling would be 303m<sup>2</sup> in area, single storey and contain three or four bedrooms. It would be constructed with dark coloured brick walls and a dark grey “Colorbond” roof.

The proposed garage outbuilding would be 135m<sup>2</sup> in area and stand 4.2m high. It would be constructed of steel and clad in grey coloured “Colorbond” metal sheeting.



*Site description and surrounding area –*

The site slopes gently downwards from south to the north before sloping upwards to the eastern boundary. Approximately one-third of the eastern portion of the site contains native forest vegetation. There is evidence of some recent clearing of the lot.

The cul-de-sac that serves the site also provides access to four other lots. A drainage easement runs along the proposed driveway/access strip providing a right of drainage for stormwater over the lot directly to the west of the site (SP160390).

The title indicates an approximately 8m wide strip parallel to the northern boundary which is dedicated for vegetation protection, and requires the owners not to permit or allow to be carried out, any clearance of native vegetation within that area. This would apply to erection of a building and prevent such construction on the basis that such building is likely to cause the clearance of some native vegetation.

*History –*

In 2007, the Council approved subdivision of a parent lot, including the subject lot, into eight lots. The decision was appealed. The judgement, which was reached through mediation, included incorporation of a 10m wide native vegetation retention strip along the northern boundary of the land, including the subject lot, and parallel with the Hill Street road reserve. This was implemented as a covenant on the Title to the land.

On 27 January 2015, the Council approved a three lot subdivision at 195 Allport Street East. The subject site is Lot 1 on the approved plan (DA214098).

The current application was preceded by a similar proposal which was withdrawn because it did not meet a setback requirement imposed by the Resource Management and Planning Appeal Tribunal. The requirement was for a 10m wide strip parallel with the northern boundary over the subject lot, within which there is to be no native vegetation removal.

The current plan shows the shed moved to meet the Tribunal's required setback, but also includes a resiting of the dwelling 2m closer to the southern boundary of the lot, i.e. now a 1m setback.

*DISCUSSION*

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

### 13.0 Rural Living Zone

CLAUSE	COMMENT
<b>13.3 Use Standards</b>	
<b>13.3.1 Discretionary permit use</b>	
<p>13.3.2-(P1) Discretionary permit use must:</p> <ul style="list-style-type: none"> <li>(a) be consistent with local area objectives;</li> <li>(b) be consistent with any applicable desired future character statement; and</li> <li>(c) minimise likelihood for unreasonable impact on amenity for residential use on adjacent land in the zone.</li> </ul>	Not applicable. Residential use is permitted.
<b>13.3.2 Impact of use</b>	
13.3.2-(A1) Use that is not a residential use must not occur on more than two adjoining sites.	Not applicable. The use is residential.
13.3.2-(A2) The site for a use that is not a residential use must not require pedestrian or vehicular access from a no-through road.	Not applicable. The use is residential.

<p>13.3.2–(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.</p>	<p>Not applicable. The use is residential.</p>
<p><b>13.4.1 Suitability of a site or lot for use or development</b></p>	
<p>13.4.1–(A1) Each site or each lot on a plan of subdivision must:</p> <p>(a) have an area not less than:</p> <p>(i) 1.0 hectares excluding any access strip; or</p> <p>(ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality; and</p> <p>(b) if intended for a building, contain a building area:</p> <p>(i) of not more than 1,000m<sup>2</sup>;</p> <p>(ii) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(iii) clear of any applicable setback from a zone boundary;</p> <p>(iv) clear of any registered easement;</p>	<p>(a) Non-compliant. Lot is 5,815m<sup>2</sup>.</p> <p>(b) Compliant. Proposed building area is 545m<sup>2</sup>.</p> <p>See “Issues” section below.</p>

<ul style="list-style-type: none"> <li>(v) clear of any registered right-of-way benefiting other land;</li> <li>(vi) clear of any restriction imposed by a utility;</li> <li>(vii) not including any access strip; and</li> <li>(viii) clear of any area required for the on-site disposal of sewage or stormwater; and</li> <li>(ix) accessible from a frontage or access strip.</li> </ul>	
<p>13.4.1–(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <ul style="list-style-type: none"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</li> <li>(c) by a right of way connecting to a road: <ul style="list-style-type: none"> <li>(i) over land not required as the means of access to any other land; and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. No other land has right of access over the frontage.</li> <li>(b) Compliant. Internal lot – access strip provides for no other lot access.</li> <li>(c) Not applicable. No right of way connection.</li> <li>(d) Compliant. Width of frontage/access strip is 6m.</li> <li>(e) Compliant. Existing access previously approved.</li> </ul>

<ul style="list-style-type: none"> <li>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</li> <li>(d) with a width of frontage and any access strip or right of way of not less than 6.0m; and</li> <li>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</li> </ul>	
<p>13.4.1–(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply:</p> <ul style="list-style-type: none"> <li>(a) from a connection to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</li> <li>(b) from a rechargeable drinking water system <sup>R6</sup> with a storage capacity of not less than 10,000 litres if: <ul style="list-style-type: none"> <li>(i) there is not a reticulated water supply; and</li> <li>(ii) development is for:</li> </ul> </li> </ul>	<p>Compliant. The site is connected to the reticulated water system.</p>

<ul style="list-style-type: none"> <li>a. a single dwelling; or</li> <li>b. a use with an equivalent population of not more than 10 people per day.</li> </ul>	
<p>13.4.1–(A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and trade waste:</p> <ul style="list-style-type: none"> <li>(a) to a reticulated sewer system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</li> <li>(b) by on-site disposal if: <ul style="list-style-type: none"> <li>(i) sewage or trade waste cannot be drained to a reticulated sewer system; and</li> <li>(ii) the development: <ul style="list-style-type: none"> <li>a. is for a single dwelling; or</li> <li>b. provides for an equivalent population of not more than 10 people per day; or</li> <li>c. creates a total sewage and waste water flow of not more than 1,000 litres per day; and</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. The site is not connected to the reticulated sewerage system.</li> <li>(b) Compliant. On-site disposal proposed – for a single dwelling with capacity for on-site disposal.</li> </ul>

<p>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS1547:2012 On-site domestic-wastewater management clear of any defined building area or access strip.</p>	
<p>13.4.1–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p> <p>(a) for discharge to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <p>(i) for discharge to a natural drainage line, water body, or watercourse; or</p> <p>(ii) for disposal within the site if:</p> <p>a. the site has an area of not less than 5,000m<sup>2</sup>;</p> <p>b. the disposal area is not within any defined building area;</p> <p>c. the disposal area is not within any area required for the disposal of sewage;</p>	<p>(a) Compliant. The site is connected to the reticulated stormwater system.</p> <p>(b)(i) Compliant. The lot is to drain stormwater to the registered drainage easement.</p> <p>(b)(ii) Not applicable.</p> <p>(b)(iii) Compliant. Proposal is for a single dwelling.</p>

<p>d. the disposal area is not within any access strip; and</p> <p>e. not more than 50% of the site is impervious surface; and</p> <p>(iii) the development is for a single dwelling.</p>	
<b>13.4.2 Dwelling density</b>	
<p>13.4.2-(A1) The site area per dwelling must:</p> <p>(a) be not less than 1.0 hectare; or</p> <p>(b) if the site is in a locality shown in the Table to this clause, the site area for that locality.</p>	<p>(a) Non-compliant. Site area per dwelling being is 5,815m<sup>2</sup>.</p> <p>(b) Not applicable. No Table to clause.</p> <p>See "Issues" section below.</p>
<b>13.4.3 Location and configuration of development</b>	
<p>13.4.3-(A1) A building, utility structure, garage, carport or an external car parking area and any area for the display, handling, or storage of goods, materials or waste, must be set back from a frontage:</p> <p>(a) not less than 20.0m;</p> <p>(b) not less or not more than the setbacks for any existing building on each of the immediate adjoining sites;</p>	<p>(a) Compliant. The frontage setback of the dwelling is approx. 57m.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Not applicable. Satisfied by (a).</p>



<p>(c) not less than for any building retained on the site;</p> <p>(d) in accordance with any building area shown on a sealed plan of subdivision; or</p> <p>(e) not less than 50.0m if the site abuts the Bass Highway.</p>	<p>(e) Not applicable. Site does not abut Bass Highway.</p>
<p>13.4.3–(A2) All buildings must be contained within a building envelope determined by:</p> <p>(a) the applicable frontage setback;</p> <p>(b) a setback of not less than 10.0m from each side boundary;</p> <p>(c) a setback of not less than 10.0m from the rear boundary;</p> <p>(d) a setback of not less than 20.0m from any designated building area on each adjacent site; or</p> <p>(e) any building area shown on a sealed plan; and</p> <p>(f) building height of not more than 8.5m.</p>	<p>The proposed building setbacks are as follows:</p> <p>(a) Compliant. 65m from frontage.</p> <p>(b) Non-compliant. Garage setback 6m from western and 10m from northern boundaries. Dwelling setback 1m from southern boundary.</p> <p>See “Issues” section below.</p> <p>(c) Compliant. Rear setback – 75m.</p> <p>(d) Not applicable. No designated building area on adjacent site.</p> <p>(e) Not applicable. No building area on a sealed plan.</p> <p>(f) Compliant. Building height – 4.6m.</p>

<p>13.4.3–(A3) Site coverage must:</p> <p>(a) be not more than 500m<sup>2</sup>; and</p> <p>(b) not include any part of a site required for the disposal and drainage of sewage or stormwater; or</p> <p>(c) be not more than any building area shown on a sealed plan.</p>	<p>(a) Compliant. Site coverage is 440m<sup>2</sup>.</p> <p>(b) Compliant. Does not include areas required for disposal or drainage of sewage or stormwater.</p> <p>(c) Not applicable. No building area shown on a sealed plan.</p>
<p>13.4.3–(A4) A building or utility structure must be:</p> <p>(a) not less than 15.0m below the level of any adjoining ridgeline;</p> <p>(b) not less than 30.0m from any shoreline to a marine or aquatic water body, watercourse, or wetland; and</p> <p>(c) clad and roofed in non-reflective materials.</p>	<p>(a) Compliant. The proposed buildings are not sited on a ridgeline.</p> <p>(b) Compliant. The proposed buildings are not sited within 50m of a shoreline or aquatic water body, watercourse or wetland.</p> <p>(c) Compliant. External walls of the dwelling would be brown coloured brick while roof would be dark grey coloured corrugated Colorbond.</p>
<p><b>13.4.4 Acoustic and visual privacy for residential development</b></p>	
<p>13.4.4–(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building must:</p>	<p>(a) Compliant. Loungeroom windows on western side, approximately 25m from side (western) boundary and bedroom windows setback 75m from rear (eastern) boundary.</p>

<p>(a) be not less than 10.0m from a side boundary and 10.0m from a rear boundary to adjoining land in any zone for residential purposes; or</p> <p>(b) be not less than 10.0m from a door or window to a habitable room or any part of a balcony, deck, or roof garden in an adjacent dwelling.</p>	<p>(b) Compliant. Dwelling would be setback approximately 70m from closest dwelling (191 Allport Street East).</p>
<p>13.4.4–(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 5.0m horizontally from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Compliant. Closest dwelling (191 Allport Street East) is approximately 15m away from access strip.</p>
<p><b>13.4.5 Private open space for multiple dwelling residential use</b></p>	
<p>13.4.5–(A1) Each dwelling in a multiple dwelling must have external private open space that:</p> <p>(a) is accessible from the dwelling;</p> <p>(b) comprises an area of not less than 50.0m<sup>2</sup>;</p> <p>(c) has a minimum dimension of 5.0m;</p> <p>(d) has a gradient of not more than 1 in 10.</p>	<p>Not applicable. No multiple dwellings proposed.</p>

<p>13.4.5–(A2) The required minimum private open space area must be capable of receiving at least three hours of sunlight between 9.00am and 3.00pm on 21 June.</p>	<p>Not applicable. No multiple dwellings proposed.</p>
<p><b>13.4.6 Setback of development for sensitive use</b></p>	
<p>13.4.6–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown on the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary.</p>	<p>(a) Compliant. The Table to this clause requires a setback of 10m from the Rural Resource zone boundary. Proposed dwelling would be 75m from the zone boundary.</p> <p>(b) Compliant. Proposed development would fit within the stipulated building envelope.</p>
<p>13.4.6–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) the Bass Highway;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(a) Compliant. Distance to Bass Highway – 430m.</p> <p>(b) Compliant. Distance to Western Rail Line – 530m.</p> <p>(c) Compliant. No land designated for future road or rail purposes.</p> <p>(d) Compliant. Distance to Devonport Wharf – approximately 10km.</p>

<b>13.4.7 Subdivision</b>	
<p>13.4.7-(P1) Each new lot on a plan of subdivision must be:</p> <ul style="list-style-type: none"> <li>(a) intended for residential use;</li> <li>(b) a lot required for public use by the State Government, a Council, a statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority; or</li> <li>(c) for a purpose permissible in the zone.</li> </ul>	Not applicable. No subdivision proposed.
<p>13.4.7-(P2)</p> <ul style="list-style-type: none"> <li>(a) A lot must have a frontage to a road; or</li> <li>(b) An internal lot on a plan of subdivision must be: <ul style="list-style-type: none"> <li>(i) reasonably required for the efficient use of land as a result of a restriction on the layout of lots with a frontage imposed by: <ul style="list-style-type: none"> <li>a. slope, shape, orientation and topography of land;</li> <li>b. an established pattern of lots and development;</li> </ul> </li> </ul> </li> </ul>	Not applicable. No subdivision proposed.

## COMMUNITY SERVICES

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<p>c. connection to the road network;</p> <p>d. connection to available or planned utilities;</p> <p>e. a requirement to protect ecological, scientific, historic, cultural or aesthetic values, including vegetation or a watercourse; or</p> <p>f. exposure to an unacceptable level of risk from a natural hazard; and</p> <p>(ii) without likely impact on the amenity of adjacent land.</p>	
<b>13.4.8 Reticulation of an electricity supply to new lots on a plan of subdivision</b>	
13.4.8-(A1) Electricity reticulation and site connections must be installed underground.	Not applicable. No subdivision proposed.
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Code does not apply to single dwellings.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in this Scheme.

<b>E3 Clearing and Conversion of Vegetation Code</b>	
<b>E3.2 Application of the Code</b>	Code applies – to land in the Rural Living zone and requires a permit. Some mature Eucalyptus trees would require removal to make way for the proposed dwelling and outbuilding.
<b>E3.4 Use or development exempt from this Code</b>	Development not exempt because not all the land has been previously cleared and no reserve management plan applies.
<b>E3.6 Development Standards</b>	
<b>E3.6.1 Protection of a threatened native vegetation community or native vegetation providing habitat for a threatened species</b>	
<p>E3.6.1–(A1) Vegetation must not be:</p> <ul style="list-style-type: none"> <li>(a) a threatened native vegetation community;</li> <li>(b) a threatened species habitat; or</li> <li>(c) within 30.0m of a water body, watercourse, wetland, or coastal shoreline.</li> </ul>	<p>Compliant. Site of proposed building is not a threatened native vegetation community or a threatened species habitat, and is not within 30m of a watercourse or water body.</p> <p>A section of the lot alongside and parallel with the Hill Street Reserved Road is a dedicated native vegetation retention area. The area was required by the Resource Management and Planning Appeal Tribunal in response to an appeal against subdivision of the land in August 2007.</p>

E3.6.2 Clearing of vegetation on land of scenic or landscape value	
<p>E3.6.2-(P1)</p> <p>(a) The harvesting of timber or the clearing and conversion of vegetation must:</p> <ul style="list-style-type: none"> <li>(i) be necessary to deliver an overriding social, economic, or environmental benefit to the community; or</li> <li>(ii) be justified by exceptional circumstances; and</li> <li>(iii) there is no suitable alternative site; or</li> </ul> <p>(b) be consistent with the objectives and outcomes for any scenic or landscape management plan incorporated as a document forming part of this planning scheme; and</p> <p>(c) the extent of clearing and conversion must:</p> <ul style="list-style-type: none"> <li>(i) retain a sufficient intensity and distribution of vegetation to screen cleared and converted areas;</li> <li>(ii) not impact on the visual qualities of a shoreline, skyline, ridge, or other prominent landform feature;</li> <li>(iii) not be exposed to view from a road, public place, or settlement area; and</li> </ul>	<p>(a) Compliant. Removal of trees outside the vegetation retention area is considered an exceptional circumstance in the context of the lot size and location, its zoning for residential use and the absence of a suitable alternative site.</p> <p>(b) Not applicable. No scenic or landscape management plan incorporated into the Scheme.</p> <p>(c) Compliant. Tree removal combined with retention of native vegetation retention area would constitute a sufficient intensity and distribution of vegetation to screen cleared and converted areas, would not adversely impact on the visual qualities of the ridgeline, would not be unreasonably exposed to the surrounding road network, and does not require additional measures to minimise impact on landscape value.</p>



(iv) include measures to minimise likely adverse impact for scenic or landscape value.	
<b>E3.6.3 Clearing of vegetation on land susceptible to landslide</b>	
<p>E3.6.2–(A1) The site must be within an area:</p> <p>(a) exposed to a low level of likely risk from landslide; and</p> <p>(b) a landslide hazard risk assessment <sup>L1</sup> must indicate clearing of native vegetation:</p> <p>(i) can achieve and maintain a tolerable level of risk; or</p> <p>(ii) there is an insufficient increase in the level of risk to warrant any specific hazard reduction or protection measures; or</p> <p>(iii) any condition or requirement for specific hazard reduction or protection measures.</p>	<p>(a) Compliant. Land is located within an area of low risk of landslide.</p> <p>(b) Not applicable. No landslide risk assessment required.</p>
<b>E4 Change in Ground Level Code</b>	Not applicable. Changes in ground level would not exceed 1m.

<b>E5 Local Heritage Code</b>	Not applicable. No places of local heritage value listed in Code.
<b>E6 Hazard Management Code</b>	Not applicable. No hazards indicated in any hazard map.
<b>E7 Sign Code</b>	Not applicable. No signs proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Code applies to all development.
<b>E9.4 Use or development exempt from this Code</b>	Not exempt. No Local Area Parking Scheme applies to the land.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
<p>E9.5.1–(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;</p>	<p>(a) Compliant. The Table to the Code requires two on-site car parking spaces. The development proposes four spaces.</p> <p>(b) Not applicable. Parking only triggered where 20 or more car parking spaces are required or provided.</p>

<p>(b) motor bike parking at a rate of one space for every 20 vehicle parking spaces;</p> <p>(c) parking spaces for people with disabilities at the rate of one space for every 20 parking spaces or part thereof; and</p> <p>(d) bicycle parking at the rate of one space for every 20 vehicle parking spaces or part thereof.</p>	<p>(c) Not applicable. Parking only triggered where 20 or more car parking spaces are required or provided.</p> <p>(d) Not applicable. Parking only triggered where 20 or more car parking spaces are required or provided.</p>
<p><b>E9.5.2 Provision for loading and unloading of vehicles</b></p>	
<p>E9.5.2-(A1) There must be provision within a site for:</p> <p>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.</p>	<p>(a) Not applicable. Table to the Code does not require loading or unloading provision.</p> <p>(b) Not applicable. Provision does not apply to residential use.</p>
<p><b>E9.6 Development Standards</b></p>	
<p><b>E9.6.1 Road access</b></p>	
<p>E9.6.1-(A1) There must be an access to the site from a carriageway of a road <sup>R36</sup>:</p>	<p>(a) Compliant. Access to Allport Street East approved at previous subdivision stage.</p>

<p>(a) permitted in accordance with the <i>Local Government (Highways) Act 1982</i>;</p> <p>(b) permitted in accordance with the <i>Roads and Jetties Act 1935</i>; or</p> <p>(c) permitted by a license granted for access to a limited access road under the <i>Roads and Jetties Act 1935</i>.</p>	<p>(b) Not applicable. Not a State road.</p> <p>(c) Not applicable. Not a Limited Access road.</p>
<p><b>E9.6.2 Design of vehicle parking and loading areas</b></p>	
<p>E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p>	<p>Compliant. The plans indicate that stormwater from development would be drained to the reticulated system.</p>
<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <p>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</p>	<p>(a) Compliant. Accepted that off-street car parking and manoeuvring areas are consistent with AS 2890.1 (2004).</p> <p>(b) Not applicable. Parking types not proposed or required.</p> <p>(c) Not applicable. Parking types not proposed or required.</p> <p>(d) Not applicable. Parking types not proposed or required.</p>

<p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</p> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space;</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	<p>(e) Compliant. All parking spaces accessible from internal driveway.</p> <p>(f) Compliant. Sufficient vehicle manoeuvring area to allow for on-site turning.</p> <p>(g) Compliant. Driveway surface not indicated on plans. Include as a condition of approval.</p>
<p>E9.6.2–(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Compliant. Guidelines apply to unsealed rural roads. Would only be applicable if access and driveway are not sealed.</p>
<p><b>E10 Water and Waterways Code</b></p>	<p>Not applicable.</p>
<p><b>Specific Area Plans</b></p>	<p>Not applicable. No Specific Area Plans apply to this location.</p>

### *Issues –*

#### *1 Lot size –*

The subject lot is 5,815m<sup>2</sup> in size: Section 13.4.1 A1 of the Scheme requires a lot to be a minimum of 1ha. The application therefore requires assessment against the associated Performance Criteria which require that the site is of sufficient area for the intended use without constraint or interference caused.

Under the former Central Coast Planning Scheme 2005 the area was zoned Low Density Residential which carried with it a minimum lot size of 4,000m<sup>2</sup> and setbacks of 10m from the front and 5m from side and rear boundaries. Much of the Leith area has been developed in accordance with those standards.

With the introduction of Interim Planning Schemes, the Tasmanian Planning Commission (the Commission) directed that Leith and other Low Density Residential zoned areas be zoned Rural Living with the 1ha minimum lot size. The Council made representations to amend the standards as they apply to places like Leith – including the 4,000m<sup>2</sup> minimum lot size. The Council was concerned that the standards were not appropriate and would cause most applications to invoke discretion unnecessarily. The advice of the Commission on the changes sought is still awaited.

However, the current proposal needs to be assessed under the current Scheme provisions and specifically whether the development is consistent with the Performance Criteria. The Performance Criteria require the lot be of adequate size and dimension to accommodate the proposed development without any adverse effect on the design of the buildings, access, development on adjacent lots, a utility or easements.

The only matter which is at issue under the Performance Criteria is in relation to easements. The Title contains two burdening provisions. First is the 10m wide native vegetation retention area which runs along and parallel with the northern boundary. The second is a 3m wide drainage easement which runs for 80m along the access strip, for the carriage of stormwater from the cul-de-sac to a stormwater pit.

The proposed garage has been redesigned so it is sited at the edge of the 10m native vegetation retention area. The covenant requires an owner not to permit or allow to be carried out any clearance of native vegetation. In this case it is unlikely that the proposed garage would

destroy any native vegetation within the covenanted area. This would be consistent with the covenant and for this reason is considered acceptable.

Generally it is considered that the proposal is of an appropriate scale and form for the site and would be consistent with that of the surrounding area. It is also consistent with the Council's preferred form and density for the area as evidenced by the pattern and form of development in the area. On this alone an exercise of discretion on lot size would be appropriate.

However the proposal must demonstrate that the development is capable of satisfying the stated requirements for having no adverse effect on the design of the buildings, access, development on adjacent lots, a utility and any easements.

The development adequately satisfies these Criteria, and on this basis it is considered that an exercise of discretion on the lot size standard would be justified.

## 2 *Dwelling density –*

Section 13.4.2 of the Scheme requires a dwelling density of one dwelling per hectare. In this case the density would be one dwelling per 5,815m<sup>2</sup>. An assessment against the Performance Criteria involving an exercise of discretion is therefore required.

The background circumstances regarding density are similar to those discussed above under "Lot size", specifically as they relate to development provisions of the Rural Living zone and the Commission's decision on zoning.

As indicated above, the current proposal must be assessed against the current Scheme provisions. The relevant Performance Criteria for density are similar to those for lot size, i.e. land is to be capable of containing a suitable building area, have road access, have a water supply, can dispose of sewage and can dispose of stormwater. The development is capable of satisfying each of these Criteria, as discussed under "Lot size" above.

The Performance Criteria also require that the development has a tolerable level of risk from a natural hazard. The subject land does not show on hazard maps as being at risk of landslide, acid sulphate soils

or coastal erosion or inundation and on this basis it is considered that the remaining Criteria is also satisfied.

An exercise of discretion on the dwelling density standard is also considered justified.

### 3 *Side boundary setbacks –*

Section 13.4.3 of the Scheme contains standards for, inter alia, building setbacks. The proposed development is required to be setback 10m from side and rear boundaries. Proposed minimum setbacks are:

- . Dwelling – 1m from southern boundary; and
- . Garage – 7m from western boundary.

The Performance Criteria against which the proposed setbacks need to be assessed are:

- (a) to minimise over-shadowing of a habitable room on an adjacent site;
- (b) to take account of the relationship between proposed development and surrounding buildings;
- (c) to minimise apparent scale, bulk, massing and proportion relative to adjacent buildings;
- (d) consistency with rural landscape and streetscape; and
- (e) respond to slope and orientation to attenuate impact on adjacent land.

Firstly, regarding the 1m setback of the dwelling from the southern boundary, there is not yet a dwelling on the adjacent southern lot so it is appropriate to consider the shading impact as though there was a dwelling on the land – of a type and form that could be reasonably expected. Such a dwelling would be single storey with a northern boundary setback of between 3m and 5m, and sited in a similar position on the lot to that proposed in this case.

Shading diagrams submitted with the application show that some shadowing of the adjacent lot would occur in winter as a consequence of the proposed development. The shading impact would be greatest



in the morning, up to 11.00am after which the shading would be only a little more than would be caused by a 1.5m high boundary fence.

It is also likely that shading caused by the dwelling would be less than that caused by existing substantial vegetation in the Hill Street Road Reserve and covenanted vegetation retention area on the subject lot. The shading effect of the proposed buildings and the siting of the dwelling 1m from the southern boundary is not likely to be unreasonable.

The designer of a future dwelling on the adjacent lot would also have the opportunity to plan the site in a manner that mitigates any adverse impacts associated with the development now proposed.

The first test is deemed to be satisfied.

The second test is that the relationship between proposed development and surrounding buildings are taken into account. In this case the proposed buildings are large lot residential in character, domestic in scale and traditional in form and materials. Such characteristics are commonly found in the area and can be expected with future development.

A 1m side setback is an unusual setback distance in Rural Living areas. A 5m setback would be more common.

In this case the lot is linear in shape and with a 10m covenanted area on the northern side. These factors combine to constrain development and in that context a lesser setback could be expected.

The site and two other lots from the parent title are most visible from the adjoining cul-de-sac and the end section of Allport Street East. From these points development would appear close due to the foreshortening effect of viewing three buildings in a line. In this context whether the setback was 1m or 5m would make little noticeable difference in a streetscape sense.

The applicant gives as the reason for the lesser setback that a greater setback would push the dwelling northwards so that the outlook of an alfresco area would be to the end of the shed, which would undermine the amenity of that space as a consequence.

It is considered that the relationship between the proposed development and surrounding buildings has been adequately

considered, and therein the Performance Criteria are deemed to be satisfied.

For similar reasons it is considered that the three remaining Performance Criteria have also been satisfied.

In respect of the proposed 7m setback of the proposed garage to the western boundary, the same Criteria regarding setback of the dwelling must be satisfied in the case of the garage.

The first requirement is that over-shadowing is minimised.

The adjacent western lot (191 Allport Street East) already contains a dwelling and is sited at the southern end of the lot, approximately 40m away from the proposed garage.

At a 40m separation it is unlikely that the proposed garage would cause any shading of the neighbouring dwelling or a habitable room within it. The proposed garage would be consistent with the first test.

The second requirement is that the building must take account of the relationship between proposed development and surrounding buildings.

The garage would be 40m from the dwelling at 191 Allport Street East and approximately 40m from a future dwelling on the southern neighbouring lot. It would read as a separate building spaced apart from those around it. Also, sheds of the type proposed are common in suburban and rural living areas and in this case would be consistent with reasonable expectations.

It is considered that the proposed garage would be consistent with the second requirement.

The third requirement is that the apparent scale, bulk, massing and proportion of the building is minimised relative to adjacent buildings.

The proposed garage would be of a scale and proportion commonly found in residential and rural living areas and is consistent with reasonable development expectations.

The fourth requirement is that the structure be consistent with the rural landscape and streetscape. For the same reasons as those stated for the second and third tests, this requirement is deemed to be satisfied.

In addition, the darker tones of proposed building materials of the dwelling and garage would help to down-play the presence of the buildings in the landscape.

The fifth requirement is that the development is to attenuate its impact on adjacent land by responding to slope and orientation. In this case the land is reasonably level and does not require any particular design measures to attenuate its impact. The fifth test is deemed to have been satisfied.

It is considered that the Performance Criteria have been satisfied in relation to the siting of the proposed garage and that an exercise of discretion on the western boundary setback would be justified.

4 *Stormwater management –*

Management of stormwater in the immediate area was addressed at the subdivision approval stage. The principal piece of infrastructure was a pit and drain from the cul-de-sac to an intermittent watercourse approximately 100m to the north-west of the cul-de-sac.

A Council stormwater connection point has been provided to the subject property at its low point. Collection of run-off from roofs and hard surfaces will be required under the Building/Plumbing Permit. This and development of remaining lots in the area will increase the amount of stormwater collected from hard surfaces and disposed of through the reticulated system and correspondingly reduce the overland flow of stormwater, which has been an issue for some residents in recent years.

The Council's Infrastructure Services Department requires that the location of the stormwater connection point, and the suitability of this to service the proposed development, should be confirmed and be shown on the plans submitted with the Building Permit application. This will be included as a condition of approval.

*Referral advice –*

Referral advice from the various Departments of the Council and other service providers was provided as follows:

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No conditions.
Infrastructure Services	Condition provided.
TasWater	No referral required.
Department of State Growth	No referral required.
Environment Protection Authority	No referral required.
TasRail	No referral required.
Heritage Tasmania	No referral required.
Crown Land Services	No referral required.
Other	No referral required.

### *CONSULTATION*

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

- . a site notice was posted;
- . letters to adjoining owners were sent; and
- . an advertisement was placed in the Public Notices section of The Advocate.

### *Representations –*

One representation was received within the prescribed time, which referred to the concern about stormwater raised in response to the previous similar application which was later withdrawn. A copy of both documents is provided at Annexure 3.

The representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
<p>1 Concerned about stormwater run-off. Representor was required to collect and dispose of driveway run-off on his property and requests consideration of storm-water effects of proposed development on his property. Photographs provided.</p>	<p>Concern is with natural run-off which is outside the Council's control.</p> <p>A Council stormwater drainage system is in place and a connection point has been provided to 193 Allport Street East at the low point of the property. Collection of run-off from roofs and hard surfaces would be required under the Building/ Plumbing Permit. In effect this lessens the area of the property that generates natural run-off and so this situation should improve.</p> <p>The remainder of the property will likely be vegetated/grassed in time. The relatively clean natural run-off from these areas could be controlled and directed to the low point on the property and into the drainage system by the installation of a small height plinth under the boundary fence between 191 and 193 Allport Street East. However this would be at the discretion of the property owners.</p>

*RESOURCE, FINANCIAL AND RISK IMPACTS*

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

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

### The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

### *CONCLUSION*

The proposed residential use of the land is Permitted in the Rural Living zone and deemed to satisfy the Local Area Objectives listed in the Scheme.

There are exercises of discretion required in relation to the minimum lot size, dwelling density and side boundary setbacks. There are two points about the lot size and density standard. First is that the lot is less than 1ha in area. Requiring the lot to be 1ha would mean consolidation with an adjacent lot, which would not be reasonable.

Second is that the lot size and density matters arise as a result of the Commission's zoning of the land Rural Living and the associated lot size standards.

In the context of the 4,000m<sup>2</sup> lot size and density standards of previous Planning Schemes and the pattern of development that has occurred in accordance with that lot size, it is considered it would be unreasonable to insist on development meeting the 1ha lot size and density provision.

On these matters it is considered that exercises of discretion would be justified.

It has been demonstrated that the lesser setbacks to the southern and western boundaries would satisfy the relevant Performance Criteria, and on this basis exercises of discretion would be justified. Because the lesser setbacks satisfy the Performance Criteria they are also deemed to be consistent with the Statements of Desired Future Character.

### *Recommendation –*

It is recommended that the application for a dwelling and outbuilding (garage) – variation to side boundaries at 193 Allport Street East, Leith, be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the application for this Permit, unless modified by a condition of this Permit.

- 2 The development must be in accordance with the conditions of the Submission to Planning Authority Notice from TasWater, Reference No. TWDA 2016/00490-CC (copy attached).
- 3 Vehicle parking and manoeuvring areas must be formed and constructed with compacted sub-base and an all-weather surface, satisfactorily drained.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period an extension may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 The location of the stormwater connection point, and the suitability of this to service the proposed development, should be confirmed and be shown on the plans submitted with the Building Permit application.
- 3 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 reports as follows:

“A copy of the Annexures referred to in the Land Use Planning Group Leader's report having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

■ “That the application for a dwelling and outbuilding (garage) – variation to side boundaries at 193 Allport Street East, Leith, be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the application for this Permit, unless modified by a condition of this Permit.
- 2 The development must be in accordance with the conditions of the Submission to Planning Authority Notice from TasWater, Reference No. TWDA 2016/00490-CC (copy attached) (a copy being appended to and forming part of the minutes).
- 3 Vehicle parking and manoeuvring areas must be formed and constructed with compacted sub-base and an all-weather surface, satisfactorily drained.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period an extension may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
  - 2 The location of the stormwater connection point, and the suitability of this to service the proposed development, should be confirmed and be shown on the plans submitted with the Building Permit application.
  - 3 Building and Plumbing Permits are required for the proposed development. A copy of this Planning Permit should be given to your building surveyor."
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**2.4 General retail and hire (adult clothing, adult interior design items and adult novelties) – variation to standards for car parking, provision for one small rigid truck space, passenger vehicle pick-up and set-down facility, and length of building wall at 21 Reibey Street, Ulverstone – Application No. DA215189**

The Director Community Services reports as follows:

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

*'DEVELOPMENT APPLICATION NO.:*  
*PROPOSAL:*

DA215189

General retail and hire (adult clothing, adult interior design items and adult novelties) – variation to standards for car parking, provision for one small rigid truck space, passenger vehicle pick-up and set-down facility, and length of building wall

*APPLICANT:*

Marcia Goldsworthy

*LOCATION:*

21 Reibey Street, Ulverstone

*ZONE:*

General Business

*PLANNING INSTRUMENT:*

*Central Coast Interim Planning Scheme 2013 (the Scheme)*



<i>ADVERTISED:</i>	23 April 2016
<i>REPRESENTATIONS EXPIRY DATE:</i>	8 May 2016
<i>REPRESENTATIONS RECEIVED:</i>	23
<i>42-DAY EXPIRY DATE:</i>	2 June 2016
<i>DECISION DUE:</i>	30 May 2016

*PURPOSE*

The purpose of this report is to consider an application for General retail and hire (adult clothing, adult interior design items and adult novelties) – variation to standards for car parking, provision for one small rigid truck space, passenger vehicle pick-up and set-down facility, and length of building wall at 21 Reibey Street, Ulverstone.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representations;
- . Annexure 4 – photographs.

*BACKGROUND*

*Development description –*

The applicant proposes to sell adult goods from the existing commercial premises and lists as the nature of goods sold to include clothing, jewellery, tourist oriented merchandise and a large range of adult novelties.

The business would operate between 10.00am and 6.00pm Monday to Friday and 10.00am to 4.00pm on Saturdays. Projected customer numbers are claimed to be between one and three per hour, depending on time of year and tourist numbers.

Staffing is proposed to be the operator and a casual employee or family member, when required.

There is no on-site car parking provided. An area at the rear of the shop, accessed from Car Park Lane, is a dedicated loading zone which would be available to the the owner for deliveries and stock unloading.

### *Site description and surrounding area -*

The property is located in the central area of the Ulverstone shopping centre which comprises numerous commercial uses including specialty shops, cafes and restaurants, offices (banks and travel agents), hotels and supermarkets.

Many of the premises in the shopping area have no or very limited on-site car parking. Two larger size car parks near Furner's/Coles and the Woolworths supermarket and on-street car parking seem to provide for the bulk of customer car parking for the town centre while all day parking, e.g. for staff, is provided by other car parks and on-street parking at the edge of the shopping centre.

### *History -*

The previous approved use of the subject premises was by Perpetual Trustees for banking and office purposes. The use was approved as a Business and Professional Services use in January 2010. The parking requirement for the use was 12 spaces. These were waived by the Council.

### *DISCUSSION*

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

**21.0 General Business Zone**

CLAUSE	COMMENT
<b>21.3.1 Discretionary Permit Use</b>	
<p>21.3.1–(P1) Discretionary permit use must:</p> <ul style="list-style-type: none"> <li>(a) be consistent with local area objectives;</li> <li>(b) be consistent with any applicable desired future character statement for the zone; and</li> <li>(c) be required to service requirements of the local and district resident and visitor population;</li> <li>(d) minimise potential to: <ul style="list-style-type: none"> <li>(i) service a population beyond the local, district, or municipal community;</li> <li>(ii) have immediate, incremental or cumulative adverse effect on the regional pattern of retail and service provision; and</li> <li>(iii) displace retail, business, and professional use.</li> </ul> </li> </ul>	Not applicable. Use would be Permitted.

21.4.1 Suitability of a site for use or development	
<p>21.4.1–(A1) Each use or development site or each lot on a plan of subdivision must:</p> <p>(a) have a site area of not less than 45m<sup>2</sup>; and</p> <p>(b) if intended for a building, contain a building area of not less than 45m<sup>2</sup>:</p> <p>(i) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(ii) clear of any applicable setback from a zone boundary;</p> <p>(iii) clear of any registered easement;</p> <p>(iv) clear of any registered right of way benefiting other land;</p> <p>(v) not including land required as part of access to the site;</p> <p>(vi) accessible from a frontage or access strip; and</p> <p>(vii) clear of any area required for the on-site disposal of sewage or stormwater.</p>	<p>(a) Compliant. Site area is 190m<sup>2</sup>.</p> <p>(b) Compliant. Building area of 190m<sup>2</sup> satisfies listed requirements.</p>

<p>21.4.1–(A2) A site or each lot on a plan of subdivision must have a separate access from a road:</p> <ul style="list-style-type: none"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</li> <li>(c) by a right of way connecting to a road: <ul style="list-style-type: none"> <li>(i) over land not required as the means of access to any other land; and</li> <li>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</li> </ul> </li> <li>(d) with a width of frontage and any access strip or right of way of not less than 3.6m; and</li> <li>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Access to the site from Car Park Lane for vehicles and from Reibey Street for light deliveries and foot traffic.</li> <li>(b) Not applicable. Not an internal lot.</li> <li>(c) Not applicable. Satisfied by (a).</li> <li>(d) Compliant. Frontage width to Reibey Street is 6.27m.</li> <li>(e) Compliant. The Road Authority (Council) will need to advise it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage.</li> </ul>
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## COMMUNITY SERVICES

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carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.	
21.4.1–(A3) A site or each lot on a plan of subdivision must have a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i> .	Compliant. The site is connected to the reticulated water system.
21.4.1–(A4) A site or each lot on a plan of subdivision must drain sewage and waste water to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i> .	Compliant. The site is connected to the reticulated sewerage system.
21.4.1–(A5) A site or each lot on a plan of subdivision must drain stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i> .	Compliant. The site is connected to the reticulated stormwater system.
<b>21.4.2 Location and configuration of development</b>	
21.4.2–(A1) Building height must not be more than 10.0m.	Compliant. No change in height to existing building proposed (approximately 6m.).
21.4.2–(A2) An external car parking and loading area, and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage elevation of a building.	Compliant. Area at the rear of the store, off Car Park Lane, would be used for limited parking and loading/unloading of goods.
21.4.2–(A3) Buildings in Reibey Street must have zero set back from the frontage.	Compliant. Zero setback to Reibey Street currently provided and no change to the building is proposed.

21.4.2–(A4) Buildings in Victoria Street between Wongi Lane and Patrick Street and in King Edward Street between Grove and Patrick Streets must have zero set back from the frontage.	Not applicable. Not situated in identified location.
21.4.2–(A5) Buildings in Victoria Street between Wongi Place and Patrick Street and in King Edward Street between Grove and Patrick Streets must have the main pedestrian entrance located onto the frontage.	Not applicable. Not situated in identified location.
21.4.2–(A6) A building constructed to the street frontage must have an awning of not less than 3.0m width cantilevered or suspended over the adjoining footway within a road or car park for the full width of the frontage of the building.	Compliant. Premises currently provides an awning across the footpath for full width of frontage. No change to awning proposed.
21.4.2–(A7) A building must not have a continuous wall of more than 20.0 metres measured parallel to the boundaries.	<p>Non-compliant.</p> <p>The longest wall to the street is 6.27m. Streetscape considerations should discount side boundary length – they are not seen from the street. But literal interpretation of this provision would mean side walls are longer than 20m and would involve an assessment against Performance Criteria, involving an exercise of discretion.</p> <p>See “Issues” section below.</p>

<b>21.4.3 Visual and acoustic privacy for residential use</b>	
<p>21.4.3-(A1) A door or window to a habitable room, or any part of a balcony, deck, roof garden, parking space or carport must:</p> <ul style="list-style-type: none"> <li>(a) be not less than 3.0m from a side boundary and 4.0 m from a rear boundary to land in a zone for residential purposes;</li> <li>(b) be not less than 6.0m from any door, window, balcony deck or roof garden in an adjacent dwelling;</li> <li>(c) be off-set by not less than 1.5m from the edge of any door or window in an adjacent dwelling;</li> <li>(d) have a window sill height of not less than 1.8m above finished floor level;</li> <li>(e) have fixed and durable glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.8m above finished floor level; or</li> <li>(f) have fixed and durable external screen other than vegetation of not less than 1.8m height above the finished floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.</li> </ul>	<p>Not applicable. Proposed use is not residential.</p>



21.4.4 Private open space for residential use	
<p>21.4.4-(A1) Each dwelling must provide:</p> <p>(a) external private open space that:</p> <ul style="list-style-type: none"><li>(i) is accessible from the dwelling;</li><li>(ii) comprises an area of not less than 25m<sup>2</sup> for each dwelling;</li><li>(iii) has a gradient of not more than 1 in 10; and</li><li>(iv) has a minimum dimension of 4.0m; or</li></ul> <p>(b) private open space provided as a private balcony, deck or terrace:</p> <ul style="list-style-type: none"><li>(i) of area not less than 25m<sup>2</sup>;</li><li>(ii) minimum dimension of 2.0m; and</li><li>(iii) accessible from the dwelling.</li></ul>	<p>Not applicable. Proposed use is not residential.</p>

<p>21.4.4–(A2) The required minimum private open space area must be capable of receiving at least three hours of sunlight between 9.00am and 3.00pm on 21 June.</p>	<p>Not applicable. Proposed use is not residential.</p>
<p><b>21.4.5 Setback from zone boundaries</b></p>	
<p>21.4.5–(A1) Development of land with a boundary to a zone must:</p> <p>(a) be setback from the boundary of land in an adjoining zone by not less than the distance for that zone shown in the Table to this Clause;</p> <p>(b) not include within the setback area required from a boundary to land in a zone shown in the Table to this Clause:</p> <p>(i) a building or work;</p> <p>(ii) vehicular or pedestrian access from a road if the boundary is not a frontage;</p> <p>(iii) vehicle loading or parking area;</p> <p>(iv) an area for the display, handling, operation, manufacturing, processing, servicing, repair, or storage of any animal, equipment, goods, plant, materials, vehicle, or waste;</p>	<p>(a) Compliant. No boundary with another zone.</p> <p>(b) Compliant. No setback area to another zone.</p> <p>(c) Compliant. No setback area to another zone.</p> <p>(d) Compliant. No setback area to another zone.</p>

<ul style="list-style-type: none"> <li>(v) an area for the gathering of people, including for entertainment, community event, performance, sport or for a spectator facility;</li> <li>(vi) a sign orientated to view from land in another zone; or</li> <li>(vii) external lighting for operational or security purposes; and</li> <li>(c) a building with an elevation to a zone boundary to which this clause applies must be contained within a building envelope determined by: <ul style="list-style-type: none"> <li>(i) the setback distance from the zone boundary as shown in the Table to this Clause; and</li> <li>(ii) projecting upward and away from the zone boundary at an angle of 45° above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary; and</li> </ul> </li> <li>(d) the elevation of a building to a zone boundary must not contain an external opening other than an emergency exit, including a door, window to a habitable room, loading bay, or vehicle entry.</li> </ul>	
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<b>21.4.6 Subdivision</b>	
<p>21.4.6–(P1) Each new lot on a plan of subdivision must be:</p> <p>(a) a lot required for public use by the State government, a Council, a statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority; or</p> <p>(b) for a purpose permissible in the zone.</p>	Not applicable. No subdivision proposed.
<b>21.4.7 Reticulation of an electricity supply</b>	
21.4.7–(A1) Electricity reticulation and site connections must be installed underground.	Compliant. Existing electricity supply is underground.
CODES	
<b>E1 Bushfire–Prone Areas Code</b>	Not applicable. No subdivision or vulnerable or hazardous uses.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in this Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of native vegetation.

<b>E4 Change in Ground Level Code</b>	Not applicable. No cut or fill proposed.
<b>E5 Local Heritage Code</b>	Not applicable. No places of local heritage listed in Code.
<b>E6 Hazard Management Code</b>	Not applicable. Site not included in a mapped hazard area.
<b>E7 Sign Code</b>	Not applicable. No signs proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Code applies to all development.
<b>E9.4 Use or development exempt from this Code</b>	Not exempt. No Local Area Parking Scheme applies to the site.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
<p>E9.5.1–(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;</p>	<p>(a) Non-compliant. Table requires seven on-site car parking spaces. None are provided.</p> <p>(b) Not applicable. Requirement only triggered where 20 spaces are required or proposed.</p>

<p>(b) motor bike parking at a rate of one space for every 20 vehicle parking spaces;</p> <p>(c) parking spaces for people with disabilities at the rate of one space for every 20 parking spaces or part thereof; and</p> <p>(d) bicycle parking at the rate of one space for every 20 vehicle parking spaces or part thereof.</p>	<p>(c) Not applicable. Requirement only triggered where 20 spaces are required or proposed.</p> <p>(d) Not applicable. Requirement only triggered where 20 spaces are required or proposed.</p> <p>See “Issues” section below.</p>
<p><b>E9.5.2 Provision for loading and unloading of vehicles</b></p>	
<p>E9.5.2-(A1) There must be provision within a site for:</p> <p>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.</p>	<p>(a) Non-compliant. Table requires one small rigid truck space. Space not provided.</p> <p>(b) Non-compliant. Passenger vehicle pick-up and set-down facilities not provided on-site.</p> <p>See “Issues” section below.</p>

<b>E9.6 Development Standards</b>	
<b>E9.6.1 Road access</b>	
<p>E9.6.1–(A1) There must be an access to the site from a carriageway of a road <sup>R36</sup>:</p> <p>(a) permitted in accordance with the <i>Local Government (Highways) Act 1982</i>;</p> <p>(b) permitted in accordance with the <i>Roads and Jetties Act 1935</i>; or</p> <p>(c) permitted by a license granted for access to a limited access road under the <i>Roads and Jetties Act 1935</i>.</p>	<p>(a) Compliant. Existing access to Car Park Lane and Reibey Street previously approved. No change proposed.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p>
<b>E9.6.2 Design of vehicle parking and loading areas</b>	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Not applicable. No vehicle parking or loading proposed above that which is currently provided.
E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village Zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –	Not applicable. No vehicle parking or manoeuvring areas or facilities proposed above that which is currently provided.

<ul style="list-style-type: none"> <li>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</li> <li>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</li> <li>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</li> <li>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</li> <li>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</li> <li>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space;</li> <li>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</li> </ul>	
<p>E9.6.2–(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance</p>	<p>Not applicable. Does not apply in the General Business zone.</p>



with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.	
<b>E10 Water and Waterways Code</b>	Not applicable. Site not within 30m of a watercourse or water body.
<b>Specific Area Plans</b>	Not applicable. No Specific Area Plans apply to this location.

### *Issues –*

#### *1 Length of side wall –*

Section 21.4.2 A7 of the General Business zone requires that a continuous wall parallel to the boundary not be longer than 20m. In the case of the proposed change of use, side walls of the building are 23m and 37m long. The building would have been built to confirm with a previous Planning Scheme's provisions.

A sensible interpretation of the purpose of the current provision is that it seeks to conserve the character of narrow shop frontages in the town centre. This being the purpose then it would make sense for the 20m limit to apply to street frontages only, not side walls that face or are shared with adjoining premises. Such walls are not normally seen.

Weight can be given to this interpretation of the purpose of the provision by its inclusion within streetscape character provisions of Acceptable Solutions A1 to A7.

While the suggested interpretation might be a logical one, it is not what the provision actually says. It is likely that a legal opinion would confirm that a literal interpretation is the one that should apply in the circumstances, and in this respect the provision should apply to side boundary walls not adjoining a street.

An assessment against the associated Performance Criteria is therefore required. The associated Performance Criteria requires that a continuous wall contain architectural features and colour to provide visual relief in a manner that complements characteristics of adjacent buildings.

In this case the internal walls of the shop are broken down in area by the creation of three rooms – the front room selling clothing, middle room selling adult products and the rear storage room. These would constitute architectural features and would reasonably also be interpreted as providing visual relief to the extent that it would be seen from a public space.

Colours used in the subject building are subdued and not particularly visible from adjoining shops or the street. On this basis it is considered that the colours used are complementary to the adjacent buildings.

2 *On-site car parking –*

Table E9.1 of the Traffic Generating Use and Parking Code requires provision of seven on-site car parking spaces. Most of the property is covered by the existing shop building and while it is possible to accommodate a single car park inside the building, it is intended to use that space for storage. Land behind the shop is a roadway and is a dedicated loading zone.

Table E9.1 also contains a list of six guiding rules regarding the provision of on-site vehicle parking. Clause (d) of this list states that calculation of the number of spaces to be provided shall be the difference between the required parking for the changed use, and that of an existing parking requirement.

In the case of 21 Reibey Street the former Perpetual Trustees use was granted an exercise of discretion on the provision of 12 spaces. Only seven spaces are required for the proposed adult products shop. Therefore, there is in effect a 'credit' of five spaces.

On this basis the use satisfies the Acceptable Solution for the required number of on-site car parking spaces.

Another consideration in assessing whether the provision of on-site parking should be required, is whether the surrounding area has the capacity to cope with the increased car parking demand. In the area around the subject premises there are numerous car parks – Furner's/Coles, North Reibey Street, the Ulverstone Wharf car park, Bannons car park, Quadrant car park and the Victoria Street car park which are available for public use. These facilities, plus available on-street car parking, are currently capable of accommodating the current needs and demands of users. In the case of the current application where the requirement is less than the previous use, it could be reasonably concluded that demand would be satisfactorily accommodated.

3 *Small rigid truck space –*

The Traffic Generating Use and Parking Code also requires provision of one small rigid truck space. As indicated in the above discussion on car parking, space for on-site parking, including for a small rigid truck, is not available.

An assessment for parking must therefore be made against the associated Performance Criteria, which require:

- (a) it is unnecessary or unreasonable to require provision; or
- (b) parking is provided to meet the needs of the use, likely users and parking demand.

A small rigid truck space would typically be required for the delivery to or collection of goods from the premises. In this case there is a loading zone at the rear of the shop which would be available for use by the shop (refer to Photograph 1 in Annexure 4). The zone is approximately 30m long and does not appear to be heavily used.

The applicant advises that a typical delivery pattern would be three times per week between 6.00am and 10.00am. Delivery vehicles are also likely to be short stay. This level of demand is small and it is likely that the loading zone would have sufficient capacity to accommodate the proposed use and other neighbouring premises.

Consequently it is considered that provision of an additional small rigid truck space would be unnecessary and unreasonable.

#### 4 *Passenger vehicle pick-up and set-down –*

The Traffic Generating Use and Parking Code also requires provision of one passenger vehicle pick-up and set-down facility per 50 parking spaces (or part thereof).

An assessment must therefore be made against the associated Performance Criteria, which require:

- (a) it is unnecessary or unreasonable to require provision; or
- (b) parking is provided to meet the needs of the use, likely users and parking demand.

A passenger vehicle pick-up and set-down facility cannot be provided on the site, a situation common to most other properties in the town centre. Passenger pick-up and set-down typically occurs in Reibey Street or other streets nearby, or public car parks. A significant proportion of on-street parking in Reibey Street is limited to 30 minutes. Such “short term” parking should be suitable to accommodate the passenger vehicle pick-up and set-down demand

generated by the development and that of other premises in the town centre.

In this context it is considered that provision of a separate and additional passenger vehicle pick-up and set-down facility would be unnecessary and unreasonable.

*Referral advice –*

Referral advice from the various Departments of the Council and other service providers is as follows:

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No conditions required.
Infrastructure Services	No conditions required.
TasWater	Referral not required.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Other	Referral not required.

*CONSULTATION*

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

- . a site notice was posted;
- . letters to adjoining owners were sent; and
- . an advertisement was placed in the Public Notices section of The Advocate.

*Representations –*

There were 25 representations received overall with 23 within the prescribed time and two after the prescribed date. Copies of the 23 representations are provided at Annexure 3.

The majority of representations were based on a philosophical objection to the nature of the goods sold and the impact of the sale of such goods on the morals of our society. Such matters are determined by the State Government and are not the domain of planning schemes.

None of the representations raised issues that related directly to the provisions of the Scheme.

The representations are summarised and responded to as follows:

MATTER RAISED	RESPONSE
REPRESENTATION 1	
1 Ulverstone should allow any type of retail business in the central business district.	The Scheme does allow for retail activities in the General Business zone as permitted uses.
REPRESENTATION 2	
1 Use could detrimentally affect community, particularly children and young adults and result in earlier sexualisation and mental health issues.	Not a matter that can be considered under the Scheme.
2 Use may devalue other businesses and decrease trade.	Not a matter that can be considered under the Scheme.
3 Use encourages disrespectful behavior and is not consistent with “Violence against Women: Let’s stop it at the start” program.	Not a matter that can be considered under the Scheme.

REPRESENTATION 3	
1 Shop not appropriate for children or town's image.	Not a matter that can be considered under the Scheme.
REPRESENTATION 4	
1 Not consistent with family friendly image of the town.	Not a matter that can be considered under the Scheme.
2 Shop would not contribute a positive experience in shopping area.	Not a matter that can be considered under the Scheme.
3 Should not be in the busy main street. People should shop on-line for such goods.	Not a matter that can be considered under the Scheme.
REPRESENTATION 5	
1 Shop will attract the wrong people.	Not a matter that can be considered under the Scheme.
2 Shop will place children and youth at greater risk.	Not a matter that can be considered under the Scheme.
REPRESENTATION 6	
1 Use depicts women as sex objects which is offensive.	Not a matter that can be considered under the Scheme.
2 Products for sale are degrading and demeaning.	Not a matter that can be considered under the Scheme.
3 Business does not reflect the Council's stated values of 'Community spirit' and 'Respectful'.	Not a matter that can be considered under the Scheme.
4 Ulverstone will become known as the sex shop town.	Not a matter that can be considered under the Scheme.

5 Business will destroy our family friendly atmosphere.	Not a matter that can be considered under the Scheme.
REPRESENTATION 7	
1 We do not need a sex shop in Ulverstone. The shop at Devonport is able to serve the region.	Not a matter that can be considered under the Scheme.
REPRESENTATION 8	
1 We do not need or want such a shop in Ulverstone. Not consistent with image of town as safe and friendly town.	Not a matter that can be considered under the Scheme.
REPRESENTATION 9	
1 Business would be detrimental to our society and especially harm the youth.	Not a matter that can be considered under the Scheme.
REPRESENTATION 10	
1 There is no door at the rear of the shop: any youth or child could walk through.	Inspection revealed that there is a lockable door at the rear of the shop, which accesses a storeroom, not the room where adult products are displayed and sold. Unlikely that anyone would 'walk through'.
2 Business will not be beneficial – already have highest rates of mental illness, domestic violence and family dysfunction.	Not a matter that can be considered under the Scheme.
REPRESENTATION 11	
1 Shop would not be consistent with the Annual Plan values of 'a sense of safety and belonging'.	Not a matter that can be considered under the Scheme.



2	Ulverstone is free from degrading influences like adult shops.	Not a matter that can be considered under the Scheme.
3	Shop would be centrally located and passed by children and youth.	Not a matter that can be considered under the Scheme.
4	Shop would feed community concerns of family violence and degradation of people.	Not a matter that can be considered under the Scheme.
REPRESENTATION 12		
1	Proposed shop not appropriate in the main street. Other countries have designated areas. People can get adult products through the internet.	The Scheme allows for the proposed development as a Permitted use in the General Business zone.
2	Concerned that shop will victimise the less powerful members of society.	Not a matter that can be considered under the Scheme.
REPRESENTATION 13		
1	Shop would not contribute to Annual Plan goals of a 'safe and healthy environment' or 'improve community well-being'.	Not a matter that can be considered under the Scheme.
2	Use promotes portraying men and women as sex objects. Will not promote respect for people.	Not a matter that can be considered under the Scheme.
3	Those under 18 are able to access adult products now. Shop will increase circulation and availability of such products.	Not a matter that can be considered under the Scheme.
4	Proposed site is not appropriate being an area frequented by children.	The Scheme allows for the proposed development as a Permitted use in the General Business zone.

	Child access to the room where adult products are displayed and sold would be controlled by a staff member.
5 Shop would negatively affect the image of the town.	Not a matter that can be considered under the Scheme.
6 Research shows pornography is a public health risk which should be sufficient to justify refusal.	Not a matter that can be considered under the Scheme.
REPRESENTATION 14	
1 Shop would lower the moral tone of our town and would be obvious to everyone who passes.	The Scheme allows for the proposed development as a Permitted use in the General Business zone.
REPRESENTATION 15	
1 Shop would lower the moral tone of our town.	Not a matter that can be considered under the Scheme.
2 Shop would be a catalyst to much negative behavior towards women.	Not a matter that can be considered under the Scheme.
REPRESENTATION 16	
1 Shop would have a detrimental effect on the community, particularly being in a public location. Groups of most concern are vulnerable and impressionable children, adolescents and young adults.	Not a matter that can be considered under the Scheme.
2 Shop may encourage sexualisation of children.	Not a matter that can be considered under the Scheme.

3	Neighbouring businesses may be devalued.	The Scheme allows for the proposed development as a Permitted use in the General Business zone.
4	Use may be offensive to many people including visitors.	Not a matter that can be considered under the Scheme.
REPRESENTATION 17		
1	Business would have a deleterious effect, particularly because of its public location.	The Scheme allows for the proposed development as a Permitted use in the General Business zone.
2	Shop may encourage sexualisation of children.	Not a matter that can be considered under the Scheme.
3	Neighbouring businesses may be devalued.	The Scheme allows for the proposed development as a Permitted use in the General Business zone.
4	Use may be offensive to many people including visitors.	Not a matter that can be considered under the Scheme.
REPRESENTATION 18		
1	Shop would depict women as sexual objects.	Not a matter that can be considered under the Scheme.
2	Business would not present a good image of the town.	The Scheme allows for the proposed development as a Permitted use in the General Business zone.
3	Shop should not be in the main street.	The Scheme allows for the proposed development as a Permitted use in the General Business zone.
REPRESENTATION 19		
1	Shop in town centre will be detrimental, offensive and inappropriate.	The Scheme allows for the proposed development as a Permitted use in the General Business zone.

2 Development would not enhance the fine characteristics and qualities of the region.	The Scheme allows for the proposed development as a Permitted use in the General Business zone.
REPRESENTATION 20	
1 Development would not add to appeal of the town.	The Scheme allows for the proposed development as a Permitted use in the General Business zone.
2 Does not want children passing the shop.	Not a matter that can be considered under the Scheme.
3 Neighbouring businesses may suffer.	The Scheme allows for the proposed development as a Permitted use in the General Business zone.
REPRESENTATIONS 21 AND 22	
1 Shop teaches young people lust over love.	Not a matter that can be considered under the Scheme.
REPRESENTATION 23	
1 Adult shop would be detrimental to the community and families and is not needed.	Not a matter that can be considered under the Scheme.
2 Location of adult shop on main street in Ulverstone is not appropriate.	The Scheme allows for the proposed development as a Permitted use in the General Business zone.

*RESOURCE, FINANCIAL AND RISK IMPACTS*

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

*CORPORATE COMPLIANCE*

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

*CONCLUSION*

The proposal for an adult products shop is essentially a retail shop in the General Business zone of Ulverstone. As such it is a Permitted use.

Matters raised by representors were, in the main, concerned with the moral nature of goods sold and the perceived impact that might have on people's enjoyment of the shopping centre or the development of young people. These views are based on strongly held beliefs and while they are legitimate in their own right, they are not matters which planning authorities can consider in their implementation of planning schemes. In this case the Scheme zones the land General Business, which allows for this particular retail development as a Permitted use.

In relation to the use, Section 8.7 of the Scheme requires that a Permitted use must be approved, i.e. the Council has no discretion in this regard.

The only matters upon which the Council can exercise its discretion are the non-provision of a small rigid truck space, non-provision of a passenger vehicle pick-up and set-down facility and the length of a continuous side wall.

The proposal satisfies the Acceptable Solution standard for provision of on-site car parking, i.e. no discretion is required on the car parking standard.

Provision of a small rigid truck space and passenger vehicle pick-up and set-down facility has been shown to be unnecessary and unreasonable and for this reason would satisfy the associated Performance Criteria. Exercises of discretion in relation to both vehicle parking provisions is considered to be justified.

The maximum 20m continuous wall standard is not considered appropriate for side walls between buildings in the Ulverstone town centre. There may even be an argument that in the absence of any work associated with the wall, the provision does not apply. However, if the provision does apply then it is appropriate to undertake an assessment against the associated Performance Criteria. That assessment showed that the proposal was able to satisfy the Performance Criteria. It is considered that an exercise on this standard would also be justified.

*Recommendation –*

It is recommended that the application for General retail and hire (adult clothing, adult interior design items and adult novelties) – variation

to standards for car parking, provision for one small rigid truck space, passenger vehicle pick-up and set-down facility, and length of building wall at 21 Reibey Street, Ulverstone be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the application for this Permit.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period an extension may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.'

The report is supported."

The Executive Services Officer reports as follows:

"Copies of the Annexures referred to in the Land Use Planning Group Leader's report having been circulated to all Councillors, a suggested resolution is submitted for consideration."

■ "That the application for General retail and hire (adult clothing, adult interior design items and adult novelties) – variation to standards for car parking, provision for one small rigid truck space, passenger vehicle pick-up and set-down facility, and length of building wall at 21 Reibey Street, Ulverstone be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the application for this Permit.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period an extension may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made."

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# Associated Reports And Documents

438300



STREET

5443200

191

193

195

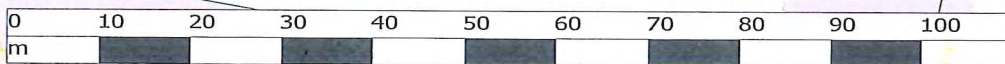
5443100

CENTRAL COAST COUNCIL  
DEVELOPMENT & REGULATORY SERVICES

Received: 23 MAR 2016

Application No: DA215176

Doc. ID: 229796



DA215176



# Annexure 2



PO Box 220  
19 King Edward Street  
Ulverstone Tasmania 7315  
Tel (03) 6429 8900  
Fax (03) 6425 1224  
admin@centralcoast.tas.gov.au  
www.centralcoast.tas.gov.au

## DEVELOPMENT APPLICATION

Sections 57 & 58

Application Number	DA215176
--------------------	----------

### APPLICANT DETAILS

Applicant Name	Wilkin Design & Drafting		
Postal Address	PO Box 478 LAUNCESTON TAS 7250		
Phone(B)	Phone(H)	6334 5800	Fax
	Mobile		

### OWNER DETAILS

Owner/Authority Name	Waylon James Sims
Address	59 Woodchoppers Road SPRENT TAS 7315

### DEVELOPMENT APPLICATION DETAILS

Property Address	193 Allport Street East Leith 7315
Title Reference	166903/1
Zone(s)	Rural Living [Central Coast Interim Planning Scheme 2013]

*Note: Council requires a survey plan or certificate of title to clarify the property description*

Present Use	Vacant land
Proposal (intended use)	Residential (dwelling and outbuilding - garage)
Development Type	Other Development - Permitted Use Area >250m2
Estimated Value of Development	

Building Application	No
Are all Documents Attached? (Refer to Application Checklist)	Yes

Existing Floor Area	Area:	m2
New or Additional Floor Area	Area: 438	m2

CENTRAL COAST COUNCIL  
DEVELOPMENT & REGULATORY SERVICES

Received: 14 APR 2016

Application No: DA215176

Doc. ID: 0007795



Application Number: DA215176

### NON-RESIDENTIAL DEVELOPMENT/USE

Hours of Operation	Monday/Friday		to	
	Saturday		to	
	Sunday		to	

Number of Car Parking (Existing)		Number of Employees (Existing)	
Number of Car Parking (Additional)		Number of Employees (Additional)	

Type of Machinery Installed	
Details of Trade Waste and Method of Disposal	

### APPLICANT DECLARATION

**YOUR DECLARATION - To be completed by all applicants.**

I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct. I also understand that:

if incomplete, the application may be delayed or rejected.

more information may be requested within 21 days of lodgement.

#### PUBLIC ACCESS TO DISCRETIONARY PLANNING DOCUMENTS

I, the undersigned understand that during the 14-day public display period, all documentation included with this planning application will be made available for inspection by the public and upon request and following payment of a prescribed fee, copies of submitted documentation, with the exception of plans which will be made available for display only, will be provided to members of the public.

#### OWNERS NOTIFICATION

I declare that I have notified the owner of the intention to make of this application.

If the land is subject to a mining lease, or is owned by the Crown or Council, the written consent of the Owner must be submitted with the application in accordance with s.52 of the Act.

In the course of inspections and investigations relating to this application, it may be necessary for Council officers to enter upon the land which is subject to this application. Accordingly, permission is hereby granted for entry for that purpose provided reasonable attempts are made on site to inform any resident or occupant on the property at that time.

Name (Print):

Signed:

Date:

Applicant:

Laura Walduck

*[Signature]*

14-4-16

SEARCH OF TORRENS TITLE

VOLUME 166903	FOLIO 1
EDITION 2	DATE OF ISSUE 09-Sep-2015

SEARCH DATE : 22-Mar-2016

SEARCH TIME : 04.27 PM

DESCRIPTION OF LAND

Town of LEITH

Lot 1 on Sealed Plan 166903

Derivation : Part of 8A-3R-0P granted to Michael Taylor and

Whole of Lot 1000, 906m2 The Crown

Prior CTs 160390/5 and 166903/1000

SCHEDULE 1

M537397 TRANSFER to WAYLON JAMES SIMS Registered  
09-Sep-2015 at noon

SCHEDULE 2

M480188 & D106036 Land is limited in depth to 15 metres,  
excludes minerals and is subject to reservations  
relating to drains sewers and waterways in favour of  
the Crown

SP166903 EASEMENTS in Schedule of Easements

SP166903 COVENANTS in Schedule of Easements

SP166903 SEPTIC TANK NOTIFICATION

SP155966 & SP160390 COVENANTS in Schedule of Easements

SP155966 & SP160390 FENCING COVENANT in Schedule of Easements

SP160390 SEPTIC TANK NOTIFICATION

D106036 FENCING PROVISION in Transfer

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

CENTRAL COAST COUNCIL  
DEVELOPMENT & REGULATORY SERVICES

Received: 14 APR 2016

Application No: 0001576

Doc. ID: 0007795

<b>OWNERS:</b> David Frederick Debonford Margaret Joyce Debonford Wayne Frederick De Bonford Michelle Anne De Bonford Wdb Technology Pty Ltd The Crown <b>SEC. 27A M400100</b> <b>FOLIO REFERENCE:</b> CT 160390/5 & CT 160390/6 <b>GRANTEE:</b> Part of 8A 3R 0P, granted to Michael Taylor <b>WHOLE OF LOTS 1000 (906m<sup>2</sup>) and 1001 (2331m<sup>2</sup>)</b> <b>THE CROWN (SP166903)</b>		<b>PLAN OF SURVEY</b> <b>BY SURVEYOR</b> R. Sands <b>LOCATION</b> <b>TOWN OF LEITH</b> <b>(SEC. N1)</b> <b>SCALE 1:1000</b> <b>LENGTHS IN METRES</b>		<b>REGISTERED NUMBER</b> <b>SP166903</b> <b>APPROVED</b> - 7 JAN 2015 <b>EFFECTIVE FROM</b> ..... <i>Alice Kawa</i> <b>Recorder of Titles</b>
<b>MAPSHEET MUNICIPAL</b> <b>CODE No. 104 (4244-45)</b>	<b>LAST UPI No.</b>	<b>LAST PLAN No:</b> SP160390	<b>ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN</b>	

Lots 1 & 2 compiled from F/R 160390/5, F/R 160390/6 & Survey

**HILL STREET**

**ALLPORT STREET**

**LOT 1**  
5815 m<sup>2</sup>

**LOT 2**  
1.292 ha

**LOT 2**  
1.292 ha

**CENTRAL COAST COUNCIL**  
DEVELOPMENT & REGULATORY SERVICES

Received: 14 APR 2016  
 Application No: 0021576  
 Doc. ID: 0097795

ENLARGEMENT SCALE 1:500  
 SI 10300

COUNCIL DELEGATE      DATE

<p><b>SCHEDULE OF EASEMENTS</b></p> <p><b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS &amp; MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.</p>	<p>Registered Number</p> <p><b>SP 166903</b></p>
---	--

PAGE 1 OF 1 PAGE/S

**EASEMENTS AND PROFITS**

~~Each lot on the plan is together with:~~

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

~~Each lot on the plan is subject to:-~~

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

That part of Lot 1 on the Plan formerly comprised in Lot 5 on SP160390 is subject to a Right of Drainage appurtenant to Lot 4 on SP160390 over the strip of land marked "Drainage Easement 3.00 wide" as shown on the Plan. and Lot 1

That part of Lot 1 on the Plan formerly comprised in Lot 5 on SP160390 is together with a Right of Drainage over the Strip of land marked "Drainage Easement 3.00 wide H-I" as shown on the Plan.

That part of Lot 1 formerly comprised in Lot 5 on SP160690 and that part of Lot 2 on the Plan formerly comprised in Lot 6 on SP160390 are burdened by the covenants created by and more fully defined in SP160390. restrictive

SIGNED by Andrew Geoffrey Roberts,  
being and as a Manager, CHS  
prescribed in Statutory Rule No. of \_\_\_\_\_ and \_\_\_\_\_  
pursuant to an Instrument of Delegation dated the \_\_\_\_\_  
Authorisation 27/2/2012 in the presence of:-

Signature of witness

Full Name

Address

Occupation

NIGEL ANTHONY SOWTER  
C/- 134 MACQUARIE ST, HOBART  
PROPERTY OFFICER

CENTRAL COAST COUNCIL  
DEVELOPMENT & REGULATORY SERVICES

Received: 14 APR 2016

Application No: 00015176

Doc. ID: 00015176

(USE ANNEXURE PAGES FOR CONTINUATION)

<p>SUBDIVIDER: DF Debomford, MJ Debomford, WF Debomford, MA Debomford, WDB Technologies Pty Ltd and the Crown</p> <p>FOLIO REF: 160390/5, 160390/6 and s.27A Application</p> <p>SOLICITOR &amp; REFERENCE: 44392 &amp; 44393 AZS</p>	<p>PLAN SEALED BY:</p> <p>DATE:</p> <p>REF NO. Council Delegate</p>
<p><b>NOTE:</b> The Council Delegate must sign the Certificate for the purposes of identification.</p>	

CHECK CAREFULLY ALL ASPECTS OF THESE  
DOCUMENTS BEFORE COMMENCING ASSESSMENT.

ANY ERRORS OR ANOMALIES TO BE REPORTED  
TO THE DRAWER BEFORE ASSESSMENT IS CONTINUED

CONFIRM ALL SIZES AND HEIGHTS ON SITE

DO NOT SCALE OFF PLAN

THESE DOCUMENTS ARE INTENDED FOR COUNCIL PLANNING APPLICATION  
ONLY, THEY ARE NOT TO BE USED FOR ANY OTHER PURPOSES.

THIS DESIGN IS COVERED UNDER COPYRIGHT AND ANY  
CHANGES MUST BE CONFIRMED BY "WILKIN DESIGN & DRAFTING"  
THE DRAWER RETAINS ALL "INTELLECTUAL PROPERTY"

# PROPOSED BRICK VENEER RESIDENCE AT 193 ALLPORT ST. EAST LEITH 7315



**wilkin**  
design

P.O. BOX 478  
LAUNCESTON  
TASMANIA 7250

ACCREDITATION NO:  
CC678 X

DATE:  
29/03/2016

JOB NUMBER:  
DA-16992

COUNCIL  
LEGISLATIVE SERVICES

Received: 20 MAR 2016

Application No: DA015176

Doc. ID: 229796

DEVELOPMENT APPLICATION ONLY  
[NOT FOR CONSTRUCTION]



193 ALLPORT ST E LEITH  
TAS 7315

TITLE REF: 166903/1  
PROPERTY ID: 3344896  
AREA = 5815m<sup>2</sup>



**wilkin**  
design

P.O. BOX 478  
LAUNCESTON  
TASMANIA 7250

ACCREDITATION NO:  
**CC678 X**

NOTES:  
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PROJECT TITLE:  
**SIMS RESIDENCE.**  
  
**ALLPORT ST.  
LEITH**

REVISION:  
-----

DATE:  
**29/03/2016**

SCALE:  
**AS SHOWN**

JOB NUMBER:  
**DA-16992**

PAGE:  
**01 of 07**

LEITH COUNCIL  
LAUNCESTON  
CIVIL ENGINEERING SERVICES

Received: **23 MAR 2016**  
Application No: **DA315176**  
Doc. ID: **237796**

NOTE: TABLE FOR UNPROTECTED EMBANKMENT SLOPES  
SLOPE = H:L

SOIL TYPE	COMPACTED FILL	CUT
STABLE ROCK	2:3	8:1
SAND	1:2	1:2
SILT	1:4	1:4
CLAY (FIRM)	1:2	1:1
CLAY (SOFT)	NOT SUITABLE	2:3
SOFT SOILS	NOT SUITABLE	NOT SUITABLE

SET OUT NOTES:  
- THE BUILDER IS TO SET OUT THE WORKS IN CONJUNCTION  
- WITH THE ACCOMPANYING PLANS. THE FINAL POSITION IS TO  
- BE CONFIRMED BY THE CLIENT AS TO BEING CORRECT. ALL  
- DIMENSIONS HEIGHTS AND LEVELS ARE TO BE CONFIRMED ON  
- SITE BY ALL PARTIES INCLUDING LOCAL COUNCIL, OWNER AND  
- ENGINEER BEFORE ANY EXCAVATION IS TO BE CARRIED OUT.  
- IF IN DOUBT CONSULT A REGISTERED SURVEYOR.

DEVELOPMENT APPLICATION ONLY  
[NOT FOR CONSTRUCTION]





193 ALLPORT ST E LEITH  
TAS 7315

TITLE REF: 166903/1  
PROPERTY ID: 3344896  
AREA = 5815m<sup>2</sup>



**wilkin**  
design

P.O. BOX 478  
LAUNCESTON  
TASMANIA 7250

ACCREDITATION NO:  
**CC678 X**

NOTES:

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PROJECT TITLE:  
**SIMS RESIDENCE.**

**ALLPORT ST.  
LEITH**

REVISION:

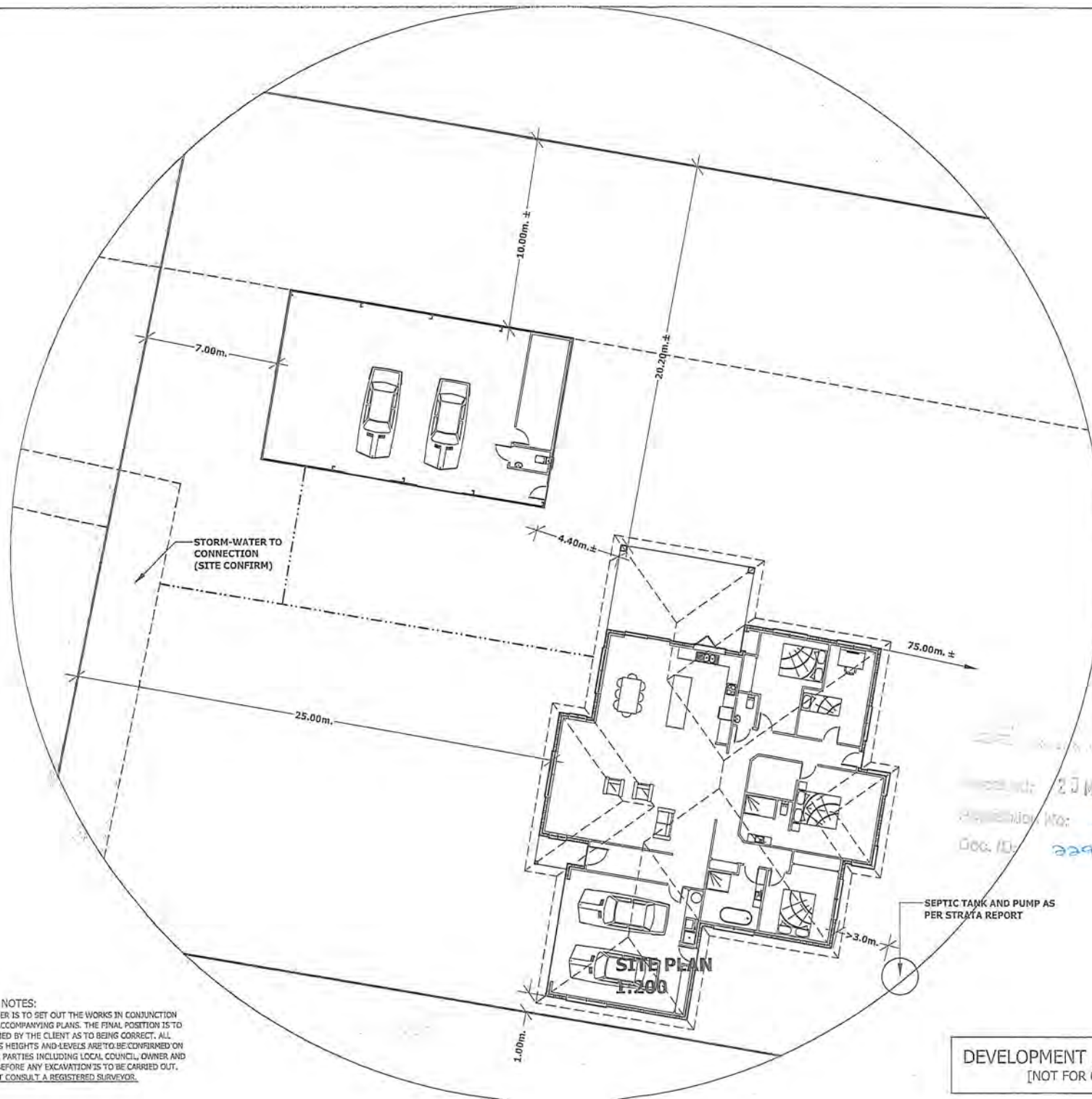
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DATE:  
**29/03/2016**

SCALE:  
**AS SHOWN**

JOB NUMBER:  
**DA-16992**

PAGE:  
**02 of 07**



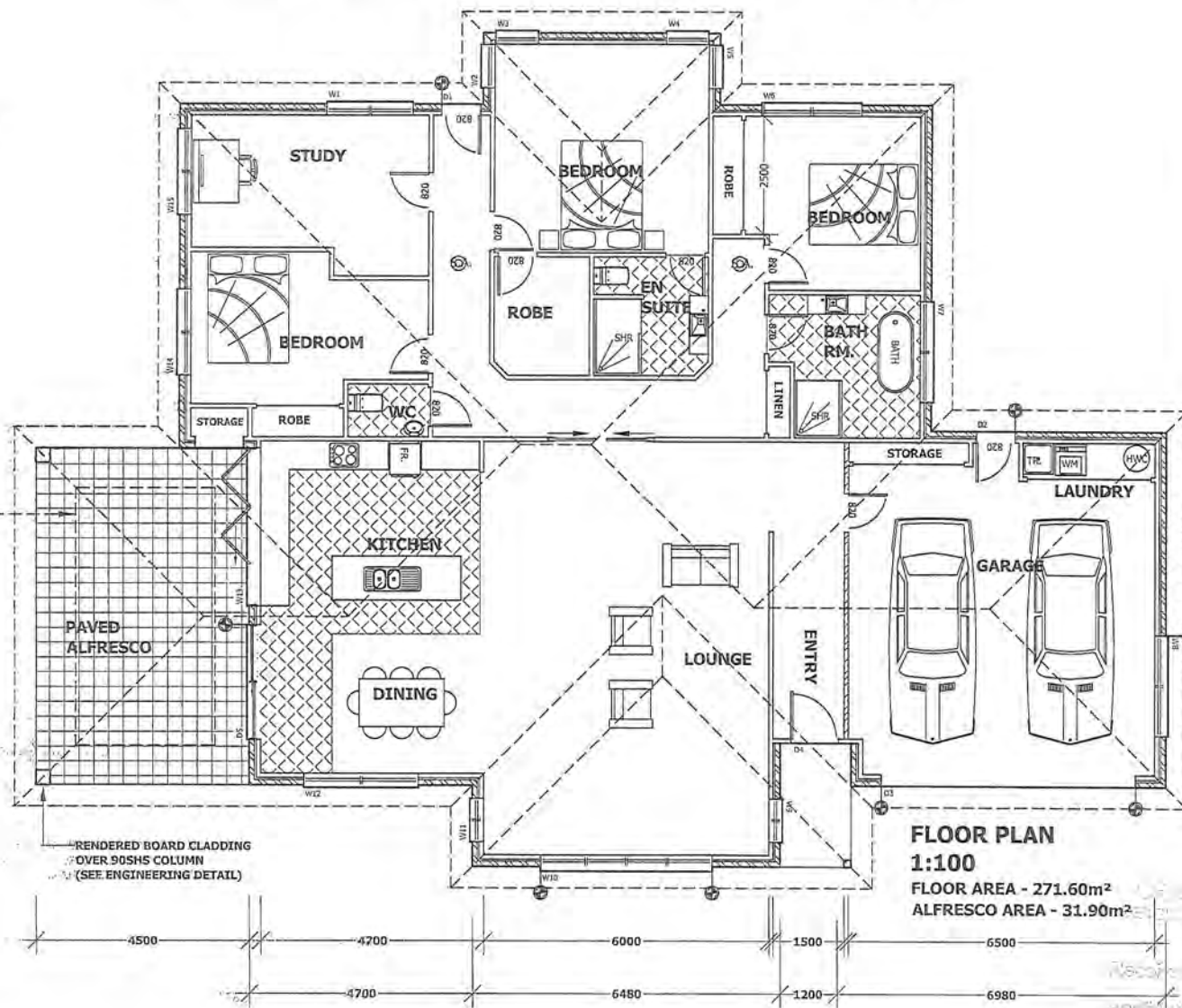
**SET OUT NOTES:**

- THE BUILDER IS TO SET OUT THE WORKS IN CONJUNCTION WITH THE ACCOMPANYING PLANS. THE FINAL POSITION IS TO BE CONFIRMED BY THE CLIENT AS TO BEING CORRECT. ALL DIMENSIONS HEIGHTS AND LEVELS ARE TO BE CONFIRMED ON SITE BY ALL PARTIES INCLUDING LOCAL COUNCIL, OWNER AND ENGINEER BEFORE ANY EXCAVATION IS TO BE CARRIED OUT. IF IN DOUBT CONSULT A REGISTERED SURVEYOR.

**DEVELOPMENT APPLICATION ONLY**  
[NOT FOR CONSTRUCTION]



MIN. 100mm VAULTED CEILING  
TO ALFRESCO CEILING.  
TIMBER LINE



**wilkin**  
design

P.O. BOX 478  
LAUNCESTON  
TASMANIA 7250

ACCREDITATION NO:  
**CC678 X**

NOTES:

PROJECT TITLE:  
**SIMS RESIDENCE.**

**ALLPORT ST.  
LEITH**

REVISION:

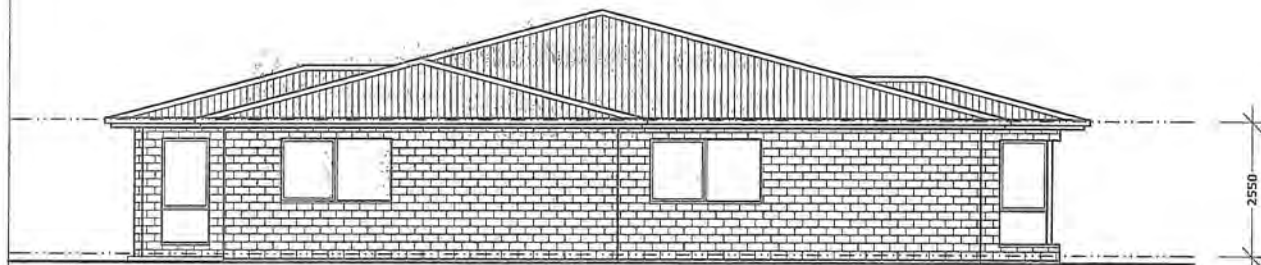
DATE:  
**29/03/2016**

SCALE:  
**AS SHOWN**

JOB NUMBER:  
**DA-16992**

PAGE:  
**03 of 07**

DEVELOPMENT APPLICATION ONLY  
[NOT FOR CONSTRUCTION]



**SOUTH ELEVATION**  
**1:100**

ALUMINIUM WINDOWS  
AS PER SCHEDULE



**WEST ELEVATION**  
**1:100**

DARK GREY COLORBOND IRON  
ROOF WITH OFF WHITE FASCIA

ALUMINIUM WINDOWS AND DOORS  
WITH SCREENS FITTED AS PER  
BHMP REQUIREMENTS



**SOUTH ELEVATION**  
**1:100**



**NORTH ELEVATION**  
**1:100**

DARK BROWN BRICK - WHITE MORTAR  
FACE BRICK TO CLIENT'S  
SPECIFICATION

**ROOF NOTES:**  
- ROOF CLADDING IS TO BE IN ACCORDANCE WITH BCA PART 3.5.  
- COLORBOND IRON IS TO BE FITTED TO ROOF AS PER AS 1562 INSTALLATION OF ROOF AND WALL CLADDING.  
- ALL EAVES GUTTERS UNLESS OTHERWISE STATED ARE TO BE 110mm COLORBOND GUTTERS. DOWNPIPES AND BENDS ARE TO BE 75mm DIAMETER PVC. ALL TO COMPLY WITH BCA PART 3.5.2, AND AS 3500.  
- SPECIAL NOTE: HIGH FRONTED GUTTERS MUST HAVE OVERFLOW PREVENTION BUILT IN USING ONE OF THE MEASURES SET OUT IN THE BCA.

**PREVENTION OF FALLS NOTES**  
WHERE A PERSON IS EXPOSED TO THE HAZARD OF FALLING FROM A STRUCTURE DURING CONSTRUCTION OR WHILE CLEANING OR MAINTENANCE WORK IS CARRIED OUT, THE BUILDER SHALL PROVIDE:  
- A WORK SYSTEM DESIGNED TO PREVENT SUCH FALLS; AND  
- WHERE SAFETY BELT ANCHORAGE POINTS ARE USED THEY MUST BE POSITIONED ON THE BUILDING OR STRUCTURE SO THAT A LIFELINE OR SAFETY HARNESS MAY BE ATTACHED BEFORE PROCEEDING TO A POINT WHERE IT IS POSSIBLE TO FALL; AND  
- ANCHORAGE POINTS FOR THE ATTACHMENT OF SAFETY HARNESS MUST COMPLY WITH AS2626; AND  
- THE ANCHORAGE POINTS AND ASSOCIATED STRUCTURE SHALL BE CAPABLE OF WITHSTANDING A FORCE OF 15kN; AND  
- PRIOR TO OCCUPANCY OF THE BUILDING, WRITTEN DETAILS OF THE CONSTRUCTED FALL ARREST SYSTEM TO BE USED IN STRICT COMPLIANCE WITH AS2626 TO BE SUPPLIED TO THE OWNER.



**wilkin**  
design

P.O. BOX 478  
LAUNCESTON  
TASMANIA 7250

ACCREDITATION NO:  
**CC678 X**

NOTES:

PROJECT TITLE:  
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**ALLPORT ST.  
LEITH**

REVISION:

DATE:  
**29/03/2016**

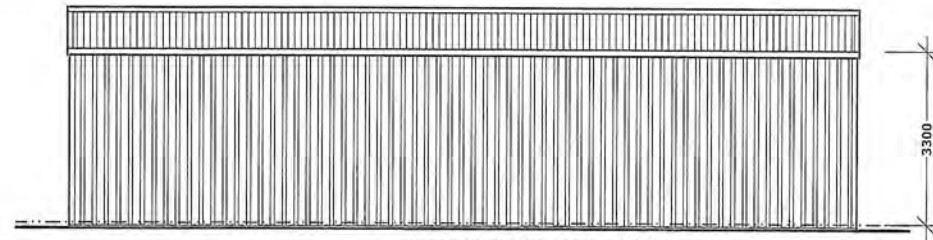
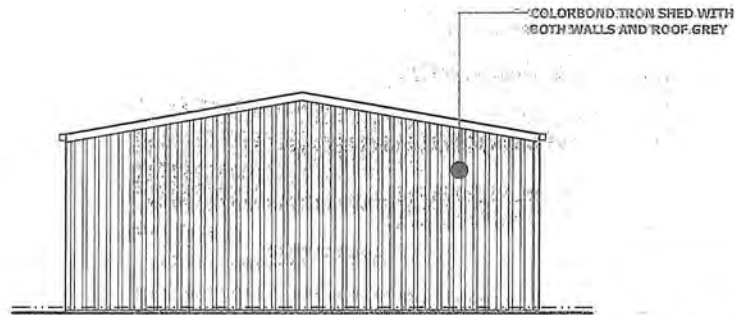
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**AS SHOWN**

JOB NUMBER:  
**DA-16992**

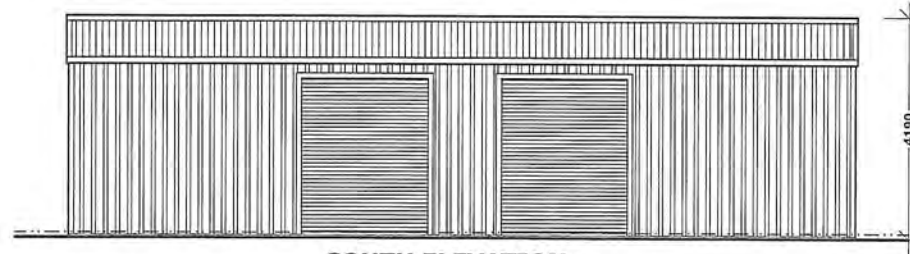
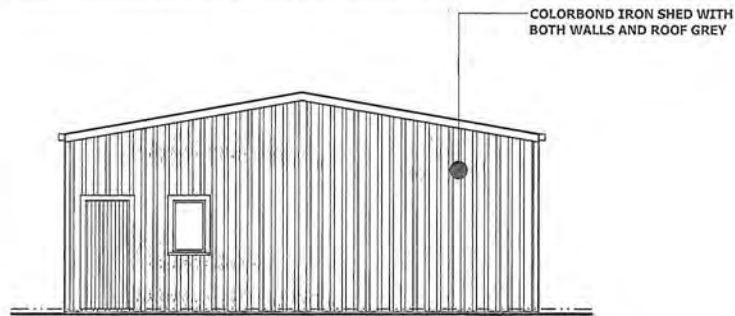
PAGE:  
**04 of 07**

**DEVELOPMENT APPLICATION ONLY**  
[NOT FOR CONSTRUCTION]

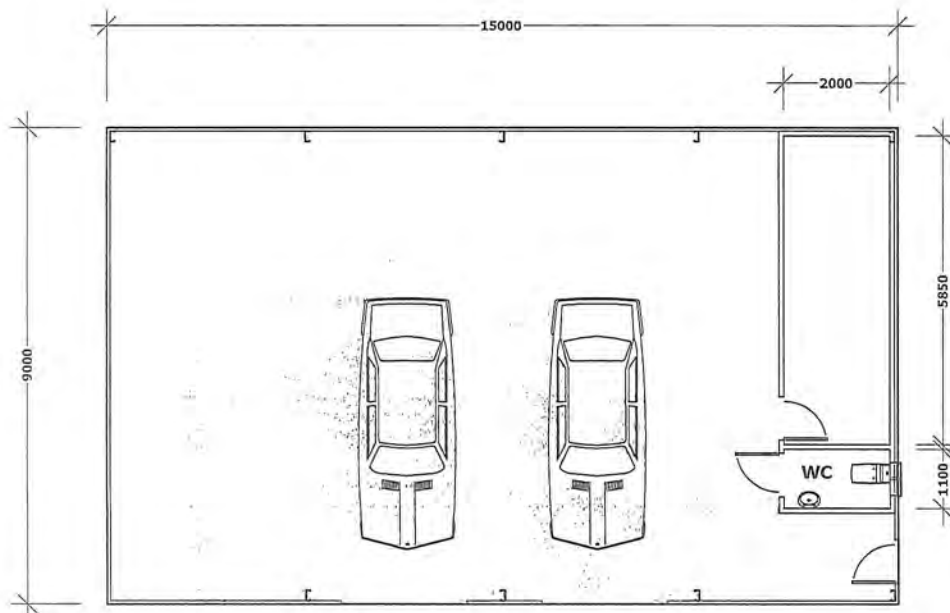




**NORTH ELEVATION  
1:100**



**SOUTH ELEVATION  
1:100**



**FLOOR PLAN  
1:100**

FLOOR AREA - 135.00m<sup>2</sup>



**wilkin  
design**

P.O. BOX 478  
LAUNCESTON  
TASMANIA 7250

ACCREDITATION NO:  
**CC678 X**

NOTES:

PROJECT TITLE:  
**SIMS RESIDENCE.**

**ALLPORT ST.  
LEITH**

REVISION:

DATE:  
**29/03/2016**

SCALE:  
**AS SHOWN**

JOB NUMBER:  
**DA-16992**

PAGE:  
**05 of 07**

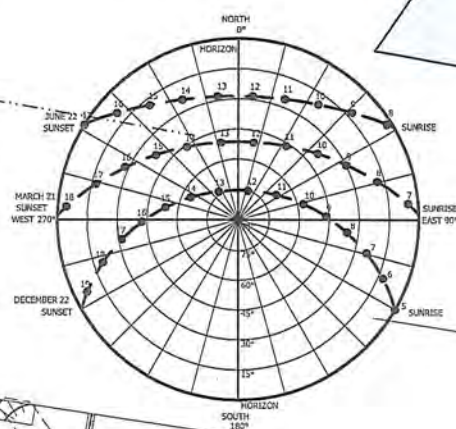
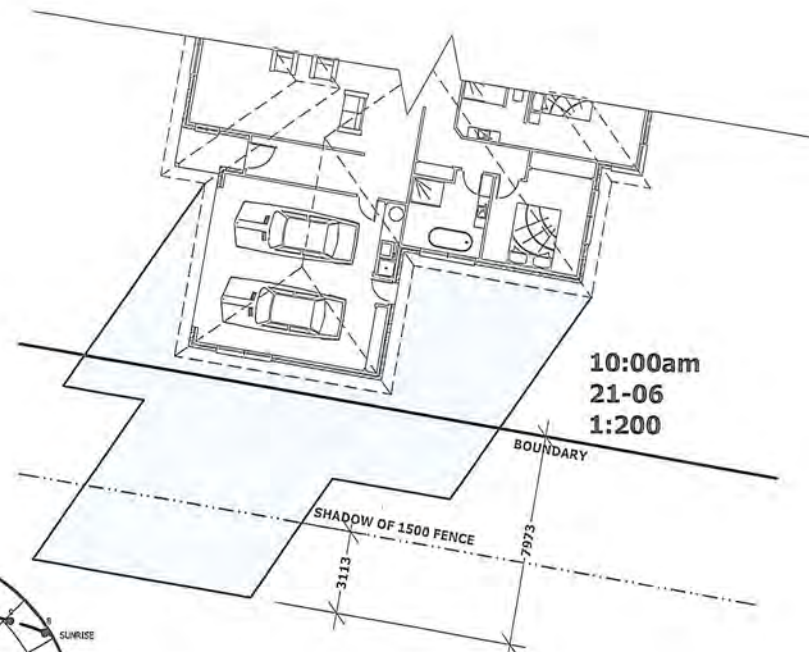
COUNCIL  
LAUNCESTON CITY SERVICES

23 MAR 2016

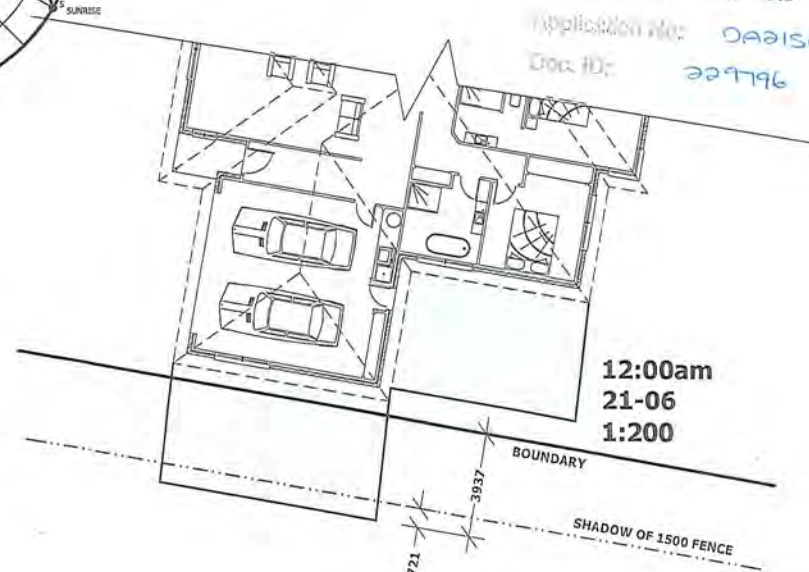
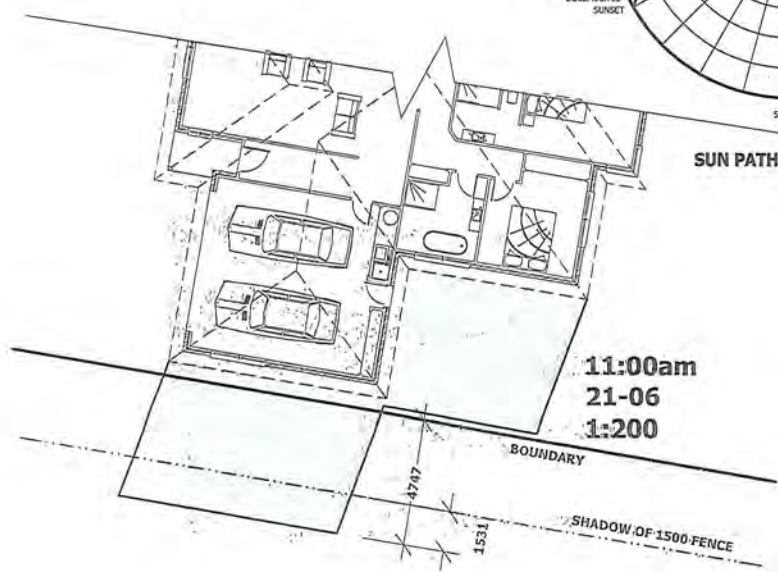
Application No: **DA2015176**

Doc ID: **229796**

**DEVELOPMENT APPLICATION ONLY  
[NOT FOR CONSTRUCTION]**



SUN PATH DIAGRAM



DEVELOPMENT APPLICATION ONLY  
[NOT FOR CONSTRUCTION]



**wilkin**  
design

P.O. BOX 478  
LAUNCESTON  
TASMANIA 7250

ACCREDITATION NO:  
**CC678 X**

NOTES:  
**OVERSHADOWING  
1#**

PROJECT TITLE:  
**SIMS RESIDENCE.**

**ALLPORT ST.  
LEITH**

REVISION:

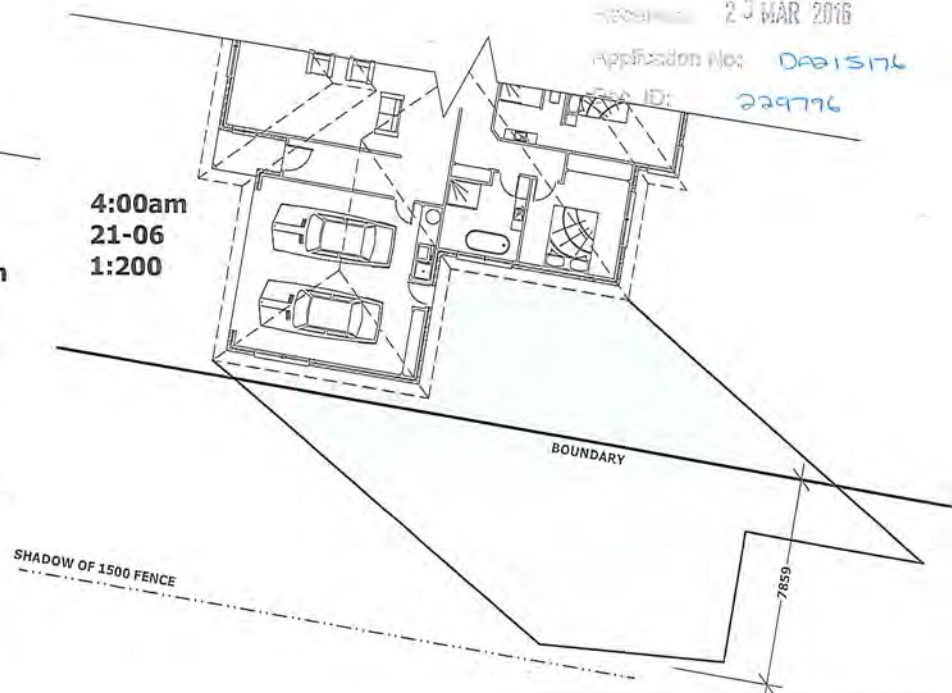
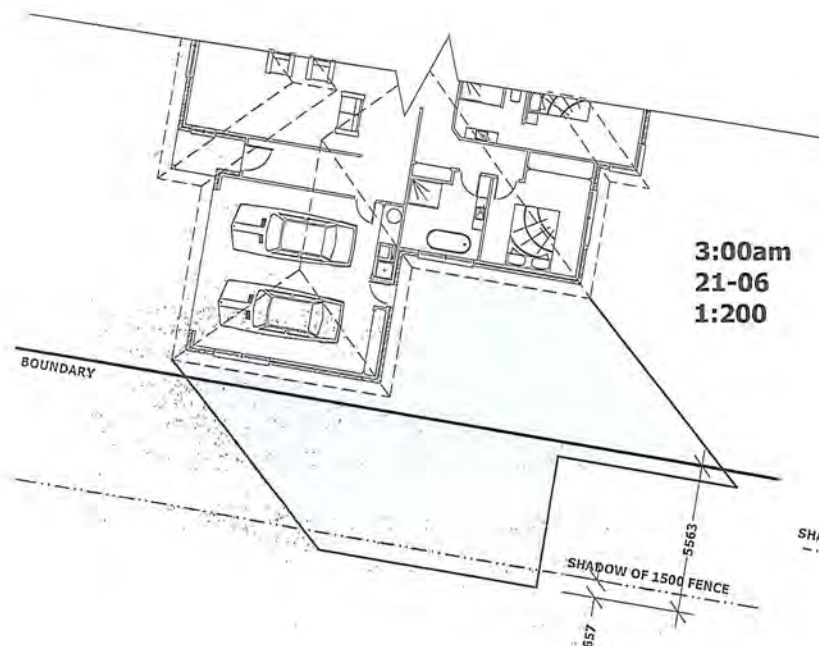
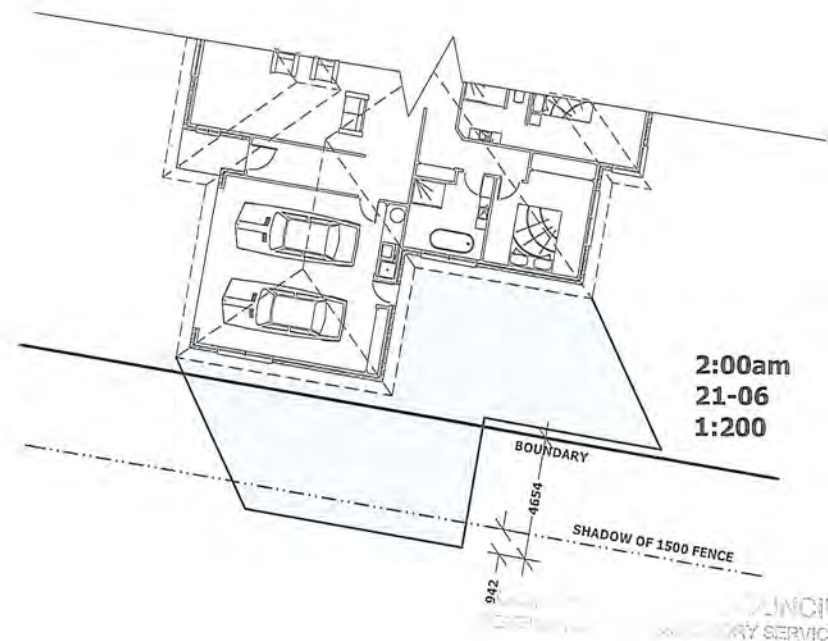
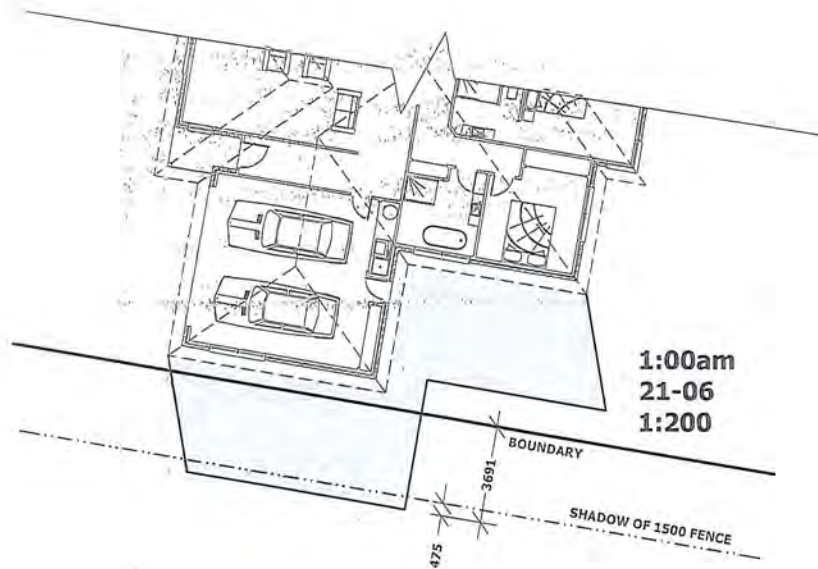
DATE:  
**29/03/2016**

SCALE:  
**AS SHOWN**

JOB NUMBER:  
**DA-16992**

PAGE:  
**06 of 07**





23 MAR 2016  
Application No: DA015176  
DA ID: 229796



**wilkin  
design**

P.O. BOX 478  
LAUNCESTON  
TASMANIA 7250

ACCREDITATION NO:  
CC678 X

NOTES:  
**OVERSHADOWING  
2#**

PROJECT TITLE:  
**SIMS RESIDENCE.  
ALLPORT ST.  
LEITH**

REVISION:

DATE:  
**29/03/2016**

SCALE:  
**A5 SHOWN**

JOB NUMBER:  
**DA-16992**

PAGE:  
**07 of 07**

**DEVELOPMENT APPLICATION ONLY  
[NOT FOR CONSTRUCTION]**



# CLASSIFIEDS

**OPEN HOURS:**  
 Phones: Monday to Friday 8am-5.30pm,  
 Sat. 3pm-5.30pm, Sun. 2pm-5.30pm  
 Office Hours Monday to Friday 9am-5.30pm  
 Classifieds Deadlines: General Classifieds and  
 Personal Announcements 5.30pm

**The Advocate**  
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54 Mount Street, Burnie  
45 Best Street, Devonport  
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Office open 9am-5pm  
Monday - Friday

LA1424218

## For Sale

### MUTTON BIRDS

TREFOIL ISLAND.  
 Have finished this season  
 - Coley and JR.  
 Sorry about short season.

### Beauty Health and Fitness

MASSAGE. Relax and unwind.  
 Relaxation and deep  
 issue. Michelle, Devonport.  
 Ph. 0407 901 125.

### To Let & Wanted

### BURNIE

2 bedroom unit, fridge and  
 washing machine, quiet  
 location, no pets \$160 p.w.  
 Ph. 6431 1859.

DEVONPORT, 3 b.r., close to  
 school/college/beach \$265  
 p.w. \$500 bond. Ph.  
 0437 699 993.



## Drive

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 changing  
 cars, Drive

www.drive.com.au

## Local Government



19 King Edward Street  
 Ulverstone Tasmania 7315  
 Tel. 01 6429 8900  
 Fax 03 6425 1224  
 www.centralcoast.tas.gov.au

### REFUSE DISPOSAL AND RECYCLING

Operating times for refuse disposal, refuse and  
 recyclables collection services are as normal outside  
 of the days specified below.

### Domestic Refuse Collection

Collection scheduled for Monday, 25 April  
 (Anzac Day) in the Heybridge, Sulphur Creek and  
 Penguin areas will occur on Tuesday, 26 April.

### Resource Recovery Centre

The Resource Recovery Centre will be closed on  
 Monday, 25 April (Anzac Day).

### APPLICATION FOR PLANNING PERMIT

5.57 Land Use Planning and Approvals Act 1993.  
 The following application has been received:

Location: 193 Ailport Street East, Leith  
 Proposal: Residential (dwelling and  
 outbuilding - garage) - variation to  
 side boundaries

Application No.: DA215176

The application may be inspected at the Admin-  
 istration Centre, 19 King Edward Street, Ulverstone  
 during office hours and on the Council's website. Any  
 person may make representation in relation to the  
 application (in accordance with s.57(5) of the Act) by  
 writing to the General Manager, Central Coast Council,  
 PO Box 220, Ulverstone 7315 or by email to  
 admin@centralcoast.tas.gov.au and quoting the  
 Application No. Representations must be made on  
 or before 5 May 2016.

Dated at Ulverstone this 18th day of April, 2016.

SANDRA AYTON  
 General Manager

## Local Government

### WARATAH - WYNYARD COUNCIL

#### WASTE TRANSFER STATION CLOSURE

The Wynyard Waste Transfer Station will be closed  
 on ANZAC Day, Monday 25th April 2016 and will  
 reopen at 10.00am Tuesday 26th April 2016.

#### ANZAC DAY MONDAY 25TH APRIL 2016 TEMPORARY CLOSURE OF PUBLIC STREETS LOCAL GOVERNMENT (HIGHWAYS) ACT 1982

### WYNYARD

I give notice that in exercise of powers conferred  
 upon me under the provisions of Section 19(1)(b)  
 of the Local Government (Highways) Act 1982,  
 I will be closing the following streets on Monday 25th  
 April 2016 for the Wynyard ANZAC Day Parade:

- Goldie Street - Between Hogg Street & Jackson Street  
 5:45am - 6:15am, and 10:30am - 12:30pm
- Jackson Street - Between Goldie Street & Park Street  
 5:45am - 6:15am, and 10:30am - 12:30pm
- Park Street - Between Jackson Street & Gutteridge Gardens  
 5:45am - 6:15am, and 10:30am - 12:30pm

### SOMERSET

I give notice that under the provisions of Section  
 19(1)(b) of the Local Government (Highways)  
 Act 1982, I will be closing the following streets  
 on Monday 25 April 2016 between 8.30am and  
 9.30am for the Somerset ANZAC Day Parade:

- Falmouth Street - south along Falmouth Street  
 between Esplanade & Bells Parade
- Bells Parade - east from Falmouth Street to Memorial  
 Park

Such event being declared to be a public function for the  
 purpose of the section.

#### APPLICATION FOR PLANNING PERMITS Notice is given that applications have been made for the following discretionary permits:-

No: DA 452016  
 Location: 47 Old Bass Highway, Wynyard  
 Applicant: B & W Burdett  
 Zoning: General Residential  
 Use Class: Residential  
 Proposal: Outbuildings x 2  
 Discretionary Matter: Setbacks and building envelope for  
 all dwellings 10.4.2 (P3)

No: SD 1997  
 Location: CT 48700/1 & CT 251468/2  
 Lewis Street, Somerset  
 Applicant: Michell Hodgetts &  
 Associates Pty Ltd  
 Zoning: General Residential  
 Use Class: Residential  
 Proposal: Subdivision (amalgamation)  
 Discretionary Matter: Dwelling density for single  
 dwelling development (10.4.10)  
 & Subdivision (10.4.13)

The application and associated plans and  
 documents will be available for inspection during  
 normal office hours for the exhibition period at  
 the Council Office, Saunders Street, Wynyard or  
 viewed on Council website www.warwyn.tas.gov.au.  
 Any person who wishes to make representations  
 in accordance with the Land Use Planning and  
 Approval Act 1993, must do so during the exhibition  
 period. Representations in writing will be received  
 by the General Manager, P.O. Box 168, Wynyard,  
 7325, email council@warwyn.tas.gov.au by  
 Thursday 5th May, 2016.

Dated at Wynyard this 20th day of April 2016

Daniel Summers  
 Acting General Manager  
 PO Box 168  
 Wynyard 7325



TA1874457

## Local Government



DEVONPORT CITY COUNCIL  
 44-48 Best Street, Devonport TAS 7310  
 Phone: 03 6424 0511  
 www.devonport.tas.gov.au

#### NOTICE OF INTENTION TO SELL LAND FOR UNPAID RATES

Pursuant to Section 137 (3) of the Local  
 Government Act 1993:

Land: 86 Middle Road, Devonport - Volume  
 75455, Folio 1

Owner: The registered owners of the property  
 are the late Eric and Annette Pempel. Council  
 understands that the current owners of law are  
 the children of Annette Pempel, in particular,  
 Terry, Taliana and Eugene Doroshenko and  
 Kathryn Doroshenko-Pempel.

The period for which the rates have been in  
 arrears is 2011/12, 2012/13, 2013/14, 2014/15 and  
 2015/16. The total amount of the total rates  
 outstanding in relation to the land is \$3,900.68.

If that amount is not paid in full within 90  
 days Council intends to sell the land for non-  
 payment of rates.

20 April 2016

Paul West  
 GENERAL MANAGER

## Local Government

#### NOTICE OF APPLICATION FOR LAND USE PERMIT

(Section 57(3) Land Use Planning and Approvals Act 1993)  
 The following application for use and development of  
 land has been received:-

Application No: DA 2016/28  
 Site: 3 Upper Stowport Road,  
 Upper Stowport  
 CT 245503/1  
 Proposal: Outbuilding associated with  
 an existing residential use  
 (single dwelling)  
 Discretionary Matter: Grant of permit reliant on  
 assessment against Clause  
 13.4.3 (P1) - Front Setback

The application and documentation may be viewed at  
 the Burnie City Council Offices, Ground Floor, 80 Wilson  
 Street, Burnie between 8.30am - 5.00pm Monday to Friday  
 inclusive or on Council's website at www.burnie.net

Any person may make representation relating to an  
 application. Representations regarding the proposal should  
 be in writing addressed to the General Manager, Burnie City  
 Council, PO Box 973, Burnie 7320 or burnie@burnie.net to  
 be received no later than 5.00pm on 5 May 2016.

Dated 20 April 2016

Andrew Wardlaw  
 GENERAL MANAGER

TA1874457

www.burnie.net



## Public Notices

#### DEPARTMENT OF PRIMARY INDUSTRIES, PARKS, WATER & ENVIRONMENT LAND TITLES OFFICE E40722

##### APPLICATIONS FOR VESTING ORDER

NOTICE IS HEREBY GIVEN that an Application for an Order  
 vesting the lands hereinafter described in GRAEME  
 JAMES RIST has been made under Section 138D of the  
 Land Titles Act 1980 and that unless caveat be lodged  
 with the Recorder of Titles (134 Macquarie Street,  
 Hobart) by some person having estate or interest in  
 the said land, the Recorder of Titles may, after the  
 expiration of one month from the publication hereof,  
 make an Order vesting the land in the said applicant  
 as in the said Act provided.

##### APPLICATION NO. E40722

ALL THAT parcel of land situate at 41 English Street, in  
 the Town of Waratah, in Tasmania containing 21 and 1  
 2 perches being whole of the land comprised in Folio  
 of the Register Volume 89627 Folio 13 registered in the  
 name of FREDERICK SAMUEL THORNE.

ALICE KAWA  
 RECORDER OF TITLES

Inserted by Solicitors for the Applicants  
 McLean McKenzie & Topfer, Burnie.

## Public Notices

### ANZAC DAY

Monday, April 25

The Advocate's offices will be closed on  
 Monday, April 25, 2016 due to the public  
 holiday on Anzac Day.

Advocate Classifieds phone lines will be open  
 from 2 till 5.30pm. Deadline to place all  
 classifieds advertisements including Personal  
 Announcements is 5.30pm.

Phone 1300 363 789

Email classifieds@theadvocate.com.au

**The Advocate**  
 anewinsight

#### DEPARTMENT OF PRIMARY INDUSTRIES, PARKS, WATER & ENVIRONMENT LAND TITLES OFFICE

NOTICE OF INTENTION TO LODGE APPLICATION  
 (FOR VESTING ORDER BASED ON ADVERSE POSSESSION)  
 WITH THE RECORDER OF TITLES

NOTICE is hereby given of intention to lodge with the  
 Recorder of Titles Application for an order pursuant to  
 Section 138X of the Land Titles Act 1980. Vesting title  
 to the land below mentioned in Graeme James Rist.

APPLICATION for title by adverse possession is to be  
 lodged with the Recorder of Titles not later than 2  
 months after the date of the last notice given under  
 section 138W, Subsection 8 of the Land Titles Act  
 1980.

Date of the last notice given may be ascertained by  
 enquiry to the solicitors of the applicants.

NOTE: caveat may be lodged at any time after an  
 application is lodged in the office of the Recorder of  
 Titles and before a vesting order is made under the  
 Land Titles Act 1980.

LAND AFFECTED:  
 All of the land situated 45 English Street, Waratah in  
 Tasmania consisting of an area of 21 perches and  
 being the land comprised in folio of the register  
 volume 89627 folio 15 and registered in the name of  
 Henry James Thorne.

LODGING PARTY:  
 MCLEAN MCKENZIE & TOPFER  
 SOLICITORS, BURNIE



#### INCREASED HEAVY VEHICLE TRAFFIC

The Port of Burnie to Port Latia Bass Highway  
 From April 20, 2016 for approx. 5 days,  
 24 hours per day.

Grange Resources (Tasmania) Pty Ltd and C.J.R.  
 Enterprises advises Bass Highway users to expect  
 higher than normal heavy traffic during the transport of  
 Bentonite from the Port of Burnie to Port Latia.

We urge you to show extra care and patience during  
 this operation.

Please obey all signage.

## DEVONPORT CITY COUNCIL

### NOTICE OF INTENTION

#### TO APPLY FOR A

#### KENNEL LICENCE

#### (Section 51(3) (a) & (b))

#### Dog Control Act

#### 2000)

#### Notice is hereby given

#### that it is my intention to

#### apply to Devonport City

#### Council for a kennel

#### licence for 4 dogs, of the

#### following breed or kind,

#### Rottweiler, Labrador,

#### Hounds x2, situated at

#### 210 Wrenwood Drive,

#### Quoiba.

#### Persons residing or

#### owning land within 200

#### metres of the boundary

#### of the above premises

#### may, within 14 days after

#### the publication of this

#### notice, object in writing

#### under section 52(1) to

#### the General Manager

#### stating their reasons for

#### objecting to the granting

#### of the licence.

#### Signed: Michael

#### Banham.

#### 19/4/2016.

## Form 1

## Administration and

## Probate Act 1935

## NOTICE OF

## INTENTION TO APPLY FOR

## LETTERS OF

## ADMINISTRATION

## Notice is hereby given

## that, after the expiration

## of 14 days from this

## publication hereof, applica-

## tion will be made to the

## Supreme Court of

## Tasmania in its Ecclesi-

## astical Jurisdiction that

## Letters of Administration

## of the estate of ROBERT

## BRUCE DAVID SHIREVE late

## of Lot 24 Granville Har-

## bour Zeelan, in Tasma-

## nia, Underground Mining

## /Never Married de-

## ceased, intestate, may

## be granted to ZOE ANH

## BECKER care of McGrath

## & Co Lawyers, 5 Cattley

## Street, Burnie in Tasma-

## nia Educator/Partnered

## the daughter of the said

## deceased.

## Dated this 20th day of

## April 2016

## McGrath & Co

## 5 Cattley St, Burnie.

## Solicitors for

## the Applicant.

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**CLASSIFIEDS**



# Annexure 3

Kellie Malone

---

**From:** [REDACTED]  
**Sent:** Wednesday, 20 April 2016 6:36 PM  
**To:** Switch operator  
**Subject:** FW: Planning Application No. DA215176  
**Attachments:** 002.JPG; 001.JPG; 007.JPG; 002.JPG

Dear Ian

I have reviewed new planning application plans(DA215176) for Residential (dwelling and outbuildings – garage) –variation to side boundaries at 193 Allport Street East, Leith.

I have no concerns with variation to side boundaries.

My concern is for water runoff from land and drive way as stated in email dated 8/3/2016 (DA215134)

Thank you for your notification

Robin Lane

---

**From:** [REDACTED]  
**Sent:** Tuesday, 8 March 2016 6:54 PM  
**To:** 'admin@centralcoast.tas.gov.au'  
**Subject:** Planning Application No. DA215134

Attn: General Manager

I have reviewed planning application plans for Residential (dwelling and outbuildings – garage) –variation to side setbacks at 193 Allport Street East, Leith.

I have no concerns with side setback.

My concern is for water run off from land and drive way.

In my Plumbing permit BP214080 ,item 4

– Provision to be made for the collection and disposal of surface/driveway stormwater where required .

I have attached photo's of storm water – 002,001- January 2016

- 007,002-September 2013

If unable to open attachment please contact me.

I have made a temporary V drain trying to contain storm run of water as seen in photo 002-2.

I hope in granting planning approval you take in consideration of run off water on to my property.

Could you please advise me of out come?

Thank you

Robin Lane  
191 Allport street East ,Leith

[REDACTED]

Email, [REDACTED]



















## Submission to Planning Authority Notice

Council Planning Permit No.	DA215176	Council notice date	19/04/2016
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2016/00490-CC	Date of response	26/04/2016
TasWater Contact	David Boyle	Phone No.	6345 6323
<b>Response issued to</b>			
Council name	CENTRAL COAST COUNCIL		
Contact details	planning.cmw@centralcoast.tas.gov.au		
<b>Development details</b>			
Address	193 ALLPORT ST E, LEITH	Property ID (PID)	3344896
Description of development	New dwelling and garage		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Wilkin Design	DA-16992 01 to 07		29/03/2016
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater does not object to the proposed development and no conditions are imposed.			
<b>Advice</b>			
Nil			
<b>Declaration</b>			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			

**Authorised by**

**Jason Taylor**

Development Assessment Manager

<b>TasWater Contact Details</b>			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

# Annexure 121 Reibey Street, Ulverstone

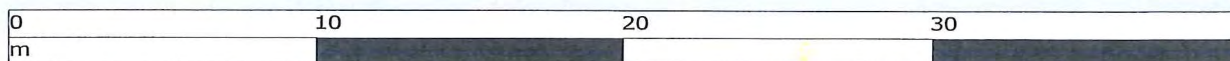


CENTRAL COAST COUNCIL  
DEVELOPMENT & REGULATORY SERVICES

Received: 08 APR 2016

Application No: DA215189

Doc. ID: 230008



DA215189



## DEVELOPMENT APPLICATION

Sections 57 & 58

Application Number DA215189

### APPLICANT DETAILS

Applicant Name	Ms Marcia Goldsworthy			
Postal Address	12 John Street, Ulverstone, Tasmania			
Phone(B)	Phone(H)	Mobile	0476310831	Fax

### OWNER DETAILS

Owner/Authority Name	Dar-Ran Investments Pty Ltd, Leslie Ronald Ranson, Suzanne Helen Ranson
Address	PO Box 465 ULVERSTONE TAS 7315

### DEVELOPMENT APPLICATION DETAILS

Property Address	21 Reibey Street Ulverstone 7315
Title Reference	199644/1
Zone(s)	General Business [Central Coast Interim Planning Scheme 2013]

*Note: Council requires a survey plan or certificate of title to clarify the property description*

Present Use	Business and Professional Services
Proposal (intended use)	General retail and hire ( adults clothing, adult interior design items and adult novelties)
Development Type	Discretionary Permit Area >150m2<250m2
Estimated Value of Development	

Building Application	No
Are all Documents Attached? (Refer to Application Checklist)	Yes

Existing Floor Area	Area: 190.00 m2
New or Additional Floor Area	Area: 190.00 m2

CENTRAL COAST COUNCIL  
DEVELOPMENT & REGULATORY SERVICES

Received: 21 APR 2016

Application No: DA215189

Doc. ID: 2300007





Application Number: DA215189

### NON-RESIDENTIAL DEVELOPMENT/USE

Hours of Operation	Monday/Friday	10am	to	5pm
	Saturday	10am	to	5pm
	Sunday		to	

Summer time Monday/Friday 10am - 6pm Saturday 10am - 5pm

Number of Car Parking (Existing)	0	Number of Employees (Existing)	0
Number of Car Parking (Additional)		Number of Employees (Additional)	2

Type of Machinery Installed	Not applicable
Details of Trade Waste and Method of Disposal	Not applicable

### APPLICANT DECLARATION

**YOUR DECLARATION - To be completed by all applicants.**

I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct. I also understand that:

**if incomplete, the application may be delayed or rejected.**

**more information may be requested within 21 days of lodgement.**

#### PUBLIC ACCESS TO DISCRETIONARY PLANNING DOCUMENTS

I, the undersigned understand that during the 14-day public display period, all documentation included with this planning application will be made available for inspection by the public and upon request and following payment of a prescribed fee, copies of submitted documentation, with the exception of plans which will be made available for display only, will be provided to members of the public.

#### OWNERS NOTIFICATION

I declare that I have notified the owner of the intention to make of this application.

If the land is subject to a mining lease, or is owned by the Crown or Council, the written consent of the Owner must be submitted with the application in accordance with s.52 of the Act.

In the course of inspections and investigations relating to this application, it may be necessary for Council officers to enter upon the land which is subject to this application. Accordingly, permission is hereby granted for entry for that purpose provided reasonable attempts are made on site to inform any resident or occupant on the property at that time.

Name (Print):

Signed:

Date:

Applicant:

Marcia Goldsworthy

Marcia Goldsworthy

21-4-16

## SEARCH OF TORRENS TITLE

VOLUME 199644	FOLIO 1
EDITION 3	DATE OF ISSUE 31-Jul-2008

SEARCH DATE : 19-Apr-2016

SEARCH TIME : 03.45 PM

DESCRIPTION OF LAND

Town of ULVERSTONE

Lot 1 on Plan 199644

Derivation : Part of Lot 10 Sec.D. Gtd. to C. Chilcott

Prior CT 2230/20

SCHEDULE 1

C842040 TRANSFER to DAR-RAN INVESTMENTS PTY LTD of sixty undivided 1/100 shares and LESLIE RONALD RANSON and SUZANNE HELEN RANSON (jointly as between themselves) of forty undivided 1/100 shares as tenants in common Registered 31-Jul-2008 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
BENEFITING EASEMENT: that part of the wall A.B.C.D. and its foundations shown by diagonal hatching on Plan No. 199644 which lies on the said piece of land together with full right of support for that part of the said wall shown on Plan No. 199644 by the letters A.B.H.E. (being that portion of the said wall which lies on the North Western side of the said line E.K.H.M.) by the adjoining part of the said wall shown on Plan No. 199644 by the letters E.H.C.D. (being that portion of the said wall which lies on the South East of the said line E.K.H.M.)

BURDENING EASEMENT: full right of support for the aforesaid part of the said wall shown on Plan No. 199644 by the letters E.H.C.D. by the aforesaid part of the said wall shown on Plan No. 199644 by the letters A.B.H.E.

71165 Transfer made SUBJECT TO Conditions

CENTRAL COUNCIL  
DEVELOPMENT & REGULATORY SERVICESUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

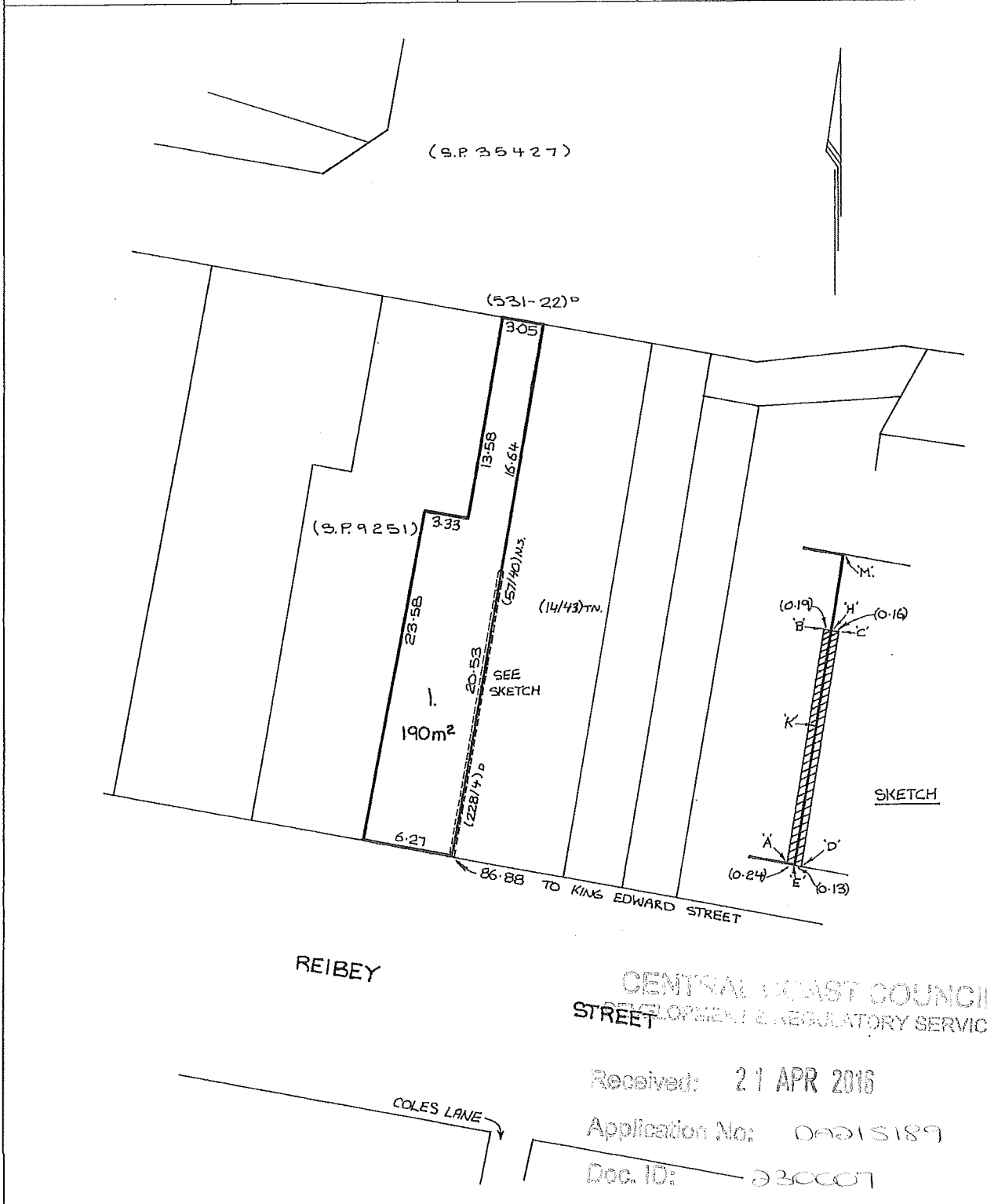
Received: 21 APR 2016

Application No: 00015189

Doc. ID: 030007



OWNER  FOLIO REFERENCE C.T. 2230-20  GRANTEE	<b>PLAN OF TITLE</b>		Registered Number <b>P 199644</b>
	LOCATION <b>TOWN OF ULVERSTONE</b>		APPROVED <b>29 JAN 1997</b> <i>[Signature]</i> Recorder of Titles
FIRST SURVEY PLAN No. 22B-4D COMPILED BY L.T.O. SCALE 1:250 LENGTHS IN METRES			
MAPSHEET MUNICIPAL CODE No. 104 (4244)	LAST UPI No 6304985	LAST PLAN No. 22B-4D	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN



2

00 APR 2016

Accession No: DA215189

230008

Dear Sir or Madam

Ooh La La for Adults's has been an Australian registered business for less than two years, it is planned to sell a wide variety of products for Adults in the 140sq metres of retail floor space (including the disability toilet) within the premises at 21 Reibey Street in Ulverstone. These products being adults clothing, adult interior design items, with a large range of adult novelties.

A new type of merchandise Ooh La La for Adulte's would be undertaking, is personalised printing such as images A3 in size or smaller on our supplied clothing and jewellery, including a range of merchandise aimed at the tourist market that will be trialled within next years summer months.

Ooh La La for Adulte's will be operating with the same or even less staff then the previous tenants E-Kitchens, TPTL and B&E had at the premises. Its owner operator would be undertaking the majority of the work within the premises with a single casual employee or family member used occasionally unpacking delivered stock, at busy times, including holidays or when sickness requires. We were hoping that parking for the owner operator's small motor vehicle would be on the paved area at the rear of the premises as the previous tenants have done over previous year. But due to present misunderstanding about this area Ooh La La for Adulte's will only use the area for deliveries and dispatching our products until such time that the landlord and the council have resolved this matter.

Ooh La La for Adulte's customer projections for 21 Reibey Street would be an average of one to three customers in a single hour. These projections will depend on the time of year and the popularity of the town to tourism within the summer months.

It is for the above reasons that Ooh La La for Adulte's is requesting that the premises at 21 Reibey Street be change from business zoning to retail zoning. That Ooh La La for Adulte's can be part of this vibrant business community and help Ulverstone prosper into its future years.

Yours truly

M A Goldsworthy

Owner/Operator

Ooh La La for Adulte's





## Church Notices

ALL welcome to traditional Anglican HC Service 9.30am 150 Waverley Road, Don.

**ANGELICAN CHURCH DEVONPORT**  
Sunday April 24th 2016  
8.45am St. John's HC  
10.30am St. Paul's HC

Wednesday April 27th  
10am St. John's  
Ph. 6424 6420.

Drive

Carfidence

www.drive.com.au

## Church Notices



**April 24, 2016**  
**Port Sorell**  
11 am Christian Community Church  
Port Sorell Memorial Hall  
42 Meredith Street  
Rev. Johann Joubert  
Devonport  
9.30 am Pathway to Life  
22 Nicholls Street  
Worship Service  
www.pathwaytolife.org.au  
**Penguin**  
10 am Sanctuary Hill  
Christian Fellowship  
2 Main Street  
Mr Jos Meijer  
6 pm Rev. Johann Joubert  
**Ulverstone**  
9.30 am 36 John Street  
Mr Julian Dykman  
6 pm At Penguin

## Church Notices

**LATROBE BAPTIST**  
10am, Rev. R Terry  
Phone 6426 1220  
**PRESBYTERIAN**  
Edward St, DEVONPORT  
10am Service  
Rev. Barry Swann  
Enquiries Ph. 6424 7115  
**SASSAFRAS BAPTIST**  
10.30 am Worship Service  
Rev. Dan Rough  
**SHEFFIELD BAPTIST**  
10.30am Noel McDonough  
All welcome.  
**ST DAVID'S**  
7 Hamilton St, Latrobe  
Sunday Worship 5pm  
All Welcome  
Independent Presbyterian  
Phone 0417 524 603



## Local Government

## KENTISH COUNCIL

APPLICATIONS FOR PLANNING PERMITS  
S.57 LAND USE PLANNING AND APPROVALS ACT 1993

Applications for the following have been received:  
**APPLICATION NO: DA 2016/025**  
**PROPOSAL:** Shed with reliance on Performance Criteria under the Rural Resource zone provisions (increase in floor area)  
**SITE:** 2567 Wilmot Road, Wilmot  
**APPLICATION NO: DA 2016/027**  
**PROPOSAL:** Dwelling additions with reliance on Performance Criteria under the Water and Waterways Code (proximity to watercourse)  
**SITE:** 2153 Wilmot Road, Lower Wilmot  
**APPLICATION NO: DA 2016/028**  
**PROPOSAL:** Dwelling and shed with reliance on Performance Criteria under the Rural Resource zone provisions (residential use & reduced setback)  
**SITE:** Main Street, Sheffield (CT 104+46/2)

The applications and associated materials will be available for inspection at the Council Office during normal office hours or at [www.kentish.tas.gov.au](http://www.kentish.tas.gov.au) for a period of fourteen (14) days from the date of publication of this notice. During this time, any person may make representation in relation to the proposals by letter, addressed to the General Manager, PO Box 63, Sheffield 7306 or by e-mail to [council@kentish.tas.gov.au](mailto:council@kentish.tas.gov.au).  
Dated at Sheffield this 23rd day of April 2016.

Gerald Monson  
GENERAL MANAGER

TA1876799

## LATROBE COUNCIL

APPLICATIONS FOR PLANNING PERMITS  
The following applications have been received under Section 57 of the Land Use Planning & Approvals Act 1993:

**Application No.: DA 59/2016**  
**Site:** 1 Shearwater Esplanade, Shearwater  
**Proposal:** Proposed dwelling with reliance on Performance Criteria under the General Residential zone (reduced setback & privacy)  
**Application No.: DA 60/2016**  
**Site:** 27 Paradise Place, Hawley Beach  
**Proposal:** Proposed dwelling with reliance on Performance Criteria under the General Residential zone (reduced setback)

The applications and associated materials will be available for inspection at the Council office during normal office hours or at [www.latrobe.tas.gov.au](http://www.latrobe.tas.gov.au) for a period of 14 days from the date of publication of this notice. During this time any person may make representation in relation to the proposals by letter addressed to the General Manager or email addressed to [council@latrobe.tas.gov.au](mailto:council@latrobe.tas.gov.au).  
Dated at Latrobe this 23rd day of April 2016.

Gerald Monson  
General Manager

ROAD CLOSURE  
LITTLE ALEXANDER STREET  
(WILMOT TO HIGH STREET) and  
ALEXANDER STREET (WILMOT TO HIGH STREET)

Council wishes to advise that Little Alexander Street between Wilmot and High Street, and Alexander Street between Wilmot and High Street, will be closed to all vehicular traffic on the following dates:

**LITTLE ALEXANDER STREET**  
Tuesday 26 April and Wednesday 27 April from 6am to 5pm  
**ALEXANDER STREET**  
Monday 2 May and Tuesday 3 May from 6am to 5pm  
The closure is required to undertake installation of structural steelwork for the Linc Building.  
For further enquiries, please contact Cliff Anderson on 6430 5734.

## ROMAINE RESERVE - WALKING TRACK CLOSURE

Council wishes to advise pedestrians that the walking track will be closed from Mount Street to Blackwood Parade from 2 May until 16 May, due to track maintenance works being undertaken in the area. Any queries should be directed to Patrick Chick, Acting Team Leader of Parks and Reserves on 0437 987 157.

NOTICE OF APPLICATION FOR LAND USE PERMIT  
(Section 57(3) Land Use Planning and Approvals Act 1993)

The following application for use and development of land has been received:-

**Application No:** DA 2016/29  
**Site:** 1450 Onah Road TEWKESBURY CT: 108976/1  
**Proposal:** Outbuilding associated with existing residential use  
**Discretionary Matter:** Grant of permit reliant on assessment against performance criteria Clause 26.4.2 (P1) - Front Setback

The application and documentation may be viewed at the Burnie City Council Offices, Ground Floor, 80 Wilson Street, Burnie between 8.30am - 5.00pm Monday to Friday inclusive or on Council's website at [www.burnie.net](http://www.burnie.net)

Any person may make representation relating to an application. Representations regarding the proposal should be in writing addressed to the General Manager, Burnie City Council, PO Box 973, Burnie 7320 or [burnie@burnie.net](mailto:burnie@burnie.net) to be received no later than 5.00pm on 10 May 2016.

Dated: 23 April 2016  
Andrew Wardlaw  
GENERAL MANAGER

TA1876928

www.burnie.net



## Local Government



**DEVONPORT CITY COUNCIL**  
44-48 Best Street, Devonport TAS 7310  
Phone: 03 6424 0511  
[www.devonport.tas.gov.au](http://www.devonport.tas.gov.au)

APPLICATION FOR PLANNING PERMIT  
A planning application has been made for the following proposal:

**Application No:** PA2016.0061  
**Proposal:** Residential (multiple dwellings x 2) - assessment against performance criteria under clause 10.4.2 (setbacks and building envelope) and Traffic Generating Use and Parking Code (fewer parking spaces than required)  
**Address:** 9 Tedman Street, Spreyton  
The application can be viewed at the Council offices or on Council's website. Section 57(5) of the Land Use Planning and Approvals Act 1993 provides that representations can be made in writing to the undersigned at PO Box 604, Devonport or [council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au) by close of business on 9/5/2016.

**NOTICE OF INTENTION TO SELL LAND FOR UNPAID RATES**  
Pursuant to Section 137 (3) of the Local Government Act 1993:  
**Land:** 86 Middle Road, Devonport - Volume 75455, Folio 1  
**Owner:** The registered owners of the property are the late Eric and Annette Pempel. Council understands that the current owners at law are the children of Annette Pempel, in particular, Terry, Taliana and Eugene Doroshenko and Kathryn Doroshenko-Pempel.  
The period for which the rates have been in arrears is 2011/12, 2012/13, 2013/14, 2014/15 and 2015/16. The total amount of the total rates outstanding in relation to the land is \$3,900.68. If that amount is not paid in full within 90 days Council intends to sell the land for non-payment of rates.

Paul West  
GENERAL MANAGER

19 King Edward Street  
Ulverstone Tasmania 7315  
Tel. 03 6429 8900  
Fax 03 6425 1224  
[www.centralcoast.tas.gov.au](http://www.centralcoast.tas.gov.au)

**TEMPORARY ROAD CLOSURES ANZAC DAY SERVICES**  
**Penguin**  
Notice is given that:  
Main Road/Penguin, from Johnsons Beach Road/Crescent Street junction to 85 Main Road;  
will be closed to vehicles, other than emergency vehicles, from 10.45am to 12.00pm on Monday, 25 April, for the purpose of conducting the Penguin Anzac Day Service.  
No vehicles are to remain parked in this area during the closure.  
Ulverstone

**Notice is given that:**  
Reibey Street between Victoria Street and the Shrine of Remembrance;  
Victoria Street from south of the Patrick Street junction to north of Priceline Pharmacy;  
Alexandra Road from east of Dairy Company Lane to west of the Main Street junction, and  
Risby Street, from Alexandra Road to junction with John Street;  
will be closed to vehicles, other than emergency vehicles, from 10.30am to 12.30pm on Monday, 25 April, for the purpose of conducting the Ulverstone Anzac Day Service.  
No vehicles are to remain parked in these areas during the closure.

TEMPORARY ROAD CLOSURES 2016 NATIONAL ROAD SERIES TOUR  
Ulverstone and Penguin

Notice is given that the following streets will be closed to vehicles, other than emergency vehicles, from 8.30am to 12.30pm on Friday, 29 April 2016 for the purpose of staging the National Road Series Tour:

- Penguin Road, between Josephine Street, West Ulverstone and Cann Street, Penguin;
- incorporating the intersections of:
  - Amy Street;
  - Clara Street;
  - Undara Crescent;
  - Westland Drive;
  - Beacons Road;

## REFUSE DISPOSAL AND RECYCLING

Operating times for refuse disposal, refuse and recyclables collection services are as normal outside of the days specified below:

## Domestic Refuse Collection

Collection scheduled for Monday, 25 April (Anzac Day) in the Heybridge, Sulphur Creek, Penguin and Turners Beach areas will occur on Tuesday, 26 April.

## Resource Recovery Centre

The Resource Recovery Centre will be closed on Monday, 25 April (Anzac Day).

APPLICATION FOR PLANNING PERMIT  
S.57 Land Use Planning and Approvals Act 1993. The following application has been received:

**Location:** 21 Reibey Street, Ulverstone  
**Proposal:** General retail and hire (adult clothing, adult interior design items and adult novelties) - variation to standards for car parking, provision for one small rigid truck space, passenger vehicle pick-up and set-down facility and length of building wall.  
**Application No.:** DA215189

The application may be inspected at the Administration Centre, 19 King Edward Street, Ulverstone during office hours and on the Council's website. Any person may make representation in relation to the application (in accordance with s.57(5) of the Act) by writing to the General Manager, Central Coast Council, PO Box 220, Ulverstone 7315 or by email to [admin@centralcoast.tas.gov.au](mailto:admin@centralcoast.tas.gov.au) and quoting the Application No. Representations must be made on or before 8 May 2016.

Dated at Ulverstone this 21st day of April, 2016.

SANDRA AYTON  
General Manager

## Local Government

WEST COAST COUNCIL  
NOTICE OF APPLICATION FOR LAND USE PERMIT

(Section 57(3) Land Use Planning and Approvals Act 1993)

The following application for use and development of land has been received:

**Application No:** DA 2015/48  
**Site:** 11 Beach St, Strahan  
**Proposal:** 2 lot Residential Subdivision & Conversion of outbuilding to single dwelling

**Discretionary Matter:** Reliance on performance criteria for grant permit - Clause 10.4.2 Setbacks and building envelope for all dwellings (P3), Clause 10.4.10 Dwelling density for single dwelling development (P1), Clause 10.4.13 Subdivision (P1,P2), Clause 10.4.14 Relocation of an electricity supply to new lots on a plan of subdivision (P1) and Clause E10.6.2 Development in a shoreline area (P1).

The application and documentation may be viewed at the West Coast Council Offices, 11 Beach St, Queenstown, or Service centre, Strahan Post Office, Esplanade, Strahan during office hours.

Representations regarding the proposal should be in writing addressed to the General Manager, West Coast Council, PO Box 63, Queenstown 7467 to be received no later than 5.00pm on 6 May 2016.

Dated: 23 April 2016  
Dirk Dowling  
GENERAL MANAGER

19 King Edward Street  
Ulverstone Tasmania 7315  
Tel. 03 6429 8900  
Fax 03 6425 1224  
[www.centralcoast.tas.gov.au](http://www.centralcoast.tas.gov.au)

**TEMPORARY ROAD CLOSURES ANZAC DAY SERVICES**  
**Penguin**  
Notice is given that:  
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No vehicles are to remain parked in this area during the closure.  
Ulverstone

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Dated at Ulverstone this 21st day of April, 2016.

SANDRA AYTON  
General Manager

19 King Edward Street  
Ulverstone Tasmania 7315  
Tel. 03 6429 8900  
Fax 03 6425 1224  
[www.centralcoast.tas.gov.au](http://www.centralcoast.tas.gov.au)

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Ulverstone

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Dated at Ulverstone this 21st day of April, 2016.  
SANDRA AYTON  
General Manager

## Clearing Sales



## AUCTIONS

**Thursday 28th April at 11.00am | 49 Bradys Creek Road, Parkham**  
**Account: Bradys Plains Pty Ltd | Due to Sale of Property**  
**Farm Machinery & Equipment**

Massey Ferguson 5465 tractor (120hp, 3000hrs) with MF 955 FEL (grab bucket & forks), 2015 Kuhn 1000 1tr 3PL spray unit with hydraulic 12m boom & GPS, 2015 Delnado 10' steel roller, Suzuki KingQuad 750 quad bike (113,150kms), Suzuki Ozark 250 quad bike, Polaris Ranger 900 diesel quad bike, Iveco / Davey diesel pump set, Irrifrance 435 x 110 hard hose irrigator (near new hose), Lely 3m power harrows, Rapid Spray 4000L 12v elec diesel tank, S type cultivator with crumple bar, 2 bale trailing hay feeder, Kyrillingsd 41 plough, DJ 3pl steel driver, 2011 steel tandem trailer with stock crate, Highfield cattle ramp, Highfield 2T grain feeder, Keogh & Son electric grain crusher with auger, Mobilco 4' 3PL slasher, hydraulic tail gate loader, Yamaha AG100 motorbike, 4 x truck winches, brexella jack

Enquiries:  
Kevin Matkovich 0417 325 935 [kmatkovich@robertsld.com.au](mailto:kmatkovich@robertsld.com.au)

**Friday 29th April at 11.00am | Mt Hicks Road, Mt Hicks**  
**Account: GJ & PJ Whiteley PR & KA Harman | Farm Machinery**

2013 New Holland T5040 (800 hrs) with NH AP35 Plus FEL (with 3rd function), 2004 Jaycoheritage caravan (full annex, full ensuite, travelled approx. 15,000kms), 2002 Honda 350 Fourtrax quad bike, 2005 Stiga 13-6103 Park Compact articulated ride on mower, 125cc quad bike (needs repairs), Stihl 064, MS390,032AV chainsaws, Lely 240 Classic 6 disc mower, 2010 12 wheel Delta V rake, 2 x 2008 2tonne stainless steel trailing fert bins, 2010 Lemken Ruben 9 multi disc, Berends Para plough, 2007 Dima Legend 110 x 350 hard hose irrigator, Lely 280 7 disc top drive mower, Connor Shea Tyne Combine trailing drill, trailing s/s cup elevator, Hardie 1000L 12V spray unit, International 3-4 20 plate discs, Honda 30 x lawn mower, Scorpion workshop compressor, 2 x NEW Sitrex V rake wheels, Muratran stick welder, Ajax A2 & 11/2 pumps, 12V hedge trimmer, 1300 Ltr s/s vat, Victa tilt a cut edger, 10 x bale twine, qly blackwood boards, MF 42 finger mower, MF 31 plough, PZ haybox, New Holland Super 56 hay rake, MF tool bar, Ravings 16 plate discs, 3 stage truck hoist, truck axle, Fiberglass slip on water tank 300 Ltr, Chainsaw, 1987 Ford Cargo 1313 steel tray (registered), 3pl drain spinner, 3pl post hole borer, Kuhn 80' rotary hoe, NH trailing fert spreader, Kuhn 67301 tedder rake, 2011 Fella SM 31-6 disc mower, 2010 Fella SM 320 6 disc mower, Hustler chainless 4000 bale feeder, dual wheels (rear 136R38, front 112R28), round baler, Connor Sheatney drill, Lotus 300 tedder rake, inter 44' plough, bale loader, bale elevator, Stihl 064 chainsaw, hard equipment (including hose, fittings, testers), engineering equipment (including Morse taper drills, sleeves), stocks & dies, large tool boxes, Stihl FS86 trimmer, Honda HRU Buffalo s/p lawn mower, retractable air hose unit, oxy set (including hose, gauges, tips), 1/2 - 3/4 tension wrenches, air impact gun, pet engine wash down pump, twitches, chains, hooks, joiners, elec single bucket milking machine, 6 x 4 box trailer 1983 Toyota SRS ZWD (vra cab ute, auto with overdrive, petrol engine, regl. 3.5 alum dinghy with mariner 8hp outboard with galv tipping trailer (both regl. vintage forward garden rotary hoe (engine seized, pr steel wheels, pr HT rims, set linkage arms)

Enquiries:  
Bill Aldridge 0418 236 316 [baldrige@robertsld.com.au](mailto:baldrige@robertsld.com.au)  
Kevin Matkovich 0417 325 935 [kmatkovich@robertsld.com.au](mailto:kmatkovich@robertsld.com.au)

**Saturday 30 April at 10.30am**

**"Brumby House" 61 Weston Street, Longford**  
**Account: F & B Cassidy | Due to Sale of Property**

**Farm & Workshop plant equipment, Furniture, Antiques & Collectables, Garden pots plants & paraphernalia**

2009 TYM 4WD tractor (23hp, 3PL, 650hrs) with LT 200 FEL, Berends 4' slasher, Berends 3PL grader blade, Berends carryall, 6' grass harrows, Silvan 200 1tr 12V spray unit, Mobilco 3PL fert spreader, steel trailer (7' x 4'6") with stock crate, Real-Ezy folding boat trailer, Silvan 3m spray boom, MTD 42" cut x 16hp ride on mower, MTD push mower, tandem axle trailer (not completed), Stihl 031 AV chain saw, air compressor, New Triton work centre, large quantity of power tools including saws, grinders, drills, shelving, electric fence unit, alum step ladder, Homelite leaf blower, Atom lawn edger, quantity hand tools, quantity fencing tools, wire & insulators, MGI electric golf buggy, pushbikes, PVC pipe, Stock hurdles to suit flat tray, Glass display cabinets, large quantity crockery, pine dining table & 6 chairs, pine dresser, hall stands & table, lamps, Dimplex/elez flame heater/chilids rocking chair, corner display cabinet, Cedar book case, Bali prision cabinet, quantity small tables, blackwood bedroom suite, cottage Bentwood pattern chair, Fisher & Paykel fridge, Fisher & Paykel freezer, large Tas Oak desk, Sandeford YB500 comb safe, display wall unit, Large quantity cement w/established plants including conifers, quantity English box in 8" pots, numerous terracotta pots/plants, Jarrah outdoor table with 4 bench seats, garden ornaments, cast iron & wooden garden benches, pine box on castors, large cane trunk, Milkman's cart, Wagon wheels, cream can, Many household items, farm & workshop sundries that are too numerous to mention

Enquiries:  
Kevin Matkovich 0417 325 935 [kmatkovich@robertsld.com.au](mailto:kmatkovich@robertsld.com.au)

## NO BUYERS PREMIUM - GST may apply

Clearing Sale Terms  
Strictly payment on day of sale unless prior arrangement has been made with Credit Department 6391 6564.  
All intended bidders must register with PHOTO ID prior.  
For details go to [www.robertsld.com.au](http://www.robertsld.com.au) Livestock, Upcoming Clearing Sales





# Annexure 3

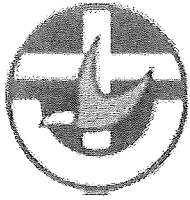
Development Services Committee  
Central Coast Council  
PO Box 220,  
Ulverstone Tas

CENTRAL COAST COUNCIL  
Division Plan-Ian.s  
Rec'd 04 MAY 2016  
File No .....  
Doc. Id 230662 .....

In regards to DA 215189 we find interesting that you require an application in the Central Business district for a retail store but give permission for other business to operate a warehouse in the rural area confirmed by the owner of the business instead of using the area in Industrial. With blocks for sale in this area and buildings for lease we note the issues around Reibey Street and the type of shop seems to be the issue. Why not treat everyone the same. Either areas are permitted or not and we would support the use of Reibey Street for any type of business that fits into Retail. Other towns have Adult Shops why not us. Perhaps you should concentrate on the whole area and not just one individual business.

Signed

Modernise Ulverstone Group



**Ulverstone United Church**  
**PO Box 227**  
**Ulverstone 7315**

CENTRAL COAST COUNCIL

Division *Plan-Ian.S*

Rec'd *- 9 MAY 2016*

5<sup>th</sup> May, 2016

File No .....

Doc. Id *231024* .....

Ms Sandra Ayton,  
General Manager,  
Central Coast Council  
King Edward Street,  
Ulverstone, 7315

Cc's to Mayor & Councilors,  
Central Coast Council  
King Edward Street,  
Ulverstone, 7315

Dear Sandra,

As concerned residents of the Central Coast Community we would like to express our concern at the news that an adult sex shop may commence operation in the Central Coast municipality.

We are vehemently opposed to the establishment of the Ooh La La for Adultes business in Reibey Street Ulverstone, and to any similar businesses in the future.

We are very concerned for the welfare of our community and believe that such a business would have a detrimental effect to Ulverstone, particularly in the very public location in which the business is planned to operate.

We have particular concerns that, having such a business located in the heart of Ulverstone's CBD may have the following effects:

- A negative impact on the welfare of vulnerable & impressionable children, adolescents and young adults, for example, in the area of mental health.  
There is evidence that proliferation of pornographic images is associated with an increased incidence of common mental health issues such as low self-esteem, poor body image, eating disorders, depression, self-harm and even suicide. As North-West Tasmania already has one of the highest rates of mental illness in the country, do we really wish to compound this problem by having a sex shop in town? Surely our community should be working to improve mental health rather than to exacerbate the problem.
- It may affect others for whom we have a personal responsibility and care deeply about, including our own children and grandchildren
- It may encourage even earlier sexualisation of young children, an issue already contributing to an increased incidence of the mental health issues previously outlined
- Businesses in close proximity may be devalued or experience decreased daily trade
- It may be offensive to a large proportion of our community, and also to visitors, which is important in light of the currently significant summer tourist trade

- Violence against women is a significant problem in our society and this business is sending the wrong message. The current government initiative called "Violence against women. Let's stop it at the start" identifies disrespectful behavior as the key in the cycle of violence against women.

We would appreciate you tabling this letter of concern at the next meeting of Council.

We look forward to your reply in regard to the relevant licensing and planning guidelines and by-laws for adult sex shops in Tasmania, and whether Ooh La La for Adultes' planned business in Reibey Street Ulverstone is compliant with these.

Thank you for your consideration of this request.

Yours sincerely,

Members of the Uniting Church

Ulverstone

George Hingston - G.W. Hingston  
 Carol Trisley  
 H. & B. Watson

Elyse Lloyd - Lloyd

Valerie Britton

Maureen Gekker M of  
 Maureen Gekker M of  
 Maureen Gekker M of

Reg Hetherington

Margaret Pearson

Kathleen McCormack Kathleen McCormack

Glenys Bourday Glenys Bourday

Wayne Bourday Wayne Bourday



DA 245 189

Mandy Good

**From:** Switch operator  
**Sent:** Wednesday, 4 May 2016 8:59 AM  
**To:** Mandy Good  
**Subject:** FW: Planning application 21 Reiby st

Hi Mandy,

For registering.

thanks

**Kim Badcock**  
Customer Service Officer

CENTRAL COAST COUNCIL  
PO Box 220 | 19 King Edward Street, Ulverstone TAS 7315  
P: (03) 6429 8928 | F: (03) 6425 1224  
bookings@centralcoast.tas.gov.au



CENTRAL COAST COUNCIL

Division .....  
Rec'd - 4 MAY 2016  
File No .....  
Doc. Id .....

**From:** [REDACTED]  
**Sent:** Tuesday, 3 May 2016 7:04 PM  
**To:** Switch operator  
**Subject:** Planning application 21 Reiby st

Dear Councillors,  
I would like to register my objection to the application to operate an "adult toy store" at 21 Reiby st Ulverstone 7315.  
I returned to my home town of Ulverstone in 2005 after 12 years living on the mainland to start a family. With our fourth child on the way, i would be disgusted to have such a store in this town and to have to explain such things to inquisitive children should not be acceptable in a town such as this which has in recent times spent millions of dollars to improve its image.  
Would this shop increase the chances of families like mine returning to their home town? I think not. If approved, this will do more harm than good.

Yours faithfully,  
Bill Burford  
[REDACTED]

Sent from Outlook Mobile. Yes, it works with Gmail.

Kellie Malone

---

**From:** [REDACTED]  
**Sent:** Tuesday, 3 May 2016 2:14 PM  
**To:** Switch operator  
**Subject:** Re application for planning approval for 21 Reibey St Ulverstone -

Dear Sir or Madam

My husband and I strongly object to the application to operate an Adult Shop right in the heart of the shopping centre in Ulverstone. Our town which we have lived in for 42 years is known for its family friendly environment and a safe place to live.

It is also a town full of elderly people as well as a wonderful welcoming place for tourists to experience our quiet, clean, friendly environment.

We have many eating places to encourage people visiting to relax and enjoy. It is a very busy area of town with Mums and Dads, along with children going about their shopping.

We do not want to see or see the need for an Adult Shop in Ulverstone at all and especially know it would be detrimental to the shopping experience of the general public to allow it to operate from the busiest part of town. It is degrading to women and children with what the shop would be selling and is not the sort of shop we want our grandchildren to have to walk past daily.

We believe it is inconsistent with the character of our town & its qualities which we all appreciate & like to promote.

An Adult Shop will not contribute positively to the community so well described on Councils own website – 'Central Coast – a place to live , work & play'.

It is hard to understand why the owners of this type of so called business would want to set up right in the heart of such a beautiful relatively quiet and safe town.

If people want to indulge in buying the sort of products that the Adult shop would be selling they can buy on line without needing an 'in your face' outlet in the Ulverstone CBD. I understand that the Newsagents and others are not allowed to have on display any books or others things that are sexually explicit etc. So why would the Council allow this type of shop to set up right in the heart of town.

We would encourage the Council to refuse planning permission for this business to operate in our town.

Thank you for taking the time to carefully consider all the implications that this "Adult Shop" would have on Ulverstone.

Carolyn & Milton Smith

**From:** [REDACTED]  
**Sent:** Tuesday, 3 May 2016 5:13 PM  
**To:** Switch operator  
**Subject:** Ooh La La for Adulte's

To whom it may concern,

I hope the application for rezoning of the above business will not go ahead, not only will this send the wrong message to the community, if this store opens it doors in the main street of Ulverstone, it will bring the wrong people the area, our children are all the time at risk, and this store will put our youth at a greater risk, I urge the council to think about all possible risks to the community they serve.

Yours truly

Noel Jordan

**From:** Switch operator  
**Sent:** Wednesday, 4 May 2016 1:06 PM  
**To:** Mandy Good  
**Subject:** FW: KO - DA215189 Plans for 21 Reiby Street - Objection to.

Another one for you

**Kim Badcock**  
Customer Service Officer

CENTRAL COAST COUNCIL  
PO Box 220 | 19 King Edward Street, Ulverstone TAS 7315  
P: (03) 6429 8928 | F: (03) 6425 1224  
bookings@centralcoast.tas.gov.au



---

**From:** [REDACTED]  
**Sent:** Wednesday, 4 May 2016 12:15 PM  
**To:** Switch operator  
**Subject:** KO - DA215189 Plans for 21 Reiby Street - Objection to.

I understand there is an application before Council to amend the zoning for 21 Reiby Street from 'business' to 'retail.'

I am writing to express my objection.

My objection is based on a number of issues.

1. The nature of the business being proposed for the site. The facebook page for the business in question ('Ooh la la for adulte's) has depictions of women and men as sex objects, as well as women being bound, which is especially offensive.

2. Products that will be for sale, according to their facebook page, include items such as handcuffs, paddles, whips and dog collars (adult fun). Again degrading and demeaning.

3. (Probably should be first) According to the Council's Annual Report two of Council's values listed are "Community Spirit" and "Respectful."

My questions are ...

"Are these the Council's true values or are the statements merely window dressing for a report?

"How does a business such as 'Ooh la la for adultes' reflect these values?

4. Towns are often know by their businesses.

For example Bendigo, Vic (Pottery), and Coff's Harbour, NSW (Big Banana).

Do we want to be known as .... Ulverstone, Tas (Sex Shop)?

The owners may not call it a sex shop, however, that is how I have heard it referred to by several people already.

5. The sense I have is that Ulverstone is very much a family friendly place to live. My fear is that the admission of businesses of this nature will help to destroy our family friendly atmosphere.

This could well be the thin edge of the wedge.

Thank you for this opportunity to share my concerns.

I trust the Council will do what is right for ALL residents under its care.

Yours Sincerely

Ken O'Reilly

*Rev. Ken O'Reilly*

*Pastor*

*Church of Christ*

*Ulverstone*



**From:** [REDACTED]  
**Sent:** Wednesday, 4 May 2016 11:32 PM  
**To:** Switch operator  
**Subject:** Sex shop in Reibey Street, Ulverstone.

My wife Shelley, and myself would like to strongly oppose the proposed sex shop (let's call it what it is). This beautiful little town doesn't need one anywhere within CCCs boundaries. The one in East Devonport is more than enough to service the entire north and north west of our state. We do not want to have to explain to our primary school grandchildren what the shop is for. Haven't our morals slipped far enough without this unnecessary aggravation in our face. The F.... Word is now sadly all over the ABC for example. We can live happily without the proposed sex shop. Let East Devonport and the Internet service those with the desire for unnatural desires in the bedroom. Women are degraded enough in so many mediums, lets not add one more in town. We thank you for your time. Damian and Shelley Thompson, 4 Quiggins Grove, Ulverstone, Tasmania, 7315.

Sent from my iPhone

**From:** [REDACTED]  
**Sent:** Thursday, 5 May 2016 11:51 AM  
**To:** Switch operator  
**Subject:** Proposed application

To whom it may concern.

I am writing to lodge an objection to the proposed application for an Adult shop to be allowed to trade at 21 Reiby Street Ulverstone.

Firstly, Such a shop has no place in this beautiful region of Tasmania.

Secondly to even think of having such a shop in our main shopping precinct is outrageous.

Ulverstone is a safe friendly town that welcomes tourist because of what it is and it is a great place to live. We do not want nor do we need such a business here.

I do not want to have to explain to my children or future grand children what this place is or more so how could any council planning allow such a business to trade in the heart of our town.

I am a concerned citizen and local business owner. Please do not let this happen!

regards

Peter Pring

[REDACTED]  
Pellet Fires Tasmania  
31A Victoria Street



CENTRAL COAST COUNCIL

Division Plan - Ian S.

Date 05 MAY 2016

2A Victoria St.

No .....

ULVERSTONE 7315

Id 230738

5-5-16

Commercial Planning Officer,  
Central Coast Council.

The undersigned wish to express our objection  
to the opening of the 'Adults Only' shop in the Reiby St.  
of Ulverstone. We feel that such a business  
will be detrimental to our society and would  
immediately do much harm especially to the youth of  
the district. We note that this business is closed  
permanently and request that it remain so permanently.  
Yours sincerely,

Norman & Louis Greenwood

Greenwood Lily Greenwood

Could these sentiments please be passed on to all  
Central Coast Councillors? Many Thanks. ~~AK~~ Lily

**From:** [REDACTED]  
**Sent:** Thursday, 5 May 2016 8:54 PM  
**To:** Switch operator  
**Subject:** Adult shop in Ulverstone

**My husband and self are a bit concerned about the adult shop in Reiby St Ulverstone.**

*There is no door at the back of the shop where the "adult" merchandise is. Any young child could or young adult could walk through. We feel this is not a good look for Ulverstone.*

NW Coast has one of the highest rates for mental illness with our youth being especially vulnerable. We have lots of domestic violence and dysfunction in families. We don't see as beneficial to our town. Thank you for your time.

Sally and George O'Connor X

**From:** [REDACTED]  
**Sent:** Friday, 6 May 2016 11:09 AM  
**To:** Switch operator  
**Subject:** Re Ooh La La for Adulte's" planning application

To the Council Planning Department

Re Ooh La La for Adulte's" planning application to change 21 Reibey Street from business to retail zoning

We object in the most strenuous terms possible to the application to operate an adult shop in the heart of the shopping precinct of Ulverstone or any other part of Ulverstone. The application for such a shop places it at odds with one of the important Annual Plan values for this town: "a sense of safety and belonging".

Ulverstone is a respectable family friendly town catering to the needs of retirees and families. It is also a beautiful tourist attraction and holiday destination where people come to enjoy the scenery and quietness of the town.

We have moved to this town in recent years and have enjoyed the fact that in Ulverstone we are free from the degrading influences of adult shops such as those found in other places.

We also have grave concerns about the centrality of the adult shop. It is undesirable that children and youth would be daily subjected to this kind of business as they walk past on a regular basis. As adults we also do not want to see ourselves, grandparents, or anyone for that matter, being subjected to this kind of business in our lovely town. As rate payers we would rather not see this type of business encouraged in our town.

An adult shop contributes nothing positive to the community. It actually feeds into community concerns around family violence and contributes to the degradation of men, women and children. Something that we all wish to avoid.

Thank you for your consideration of our expressed concerns.

Yours sincerely

**John & Lyn McKay**

13 Hamilton Street  
Ulverstone, TAS 7315

Tel: [REDACTED]

\*\*\*\*\*

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**From:** [REDACTED]  
**Sent:** Friday, 6 May 2016 1:15 PM  
**To:** Switch operator  
**Subject:** Objection re location proposed "Ooh La La for Adults"

To Members of the Central Coast Council,

I wish to object to the proposed adult shop being located at 21 Reibey St. Ulverstone. DA215189.

I believe that the zoning regulations actually provide a protection from such a use of the High Street and should not be compromised. It is inappropriate for a shop specialising in adult sexual products to be located in a general shopping precinct in a country town. Even countries, which have a very open and tolerant approach to sexuality have designated areas where the sex industry may trade.

Those who wish may source adult items from the Internet quite readily so would not be deprived by this restriction.

There are serious studies that indicate very young people are already obtaining their views and expectations about sex via the internet porn industry. I am concerned that a shop specialising in such products located alongside health foods, home decorator furnishings and supermarkets will normalise behaviour that can victimise the less powerful members of our society.

"Adult" is a stage that young people aspire to and imitate. It is our responsibility as a community to provide a positive and healthy image of what adult can mean.

Yours sincerely

Amanda Barnard.

**Holy Trinity, Ulverstone**  
**Anglican Diocese of Tasmania**

GPO Box 111, Ulverstone Tas 7315  
 6-10 Kings Parade  
 Tel: 6425 1003  
 Fax: 6425 7501  
 Email: anglicanulv@bigpond.com

Central Coast Council  
 PO Box 220, Ulverstone 7315

## Planning Application "DA215189 - 21 Reibey Street, Ulverstone"

---

6<sup>th</sup> May, 2016

To whom it may concern

I wish to object to the proposed development: "DA215189 - 21 Reibey Street, Ulverstone" on the grounds that it is at odds with the values outlined in the Central Coast Council's Annual Plan for 2015-2016. It does not contribute towards the goal of a "safe and healthy environment" nor does it "improve community well-being".

### **Disrespect of Women and Men and the Cycle of Violence**

The product range on the application from "Ooh La La for Adulte's" is listed as "adult clothing, adult interior design items and adult novelties". Its product list on its web site and facebook page is more specific and includes: whips, paddle and handcuffs. Images include women bound and others portraying women and men as sex objects.

Violence against women is a significant problem in our society and this business is sending the wrong message. The current government initiative called "Violence against women. Let's stop it at the start" identifies disrespectful behaviour as key in the cycle of violence against women.

*The government website for this program outlines our hopes for our young people, "We want them to have positive experiences, healthy relationships and opportunities to learn. We want them to understand right and wrong. We want them to respect others, and respect themselves. We do our best to set a good example, but sometimes, without meaning to, we might say things that excuse disrespectful behaviour in young people. It's important we understand the cycle of violence. Not all disrespect towards women results in violence. But all violence against women starts with disrespectful behaviour."*

The products of this proposed retail outlet do not send a message of respect for one another.

### **A Safe Environment for Young People**

I understand that due to sexualised nature of the product range much is restricted to 18+. Unfortunately, it is a common occurrence that products restricted to adults are accessed by those underage despite regulations that attempt to restrict access. For example long experience of the

use of alcohol and cigarettes show that once a product is available amongst the adult population young people do gain access to these products for their own consumption. Our young people are a valuable human asset to our community and have the right to be protected. Providing a shop front to 18+ products in Ulverstone likely increases the circulation of these products in our community and so increases the risk of young people gaining access.

Regulation of the sex industry, in the case of brothels, takes into account whether the premises are near any place regularly attended by children. I believe the same can be said for any aspect of the sex industry. Accordingly the location of this business in 21 Reibey Street is entirely inappropriate.

I do not know the Tasmanian regulations, but I understand in NSW that local councils can close down sex services premises if they negatively affect the local area. Reference:

<http://www.swop.org.au/the-law/closing-down-sex-services-premises>

Everyone that I have spoken to regarding this proposed development strongly believes that this business would negatively affect the town of Ulverstone. If established, its promotion along the NW Coast would damage the image of our town.

### **Public Health Threat**

After 40 years of peer-reviewed research, scholars can say with confidence that porn is an industrial product that shapes how we think about gender, sexuality, relationships, intimacy, sexual violence and gender equality - for the worse.

Extensive scientific research reveals that exposure to and consumption of porn threaten the social, emotional and physical health of individuals, families and communities, and highlights the degree to which porn is a public health crisis rather than a private matter. But just as the tobacco industry argued for decades that there was no proof of a connection between smoking and lung cancer, so, too, has the porn industry, denied the existence of empirical research on the impact of its products.

But research shows, porn is not merely a moral nuisance and subject for culture-war debates. It's a threat to our public health, and this alone provides grounds for the rejection of the development proposal.

Reference: <https://www.washingtonpost.com/posteverything/wp/2016/04/08/is-porn-immoral-that-doesnt-matter-its-a-public-health-crisis/>

The 2015-2016 Annual Plan for the Central Coast Council says that one of the things we value is "a sense of safety and belonging". I believe that this business enterprise fails in that by its disrespect of women and men, and as such it devalues both us and our community.

Yours Faithfully

Rev'd David Blyth  
Priest in Charge  
Parish of Ulverstone

**From:** [REDACTED]  
**Sent:** Friday, 6 May 2016 3:27 PM  
**To:** Switch operator  
**Subject:** Re: Adults Only shop in Ulverstone

To whom it may concern

As a High School teacher, I spend every day encouraging young people to think about what is true and right, what is wholesome and positive, and what is upbuilding and admirable. And that is why it is anathema to me to hear the Council is even considering lowering the moral tone of our town, and placing temptation right in the way of our young people, by approving the lease of the Adults Only shop. And not only is it to be in our town, but it is to be in the very heart of our town, blatantly unavoidable and obvious to anyone walking from supermarket to Post Office or Newsagent or Reject Shop or Chemist – where everyone passes when shopping in Ulverstone.

Are we so desperate to fill our shop leases, that we will stoop to accept anything, ignoring what impact or implications they may have?

I therefore earnestly implore you to reject this application, which will have such a negative, unwholesome influence in our town.

Yours sincerely,

(Mrs) Jennifer Hendriks



---

**From:** [REDACTED]  
**Sent:** Friday, 6 May 2016 3:34 PM  
**To:** Switch operator  
**Subject:** re: Adult shop in Reibey St, Ulverstone

Dear Mayor,

I write to express my concern that an Adult shop will be given approval to operate in some form or other in the main street of Ulverstone. To allow this shop to operate in Ulverstone will lead to the lowering of moral standards throughout the community as we know it. There is an increasing battle going on in our community with regard to family violence and other deviant behaviour. Whilst there may be some within our community that will suggest that this shop will be an outlet for such behaviour I am not persuaded that this is so. In fact I believe that it is a catalysis to much negative behaviour toward the opposite sex.

If it is in the Council's power to prevent this shop from opening please do so for the long term benefit of our Community!

Yours Truly,

Jacob Hendriks  
Treasurer  
Warrawee Womens Shelter  
[REDACTED]

**From:** [REDACTED]  
**Sent:** Friday, 6 May 2016 5:32 PM  
**To:** Switch operator  
**Subject:** re Ulverstone Adult Shop  
**Attachments:** council letter.docx

to whom it may concern,  
I would like to lodge my disappointment and sheer surprise at an Adult Shop opening up right in the most prominent position in the main street.  
I have enclosed a letter which I have altered slightly to reflect my personal objections as to the shop being able to open.  
Whilst I have only been in Ulverstone for 4 months, I believe the very presence of such a shop will dramatically impact tourist and locals opinion of Ulverstone.

*Stacey*

**Stacey Cotton (Major)**

Corps Officer | Ulverstone Corps | Tasmania Division  
**The Salvation Army** | Australia Southern Territory  
23 Victoria Street, Ulverstone, TAS, 7315  
PO Box 63, Ulverstone, TAS, 7315  
T 03 6425 5382 | [REDACTED] | F 03 6425 6579  
[stacey.cotton@aus.salvationarmy.org](mailto:stacey.cotton@aus.salvationarmy.org)

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5<sup>th</sup> May, 2016

Ms Sandra Ayton,  
General Manager,  
Central Coast Council  
King Edward Street,  
Ulverstone, 7315

Cc's to Mayor & Councilors,  
Central Coast Council  
King Edward Street,  
Ulverstone, 7315

Dear Sandra,

I would like to express my/our concern at the news that an adult sex shop may commence operation in the Central Coast municipality.

I am opposed to the establishment of the Ooh La La for Adultes business in Reiby Street Ulverstone, and to any similar businesses in the future.

I am very concerned for the welfare of our community and believe that such a business would have a detrimental effect, particularly in the very public location in which the business is planned to operate.

I have particular concerns that, having such a business located in the heart of Ulverstone's CBD may have the following effects:

- A negative impact on the welfare of vulnerable & impressionable children, adolescents and young adults, for example, in the area of mental health.  
There is evidence that proliferation of pornographic images is associated with an increased incidence of common mental health issues such as low self-esteem, poor body image, eating disorders, depression, self-harm and even suicide. As North-West Tasmania already has one of the highest rates of mental illness in the country, do we really wish to compound this problem by having a sex shop in town? Surely our community should be working to improve mental health rather than to exacerbate the problem.
- It may encourage even earlier sexualisation of young children, an issue already contributing to an increased incidence of the mental health issues previously outlined
- Businesses in close proximity may be devalued or experience decreased daily trade
- It may be offensive to a large proportion of our community, and also to visitors, which is important in light of the currently significant summer tourist trade

I would appreciate you tabling this letter of concern at the next meeting of Council.

I look forward to your reply in regard to the relevant licensing and planning guidelines and by-laws for adult sex shops in Tasmania, and whether Ooh La La for Adultes' planned business in Reiby Street Ulverstone is compliant with these.

Thank you for your consideration of this request.

Yours sincerely,

*Stacey Cotton*

Stacey Cotton (Major)  
The Salvation Army Ulverstone Corps

5<sup>th</sup> May, 2016

Ms Sandra Ayton  
General Manager,  
Central Coast Council  
King Edward Street,  
Ulverstone, 7315

Cc's to Mayor & Councilors,  
Central Coast Council  
King Edward Street,  
Ulverstone, 7315

Rec'd

06 MAY 2016

Dear Sandra, File No .....

Doc. Id ..... 230913 .....

I/we would like to express my/our concern at the news that an adult sex shop may commence operation in the Central Coast municipality.

I/we am opposed to the establishment of the Ooh La La for Adultes business in Reiby Street Ulverstone, and to any similar businesses in the future.

I/we am/are very concerned for the welfare of our community and believe that such a business would have a deleterious effect, particularly in the very public location in which the business is planned to operate.

I/We have particular concerns that, having such a business located in the heart of Ulverstone's CBD may have the following effects:

- A negative impact on the welfare of vulnerable & impressionable children, adolescents and young adults, for example, in the area of mental health.  
There is evidence that proliferation of pornographic images is associated with an increased incidence of common mental health issues such as low self-esteem, poor body image, eating disorders, depression, self-harm and even suicide. As North-West Tasmania already has one of the highest rates of mental illness in the country, do we really wish to compound this problem by having a sex shop in town? Surely our community should be working to improve mental health rather than to exacerbate the problem.
- It may affect others for whom I/we have a personal responsibility and care deeply about, including my/our own children
- It may encourage even earlier sexualisation of young children, an issue already contributing to an increased incidence of the mental health issues previously outlined
- Businesses in close proximity may be devalued or experience decreased daily trade
- It may be offensive to a large proportion of our community, and also to visitors, which is important in light of the currently significant summer tourist trade

May 6, 2016

We would appreciate you tabling this letter of concern at the next meeting of Council.

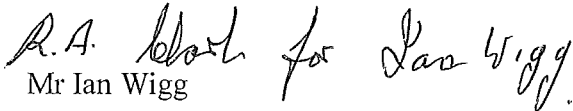
I/we look forward to your reply in regard to the relevant licensing and planning guidelines and by-laws for adult sex shops in Tasmania, and whether Ooh La La for Adultes' planned business in Reiby Street Ulverstone is compliant with these.


Thank you for your consideration of this request.

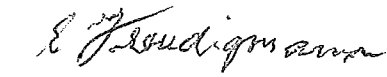
Yours sincerely,


Ulverstone Gospel Hall Inc.

Elders & Deacons

  
Mr Ian Wigg

  
Mr Robert Clark

  
Mr Eugen Freudigmann

  
Mr David Williams

Diane Grice

---

**From:** [REDACTED]  
**Sent:** Thursday, 5 May 2016 8:31 PM  
**To:** Switch operator  
**Subject:** To the Central Coast Mayor and Councillors

To the Central Coast Mayor (Jan Bond) and other Councillors.

Dear Jan and Central Coast Councillors,

I would like to express my concern about the Ooh La La Adult Shop planning to open in Reiby Street Ulverstone. I did have a look at the shop before the doors were temporarily closed. The front part of the shop displayed novelty cushions and clothing. To me this was certainly aimed at adults only and although not my taste, seemed innocent enough.

Further into the shop however, items that one would expect to find in a "sex shop" were on display. Whereas I respect the right for adults to have free choice, my concern is about the culture that these sorts of shops create and foster amongst the older teenagers and young adults.

Anything that involves the depiction of women as mere objects of lust or hijacks the healthy development of our young men's frame of reference toward relationships with women, surely is unhelpful in our community.

These sort of retail outlets (if required at all) should remain as online outlets or in a safe place away from the main public space. I cannot believe that someone would want to open such a shop in the main street of Ulverstone. This will certainly not a good image (for both locals and visitors) and will likely have a negative impact on businesses close by.

I am aware that you as elected representatives are restricted in making planning decisions based on moral grounds, but surely there must come a time when the moral health and welfare of the community (especially the younger ones and the vulnerable ones) must be a part of the consideration.

Yours Faithfully

Phil Carswell  
38 Forth Road  
Turners Beach  
[REDACTED]

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<https://www.avast.com/antivirus>

CENTRAL COAST COUNCIL

Division ..... *CS - Ian S* .....  
Rec'd ..... - 6 MAY 2016 .....  
File No .....  
Doc. Id ..... *230912* .....



Diane Grice

---

From: [REDACTED]  
Sent: Sunday, 8 May 2016 7:52 PM  
To: Switch operator  
Subject: Planning Application DA215189

CENTRAL COAST COUNCIL

Division ..... CS - Ian. S.

Rec'd - 9 MAY 2016

File No .....

Doc. Id ..... 230914 .....

The Mayor and Councillors  
Central Coast Council  
King Edward Street  
Ulverstone 7315

It has come to my attention that a "Planning Application, DA215189" is currently before Council for an Adult Shop to operate in the very centre of the Ulverstone shopping centre, namely 21 Reiby Street.

I would strongly request that this application be rejected by council. The location for which permission is being sought is very central to the business district and items for sale would be considered by many to be detrimental, offensive and inappropriate to many members of our community.

Sadly, almost daily there are disturbing television and newspapers reports of domestic violence and abuse against women and children all-around Australia. As a community we do not need business houses to be promoting materials etc which could exacerbate what is already a problem of great concern to both our Federal and State Governments. The approval of this application would fail to enhance the fine characteristics and qualities of our region of which we are so proud.

I am firmly of the opinion that our town does not need an "Adult Shop" operating in the proposed location and would therefore encourage Council to decline this application for the well being and health of our society.

Yours sincerely

Neville Viney  
18 Wilson Place  
Ulverstone.

**From:** [REDACTED]  
**Sent:** Sunday, 8 May 2016 7:37 AM  
**To:** Switch operator  
**Subject:** Adult shop

I am writing to object to the opening of an adult shop in the centre of Ulverstone. This would do nothing to add to the appeal of our beautiful town but rather lower it. Surely we have the right to walk down the street without feeling uncomfortable or that we have to avoid certain areas.

As a grandmother of 4 aged 1 to 8 years I would certainly not take them past such a shop. The older 2 could read pretty much anything by 4 and 5 years respectively and I would not want to have to explain what such a shop was promoting to them so would avoid that area.

It would be sad if neighbouring businesses suffered because people avoided that part of town.

We do not need this type of business in the centre of town

Yours sincerely  
Ruth Cannon

**From:** [REDACTED]  
**Sent:** Sunday, 8 May 2016 10:07 PM  
**To:** Switch operator  
**Subject:** Re:

I also know how much this would make an effect on the small town and change a lot of people. This is not bring up a generation of ones who Love but showing them Lust is the answer to get what you want and Love is not important. When we live in such a wonderful loving community where we do not need to have this shop that will impact so much of or community not in appositve way.

X

On Sunday, 8 May 2016, [REDACTED] wrote:  
Just Enquiring an Objection on the Adult Shop in Ulverstone

My reasons are for the fact that this community is fairly close and has a lot of Children and Adults, and it is inappropriate and completely wrong to put it right in the middle of the street or have a shop like that at all. It is not creating a positive and loving environment that people are actually looking for. Love, not Lust. Right, not wrong. Please consider my letter of objection to the Adult Shop. I really appreciate it :)

Regards,  
Giorgia Waterhouse

**From:** [REDACTED]  
**Sent:** Sunday, 8 May 2016 10:16 PM  
**To:** Switch operator  
**Subject:** Objection to adult shop in Ulverstone.

I'd love to see an objection to the adult shop in the MAIN street of Ulverstone. I'm disgusted by the fact that there was even talk about this kind of shop opening. We should be setting the right example for the up coming leaders of this community. Do we really want kids to grow up having lust over love. This is unhealthy for not only kids but adults too. Please take my email into consideration for this decision. Thank you, greatly appreciated.

Sent from my iPhone

**From:** [REDACTED]  
**Sent:** Sunday, 8 May 2016 10:28 PM  
**To:** Switch operator  
**Subject:** Objection to the establishment of Adult Shop Ulverstone Tasmania

Please do not allow access to the "adult shop" on main road Ulverstone.

We are a tight knit community with a lot of elderly women, mothers and children who walk on that street on a daily basis to go about regular shopping endeavours. The placing of an "adult shop" on these streets is detrimental to the community and families. It is unnecessary that we have an adult shop in Ulverstone, it is not needed. And it definitely not an appropriate place to have it on the Main Street of Ulverstone, considering the original outlay of bakeries, banks and other shops that are enjoyable to come to the centre of town for to enjoy the heart of this wonderful town. Tourists enjoy our quiet, clean, friendly and enjoyable surroundings in this region and it will affect how this region is viewed on a large scale.

Thank you for your response in advance.

Jordan Grinmanis

Sent from my iPhone

# Annexure 4

## PHOTOGRAPHS



Photograph 1  
Reibey Street frontage



Photograph 2  
Front section of shop – clothing sales



Photograph 3  
Rear section of shop - storage



Photograph 4  
Loading zone at rear of premises