
Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 20 May 2019 commencing at 6.00pm.

Councillors attendance

Cr Jan Bonde (Mayor)
Cr John Beswick
Cr Cheryl Fuller
Cr Annette Overton
Cr Philip Viney

Cr Garry Carpenter (Deputy Mayor)
Cr Amanda Diprose
Cr Casey Hiscutt
Cr Tony van Rooyen

Employees attendance

General Manager (Ms Sandra Ayton)
Director Community Services (Mr Cor Vander Vlist)
Director Infrastructure Services (Mr John Kersnovski)
Director Organisational Services (Mr Bill Hutcheson)
Land Use Planning Group Leader (Ms Mary-Ann Edwards)
Executive Services Officer (Mrs Lou Brooke)

Guest of the Council

Miss Alleah Maywald.

Media attendance

The media was not represented.

Public attendance

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

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

129/2019 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 15 April 2019 already been circulated. The minutes are required to be confirmed for their accuracy.

The *Local Government (Meeting Procedures) Regulations 2015* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

■ Cr Beswick moved and Cr Overton seconded, “That the minutes of the previous ordinary meeting of the Council held on 15 April 2019 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

130/2019 Council workshops

The Executive Services Officer reported as follows:

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

- . 29.04.2019 – Adventure Festival; Batten Park; Review Arterial Roads
- . 06.05.2019 – Review of Corporate Folder
- . 13.05.2019 – Capital and Operational Estimates.

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

131/2019 Mayor's communications

The Mayor reported as follows:

"A Certificate of Appointment for the position of Deputy Municipal Emergency Management Coordinator has been received. An invitation was extended to Mr Paul Breden – Engineering Group Leader, Central Coast Council, to receive the Certificate in relation to this appointment however, he has advised he is unable to attend. The Director Infrastructure Services will present Paul with his Certificate of Appointment at the earliest opportunity.

Secondly, I would like to invite Alleah Maywald to come forward for her presentation of an image of the Leven River Bridge to Council. Alleah is a Grade 11 student at Hellyer College and during 2018, she entered an image of the Leven River Bridge in the Rotary Club of Ulverstone West's Coastal Photographic Competition, Alleah was awarded as 'Highly Commended' and wanted to have her canvased image hung in the Council's Administration Centre as she felt that this was an appropriate location. The Council congratulates Alleah and thanks her for her kind donation.

To conclude, I would like to present this Certificate of Appreciation to the Director Community Services, Cor Vander Vlist, who is with us this evening for his last Council meeting after 20 years in varied roles. I welcome his family who are also here tonight. Cor has contributed so much to the Council through his loyalty, knowledge and skills over many years. Cor's commitment to the role will be missed, and the Council wishes him well in his retirement."

Following Mr Vander Vlist's address to the Council, the meeting resumed.

132/2019 Mayor's diary

The Mayor reported as follows:

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

- . Ulverstone Golf Club Executive Committee – on-site meeting re resources, tourism and other issues
- . Central Coast Strategic Plan Review – information session with Forth community
- . Radio community reports
- . Penguin District School – meeting re redevelopment plans

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- . TastroFest – Grant funding announcement by the Australian Federal Government and National Science Week for TastroFest 2019 (Tasmania's astronomy festival)
 - . Penguin RSL Sub-Branch – Anzac Day dawn service
 - . Forth Valley Anzac Day commemoration service, with a formal wreathlaying
 - . Ulverstone RSL Sub-Branch – Anzac Day commemoration service, with address and a formal wreathlaying
 - . North Motton Anzac Day commemoration service, with a formal wreathlaying
 - . Cradle Coast Authority – Tourism Industry Workshop (Burnie)
 - . North Western Tasmanian Domestic and Family Violence Services – 10th Candlelight Vigil
 - . Community Safety Partnership Committee – meeting
 - . Ulverstone Senior Citizens Club – birthday social
 - . Patrick Street Clinic Anticipatory Care Project – Community Reference Group meeting
 - . Devonport LINC – Living Room Community Conversations guest speaker, along with the Mayors of Latrobe and Kentish (Devonport)
 - . Reconciliation Tasmania – meeting with CEO re Acknowledgement of Traditional Owners protocol
 - . Beacon Foundation, Collective ed., Ulverstone Secondary College – Central Coast Strategic Plan Review briefing and information session with students
 - . Council Budget – Capital works tour (and Estimates workshop)
 - . Central Coast Adult Day Centre – guest speaker at morning tea event
 - . Beacon Foundation, Collective ed., Ulverstone Secondary College – Ulverstone team meeting update
 - . Local Government Association of Tasmania – Regional Breakfast Forum (Devonport)
 - . TasWater – Owners’ Representatives Group (State-wide) General Meeting (Riverside)
 - . Local Government Association of Tasmania – General Management Committee meeting (Launceston)
 - . Premier’s Local Government Council – meeting (Launceston)
 - . Probus Club of Central Coast – guest speaker at morning tea event.”

The Deputy Mayor reported as follows:

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

- . Penguin RSL Sub-Branch – Anzac Day commemoration service, with a formal wreathlaying.”

■ Cr Hiscutt moved and Cr Viney seconded, “That the Mayor’s and Deputy Mayor’s reports be received.”

Carried unanimously

133/2019 Declarations of interest

The Mayor reported as follows:

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

The Executive Services Officer reported as follows:

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

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

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

COUNCILLOR REPORTS

134/2019 Councillor reports

The Executive Services Officer reported as follows:

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

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

Cr Overton reported on a recent meeting of Central Coast Chamber of Commerce and Industry.

Cr Hiscutt reported on a recent meeting of the Penguin Surf Life Saving Club.

Cr Carpenter reported on a recent meeting of the Caves to Canyon Tourism Association.

APPLICATIONS FOR LEAVE OF ABSENCE

135/2019 Leave of absence

The Executive Services Officer reported as follows:

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

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

There are no applications for consideration at this meeting.”

DEPUTATIONS

136/2019 Deputations

The Executive Services Officer reported as follows:

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

PETITIONS

137/2019 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

138/2019 Councillors' questions without notice

The Executive Services Officer reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide as follows:

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

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

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

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- (b) the general manager has reported that the matter is urgent; and
 - (c) in a case where the matter requires the advice of a qualified person, the general manager has certified under section 65 of the Act that the advice has been obtained and taken into account in providing general advice to the council.'

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

The allocation of topics ensued.

139/2019 Councillors' questions on notice

The Executive Services Officer reported as follows:

"The *Local Government (Meeting Procedures) Regulations 2015* provide as follows:

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

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

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

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

No questions on notice have been received."

PUBLIC QUESTION TIME

140/2019 Public question time

The Mayor reported as follows:

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

Public question time will be conducted as provided by the *Local Government (Meeting Procedures) Regulations 2015* and the supporting procedures adopted by the Council on 19 May 2014 (Minute No. 133/2014).”

141/2019 Public questions taken on notice

The Executive Services Officer reported as follows:

“At the 15 April 2019 Ordinary Council Meeting, the following questions were taken on notice. At the meeting the Mayor advised that the matters would need to be taken on notice and an appropriate response would be provided in writing. The responses to those questions have been reproduced below:

Mrs Micheline Andrews – West Pine

Question 1:

‘At the November 2018 Council meeting, I raised recycling and there were bins to be installed, did they arrive?’

Response:

The new bins were installed in the centre of Apex Park, one for general waste and the other for recyclable items. The intention for this was that it would be a trial and if successful, more bins would be installed in the Ulverstone CBD in 2019–2020, if the budget permitted. Unfortunately, the trial showed that around 54% of the materials collected from the bin were not recyclable products but rather domestic waste and so the contents of the bin were not able to be taken by our recycling collection contractor.

A major waste reduction education program is being undertaken in the North West and hopefully, this will ensure that residents use the recycling bin more appropriately. Based on the results of the trial, it is only planned that one

additional bin will be installed in the CBD of Ulverstone during the next financial year and the situation will then be reassessed prior to the 2020–2021 financial year.

Question 2:

‘There is an issue with rubbish at the Howth roundabout, the public has been collecting the rubbish from the area, has the Council considered installing a bin here?’

Response:

There has been minimal reports of waste materials being deposited at the Howth roundabout on the Bass Highway. Now that the matter has been brought to the Council's attention the area will be monitored to assess the need for a waste bin to be placed in the area.

Waste bins are generally not installed in open public spaces where there are no other amenities as they almost always become an illegal dumping area for domestic waste rather than their original purpose. It is expected that any commercial users of the parking area on Nine Mile Road will remove any waste created by their activity from the area and that it is then appropriately disposed of.

Thank you for your continued interest in this matter.

Mr Darryl Barker – Penguin

Question 1:

‘The Johnsons Beach area has had a big increase in visitors recently due to the warmer summer and more tourists. Recently a mainland visitor parked his car in the bitumen car park parallel to the street, got out of his table and chairs and also his barbeque and had a lovely breakfast – he was taking up three car spaces other vehicles also park this way. Is this car park meant for vehicles to park this way and would proper spaces solve this problem? Johnson Beach Drive is a dead-end road – is there a sign to inform the public of this and if not, why not?’

Response:

The original intention when the constructed car park mentioned in the question was resurfaced was that the area would be line marked to regulate parking in the area. However, as a result of discussions with the community

it was decided that line marking would restrict the area's uses and so the line marking did not proceed. Visitors to our area are generally well-mannered and happy to use whatever facilities are provided appropriately, but this year in particular there has been a number of times where some visitors have taken advantage of the situation and not considered others in what they are doing.

There is no proposal at this time to line mark the car park mentioned unless the number of instances of visitors inappropriately using the area rises and it becomes necessary to control the use of the area.

Question 2 –

'The Dial Sports area car parking. There have been three major events in the Dial Park Sports area recently and all have had parking problems. The North West School Athletic carnival was the biggest event and the parking was chaotic. I counted 492 cars at 11.00am and cars were still trying to park somewhere. The same day the Penguin Sports Centre was providing lunch for 140 motorbike riders and their support group. By the time the motorbike riders arrived the car park at the Sports Club was full and the athletics carnival PA was asking for all cars in that area to please move, a bit late by then. The parking area south of the athletic track had a lot of cars there but no organised parking. Should this area be marked so parking cars can be made easy instead of chaos?

At Dial Park yesterday there was a lot of visitors to the area, which was great, but a lot of people were confused about where to park. Is the grassed area outside the fence on the southern end of the area a car park or not? If yes, a sign could be helpful, and the parking rectified.'

Response:

The Dial Park complex contains parking for approximately 1,000 vehicles in the numerous constructed or designated car parking areas within or adjacent to the various facilities included in the overall complex. The areas are designed to be opened up progressively when a number of events are taking place at the same time. The opening up of the car park areas is the responsibility of the various groups using the Dial Park complex facilities and more attention will be given to ensuring that major events comply with the need to manage car parking for their events over the next few months.

Further consideration is being given to the management of car parking in the large grassed car park area (former Hockey fields) mentioned and if necessary, additional car parking management facilities will be provided.

The major project currently underway to upgrade Sports Complex Avenue from Dial Road to the athletics field will better manage parking in the area and provide a much safer environment for those accessing the Dial Park fields as well as the athletics field.

Thank you for your interest in this matter.”

- Cr Beswick moved and Cr Hiscutt seconded, “That the responses to questions from Mrs Andrews and Mr Barker from the 15 April 2019 Ordinary Council meeting are received and noted.”

Carried unanimously

DEPARTMENTAL BUSINESS

GENERAL MANAGEMENT

142/2019 Minutes and notes of committees of the Council and other organisations

The General Manager reported as follows:

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

- . Central Coast Community Shed Management Committee – meeting held 1 April 2019
- . Dial Park Management Committee – meeting held 2 April 2019
- . Cradle Coast Waste Management Group – meeting held 17 April 2019
- . Forth Community Representatives Committee – meeting held 2 May 2019
- . Central Coast Community Shed Management Committee – meeting held 6 May
- . Dial Park Management Committee – meeting held 7 May 2019.

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

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

Carried unanimously

COMMUNITY SERVICES

143/2019 Statutory determinations

The Director Community Services reported as follows:

“A Schedule of Statutory Determinations made during the month of May 2019 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

■ Cr van Rooyen moved and Cr Overton seconded, “That the Schedule of Statutory Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

144/2019 Council acting as a planning authority

The Mayor reported 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 Minute No’s 145/2019 and 146/2019, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Officer reported as follows:

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

■ Cr Fuller moved and Cr Hiscutt seconded, “That the Mayor’s report be received.”

Carried unanimously

145/2019 Hotel services and Visitor accommodation (bottle shop and Visitor accommodation) – variation to the continuous wall parallel to the boundary of Crescent Street standard and car parking standards at 2 Patrick Street, Ulverstone – Application No. DA2018153

The Director Community Services reported as follows:

“The Planning Officer prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2018153
<i>PROPOSAL:</i>	Hotel services and Visitor accommodation (bottle shop and Visitor accommodation) – variation to the continuous wall parallel to the boundary of Crescent Street standard and car parking standards
<i>APPLICANT:</i>	Metier Planning & Development
<i>LOCATION:</i>	2 Patrick Street, Ulverstone
<i>ZONE:</i>	General Business
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	6 April 2019
<i>REPRESENTATIONS EXPIRY DATE:</i>	2 May 2019
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	6 May 2019 (extension of time granted until 20 May 2019).
<i>DECISION DUE:</i>	20 May 2019
<i>PURPOSE</i>	

The purpose of this report is to consider an application for Hotel services (drive through bottle shop) and visitor accommodation services comprising ten self-contained units at 2 Patrick Street, Ulverstone.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – photographs;
- . Annexure 5 – Statement of Compliance; and
- . Annexure 6 – Taswater Submission to Planning Authority Notice.

BACKGROUND

Development description –

The applicant proposes to operate a drive through bottle shop with visitor accommodation located on the second storey.

The applicant proposes to undertake the development in two stages. Stage 1 would be the bottle shop and Stage 2 would be the visitor accommodation.

The drive through bottle shop would have an approximate floor area of 900m² including an undercover parking annexe drive through area and a new parking area for dedicated delivery vehicle/truck parking.

The drive through bottle shop would be accessed via a new ‘entry only’ access off Crescent Street and include an upgrade of an existing access to accommodate ‘exit only’ to Patrick Street.

Stage 2 would accommodate 10 self-contained units located on the second floor above the bottle shop with an approximate floor area of 516m².

Site description and surrounding area –

The development site (2 Patrick Street) is located on the corner of Patrick and Crescent Streets on the edge of the ‘General Business’ zone in Ulverstone.

The adjoining property at 1 Crescent Street accommodates a hotel (the River Arms) and an existing bottle shop operation which would be replaced by the proposed new development and several on-site car parking spaces for the proposed development.

History –

A craft beer bar was approved for the land in 2017 which included the demolition of a 1920’s dwelling.

DISCUSSION

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

21.0 General Business Zone

<p>21.3.1–(P1) Discretionary permit use must:</p> <ul style="list-style-type: none"> (a) be consistent with local area objectives; (b) be consistent with any applicable desired future character statement for the zone; and (c) be required to service requirements of the local and district resident and visitor population; (d) minimise potential to: <ul style="list-style-type: none"> (i) service a population beyond the local, district, or municipal community; (ii) have immediate, incremental or cumulative adverse effect on the regional pattern of retail and service provision; and (iii) displace retail, business, and professional use. 	<p>Not applicable.</p> <p>Hotel services and Visitor accommodation uses are Permitted in the General Business zone.</p>
<p>21.4.1 Suitability of a site for use or development</p>	
<p>21.4.1–(A1) Each use or development site or each lot on a plan of subdivision must:</p>	<p>(a) Compliant. Site areas of both sites equals 3,652m², building area would be greater than 500m².</p>

<p>(a) have a site area of not less than 45m²; and</p> <p>(b) if intended for a building, contain a building area of not less than 45m²:</p> <ul style="list-style-type: none"> (i) clear of any applicable setback from a frontage, side or rear boundary; (ii) clear of any applicable setback from a zone boundary; (iii) clear of any registered easement; (iv) clear of any registered right-of-way benefiting other land; (v) not including land required as part of access to the site; (vi) accessible from a frontage or access strip; and (vii) clear of any area required for the on-site disposal of sewage or stormwater. 	<p>(b)(i) Compliant. The development is clear of all boundary setbacks.</p> <p>(b)(ii) Compliant. The site is setback approximately 11m from the General Residential zone to the north of Patrick Street.</p> <p>(b)(iii) Compliant. There are no registered easements.</p> <p>(b)(iv) Compliant. There is no registered right-of-way.</p> <p>(b)(v) Compliant. The development does not include any land used for access to the site.</p> <p>(b)(vi) Compliant. The development site is accessed from Patrick Street.</p> <p>(b)(vii) Not applicable. Land is located within a serviced network.</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>	<p>(a) Compliant. Existing access to the site is via Patrick Street.</p> <p>(b) Not applicable. Not an internal lot.</p>

<p>(a) across a frontage over which no other land has a right of access; and</p> <p>(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</p> <p>(c) by a right of way connecting to a road:</p> <p style="padding-left: 40px;">(i) over land not required as the means of access to any other land; and</p> <p style="padding-left: 40px;">(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</p> <p>(d) with a width of frontage and any access strip or right-of-way of not less than 3.6m; and</p> <p>(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.</p>	<p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Compliant. The land has frontage to Patrick Street and Crescent Street.</p> <p>(e) Compliant. The Road Authority (Council) issued a Statement of Compliance dated 22 February 2019. Refer to Annexure 5 of this report.</p>
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COMMUNITY SERVICES

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.
21.4.2 Location and configuration of development	
21.4.2–(A1) Building height must not be more than 10.0m.	Compliant. The building would have a height of 9.6m at the highest point when viewing the western, Crescent Street elevation.
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. The primary frontage for the site is Patrick Street. The carpark is located behind the frontage.
21.4.2–(A3) Buildings in Reibey Street must have zero set back from the frontage.	Not applicable. The development is not in Reibey Street.

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. The development includes an awning along both the Crescent and Patrick Street frontages.
21.4.2–(A7) A building must not have a continuous wall of more than 20.0 metres measured parallel to the boundaries.	Non-compliant. The development proposes a continuous wall of more than 20m along the Crescent Street frontage. Refer to “Issues” section of this report.
21.4.3 Acoustic and Visual privacy for residential development	
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:	Not applicable. The closest dwelling is 30m from the development site.

<ul style="list-style-type: none"> (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; (b) be not less than 6.0m from any door, window, balcony deck or roof garden in an adjacent dwelling; (c) be off-set by not less than 1.5m from the edge of any door or window in an adjacent dwelling; (d) have a window sill height of not less than 1.8m above finished floor level; (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 (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. 	
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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"> (i) is accessible from the dwelling; (ii) comprises an area of not less than 25m² for each dwelling; (iii) has a gradient of not more than 1 in 10; and (iv) has a minimum dimension of 4.0m; or <p>(b) private open space provided as a private balcony, deck or terrace:</p> <ul style="list-style-type: none"> (i) of area not less than 25m² (ii) minimum dimension of 2.0m; and (iii) accessible from the dwelling. 	<p>Not applicable.</p> <p>Proposed development 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.</p> <p>Proposed development is not residential.</p>
<p>21.4.5 Setback from zone boundaries</p>	
<p>21.4.5–(A1) Development of land with a boundary to a zone must:</p> <p>(a) be set back 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. The development is setback 11m from the General Residential zone.</p> <p>(b)(i) Compliant. No building or work within 4m of General Residential zone.</p> <p>(b)(ii) Compliant. No pedestrian or vehicular access within 4m of General Residential zone.</p> <p>(b)(iii) Compliant. No parking area or loading area within 4m of General Residential zone.</p> <p>(b)(iv) Compliant. No area for display or handling of goods within 4m of General Residential zone.</p> <p>(b)(v) Compliant. No area for the gathering of people within 4m of General Residential zone.</p> <p>(b)(vi) Compliant. No sign within 4m of General Residential zone.</p> <p>(b)(vii) Compliant. No external lighting located within 4m of General Residential zone.</p>

<p>(v) an area for the gathering of people, including for entertainment, community event, performance, sport or for a spectator facility;</p> <p>(vi) a sign orientated to view from land in another zone; or</p> <p>(vii) external lighting for operational or security purposes; and</p> <p>(c) a building with an elevation to a zone boundary to which this clause applies must be contained within a building envelope determined by:</p> <p>(i) the setback distance from the zone boundary as shown in the Table to this Clause; and</p> <p>(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</p> <p>(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.</p>	<p>(c)(i) Compliant. Building would be setback 11m from General Residential zone boundary.</p> <p>(c)(ii) Compliant. Building would be contained within the required building envelope.</p> <p>(d) Compliant. Building would be setback 11m from General Residential zone boundary that is contained in the Patrick Street roadway.</p>
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21.4.6 Subdivision	
21.4.6–(P1) Each new lot on a plan of subdivision must be:	Not applicable.
(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	No subdivision proposed.
(b) for a purpose permissible in the zone.	
21.4.7 Reticulation of an electricity supply	
21.4.7–(A1) Electricity reticulation and site connections must be installed underground.	Not applicable.
	No subdivision proposed.
CODES	
E1 Bushfire–Prone Areas Code	Not applicable. No subdivision or vulnerable or hazardous uses.
E2 Airport Impact Management Code	Not applicable. No Code in this Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of native vegetation.
E4 Change in Ground Level Code	Not applicable. No cut or fill proposed.

E4.2 Application of Code	
E4.4 Exemption	
E4.4 Development exempt from this Code	
<p>E4.4.1</p> <p>Development is exempt if –</p> <p>(a) development is for –</p> <ul style="list-style-type: none"> (i) resource development being agricultural use dependent on the soil as a growth medium or controlled environment agriculture which does not alter, disturb or damage the existing soil profile; or (ii) extractive industry; (iii) for the Port and Shipping use class in the Port and Marine zone. <p>(b) a change in ground level –</p> <ul style="list-style-type: none"> (i) if more than 1.5m from a boundary to the site – <ul style="list-style-type: none"> a. has a depth of less than 1.0m; 	<p>Not exempt.</p> <p>The development would include a 1.14m high retaining wall between the development site and 4 Patrick Street.</p>

<ul style="list-style-type: none"> b. is not within a water course; c. is more than 1.0m from any easement, road, or right-of-way; d. is more than 1.0m from an underground utility service; e. involves an area of less than 200m²; f. has a finished slope batter of less than 25% or is supported by a retaining wall of less than 1.0m height; and g. is not on land to which Code E6 of this planning scheme applies <p>(ii) if less than 1.5m from a boundary to the site –</p> <ul style="list-style-type: none"> a. has a depth of not more than 0.5m; and b. has a finished slope batter of less than 25% and tapering to zero depth at the boundary; or c. is supported by a retaining wall of less than 0.5m height. 	
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E4.6 Development Standards	
E4.6.1 Change in existing ground level or natural ground level	
<p>E4.6.1–(A1) Cut or fill must:</p> <p>(a) not be on land within the Environmental Living zone or the Environmental Management zone;</p> <p>(b) be required to:</p> <p>(i) provide a construction site for buildings and structures;</p> <p>(ii) facilitate vehicular access;</p> <p>(iii) mitigate exposure to a natural or environmental hazard;</p> <p>(iv) facilitate provision of a utility;</p> <p>(v) assist the consolidation or intensification of development; or</p> <p>(vi) assist stormwater management;</p> <p>(c) not result in a modification of surface stormwater water flow to increase:</p>	<p>(a) Compliant. Land is zoned General Business.</p> <p>(b)(i) Compliant. Wall required for construction of access between the development site and the adjoining lot where the main hotel building is located.</p> <p>(b)(ii) Not applicable. Satisfied by (b)(i).</p> <p>(b)(iii) Not applicable. Satisfied by (b)(i).</p> <p>(b)(iv) Not applicable. Satisfied by (b)(i).</p> <p>(b)(v) Not applicable. Satisfied by (b)(i).</p> <p>(b)(vi) Not applicable. Satisfied by (b)(i).</p> <p>(c)(i) Compliant. The change in ground level would not result in a modification of surface stormwater that would increase flow onto adjacent land.</p> <p>(c)(ii) Compliant. The change in ground level would not result in the pooling of water on the site or on adjacent land.</p>

<p>(i) surface water drainage onto adjacent land;</p> <p>(ii) pooling of water on the site or on adjacent land; or</p> <p>(iii) the nature or capacity of discharge from land upstream in a natural or artificial drainage channel;</p> <p>(d) not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land;</p> <p>(e) manage disposal of intersected ground water;</p> <p>(f) safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009;</p> <p>(g) not require a retaining or support structure that would result in a 'line of influence' of more than 450mm into any adjacent land unless the owner of adjacent land has provided written consent to enter into an</p>	<p>(c)(iii) Compliant. The change in ground level would not increase the nature of flow of discharge from land upstream.</p> <p>(d) Compliant. The development would not increase the requirements for construction of any potential building on adjacent land.</p> <p>(e) Compliant. The development would not impact on ground water.</p> <p>(f) Compliant by Condition to a Permit.</p> <p>(g) Compliant. The 1.14m high retaining wall proposed along the eastern side boundary at the closest point would be 1.4m from the boundary of 4 Patrick Street.</p> <p>Plans included with the application show that the proposed retaining wall would not result in a line of influence into the site of 4 Patrick Street.</p> <p>(h)(i) Compliant. Development would not interfere with utilities.</p> <p>(h)(ii) Compliant. Development would not interfere with utilities.</p>
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<p>agreement under Part 5 <i>Land Use Planning and Approvals Act 1993</i> registered on the title of adjacent land to provide for the level of constraint; and</p> <p>(h) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised:</p> <p>(i) it is satisfied the cut or fill will not result in harm to the utility; and</p> <p>(ii) any condition or requirement it determines are appropriate to protect the utility.</p>	
E5 Local Heritage Code	Not applicable. No places of local heritage listed in the Scheme.
E6 Hazard Management Code	Not applicable. Site not included in a mapped hazard area.
E7 Sign Code	Not applicable. No signs proposed.
E8 Telecommunication Code	Not applicable. No telecommunications proposed.
E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Code applies to all development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme applies to the site.

E9.5 Use Standards	
E9.5.1 Provision for parking	
<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. For Hotel services, the Table to this Clause requires the provisions of one space per 30m² of gross floor area, or one space per three seats, whichever is greater. Based on the gross floor area of the bottle shop building being approximately 500m², 16 on-site car parking spaces for the bottle shop are required.</p> <p>Visitor accommodation requires one space per unit, and one additional space per three units. This equates to 13 car parking spaces required for the Visitor accommodation facility.</p> <p>In addition, one large rigid truck per 400m² of gross floor area is required. Two spaces would be required.</p> <p>The total requirement is 29 on-site car parking spaces for the development.</p> <p>The development would provide 26 car parking spaces, falling short three spaces.</p> <p>Refer to "Issues" section of this report.</p>

E9.5.2 Provision for loading and unloading of vehicles	
<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 two large rigid truck spaces. Not provided, however delivery times coincide with off peak retail periods.</p> <p>The width of the drive through would be sufficient to allow for safe on-site unloading.</p> <p>Refer to “Issues” section of this report.</p> <p>(b) Compliant. The site would accommodate one space for passenger pick-up and set-down.</p>
E9.6 Development Standards	
E9.6.1 Design of vehicle parking and loading areas	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	<p>Compliant by Condition.</p> <p>All development must provide for the collection, drainage and disposal of stormwater.</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	<p>(a) Compliant. As per Traffic Impact Assessment report by Andrew Howell dated August 2018.</p>

<p>area, circulation aisle and manoeuvring area must –</p> <ul style="list-style-type: none"> (a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking; (b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles; (c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities; (d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities; (e) Each parking space must be separately accessed from the internal circulation aisle within the site; (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; (g) Be formed and constructed with compacted sub-base and an all-weather surface. 	<ul style="list-style-type: none"> (b) Compliant. As per Traffic Impact Assessment report by Andrew Howell dated August 2018. (c) Compliant. As per Traffic Impact Assessment report by Andrew Howell dated August 2018. (d) Compliant. As per Traffic Impact Assessment report by Andrew Howell dated August 2018. (e) Compliant. As per Traffic Impact Assessment report by Andrew Howell dated August 2018. (f) Compliant. As per Traffic Impact Assessment report by Andrew Howell dated August 2018. (g) Compliant by Condition to a Permit. Car parking areas must be formed and constructed with compacted sub-base and an all-weather surface.
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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>Not applicable.</p> <p>Does not apply in the General Business zone.</p>
E10 Water and Waterways Code	Not applicable. Site not within 30m of a watercourse or water body.
Specific Area Plans	Not applicable. No Specific Area Plans apply to this location.

Issues –

1 Length of wall adjoining Crescent Street –

Section 21.4.2–(A7) of the General Business zone requires that a continuous wall parallel to the boundary not be longer than 20m. The proposed bottle shop would have a continuous wall of 25m along the Crescent Street frontage.

An assessment against the Performance Criteria is therefore required.

The 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”*.

The building design includes cladding of the exterior of the building in vertical timber in a configuration that, in the designer’s opinion, would give the illusion of movement when travelling past the building.

It is considered the design of the building includes architectural features that would provide visual relief to a wall longer than 20m and would satisfactorily complement adjacent buildings.

2 On-site car parking –

Table E9.1 of the Traffic Generating Use and Parking Code requires the provision of 29 on-site car parking spaces to accommodate the bottle shop and visitor accommodation uses.

The development would accommodate 26 on-site car parking spaces.

An assessment against the Performance Criteria is therefore required.

The Performance Criteria requires:

- (a) It must be unnecessary or unreasonable to require arrangements for the provision of vehicle parking; or*
- (b) Adequate and appropriate provision must be made for vehicle parking to meet –*
 - (i) Anticipated requirement for the type, scale and intensity of the use;*
 - (ii) Likely needs and requirements of site users; and*

(iii) *Likely type, number, frequency and duration of vehicle parking demand.*

The development would provide 16 undercover car parking spaces for customers using the drive through bottle shop with an additional 10 on-site car parking spaces located on the southern side of the site, between the River Arms Hotel building and the bottle shop.

Car parking for the bottle shop use would be utilised by customers for short periods of time, so the 16 undercover car parking spaces adjacent to the bottle shop is anticipated to be adequate.

The 10 separate on-site car parking spaces along the southern boundary of the site would cater for users of the Visitor accommodation, making provision of one car parking space per unit.

If the accommodation facility was fully occupied, then visitor car parking spaces, if required, could be accommodated on the street in either Crescent Street or Patrick Street.

It is anticipated that the car parking provided would be sufficient for the operational requirements of both uses.

3 *Small rigid truck space –*

The Traffic Generating Use and Parking Code also requires provision of one small rigid truck space. A small rigid truck space is not provided.

The Performance Criteria requires:

- (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 has not been shown separately on the site plan due to the anticipated delivery times that would coincide with off peak retail periods. The width of the drive through car parking area would be sufficient to allow for safe on-site unloading as required.

Consequently, it is considered that provision of an additional small rigid truck spaces 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	Refer to the Statement of Compliance dated 22 February 2019 – Annexure 5.
TasWater	Refer to the Submission to Planning Authority Notice, Reference No. TWDA 2019/00464-CC dated 10 April 2019 – Annexure 6.
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 –

One representation was received. A copy of the representation is provided at Annexure 3.

The representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
<p>1 Traffic and road safety</p> <p>The representation included concerns regarding traffic access to and from the site and traffic safety in the area of the Patrick and Crescent Streets intersection.</p>	<p>The application included a Traffic Impact Assessment (TIA) report by Andrew Howell dated August 2018.</p> <p>The Council's Engineer has issued the relevant Statement of Compliance for the associated works relating to the vehicular access and exit arrangements proposed, in accordance with the TIA prepared by Andrew Howell, and has made the following comments in relation to the representation:</p> <p>“The development proposal for 2 Patrick Street indicates entry only to the site from Crescent Street and exit only from the site to Patrick Street.</p> <p>There should be no additional traffic flow into Patrick Street from Crescent Street as a result of the development.</p> <p>The Crescent Street/ Patrick Street intersection is an existing situation and provides for left turn and right turn movements into Patrick Street from Crescent Street, and for a left turn only movement into Crescent Street from Patrick Street.</p>

	<p>Any vehicles exiting the development via a left turn into Patrick Street will end up at the Crescent Street/Patrick Street intersection.</p> <p>Crash data does not support or evidence that there are any significant issues with the intersection. One incident was reported in 2013, being a failure to give way for a right turn movement from Crescent Street into Patrick Street.”</p> <p>Based on the TIA report undertaken, and comments made by the Council’s Engineer, it is expected that the development would provide suitable requirements for traffic movements to and from the site for the anticipated volume of traffic.</p>
2 Confusion about the access	<p>The application included a TIA report by Engineer, Andrew Howell, dated August 2018 which also referred to data included in the TIA report undertaken by GHD for the previously approved development of a Craft Beer Bar. The applicant requested that both TIA’s form part of the application, as the initial GHD TIA included relevant data on traffic movements and traffic accidents, on which the second Andrew Howell TIA relied.</p> <p>Both TIA reports were on public exhibition, which did some create confusion.</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 issues raised in the representation have been satisfactorily addressed by Council's Engineer who is reliant upon current traffic data and the supporting Traffic Impact Assessment report written by Andrew Howell dated August 2018.

The application has demonstrated that the proposal is able to satisfy the relative Performance Criteria relating to a continuous wall to the street frontage and to on-site car parking requirements.

It is considered that the issue of a Permit for the development would be justified.

Recommendation –

It is recommended that the application for Hotel services and Visitor accommodation (bottle shop and Visitor accommodation), variation to the continuous wall parallel to the boundary of Crescent Street standard and car parking standards be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by Round 6, Drawing No. R170056 TP0.00 version G, TP1.01 version G, TP1.02 version G, TP2.00 version G, TP2.01 version G, TP3.01 version G, TP3.02 version F and supporting documentation by Metier Planning & Development received 21 March 2019.
- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2019/00464–CC dated 10 April 2019 (copy attached).

- 3 The development must be in accordance with the recommendations contained in the Traffic Impact Assessment report by Andrew Howell dated August 2018.
- 4 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 22 February 2019 issued by the Council acting in its capacity as the Road Authority and the Stormwater Authority (copy attached).
- 5 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 6 Measures to minimise erosion and release of sediments and other contaminants during site preparation and construction must be in accordance with "Soil and Water Management on Building and Construction Sites 2009".

Notes:

- 1 A Planning Permit remains valid for two years. If the use and/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 "Substantial commencement" is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 The proposed development fits within the criteria of Category 4 – Building Permit Work and Category 3 – Notifiable Plumbing Work when assessed against the Director's Determinations issued under the *Building Act 2016*. Accordingly, an application for a Building Permit is to be made to the Council's Building Permit Authority, and an application for a Certificate of Likely Compliance – Plumbing Work is to be made to the Council's Plumbing Permit Authority.'

The Planning Officer's report is supported."

The Executive Services Officer reported as follows:

“Copies of the Annexures referred to in the Planning Officer's report have been circulated to all Councillors.”

■ Cr Carpenter moved and Cr van Rooyen seconded, “That the application for Hotel services and Visitor accommodation (bottle shop and visitor accommodation), variation to the continuous wall parallel to the boundary of Crescent Street standard and car parking standards be refused due to the Planning Authority not being satisfied that the development can satisfy Clause 21.4.1–(A2)e of the Planning Scheme, with concerns regarding the increased traffic crossing from Crescent Street, Ulverstone to access the site, and also the impact of increased traffic flows into Patrick Street, Ulverstone.”

Voting for the motion

(8)

Cr Bonde

Cr Beswick

Cr Carpenter

Cr Diprose

Cr Fuller

Cr Overton

Cr van Rooyen

Cr Viney

Voting against the motion

(1)

Cr Hiscutt

Motion

Carried

146/2019 Residential (subdivision – two lots and dwelling) – variation to lot size, setback of dwelling and fire fighting infrastructure from front boundary, setback of sensitive use from Rural Resource zone boundary and proposed overhead electricity supply at 9 Robertsons Road, West Ulverstone – Application No. DA2018020

The Director Community Services reported as follows:

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

*‘DEVELOPMENT APPLICATION NO.:
PROPOSAL:*

DA2018020

Residential (subdivision – two lots and dwelling) – variation to lot size, setback of dwelling and fire fighting infrastructure from front boundary, setback of sensitive use from Rural Resource zone boundary and proposed overhead electricity supply

<i>APPLICANT:</i>	Alan Dodds
<i>LOCATION:</i>	9 Robertsons Road, West Ulverstone
<i>ZONE:</i>	Rural Living
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	6 April 2019
<i>REPRESENTATIONS EXPIRY DATE:</i>	2 May 2019
<i>REPRESENTATIONS RECEIVED:</i>	One (on behalf of two parties)
<i>42-DAY EXPIRY DATE:</i>	14 May 2019 (extension of time granted until 20 May 2019)
<i>DECISION DUE:</i>	20 May 2019

PURPOSE

The purpose of this report is to consider an application for the subdivision of land that is zoned Rural Living to form two lots at 9 Robertsons Road, West Ulverstone and to construct a dwelling on proposed Lot 2 that would have a separate frontage to Rockliffs Road, West Ulverstone.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – photographs; and
- . Annexure 5 – Statements of Compliance (x two) from Road Authority and Stormwater Authority.

BACKGROUND

Development description –

(a) Subdivision –

Lot 1 would comprise 1.22ha and would accommodate an existing dwelling and sheds and ancillary wastewater and stormwater collection and disposal systems. Lot 1 would continue to be accessed via an existing crossover to Robertsons Road, West Ulverstone.

Lot 2 would comprise 5,000m² and would be accessed via a proposed new crossover from Rockliffs Road, West Ulverstone

It is also proposed that a single dwelling be constructed on Lot 2.

(b) Single dwelling on Lot 2

The application includes the construction of a single-storey, three bedroom dwelling on Lot 2. The application is accompanied by documentation that details the capacity to accommodate sewerage and stormwater collection and disposal systems on site.

Site description and surrounding area -

The 1.72ha parcel of land is zoned Rural Living and is accessed via Robertsons Road, off Penguin Road, West Ulverstone. The land is elevated, with steep to moderate slopes and offers expansive views of Bass Strait.

The land comprises areas of low and medium landslip hazard.

A TasNetworks transmission line transects the land and a private water easement runs inside the southern boundary.

Land to the north, west and east is also zoned Rural Living.

Land to the south is zoned Rural Resource and comprises a small band of Class 5 and 6 land, but primarily comprises Class 3 prime agricultural land.

History -

No history relevant to this application.

DISCUSSION

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

13.0 Rural Living Zone

CLAUSE	COMMENT
13.1.1. Zone Purpose Statements	
13.1.1.1 To provide for residential use or development on large lots in a rural setting where services are limited.	Satisfies zone Purpose. Use would be residential.
13.1.1.2 To provide for compatible use and development that does not adversely impact on residential amenity.	Satisfies zone Purpose. Use would be residential.
13.1.2 Local Area Objectives	
<p>13.1.2.1</p> <p>(a) Use and development retains a rural setting</p> <p>(b) Rural living areas make efficient use of land and optimise available infrastructure through a balance between infill and redevelopment of established rural living areas and release of new land</p> <p>(c) The type, scale and intensity of use or development is consistent with the capacity of infrastructure services, land capability, the level of risk from exposure to natural</p>	<p>(a) Satisfies Objective. Use would be within a rural setting.</p> <p>(b) Not applicable. Established Rural Living area. Not the release of new land for Rural Living purpose.</p> <p>(c) Does not satisfy Objective. Proposed division of land is not consistent with scale, type and intensity of development in this area, which is determined by a larger lot size, due to identified low and medium active landslip hazard in this area.</p> <p>(d) Satisfies Objective. Proposal is for a single dwelling.</p>

<p>hazards, and the protection of land significant for primary production;</p> <p>(d) Rural living areas provide opportunity for housing in single and multiple dwellings for individual, shared, and supported accommodation through private, public, and social investment;</p> <p>(e) Rural living areas enable small-scale employment opportunities in home occupation and home based-business;</p> <p>(f) New or intensified use or development is restricted if the limit of a constraint on residential use is unknown or uncertain.</p> <p>(g) Rural living areas have no priority purpose for primary industry use</p> <p>(h) The amenity and character of residential use is commensurate with the location of housing and support activity within a rural setting and is to take into account –</p> <p>(h)(i) likely compromise as a result of factors arising from –</p>	<p>(e) Not applicable. Not an application for home occupation or home based business.</p> <p>(f) Not applicable. Proposed use would be Residential.</p> <p>(g) Satisfies Objective. Proposed use would be Residential.</p> <p>(h)(i)a. Does not satisfy Objective. Application does not demonstrate that occupation and operational practices of primary industry on adjacent land would not compromise the amenity and character of residential use.</p> <p>(h)(i)b. Satisfies Objective. Transport infrastructure and electrical connections able to be provided.</p> <p>(h)(i)c. Satisfies Objective. Retail, education, health, social support, sports and recreation facilities in the locality of West Ulverstone.</p> <p>(h)(i)d. Does not adequately satisfy Objective. Application is accompanied by an On-Site Wastewater Assessment report by GES Geo-Environmental Solutions dated May 2011 and a Geotechnical Assessment by GES Geo-Environmental Solutions dated February 2019. The 2011 report concludes that “a specific geotechnical assessment must be undertaken to ensure that residential construction and wastewater disposal</p>
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<p>a. occupational and operational practices of primary industry and other use on adjacent rural land;</p> <p>b. possible absence or under-provision of transport infrastructure and utilities;</p> <p>c. possible absence of facilities for convenience retail, education, entertainment, health and social support, and for sports and recreation;</p> <p>d. likelihood for exposure to a natural hazard; and</p> <p>e. relative remoteness from an urban centre</p> <p>(h)(ii) the effect of location and configuration of buildings within a site on –</p> <p>a. apparent bulk and scale of buildings and structures within the rural setting;</p> <p>b. opportunity for on-site provision of private open space and facilities for parking of vehicles;</p>	<p>is compatible with the maintenance of slope stability on the site”. The 2019 report states that “the risk of both deep seated and debris flows on site (or adjacent sites) is possible with increased site development and/or the mismanagement of water on site”. An accompanying stormwater report and proposed on-site soakage trenching has not been examined by a suitably qualified person in relation to site stability.</p> <p>(h)(i)e. Satisfies Objective. Site is not remote.</p> <p>(h)(ii)a. Satisfies Objective. Proposal is for a single storey dwelling with low bulk and scale.</p> <p>(h)(ii)b. Satisfies Objective. Ample areas for private open space and parking of vehicles.</p> <p>(h)(ii)c. Satisfies Objective. Proposed development would be north facing.</p> <p>(h)(ii)d. Satisfies Objective. Proposed development would provide for ample visual and acoustic privacy between dwellings.</p> <p>(h)(ii)e. Does not satisfy Objective. Proposed development would result in a higher dwelling density in this area.</p>
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<ul style="list-style-type: none"> c. opportunity for access to daylight and sunlight; d. visual and acoustic privacy between adjacent dwellings; and e. consistency of the streetscape. 	
13.1.3 Desired Future Character Statements	
<p>13.1.3.1</p> <ul style="list-style-type: none"> (a) occur as discrete, contiguous, and ordered clusters of dwellings and associated buildings embedded in a rural setting; (b) provide sites that are larger than suburban lots, although size is dependent on availability of utilities, land capability, and retention of a rural setting; (c) provide housing as a predominant but not exclusive use; (d) provide choice and diversity in the type and form of buildings for housing and non-housing development; (e) provide buildings that are typically of one or two storeys; 	<ul style="list-style-type: none"> (a) Does not satisfy Future Character Statement. Development would increase pattern and intensity of dwelling density in this area. (b) Does not satisfy Future Character Statement. Land capability and suitability of a lot for development is not adequately satisfied. (c) Satisfies Future Character Statement. Development is the division of land for a dwelling. (d) Satisfies Future Character Statement. Development is the division of land for a dwelling. (e) Satisfies Future Character Statement. Development is the division of land for a single-storey dwelling.

<p>(f) provide a landscape in which buildings are set well apart from buildings on adjacent sites and from the frontage road;</p> <p>(g) have very low site coverage and sufficient unbuilt area to accommodate any requirement for on-site disposal or sewage or stormwater; and</p> <p>(h) may be self-sufficient with respect to water supply and arrangements for the treatment and disposal of sewage and stormwater</p>	<p>(f) Does not satisfy Future Character Statement. Development seeks a variation to the setback from a road frontage boundary.</p> <p>(g) Satisfies Future Character Statement. Low site coverage is proposed.</p> <p>(h) Satisfies Future Character Statement. Development would be self-sufficient.</p>
13.3 Use Standards	
13.3.1 Discretionary permit use	
<p>13.3.2-(A1) Discretionary permit use must:</p> <p>(a) be consistent with local area objectives;</p> <p>(b) be consistent with any applicable desired future character statement; and</p> <p>(c) minimise likelihood for unreasonable impact on amenity for residential use on adjacent land in the zone.</p>	<p>Not applicable.</p> <p>Residential use class is Permitted.</p>

13.3.2 Impact of use	
13.3.2-(A1) Permitted non-residential use must adjoin at last one residential use on the same street frontage.	Not applicable. Use would be Residential.
13.3.2-(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.	Not applicable. Use would be Residential.
13.3.2-(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.	Compliant. Use would be Residential.
13.4.1 Suitability of a site or lot for use or development	
13.4.1-(A1) Each site or each lot on a plan of subdivision must:	<u>Subdivision to form two lots</u>
(a) have an area not less than:	(a)(i) Non-compliant. Lot 1 would comprise 1.22ha however Lot 2 would comprise 5,000m ² . Refer to "Issues" section of this report.
(i) 1.0 hectares excluding any access strip; or	
(ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality.	(a)(ii) Not applicable. Locality not shown in the Table to this Clause.
(b) If intended for a building, contain a building area of:	(b)(i) Compliant. Both lots would be able to accommodate a building area of not more than 1,000m ² .
(i) not more than 1,000m ² ;	

<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>(v) clear of any registered right-of-way benefiting other land;</p> <p>(vi) clear of any restriction imposed by a utility;</p> <p>(vii) not including any access strip; and</p> <p>(viii) clear of any area required for the on-site disposal of sewage or stormwater; and</p> <p>(ix) accessible from a frontage or access strip.</p>	<p>(b)(ii) Compliant. Building envelope would be able to be accommodated with Scheme setbacks from front, rear and side boundaries.</p> <p>(b)(iii) Non-compliant. Building envelope on the new Lot 2 would be approximately 30m from Rural Resource zone boundary.</p> <p>Refer to “Issues” section of this report.</p> <p>(b)(iv) Compliant. Building envelope on the new Lot 2 would be clear of private water easement.</p> <p>(b)(v) Not applicable. No right-of-way.</p> <p>(b)(vi) Compliant. Building envelope on new Lot 2 would be clear of electrical transmission line.</p> <p>(b)(vii) Not applicable. No access strip.</p> <p>(b)(viii) Compliant. Building envelope on the new Lot 2 would be clear of the area required for sewerage and stormwater disposal.</p> <p>(b)(ix) Compliant. Lot 1 is accessible from Robertsons Road and Lot 2 would be accessible from Rockliffs Road.</p>
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	<p><u>Single dwelling on Lot 2</u></p> <p>(a)(i) Non-Compliant. Land area of Lot 2 would be 5,000m². Refer to “Issues” section of this report.</p> <p>(a)(ii) Not applicable. Locality not shown in Table to this Clause.</p> <p>(b)(i) Non-compliant. Dwelling would be setback 13m from new front boundary to Rockliffs Road. Refer to “Issues” section of this report.</p> <p>(b)(ii) Lot 2 would be able to accommodate a building area of not more than 1,000m².</p> <p>(b)(iii) Non-compliant. Dwelling on the new Lot 2 would be 30m from Rural Resource zone boundary. Refer to “Issues” section of this report.</p> <p>(b)(iv) Compliant. Dwelling on the new Lot 2 would be clear of water easement.</p> <p>(b)(v) Not applicable. No right-of-way.</p>
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	<p>(b)(vi) Compliant. Dwelling on the new Lot 2 would be clear to electrical transmission lines.</p> <p>(b)(vii) Not applicable. No access strip.</p> <p>(b)(viii) Compliant. Dwelling would be clear of area required for sewerage and stormwater disposal.</p> <p>(b)(ix) Compliant. Dwelling would be accessible from Rockliffs Road.</p>
<p>13.4.1 –(A2) Each site or a lot on a plan of subdivision must have a separate access from a road:</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(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</p> <p>(c) by a right of way connecting to a road –</p> <p style="padding-left: 40px;">(i) over land not required as the means of access to any other land; and</p> <p style="padding-left: 40px;">(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance</p>	<p><u>Subdivision to form two lots</u></p> <p>(a) Compliant. Land would have access off Rockliffs Road and Robertsons Road.</p> <p>(b) Not applicable. No internal lots.</p> <p>(c) Not applicable. No right-of-way proposed.</p> <p>(d) Frontage for Lot 1 = 81m. Frontage for Lot 2 = 47.47m.</p> <p>(e) Development would require a Statement of Compliance from the Road Authority.</p> <p><u>Single dwelling on Lot 2</u></p> <p>(a) Compliant. Land would have access via Rockliffs Road.</p>

<p>with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than 6.0m; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1992</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.</p>	<p>(b) Not applicable. Not an internal lot.</p> <p>(c) Not applicable. No right-of-way.</p> <p>(d) Compliant. Frontage would be 47.47m.</p> <p>(e) Development would require a Statement of Compliance from the Road Authority and Stormwater Authority.</p>
<p>13.4.1 –(A3) A site or each lot on a plan of subdivision must have a water supply:</p> <p>(a) from a connection to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2009</i>; or</p> <p>(b) from a rechargeable drinking water system ^{R6} with a storage capacity of not less than 10,000 litres if:</p> <p>(i) there is not a reticulated water supply; and</p> <p>(ii) development is for:</p>	<p><u>Subdivision and single dwelling on Lot 2</u></p> <p>(a) Not applicable. Satisfied by (b).</p> <p>(b) Compliant by Condition. Lots would be able to collect, store and dispose of stormwater.</p>

<p>a. a single dwelling; or</p> <p>b. a use with an equivalent population of not more than 10 people per day.</p>	
<p>13.4.1 –(A4) A site or each lot on a plan of subdivision must drain sewage and trade waste:</p> <p>(a) to a reticulated sewer system provided in accordance with the <i>Water and Sewerage Industry Act 2009</i>; or</p> <p>(b) by on-site disposal if:</p> <p>(i) sewage or trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development:</p> <p>a. is for a single dwelling; or</p> <p>b. provides for an equivalent population of not more than 10 people per day; or</p> <p>c. creates a total sewage and waste water flow of not more than 1,000 litres per day; and</p>	<p><u>Subdivision and single dwelling on Lot 2</u></p> <p>(a) Not applicable. Satisfied by (b).</p> <p>(b)(i) Compliant.</p> <p>(b)(ii) Compliant. Lot 1 has existing wastewater system. No changes proposed.</p> <p>Proposed Lot 2 of 5,000m² and dwelling for Lot 2 are accompanied by an “On-Site Wastewater Assessment” report and design by Geo-Environmental Solutions. GES recommendation is for an AWTs system with 250m² irrigation area.</p> <p>(b)(iii) Compliant. Lot 1 has existing wastewater system. No changes proposed.</p> <p>Proposed Lot 2 of 5,000m² and dwelling for Lot 2 are accompanied by an “On-Site Wastewater Assessment” report and design by Geo-Environmental Solutions. GES</p>

<p>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS1547:2000 On-site domestic wastewater management, clear of any defined building area or access strip.</p>	<p>recommendation is for an AWTs system with a 250m² irrigation area.</p>
<p>13.4.1–(A5) A site or each lot on a plan of subdivision must drain stormwater:</p> <p>(a) or discharge to a stormwater system provided in accordance with the <i>Drains Act 1954</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 5,000m²;</p> <p>b. the disposal area is not within any defined building area;</p>	<p><u>Subdivision and single dwelling on Lot 2</u></p> <p>(a) Not applicable. Satisfied by (b).</p> <p>Lot 1 has existing provisions for on-site stormwater disposal. No changes proposed.</p> <p>(b)(ii)a. Compliant. Lot 2 and dwelling proposal will have land area of 5,000m².</p> <p>(b)(ii)b. Compliant. Disposal is clear of defined building area.</p> <p>(b)(ii)c. Compliant. Disposal of stormwater is clear of area required for disposal of wastewater.</p> <p>(b)(ii)d. Compliant. Disposal area is clear of access strip.</p> <p>(b)(ii)e. Compliant. More than 50% of the site is of a pervious surface.</p> <p>(b)(iii) Compliant. Development is for a single dwelling.</p>

<p>c. the disposal area is not within any area required for the disposal of sewage;</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>	
13.4.2 Dwelling density	
<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><u>Dwelling on Lot 2</u></p> <p>(a) Non-compliant. Lot 2 site area would be 5,000m².</p> <p>(b) Not applicable. No locality in Table to this Clause.</p>
13.4.3 Location and configuration of development	
<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><u>Dwelling on Lot 2</u></p> <p>(a) Non-compliant. Dwelling would be setback 13m from Rockliffs Road frontage.</p>

<ul style="list-style-type: none"> (a) not less than 20.0m; (b) not less or not more than the setbacks for any existing building on each of the immediate adjoining sites; (c) not less than for any building retained on the site; (d) in accordance with any building area shown on a sealed plan of subdivision; or (e) if the site abuts a road shown in the Table to this clause, the setback specified for that road; or (f) if the site is in a locality shown in the Table to this clause, the setback for that locality. 	<ul style="list-style-type: none"> (b) Not applicable. Satisfied by (a) (c) Not applicable. Satisfied by (a) (d) Not applicable. Satisfied by (a) (e) Not applicable. Site does not abut the Bass Highway. (f) Not applicable. Locality not shown in Table to this Clause.
<p>13.4.3–(A2) All buildings must be contained within a building envelope determined by:</p> <ul style="list-style-type: none"> (a) the applicable frontage setback; (b) a setback of not less than 10.0m from each side boundary; (c) a setback of not less than 10.0m from the rear boundary; 	<p><u>Dwelling on Lot 2</u></p> <ul style="list-style-type: none"> (a) Non-compliant. Dwelling would be 13m from the Rockliffs Road frontage. Refer to “Issues” section of this report. (b) Compliant. Dwelling would be 12m from eastern side boundary and approximately 22m from western side boundary.

COMMUNITY SERVICES

<p>(d) a setback of not less than 20.0m from any designated building area on each adjacent site; or</p> <p>(e) if the site is in a locality shown in the Table to this clause, the setback for that locality; or</p> <p>(f) any building area shown on a sealed plan of subdivision; and</p> <p>(g) building height of not more than 8.5m.</p>	<p>(c) Compliant. Dwelling would be approximately 70m from proposed rear boundary.</p> <p>(d) Compliant.</p> <p>(e) Not applicable.</p> <p>(f) Not applicable. No sealed area on a plan of subdivision.</p> <p>(g) Compliant. Building height would be 7m above natural ground level.</p>
<p>13.4.3–(A3) Site coverage must:</p> <p>(a) be not more than 500m²; 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 of subdivision.</p>	<p><u>Dwelling on Lot 2</u></p> <p>(a) Compliant. Proposed site coverage would be 247.02m².</p> <p>(b) Compliant. Development would be clear of stormwater and wastewater disposal areas.</p> <p>(c) Not applicable. No building area shown on a sealed plan for subdivision.</p>
<p>13.4.3–(A4)</p> <p>(a) A utility structure must be a power pole, antenna or a single domestic-scale turbine to a maximum of 10m in height which is –</p>	<p><u>Dwelling on Lot 2</u></p> <p>(a) Not applicable. No utility structure proposed.</p>

<ul style="list-style-type: none"> (i) not part of a wind farm; (ii) not sited on a skyline; and (iii) if a wind turbine, not located within 60m a dwelling in other ownership not within 30m of a public road. <p>(b) A building, except a utility structure must be –</p> <ul style="list-style-type: none"> (i) located not less than 15m below the level of any adjoining ridgeline; (ii) not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; and (iii) clad and roofed with materials with a light reflectance value of less than 40% 	<ul style="list-style-type: none"> (b)(i) Non-compliant. Dwelling would be located approximately 10m below nearest ridgeline. Refer to “Issues” section of this report. (b)(ii) Compliant. Bass Strait is approximately 320m to the north. (b)(iii) Compliant by Condition to a Permit.
13.4.4 Acoustic and visual privacy for residential development	
<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><u>Dwelling on Lot 2</u></p> <ul style="list-style-type: none"> (a) Compliant. Proposed dwelling would be 12m from the eastern side boundary.

<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. No adjoining dwelling within 10m of the proposed development.</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>Not applicable.</p> <p>No access strip proposed.</p>
<p>13.4.5 Private open space for multiple dwelling residential use</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 50.0m²;</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.</p> <p>Not a multiple dwelling development.</p>

13.4.5–(A2) The required minimum private open space area must receive not less than two hours of continuous sunlight between 9.00am and 5.00pm on 21 June.	<p>Not applicable.</p> <p>Not a multiple dwelling development.</p>
13.4.6 Setback of sensitive use development	
<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><u>Dwelling on Lot 2</u></p> <p>(a) Non-compliant. Land is approximately 30m from Rural Resource zone to the south.</p> <p>(b) Non-compliant. Proposed building area would be approximately 30m from Rural Resource zone to the south.</p> <p>Refer to “Issues” section of this report.</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><u>Dwelling on Lot 2</u></p> <p>(a) Compliant. Proposed dwelling building area would be setback approximately 1.1km from Bass Highway.</p> <p>(b) Compliant. No railway within 200m of the site.</p> <p>(c) Not applicable. No land designated for future road or rail purposes.</p>

(d) a proclaimed wharf area.	(d) Compliant. The closest proclaimed wharf is located at Devonport approximately 15km to the east.
13.4.7 Subdivision	
<p>13.4.7–(P1) Each new lot on a plan of subdivision must be:</p> <p>(a) intended for residential use;</p> <p>(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.</p>	<p><u>Subdivision to form two lots</u></p> <p>(a) Compliant. Lot 2 is intended for residential use.</p> <p>(b) Not applicable.</p>
<p>13.4.7–(A2)</p> <p>A lot other than a lot to which A1(b) applies, must not be an internal lot.</p>	Compliant. No internal lots proposed.
13.4.8 Reticulation of an electricity supply to new lots on a plan of subdivision	
13.4.8–(A1) Electricity reticulation and site connections must be installed underground.	<p>Non-compliant. Overhead electrical supply proposed.</p> <p>Refer to “Issues” section of this report.</p>

CODES	
E1 Bushfire-Prone Areas Code	
E1.2 Application of Code	<p>Code applies. Site is identified as a bushfire-prone area.</p> <p>The application is supported by a Bushfire Risk Assessment Report by Micheal Wells of EnviroPlan, Accreditation No. BFP-128 dated 27 February 2018.</p>
E1.4 Exemption	<p>Not exempt. ATFS accredited person Micheal Wells, Accreditation No. BFP-128, has issued Certification No. 218030-5 dated 27 February 2018 and reports that a Bushfire Hazard Management Plan (Section 3 of the Certificate) is in accordance with the Chief Officer's requirements.</p>
E1.5.1 Vulnerable Uses	Not applicable. Subdivision not classified as a vulnerable use.
E1.5.2 Hazardous Uses	Not applicable. Subdivision not classified as a hazardous use.
E1.6.1 Subdivision	Applicable. Subdivision in a bush fire prone area.

E1.6.1.1 Subdivision: Provision of hazard management areas	
E1.6.1.1-(A1)	Compliant.
<p>(a) The TFS or an accredited person certifies, having regard to the objective, that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) the proposed plan of subdivision:</p> <p>(a) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision; and</p> <p>(b) shows the building area for each lot; and</p> <p>(c) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of AS3959 – 2009 Construction of Buildings in Bushfire Prone Areas. The proposed plan of subdivision must be accompanied by a bushfire hazard management plan certified by the TFS or accredited person demonstrating</p>	<p>(a) Not applicable. Application relies on E1.6.1.1-(A1)(b)</p> <p>(b)(i) The application is supported by a Bushfire Risk Assessment Report and certificates by Micheal Wells of EnviroPlan, Accreditation No. BFP-128 dated 27 February 2018. The ATFS accredited person, Micheal Wells, has issued Certification No. 218030-5 dated 27 February 2018 and reports that a Bushfire Hazard Management Plan (Section 3 of the Certificate) is in accordance with the Chief Officer's requirements and as such can deliver a compliant outcome for use and development on the land.</p> <p>(b)(ii) The application is supported by a Bushfire Risk Assessment Report and certificates by Micheal Wells of EnviroPlan, Accreditation No. BFP-128 dated 27 February 2018. The ATFS accredited person, Micheal Wells, has issued Certification No. 218030-5 dated 27 February 2018 and reports that a Bushfire Hazard Management Plan (Section 3 of the Certificate) is in accordance with the Chief Officer's requirements and as such can deliver a compliant outcome for use and development on the land.</p>

<p>that hazard management areas can be provided; and</p> <p>(d) applications for subdivision requiring hazard management areas to be located on land that is external to the proposed subdivision must be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p>(b)(iii) The application is supported by a Bushfire Risk Assessment Report and certificates by Micheal Wells of EnviroPlan, Accreditation No. BFP-128 dated 27 February 2018. The ATFS accredited person, Micheal Wells, has issued Certification No. 218030-5 dated 27 February 2018 and reports that a Bushfire Hazard Management Plan (Section 3 of the Certificate) is in accordance with the Chief Officer's requirements and as such can deliver a compliant outcome for use and development on the land.</p> <p>(b)(iv) Not applicable. Hazard management area is not to be located on an area that is external to the proposed subdivision.</p>
<p>E1.6.1.2 Subdivision: Public access</p>	
<p>E1.6.1.2-(A1)</p> <p>(a) The TFS or an accredited person certifies, having regard to the objective, that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in subdivision for the purposes of fire fighting; or</p> <p>(b) a proposed plan of subdivision showing the layout of roads and fire trails, and the location of private access</p>	<p>(a) Not applicable. Application relies on E1.6.1.2-(A1)(c).</p> <p>(b) Not applicable. Application relies on E1.6.1.2-(A1)(c).</p> <p>(c)(i) Compliant. Proposed plan of subdivision shows all building areas are within 200m of a road.</p> <p>(c)(ii) Compliant. Lots would have access to Robertsons Road and Rockliffs Road.</p> <p>(c)(iii) Not applicable. No new roads are to be constructed.</p>

<p>to building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being consistent with the objective; or</p> <p>(c) a proposed plan of subdivision:</p> <ul style="list-style-type: none"> (i) shows that, at any stage of a staged subdivision, all building areas are within 200m of a road that is a through road; and (ii) shows a perimeter road, private access, or fire trail between the lots and bushfire-prone vegetation, which road, access or trail is linked to an internal road system; and (iii) shows all roads as through roads unless: <ul style="list-style-type: none"> a. they are not more than 200m in length and incorporate a minimum 12.0m outer radius turning area; or b. the road is located within an area of vegetation that is not bushfire-prone vegetation; and (iv) shows vehicular access to any water supply point identified for fire fighting. 	<p>(c)(iv) Bushfire report makes recommendation in relation to the construction of access to be constructed in accordance with NCC 2014.3.7.4.1 Vehicular Access.</p>
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E1.6.1.2–(A2) Unless the development standards in the zone require a higher standard, construction of roads must meet the requirements of Table E3.	Bushfire report makes recommendation in relation to the construction of access to be constructed in accordance with NCC 2014.3.7.4.1 Vehicular Access.
E1.6.1.3 Subdivision: Provision of water supply for fire fighting purposes	
<p>E1.6.1.3–(A1) In areas serviced with reticulated water by a Regional Corporation:</p> <p>(a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures; or</p> <p>(b) a proposed plan of subdivision shows that all parts of a building area are within reach of a 120m long hose (measured as a hose lay) connected to a fire hydrant with a minimum flow rate of 600 litres per minute and minimum pressure of 200 kPa in accordance with Table 2.2 and clause 2.3.3 of AS 2419.1 2005 –Fire hydrant installations.</p>	Not applicable. No reticulated water supply.
E1.6.1.3–(A2) In areas that are not serviced by reticulated water by a Regional Corporation or where the requirements of A1 (b) cannot be met:	<p>(a) Not applicable. Compliant with E1.6.1.3–(A2)(b)</p> <p>(b) Compliant. The application is supported by a Bushfire Risk Assessment Report and Certificates by Micheal Wells</p>

<p>(a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures being provided; or</p> <p>(b) a bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for firefighting purposes is sufficient, consistent with the objective, to manage the risks to property and lives in the event of a bushfire; or</p> <p>(c) it can be demonstrated that:</p> <p style="padding-left: 40px;">(c)(i) static water supply, dedicated to fire fighting, will be provided and that the water supply has a minimum capacity of 10,000 litres per building area and is connected to fire hydrants; and</p> <p style="padding-left: 40px;">(c)(ii) a proposed plan of subdivision shows all building areas to be within reach of a 120m long hose connected to a fire hydrant, measured as a hose lay, with a minimum flow rate of 600 litres per minute and minimum pressure of 200 kPa; or</p> <p>(d) it can be demonstrated that each building area can have, or have access to, a minimum static water supply of 10,000 litres that is:</p>	<p>of EnviroPlan, Accreditation No. BFP-128 dated 27 February 2018. The ATFS accredited person, Michael Wells, has issued a Bushfire Hazard Management Plan that is in accordance with the Chief Officer's requirements and as such can deliver a compliant outcome for use and development on the land.</p> <p>(c) Not applicable. Compliant with E1.6.1.3-(A2)(b).</p> <p>(d)(i) The Bushfire Hazard Management Plan makes recommendation that Lot 2 will require on-site water storage for fire fighting.</p> <p>(d)(ii) The Bushfire Hazard Management Plan makes recommendation that Lot 2 will require on-site water storage for fire fighting.</p> <p>(d)(iii) The Bushfire Hazard Management Plan makes recommendation that Lot 2 will require on-site water storage for fire fighting.</p>
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<ul style="list-style-type: none"> (i) dedicated solely for the purposes of firefighting; and (ii) accessible by fire fighting vehicles; and (iii) is within 3.0m of a hardstand area. 	
E1.6.2 Habitable buildings on approved lots	
E1.6.2.1 Approved Lots: Provision of hazard management area for habitable buildings	
<p>E1.6.2.1-(A1)</p> <ul style="list-style-type: none"> (a) The TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to a habitable building to warrant the provision of hazard management areas; or (b) habitable buildings are within a building area on an approved lot: <ul style="list-style-type: none"> (i) that is on a plan of subdivision that has been approved by the granting of a permit in accordance with this Code; and (ii) that satisfies the requirements of E1.6.1.1 A1 (b); or 	<ul style="list-style-type: none"> (a) Not applicable. Compliant with E1.6.2.1_(A1)(c) (b) Not applicable. Compliant with E1.6.2.1_(A1)(c) (c)(i) Compliant. The application is supported by a Bushfire Risk Assessment Report and Certificates by Micheal Wells of EnviroPlan, Accreditation No. BFP-128 dated 27 February 2018. The ATFS accredited person, Micheal Wells, has issued Certification No. 218030-5 dated 27 February 2018 and reports that a Bushfire Hazard Management Plan (Section 3 of the Certificate) is in accordance with the Chief Officer's requirements and as such can deliver a compliant outcome for use and development on the land. (c)(ii) Compliant. The application is supported by a Bushfire Risk Assessment Report and Certificates by Micheal Wells

<p>(c) there are hazard management areas, in relation to habitable buildings, that:</p> <ul style="list-style-type: none"> (i) have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas; and (ii) will be managed in accordance with a bushfire hazard management plan that is certified by the TFS or an accredited person and that demonstrates how hazard management areas will be managed consistent with the objective; and (iii) if the hazard management areas are to be located on land external to the lot where the habitable building is located, the application is accompanied by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan. 	<p>of EnviroPlan, Accreditation No. BFP-128 dated 27 February 2018. The ATFS accredited person, Micheal Wells, has issued Certification No. 218030-5 dated 27 February 2018 and reports that a Bushfire Hazard Management Plan (Section 3 of the Certificate) is in accordance with the Chief Officer's requirements and as such can deliver a compliant outcome for use and development on the land.</p> <p>(c)(iii) Compliant. The application is supported by a Bushfire Risk Assessment Report and Certificates by Micheal Wells of EnviroPlan, Accreditation No. BFP-128 dated 27 February 2018. The ATFS accredited person, Micheal Wells, has issued Certification No. 218030-5 dated 27 February 2018 and reports that a Bushfire Hazard Management Plan (Section 3 of the Certificate) is in accordance with the Chief Officer's requirements and as such can deliver a compliant outcome for use and development on the land.</p>
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E2 Airport Impact Management Code	Not applicable. No Code in the Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of vegetation.
E4 Change in Ground Level Code	<p>Not applicable.</p> <p>Note – the application details no cut or fill required for the construction of the proposed dwelling. The applicant has advised that no cut or fill would be required for dwelling construction.</p> <p>The applicant has been advised that any cut or fill above 1m in depth, shown to be required at the time of a Building Permit application, would require that a new planning application be made for the dwelling, addressing the Scheme's E4 Change in Ground Level Code.</p>
E5 Local Heritage Code	Not applicable. No Local Heritage Code in the Scheme.
E6 Hazard Management Code	Not applicable. Not within a medium hazard mapped area.
E7 Sign Code	Not applicable. No signage proposed.
E8 Telecommunication Code	Not applicable. No telecommunications proposed.
E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Code applies to all development.

E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme applies to the site.
E9.5 Use Standards	
E9.5.1 Provision for parking	
<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. Table E9A requires two car parking spaces for a residential dwelling. The site has ample land area to accommodate this requirement.</p>
E9.5.2 Provision for loading and unloading of vehicles	
<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>	Not applicable to residential development.

E9.6 Development Standards	
E9.6.2 Design of vehicle parking and loading areas	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by a Condition on a Permit.
<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 maneuvering area must –</p> <ul style="list-style-type: none"> (a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking; (b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles; (c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities; (d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities; (e) Each parking space must be separately accessed from the internal circulation aisle within the site; 	<p>(a) Compliant. The site has ample land area to accommodate vehicle maneuverability in accordance with Australian Standards.</p>

COMMUNITY SERVICES

<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; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</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 by Condition to a Permit.</p>
<p>E10 Water and Waterways Code</p>	<p>Not applicable. Site is approximately 240m from Bass Strait.</p>
<p>Specific Area Plans</p>	<p>No Specific Area Plans apply to this location.</p>

Issues –

1 Suitability of a site or lot for use or development – lot size, pattern of development and dwelling density –

The Scheme's Acceptable Solutions 13.4.1–(A1) and 13.4.2–(A1) require that a lot on a plan of subdivision and a site subject to further development have a land area not less than 1ha.

The proposal is to subdivide a 1.72ha parcel of land to form two lots. Lot 1 would be 1.22ha and as such satisfies Scheme standards for lot size.

Proposed Lot 2 would be a subminimal parcel of 5,000m².

This means a discretion is required to allow the proposed subdivision to form Lot 2. It follows, that approval to subdivide the land is pre-requisite to subsequently assess and permit the development of the proposed dwelling on Lot 2.

The Scheme's Performance Criteria 13.4.1–(P1) and 13.4.2–(P1) similarly state the following mandatory criteria under Clause 13.4.1–(P1)(a) and 13.4.2–(P1)(a) and under additional criteria 13.4.4–(P1)(b) and 13.4.2–(P1)(b). The criteria relate to both the subdivision of land and dwelling development.

The Scheme states that for each lot on a plan of subdivision or for a dwelling on a site must –

- (a) *if intended for residential use be of sufficient size to be consistent with Clauses 13.1.1, 13.1.2 and 13.1.3 having regard to –*
 - (i) *the number, size and distribution of existing and approved lots on land in the vicinity;*
 - (ii) *the pattern, intensity and character of established use and development on other lots in the vicinity;*
 - (iii) *the capacity of any available or planned utilities; and*
 - (iv) *capability of the land to accommodate residential use; and*
- (b) *be of sufficient size for the intended use having regard to the effect of one or more of the following as are relevant to the size of a site or lot –*

- (i) topography of the land and land in the vicinity;*
- (ii) natural drainage of the land and land in the vicinity;*
- (iii) the desirability of protecting native vegetation, landscape features, natural and cultural values;*
- (iv) provision for management of exposure to natural hazards;*
- (v) provision of an accessible building area;*
- (vi) compliance to the acceptable solution criteria in any applicable standard for location and separation of a building;*
- (vii) arrangements for the convenient provision of roads and access to the land;*
- (viii) arrangements for the provision of a water supply and for the drainage and disposal of sewage and stormwater;*
- (ix) any restriction or requirement of a lawful easement or statutory interest in the land; and*
- (x) opportunity for solar access to a building area.*

The following is comment in relation to the relevant Performance Criteria.

A planning report by planning consultants, EnviroPlan, accompanies the application and makes little comment in relation to Zone Purpose Statements, Local Area Objectives and Desired Future Character Statements. Refer to the assessment pages of this report for Council's planners' comments in this regard. Generally, the proposal meets the Key Zone Purposes Statements, Local Area Objectives and Future Desired Character Statements, except in relation to key matters such as lot size, dwelling density and impacts.

The planning report accompanying the application also makes a general comment, but provides no detailed examination, in relation to the Scheme's Performance Criteria 13.4.1–(P1)(a)(i) that a new lot be consistent with the size and distribution of existing lots on land in the vicinity.

The proposed Lot 2 is not consistent in its land size or distribution with other Rural Living lots in the vicinity of Robertsons Road and Penguin Road, West Ulverstone. See Map A below.

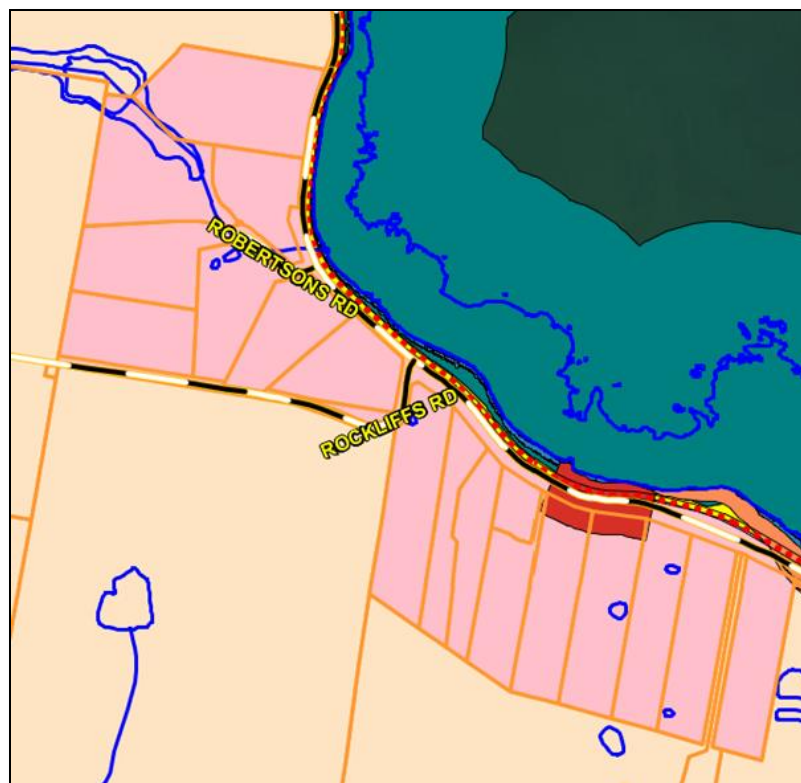
All other rural Residential allotments in this area are of a consistent size and pattern and exceed 1ha in land area, with the exception of a single lot, some 600m to the east, located at 281 Penguin Road, being less than 1ha.

The primary reason for the existing and sustained lot size in this area is the presence of active medium and low hazard landslide bands within the area of Robertsons and Penguin Roads, West Ulverstone. Refer to landslide Map B reproduced below.

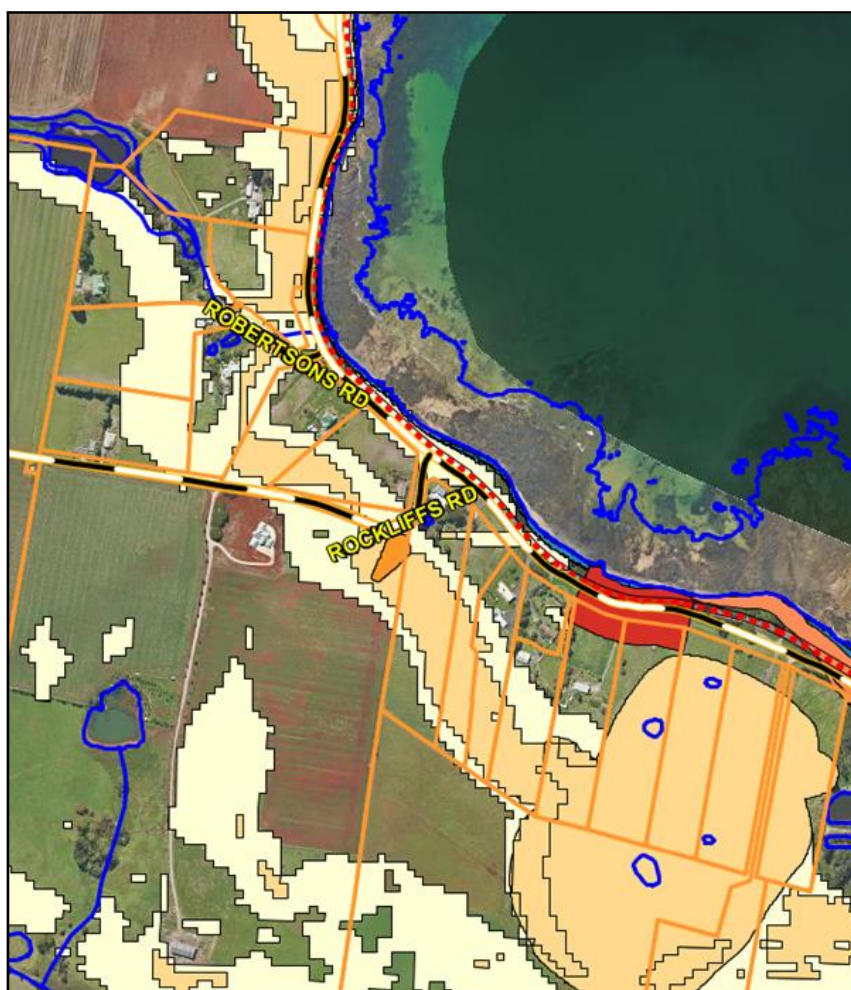
It cannot be stated that the subject proposal for the division of land is consistent with the pattern, intensity and character of development in this area.

The representation received also raises this matter.

Map A – Pattern, intensity, size and distribution of Rural Living allotments – Robertsons Road and Penguin Road, West Ulverstone



Map B – Distribution of Medium and Low landslip hazard areas – Robertsons Road and Penguin Road, West Ulverstone



In relation to Performance Criteria 13.4.1–(P1)(b), the proposal includes supporting documentation that satisfies several of the criteria, including adequate arrangements for access to a road, provision of a building area, the ability to make provision of a water supply and the drainage and disposal of sewerage and stormwater.

However, the proposal does not satisfy Performance Criteria 13.4.1–(P1)(b)(iv) and (vi) being of sufficient size for the intended use having regard to “*compliance to acceptable solution criteria in any applicable standard for location of a building*” – due to the proximity of the proposed building to the Rockliffs Road front boundary and to a Rural Resource zone boundary. The representation received also raises this matter and it is further discussed below in Issue No.2.

2 *Proximity of development of a sensitive use (dwelling) from Rural Resource land –*

The Scheme's Acceptable Solution 13.4.6–(A1) requires that sensitive use buildings, such as dwellings, be contained within a building envelope that is setback 50m from a Rural Resource zone. The subject application seeks approval for a dwelling that would be setback approximately 30m from an adjoining rural resource zone that comprises a strip of Class 5 and 6 land (due to low hazard landslip and slope) but is land which primarily comprises Class 3 prime agricultural land.

Performance Criteria 13.4.6–(P1) states that the location of a sensitive use must –

- (a) *minimise likelihood for conflict, constraint or interference by the sensitive use on existing and potential use of land in the adjoining zone; and*
- (b) *minimise likely impacts from existing and potential use of the land in the adjoin zone on the amenity of the sensitive use.*

The application does not demonstrate how development would minimise likelihood of conflicts and constraint on the existing and potential use of land in the adjoining zone, and vice versa, and as such does not satisfy the relevant Performance Criteria.

3 *Location of development on a ridgeline –*

The Scheme's Acceptable Solution 13.4.3–(A4) requires that development be located not less than 15m below the level of any adjoining ridgeline. The proposed dwelling would be sited approximately 10m below the nearest ridgeline.

The Scheme's Performance Criteria 13.4.3–(P4) requires that the location, height and visual appearance of a building have regard to minimising visual impact, building height above adjacent vegetation canopy, visual impact on a shoreline and minimise the reflection of light.

It is considered the proposed single-storey dwelling satisfies this criteria.

4 *Location and configuration of development– setback of dwelling from the front boundary to Rockcliffs Road – Lot 2 –*

The Scheme's Acceptable Solution 13.4.3–(A2) requires that all buildings be contained within a building envelope that is setback 20m from the front boundary of an allotment. The subject application seeks a setback for a proposed dwelling that would be 13m from the Rockcliffs Road frontage.

In summary, Performance Criteria 13.4.3–(P2) requires that the location of a building in relation to site boundaries minimise the likelihood of overshadowing of an adjoining dwelling, take into account the relationship between appearance and design of buildings on adjacent land, minimise the scale, bulk, massing and proportion of a building relative to adjacent buildings, be consistent with the rural streetscape and respond to the slope of the land and orientation of the site.

The proposal is for a single-storey dwelling. Building materials are not detailed in the application, however other dwellings in this area are constructed of various materials. It is reasonable to conclude that the proposed dwelling would not result in any overshadowing of adjoining dwellings and would satisfy the relevant criteria for appearance, bulk, scale and a building's relationship to the slope of the land and the orientation of proposed Lot 2.

5 *Local Government (Building and Miscellaneous Provisions) Act 1993 –*

The *Local Government (Building and Miscellaneous Provisions) Act 1993 (LGBMP)* provides that the Council may refuse to approve a plan of subdivision if it is of the opinion that the road and likely pedestrian network is unsuitable, the lot cannot be satisfactorily serviced or that the lots by reason of their shape, size or contours are unsuitable for accommodation of a building envelope.

The proposed subdivision has demonstrated that it is able to satisfy the land characteristic matters required under LGBMP.

6 *Public Open Space Contributions Policy 2019 –*

Central Coast Council, in January 2019, ratified the Public Open Space Contributions Policy 2019.

The Policy was developed with consideration to the contemporary legislative requirements to do with the approval of subdivisions under LGBMP and for the approval of permits for development, including subdivision, under the Scheme.

There is a clear statutory basis for a Council to require open space to be created in the course of approving a subdivision where a Council has formed a view that open space would be desirable. Similarly, a Council can, where it has formed the view that the mandatory provision of open space is not warranted, instead require the subdivider to make a mandatory cash contribution to the Council in lieu of the provision of open space land.

LGBMP Section 117 provides that instead of requiring the provision of public open space, a Council can require the payment of a cash sum. It is specially provided that this amount is to be held by the Council "for the acquisition or improvement of land for public open space for the benefit of the inhabitants of the Municipal area". The cash in lieu contribution does not need to be locality specific. This is because an increased density of lots for dwellings would create a greater demand for new and improved public areas, including both District and Regional areas, and thus these areas can be part funded by a cash in lieu contribution.

No requirement for the dedication of open space land has been identified by the Council in the assessment of the division of land at 9 Robertsons Road, West Ulverstone. Consequently, a cash in lieu amount is to be paid for the acquisition or improvement of land for District and Regional public open space for the benefit of the inhabitants of the Municipal area.

The methodology for determining the value of the contribution, for a subdivision of five lots or less in the Rural Living zone, is that a 3% contribution is to be determined based on the current value of the land as determined by the Valuer General.

The public open space contribution for the proposed new Lot 2, if approved, would be \$2,180.00.

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	Refer to Statements of Compliance from the Council in its capacity as the Road Authority and Stormwater Authority at Annexure 5.
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.

Representation –

One representation was received within the prescribed time from planning consultants Pitt & Sherry, representing two separate parties, a copy of which is provided at Annexure 3.

The representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
<p>1 Lot size and dwelling density – the report supporting the application states that “<i>the proposed subdivision is sufficiently sized to accommodate the development which is evidenced in the wastewater report and is consistently sized with other allotments within the vicinity as seen along Penguin Road where numerous allotments are under 1ha in size</i>”. This is strongly disputed as there is one lot under 1ha in the Rural Living zone within 1km of the site. The 1ha lot size is set to protect agricultural practices on adjoining land.</p>	<p>The 1ha lot size in this area was determined due to the presence of active medium and low landslip hazard in the area. Refer to Maps A & B in this report and comments made under Issue No.1.</p>
<p>2 The reduced setback of 13m to the front boundary of Rockliffs Road will increase risk of fettering of adjoining agricultural practices. Also, if setback was to meet the Scheme’s 20m, then development would have an adverse impact on the amenity of the dwelling located at 50 Rockliffs Road.</p>	<p>Please refer to comments made under Issue No. 4.</p>
<p>3 Traffic Assessment report incorrectly refers to the access to the rural property opposite as “for a dwelling only”. This is not accurate as access is to the main farm and carries heavy plant. To have a proposed access directly opposite the</p>	<p>Rockliffs Road is a small “one way” roadway that provides access to three properties. It is considered most unlikely that the introduction of an additional residential access off Rockliffs Road would impede adjoining farm operations.</p>

working access is highly undesirable and could impede the efficient operations of the farm.	
4 Application does not satisfy Rural Living Zone Objectives (c), (e), (f), (g) and (h).	<p>Planner assessment agrees that the application does not meet several Zone Objectives, specifically those related to the distribution and size of lots and associated dwelling density.</p> <p>Refer to planner's assessment report.</p>

RESOURCE, FINANCIAL AND RISK IMPACTS

The development application may be appealed by either the applicant or the representor. An appeal would impact on Council resources outside those usually required for assessment and reporting and would involve legal 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 representation received is deemed to have merit. The proposed subdivision of land in this location, to form a subminimal allotment, does not reflect the pattern and intensity of development in this area. The Robertsons Road/Rockliffs Road area is identified as an area of low and medium landslide hazard with active landslide events evident on ground, including such with 30m of the proposed dwelling building area. No substantive or conclusive documentation is placed before the Planning Authority demonstrating why the Planning Authority should permit a deviation from the existing pattern and intensity of development.

The proposed use and development of new Lot 2 for residential purpose would place a “sensitive use” less than 50m from land that comprises prime agricultural land. It is considered the potential for land use conflict between primary industry and the proposed sensitive use is likely, and the fettering of agricultural activity may also occur. Further, the requirements of land use planning are that the applicant address the Scheme’s relevant Performance Criteria, to the satisfaction the Planning Authority. The application before the Planning Authority does not demonstrate that the fettering of agricultural activities would not result.

Recommendation –

It is recommended that the application for Residential (subdivision – two lots and dwelling) – variation to lot size, setback of dwelling and fire fighting infrastructure from front boundary, setback of sensitive use from Rural Resource zone boundary and proposed overhead electricity supply at 9 Robertstons Road, West Ulverstone be refused on the following grounds:

- 1 The proposal is not able to adequately satisfy Local Area Objectives (c), (h)(i)a. and (h)(i)d. for development and use in the Rural Living zone.
- 2 The development is not able to satisfy Performance Criteria 13.4.1–(P1)(a), 13.4.2–(P1)(a), 13.4.1–(P1)(b)(iv) and 13.4.2–(P1)(b) in relation to the pattern, intensity and distribution of lots in the Robertsons Road and Penguin Road Rural Living zone area and the exposure of the land and proposed development to a natural hazard.
- 3 The development is not able to satisfy Performance Criteria 13.4.6–(P1) relative to the “Location of Development for Sensitive Uses” and 13.4.1–(P1)(b)(vi) in that development would be approximately 30m from an adjoining Rural Resource zone that comprises prime agricultural land and may result in the constraint, fettering or conflict with current or future resource development on the adjoining land.’

The report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr van Rooyen moved and Cr Fuller seconded, “That, as the proposed lot is of sufficient size for the intended use, and that the presence of existing dwellings in the area ensure that the proposed dwelling would not alter the existing likelihood for conflict, constraint or

interference by the Sensitive use on existing and potential use of the land in the adjoining Zone, the application for Residential (subdivision – two lots and dwelling) – variation to lot size, setback of dwelling and fire fighting infrastructure from front boundary, setback of sensitive use from Rural Resource zone boundary and proposed overhead electricity supply at 9 Robertsons Road, West Ulverstone – Application No. DA2018020 be approved subject to the following conditions and notes:

SUBDIVISION

- 1 The development must be substantially in accordance with the draft plan of subdivision Plan Reference No. 16001 dated 26 March 2019.
- 2 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 24 April 2019 issued by the Council acting in its capacity as the Road Authority and the Stormwater Authority (copy attached) (a copy being appended to and forming part of the minutes).
- 3 A cash-in-lieu of public open space contribution payment of \$2,180.00 representing 3% of the unimproved value of Lot 2. The cash-in-lieu contribution must be paid prior to the sealing of the Final Survey Plan.
- 4 Prior to the sealing of a Final Survey Plan, Hydro Tasmania are to advise that the proximity of existing hydroelectricity poles means that no additional installations, other than a line direct to a new dwelling from an existing pole, would be required for installation of an electrical service to Lot 2.

DWELLING

- 5 The development must be substantially in accordance with the plans by EnviroPlan, Drawings No A0.1 to A0.4 dated 24 May 2018 and is to comprise no cut or fill greater than 1m in depth, unless modified by a condition of this Permit.
- 6 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 24 April 2019 issued by the Council acting in its capacity as the Road Authority and the Stormwater Authority (copy attached).
- 7 The development, including on-site stormwater disposal, must be in accordance with the Geotechnical Assessment by Geo- Environmental Solutions dated February 2019 and be clear of the wastewater disposal system, building envelope and vehicle parking and manoeuvring areas.

- 8 The development must be in accordance with the recommendations contained in the On-Site Wastewater Assessment by Geo-Environmental Solutions dated May 2011 and stormwater and wastewater location plan date stamped 14 August 2018.
- 9 At the completion of development works a statement must be provided by the author of the Geo Technical report and the On-Site Wastewater Assessment stating the works have been completed in accordance with the Discussion and Recommendations contained in the report dated May 2011 and the report as prepared by Matthew James of Geo-Environmental Solutions Pty Ltd, dated February 2019.
- 10 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 11 The development must be in accordance with the Bushfire Risk Assessment Report and Certificates by Michael Wells, BFP-128 dated 27 February 2018.

Please note:

- 1 A Planning Permit remains valid for two years. If the use and/or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 'Substantial commencement' is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 The proposed development fits within the criteria of Category 4 – Building Permit Work and Category 4 – Plumbing Permit Work when assessed against the Determinations issued under the Building Act 2016. Accordingly, an application for a Building Permit is to be made to the Council's Building Permit Authority, and an application for a Plumbing Permit is to be made to the Council's Plumbing Permit Authority."

Carried unanimously

147/2019 Public question time

The Mayor introduced public question time at 6.40pm.

Ms Catherine Taylor – Sulphur Creek

Question 1 –

“At the December 2018 meeting, I raised the issue in relation to the free camping at Hall Point. I understand the Council wish for it to remain open, as it brings money into the community, but, I live directly across from Hall Point and I see everything, it’s disgraceful. Now that the weather has turned cold, the campers have started lighting bonfires and in the mornings the trees and shrubs have been burned – what is happening to the creatures that live there, where is the welfare for the environment and animals. I want to know if the Council are going to stop this by closing the area off at night and reopen at dawn, so that campers’ privileges are taken away, therefore unable to continue to abuse this privilege?”

Response:

The Mayor referred the matter to the Director Community Services, who advised that the Council is currently investigating the option of introducing a Caravan and Motorhome By-law to deal with such matters, as the Council currently has no legal authority to impose fines or undertake any legal action.

Question 2 –

“I raised this matter over six months ago and I understand that there is a state-wide discussion on similar matters, is the Council waiting for a report to come out before it does anything?”

Response:

The Mayor responded by advising that the Council will continue to undertake investigations of its own, which will include the state-wide matter currently being discussed, and that Hall Point will form part of that consideration.

Mrs Marion Marini, West Ulverstone

Question 1 –

“Having moved here 12 months ago, I must congratulate your Council, I have had to deal with your staff, and they have been amazing.

- 1 Is there any chance that the Council would consider providing vouchers of free visits to the Resource Recovery Centre for residents that pay rates, they did this in Queensland and it worked well, and it may stop rubbish dumping?

- 2 I live on the corner of River Road and Clara Street in Ulverstone, it is very steep and there are no footpaths on either side until half way down on the River Road side. Recently there was an incident of a gentleman on a mobility scooter, whose battery stopped on the crest of the hill, my husband had to assist him (he is unwell) and push him into our drive way, along with this there are a number of people from Mount St Vincent's who utilise the area. I understand that a footpath in this area is not currently on the list of works, but could it be bought forward or considered, as it is dangerous and if constructed people can access these areas safely."

Response:

The Mayor thanked Mrs Marini and advised that her suggestions would be taken on board and considered by the Infrastructure Services Department.

Mr Darryl Barker – Penguin

Question 1 –

"In October 2018, I questioned the Council in relation to tourism signage in Penguin and that it was confusing, I was advised that it would be done in the next financial year, is that still the case?"

Response:

The Mayor responded by advising that the comments made would be taken on board and considered as part of the Budget process.

Question 2 –

"With the Dial Sports Complex nearing completion apart from the car parking, we now have 12 sporting pursuits available within the area and all are of a high standard. The new Penguin District School on the High School site will soon be ready for a makeover. With the Primary School being left partly vacant, will the Council work with the Education Department to look into the feasibility of turning the Primary School in to a sports academy, where elite athletes and other groups can take advantage of what is available at the Dial Sports Complex?"

Response:

The Mayor responded and advised that the Council is in discussions with the Education Department and the Penguin District School, the Council will be working very closely with them on that development.

Questions and replies concluded at 6.50pm.

INFRASTRUCTURE SERVICES

148/2019 Infrastructure Services determinations

The Director Infrastructure Services reported as follows:

“A Schedule of Infrastructure Services Determinations made during the month of May 2019 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

■ Cr Beswick moved and Cr Viney seconded, “That the Schedule of Infrastructure Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

ORGANISATIONAL SERVICES

149/2019 Sale of Public Open Space – 6A Allambie Crescent, Ulverstone

The Director Organisational Services reported as follows:

“PURPOSE

The purpose of this report is to consider the sale of Public Open Space located at 6A Allambie Crescent, Ulverstone.

BACKGROUND

The Council owns an allotment of Public Open Space at 6A Allambie Crescent, Ulverstone. This land has a pathway access from Allambie Crescent, but is an internal block surrounded by residential development (Appendix 1). The total area is in excess of 3,162m². The space is undeveloped with no infrastructure being present.

As part of the Central Coast Open Space and Recreation Plan 2012–2022 this land was identified as being surplus to requirements due to its location and the nature of it being surrounded by residential properties.

As the land is Public Open Space, the *Local Government Act 1993* is very specific with regard to the process that the Council is required to follow. Section 178 of the *Local Government Act 1993* applies.

“178 Sale, exchange and disposal of public land

- (1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.
- (2) Public land that is leased for any period by a council remains public land during that period.
- (3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.
- (4) If a council intends to sell, lease donate, exchange or otherwise dispose of public land the general manager is to –

- (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and
 - (ab) display a copy of the notice on any boundary of the public land that abuts a highway; and
 - (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.
- (5) If the general manager does not receive any objection under subsection (4) and an appeal is not made under section 178A, the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under subsection (4).
- (6) The council must –
 - (a) consider any objection lodged; and
 - (b) by notice in writing within 7 days after making a decision to take or not take any action under this section, advise any person who lodged an objection of –
 - (i) that decision; and
 - (ii) the right to appeal against that decision under section 178A.
- (7) The Council must not decide to take any action under this section if –
 - (a) any objection lodged under this section is being considered; or
 - (b) an appeal made under section 178A has not yet been determined; or
 - (c) the Appeal Tribunal has made a determination under section 178B(b) or (c)."

DISCUSSION

The land in question has been identified in the Central Coast Open Space and Recreation Plan 2012–2022 as being surplus to Council requirements. Funds raised from the sale of the block will be transferred to the Public Open Space Financial Reserve where these funds will be available to develop other public open space in the municipal area.

To commence the process, the Council will advertise its intention to proceed in accordance with s.178(4) of the *Local Government Act 1993*.

CONSULTATION

Consultation will occur via the formal process outlined in the *Local Government Act 1993* and, in addition, the community will also be engaged through the Council's website, e-newsletter and Facebook.

RESOURCE, FINANCIAL AND RISK IMPACTS

All costs will be covered via the sale of the block. The balance of any funds generated will be transferred to the Public Open Space Financial Reserve for the future development of other Council Open Space.

CORPORATE COMPLIANCE

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

The Shape of the Place

- . Improve the value and use of open space
- . Encourage a creative approach to new development.

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

Council Sustainability and Governance

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

CONCLUSION

It is recommended that the Council initiate the process required to dispose of the Public Open Space situated at 6A Allambie Crescent, Ulverstone."

The Executive Services Officer reported as follows:

“A location plan of the property has been circulated to all Councillors.”

■ “Cr van Rooyen moved and Cr Hiscutt seconded, That the Council initiate the process required to dispose of the Public Open Space situated at 6A Allambie Crescent, Ulverstone, and

- (a) should there be no objections that the land be disposed of at a price not less than valuation and Council costs, subject to any necessary terms and conditions being finally negotiated by the General Manager; or
- (b) if any objections are received that a report be presented to the Council outlining any objections received.”

Carried unanimously and by absolute majority

150/2019 Contracts and agreements

The Director Organisational Services reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into for the period 1 April to 20 May 2019 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

151/2019 Correspondence addressed to the Mayor and Councillors

The Director Organisational Services reported as follows:

“A Schedule of Correspondence addressed to the Mayor and Councillors for the period 16 April to 20 May 2019 and which was addressed to the ‘Mayor and Councillors’ is appended. Reporting of this correspondence is required in accordance with Council policy.

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

The Executive Services Officer reported as follows:

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

■ Cr Hiscutt moved and Cr Overton seconded, “That the Schedule of Correspondence addressed to the Mayor and Councillors (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

152/2019 Common seal

The Director Organisational Services reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 16 April to 20 May 2019 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.

The Schedule also includes for information advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities.”

The Executive Services Officer reported as follows:

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

■ Cr Viney moved and Cr Diprose seconded, “That the common seal (a copy of the Schedule of Documents for Affixing of the Common Seal being appended to and forming part of the minutes) be affixed subject to compliance with all conditions of approval in respect of each document, and that the advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities be received.”

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

153/2019 Meeting closed to the public

The Executive Services Officer reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide that a meeting of a council is to be open to the public unless the council, by absolute majority, decides to close part of the meeting because one or more of the following matters are being, or are to be, discussed at the meeting.

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

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

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council Dulverton Waste Management Board – meeting held 3 May 2019.	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.
Local Government Association of Tasmania – Election of President and General Management Committee Member – North West and West Coast District	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
TasWater Quarterly Report to the Owners’ Representatives	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

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

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council Dulverton Waste Management Board – meeting held 3 May 2019.	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”
Local Government Association of Tasmania – Election of President and General Management Committee Member – North West and West Coast District	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
TasWater Quarterly Report to the Owners’ Representatives	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

Carried unanimously and by absolute majority

The Executive Services Officer further reported as follows:

- “1 The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, the fact that the matter was discussed and a brief description of the matter so discussed, and is not to record in the minutes of the open meeting the details of the outcome unless the council determines otherwise.
- 2 While in a closed meeting, the council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.

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

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

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

The meeting moved into Closed session at 6.59pm.

154/2019 Confirmation of Closed session minutes

The Executive Services Officer reported as follows:

“The Closed session minutes of the previous ordinary meeting of the Council held on 15 April 2019 have already been circulated. The minutes are required to be confirmed for their accuracy.

...

The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of a matter discussed at a closed meeting –

‘34(1)(b) in relation to a matter discussed at the closed meeting –

(i) the fact that the matter was discussed at the closed meeting; and

(ii) a brief description of the matter so discussed –

are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be recorded in a manner that does not disclose any confidential information and protects confidentiality; and

(c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public unless the council, or council committee, determines otherwise.’

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

GENERAL MANAGEMENT

155/2019 Minutes and notes of other organisations and committees of the Council

The General Manager reported as follows:

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

- . Dulverton Waste Management Board – meeting held 3 May 2019.

The minutes and notes have been provided to the Council on the condition they are kept confidential.

...

The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of a matter discussed at a closed meeting –

- ‘34(1)(b) in relation to a matter discussed at the closed meeting –
 - (i) the fact that the matter was discussed at the closed meeting; and
 - (ii) a brief description of the matter so discussed –

are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be recorded in a manner that does not disclose any confidential information and protects confidentiality; and
- (c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public unless the council, or council committee, determines otherwise.’

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

156/2019 Local Government Association of Tasmania – Election of President and General Management Committee Member – North West and West Coast District

The General Manager reported as follows:

"PURPOSE

The purpose of this report is to seek the Council's preferences for the filling out of the ballot paper for the positions of President of the Local Government of Tasmania (LGAT) and the General Management Committee Member – North West and West Coast District (less than 20,000).

...

The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of a matter discussed at a closed meeting –

- '34(1)(b) in relation to a matter discussed at the closed meeting –
 - (i) the fact that the matter was discussed at the closed meeting; and
 - (ii) a brief description of the matter so discussed –

are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be recorded in a manner that does not disclose any confidential information and protects confidentiality; and
- (c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public unless the council, or council committee, determines otherwise.'

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

157/2019 Adjournment of meeting

The Mayor advised as follows:

“This meeting is adjourned for 15 minutes to discuss the ballot allocation for the positions of President and General Management Committee.”

The meeting adjourned from 7:05pm to 7:23pm.

158/2019 TasWater Quarterly Report to the Owners’ Representatives

The General Manager reported as follows:

“*PURPOSE*

This report is to present the TasWater Quarterly Report to Owners’ Representatives for the period ended 31 March 2019. The report is provided to all owner councils on an ‘In Confidence’ basis.

...

The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of a matter discussed at a closed meeting –

- ‘34(1)(b) in relation to a matter discussed at the closed meeting –
 - (i) the fact that the matter was discussed at the closed meeting; and
 - (ii) a brief description of the matter so discussed –

are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be recorded in a manner that does not disclose any confidential information and protects confidentiality; and
- (c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public unless the council, or council committee, determines otherwise.’

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

Closure

There being no further business, the Mayor declared the meeting closed at 7.37pm.

CONFIRMED THIS 17TH DAY OF JUNE, 2019.

Chairperson

(lb:Imm)

Appendices

- Minute No. 143/2019 – Schedule of Statutory Determinations
- Minute No. 146/2019 – Residential (subdivision – two lots and dwelling)
at 9 Robertsons Road, West Ulverstone –
Application No. DA2018020
 - Statement of Compliance for Vehicular Access
and Drainage Access dated 24 April 2019
issued by the Council acting in its capacity as
the Road Authority and the Stormwater
Authority
- Minute No. 148/2019 – Schedule of Infrastructure Services Determinations
- Minute No. 150/2019 – Schedule of Contracts & Agreements
- Minute No. 151/2019 – Schedule of Correspondence addressed to the
Mayor and Councillors
- Minute No. 152/2019 – Schedule of Documents for Affixing of the
Common Seal

QUALIFIED PERSON'S ADVICE

The *Local Government Act 1993* (the Act), Section 65 provides as follows:

- “(1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
 - (a) the general manager certifies, in writing –
 - (i) that such advice was obtained; and
 - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.”

In accordance with Section 65 of the Act, I certify:

- (i) that the reports within the Council minutes contain advice, information and recommendations given by persons who have the qualifications and experience necessary to give such advice, information or recommendation;
- (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 another person's general advice who is appropriately qualified or experienced; and
- (iii) that copies of advice received from an appropriately qualified or experienced professional have been provided to the Council.



Sandra Ayton
GENERAL MANAGER

Associated Reports And Documents

Central Coast Council
List of Development Applications Determined
Period from: 1 April to 30 April 2019

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2018160	18 Water Street ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling extension)	23/11/2018	2/04/2019	10	\$75,000.00
DA2018189	22 Henslowes Road ULVERSTONE,TAS,7315	Discretionary	Residential (two lot subdivision and multiple dwellings x two)	16/01/2019	15/04/2019	45	\$450,000.00
DA2018192	1 Davis Street LEITH,TAS,7315	Discretionary	Residential (dwelling) and Visitor accommodation	24/01/2019	11/04/2019	41	\$600,000.00
DA2018205	18 Fysh Street FORTH,TAS,7310	Permitted	Residential (as constructed deck)	5/02/2019	5/04/2019	24	\$20,000.00
DA2018213	79 Trevor Street ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling)	14/02/2019	8/04/2019	46	\$200,000.00
DA2018221	11 Coroneagh Street PENGUIN,TAS,7316	Discretionary	Residential (dwelling extension)	21/02/2019	4/04/2019	28	\$75,000.00
DA2018229	9 Main Road PENGUIN,TAS,7316	Discretionary	Residential (two lot subdivision) and demolition of outbuildings	4/03/2019	2/04/2019	27	\$15,000.00
DA2018231	24 Hull Street LEITH,TAS,7315	Discretionary	Residential (subdivision to create two lots, construction of a dwelling and an ancillary dwelling)	5/03/2019	16/04/2019	33	\$450,000.00
DA2018235	150 Preservation Drive PRESERVATION BAY,TAS,7316	Discretionary	Residential (retaining walls/front fence with associated fill)	7/03/2019	17/04/2019	22	\$30,000.00
DA2018239	23 Reibey Street ULVERSTONE,TAS,7315	Permitted	General retail and hire (nail and pedicure spa)	14/03/2019	3/04/2019	13	\$5,000.00

Central Coast Council
List of Development Applications Determined
Period from: 1 April to 30 April 2019

DA2018241	16 Merinda Drive ULVERSTONE,TAS,7315	Discretionary	Residential (outbuilding – garage) – variation to front boundary setback standard	14/03/2019	17/04/2019	23	\$30,000.00
DA2018247	54 Clerke Street LEITH,TAS,7315	Discretionary	Residential (awning)	19/03/2019	16/04/2019	20	\$25,000.00
DA2018250	13 Lobster Creek Road WEST ULVERSTONE,TAS,7315	Discretionary	Residential (outbuilding – shed)	21/03/2019	17/04/2019	22	\$25,000.00
DA2018265	54A Main Road PENGUIN,TAS,7316	Permitted	Residential (shed ancillary to residential use)	2/04/2019	15/04/2019	3	\$15,000.00
DA2018266 – 1	161 Hardys Road PENGUIN,TAS,7316	Discretionary	Residential (subdivision – 3 lots)	2/04/2019	12/04/2019	10	\$0.00
DA2018267	35 Coroneagh Street PENGUIN,TAS,7316	Discretionary	Residential (verandah)	3/04/2019	10/04/2019	5	\$50,000.00
OA2018259	175 Wilsonia Road NORTH MOTTON,TAS,7315	Adhesion Order	Resource development (adhesion order)	21/03/2019	5/04/2019	7	\$2,000.00

**SCHEDULE OF STATUTORY DETERMINATIONS
MADE UNDER DELEGATION**

Period: 1 April 2019 to 30 April 2019

Building Permits – 7

• New dwellings	3	\$1,687,000
• Additions/Alterations	2	\$510,000
• Other	0	\$0
• Outbuildings	2	\$80,000

Permit of Substantial Compliance – Building – 0

Notifiable Work – Building – 8

• New dwellings	3	\$815,000
• Outbuildings	1	\$12,000
• Additions/Alterations	3	\$106,250
• Other	1	\$616,000

Building Low Risk Work – 2

Plumbing Permits – 2

Certificate of Likely Compliance – Plumbing – 9

Notifiable Work – Plumbing – 0

Plumbing Low Risk Work – 0

Food Business registrations (renewals) – 11

Food Business registrations – 2

Temporary Food Business registrations – 6

Temporary 12 month Statewide Food Business Registrations – 2

Public Health Risk Activity Premises Registration – 0

Public Health Risk Activity Operator Licences – 0

Temporary Place of Assembly licences – 0



Cor Vander Vlist
DIRECTOR COMMUNITY SERVICES

24 April 2019

Our ref.: DA2018020, paa:kaa

Doc ID: 320556

Mr A E Dodds
9 Robertsons Road
WEST ULVERSTONE TAS 7315

**Central Coast Council
PLANNING PERMIT**

Permit No.

Date

DA2018020

20 MAY 2019

This document forms part of the Planning Permit referred to above and is subject to the modifications, conditions and restrictions specified.

Director Community Services

Dear Alan

**LOCAL GOVERNMENT (HIGHWAYS) ACT 1982 AND URBAN DRAINAGE ACT 2013
STATEMENT OF COMPLIANCE FOR VEHICULAR ACCESS AND DRAINAGE ACCESS
TWO LOT SUBDIVISION & DWELLING - 9 ROBERTSONS ROAD, WEST ULVERSTONE**

I refer to your application DA2018020 for a two lot subdivision and dwelling at 9 Robertsons Road, West Ulverstone and based on the information supplied with the application make the following determination in respect to vehicular access and stormwater disposal.

Access can be provided to the road network at 9 Robertsons Road, West Ulverstone subject to the following:

- R1 The existing access on the Robertsons Road frontage may be used as the access to Lot 1 (existing house lot);
- R2 A new 3.6m wide access may be located on the Rockliffs Road frontage, at the location assessed by Terry Eaton and as described in the 'Proposed Subdivision, Robertsons Road/Rockliffs Road, Ulverstone for Mr A Dodds - Lot 2 Access Assessment' report dated 25 March 2019, as access to Lot 2 (created vacant lot);
- R3 The new 3.6m wide access must be constructed generally in accordance with Standard Drawings TSD-R03-v1 Rural Roads - Typical Property Access and TSD-R04-v1 Rural Roads - Typical Driveway Profile (copies enclosed), and more specifically in accordance with the Terry Eaton endorsed plans (refer condition I1), by the property owner as the access to Lot 2;
- R4 Adequate sight lines must be maintained on either side of any access, which may involve the appropriate attendance to roadside vegetation and verge;
- R5 A separate conditioned approval (Road Reserve Permit) from the Council acting in its capacity as the Road Authority will be required for any works or activity in the road reservation, and must be arranged prior to any work associated with the subdivision being undertaken. Please contact the Council's Public Safety Officer on tel. 0419 103 887;

- R6 Terry Eaton, or a suitably qualified person, must certify that the above approved access has been located on the Rockliffs Road frontage at the position assessed by Terry Eaton and as described in the 'Proposed Subdivision, Robertsons Road/Rockliffs Road, Ulverstone for Mr A Dodds - Lot 2 Access Assessment' report dated 25 March 2019;
- R7 Terry Eaton, or a suitably qualified person, must certify that the above approved access has been constructed generally in accordance with Tasmanian Standard Drawings TSD-R03-v1 Rural Roads - Typical Property Access and TSD-R04-v1 Rural Roads - Typical Driveway Profile,), and more specifically in accordance with the Terry Eaton endorsed plans (refer condition I1);
- R8 Any work associated with roads, roadside vegetation, verges or roadside drains resulting from activity associated with the development will be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services or his representative;
- R9 Any damage or disturbance to roads, verges, roadside drains, roadside vegetation or other infrastructure and services resulting from activity associated with the development must be rectified;
- R10 All works or activity listed above must be completed to the satisfaction of the Council's Director Infrastructure Services or his representative;
- R11 All works or activity listed above shall be at the property owner's cost.

Access cannot be provided to a Council stormwater network for the development at 9 Robertsons Road, West Ulverstone. The disposal of concentrated stormwater drainage from buildings and hard surfaces should be contained on-site and be dealt with by down slope in-ground absorption as described in the 'Geo-Environmental Solutions - Geotechnical Assessment - 9 Robertsons Road' to the satisfaction of the Council's Regulatory Services Group Leader or his representative:

In general the following shall apply in respect to the provision of infrastructure associated with the development and to any existing Council infrastructure.

- I1 Engineering design drawings (endorsed by Terry Eaton) for the access to Lot 2 off Rockliffs Road, including supporting documentation and calculations, must be submitted for the in principle approval of the Council's Director Infrastructure Services;
- I2 Construction is not to commence on any aspects of the subdivision until the relevant design drawings have been approved in principle by the Council's Director Infrastructure Services;

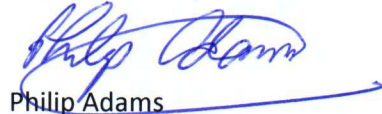
- 13 The provision, upgrading, re-routing, relocation or extension of Council infrastructure and services, required as a result of the subdivision, shall be done in accordance with the relevant standards and to the satisfaction of the Council's Director Infrastructure Services or his representative;
- 14 The provision, upgrading, re-routing, relocation or extension of Council infrastructure and services, required as a result of the subdivision, shall be at the developer's/property owner's cost;
- 15 Any damage or disturbance to existing services resulting from activity associated with the subdivision development must be rectified at the developer's/property owner's cost.

This 'Statement of Compliance' is not an approval to create an access, work in the road reservation or undertake stormwater drainage works, nor is it a planning permit for the subdivision or dwelling development. This 'Statement of Compliance' is valid for a period of 2 years from the date of this letter.

A copy of this 'Statement of Compliance' has been provided to the Council's Land Use Planning Group for consideration with planning permit application DA2018020.


Please contact me on tel. 6429 8977 should you have any further enquires.

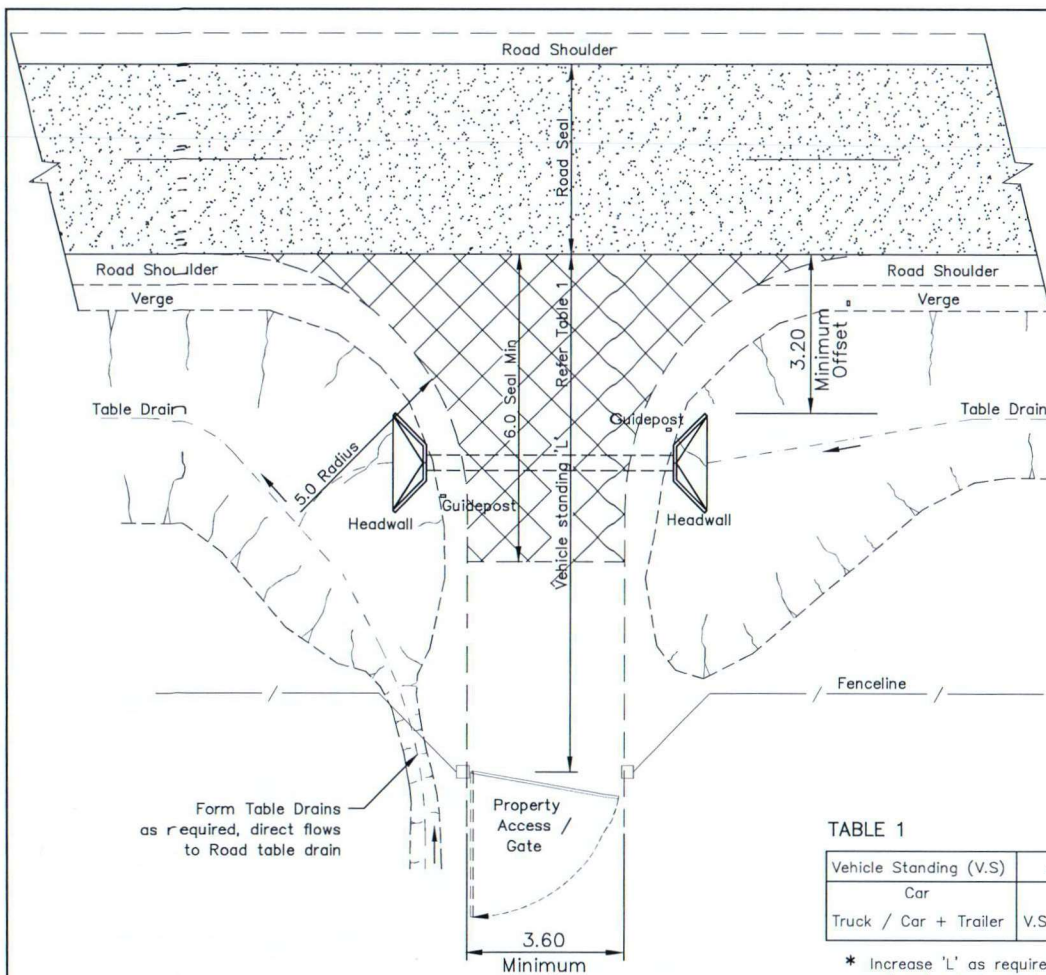
Yours sincerely



Philip Adams
ENVIRONMENTAL ENGINEER

Encl.

CENTRAL COAST COUNCIL	
I certify that this is <u>A Statement of Compliance</u>	
<u>for Vehicular Access + Drainage Access</u>	
<u>Two lot sub-division + Dwelling</u>	
<u>9 Robertson's Road West. Ulv.</u> referred to in	
Minute No. <u>146/2019</u>	<u>DA 2018020</u>
of a meeting of the	
Council held on <u>20 / 05 / 2019</u>	
	
Executive Services Officer	



TYPE HW
SCALE 1: 10

KEY

HW — Head Wall

DCE — Driveable Culvert Endwall

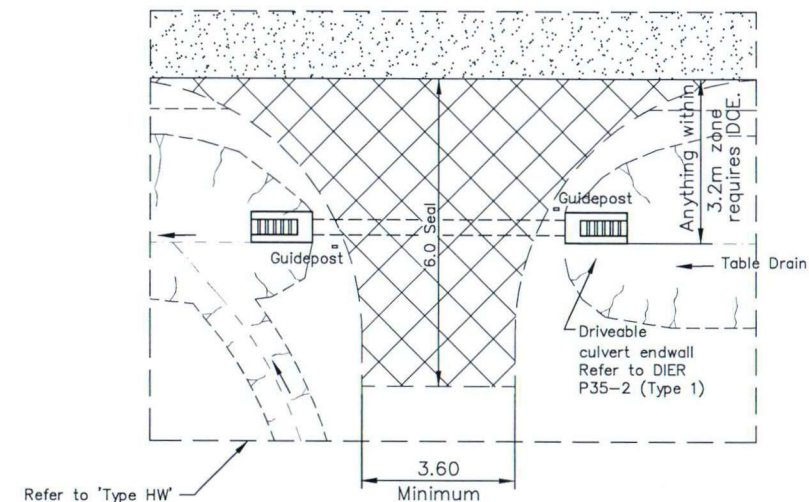


SCALE — 1 : 10

TABLE 1

Vehicle Standing (V.S)	* 'L' m
Car	6.0
Truck / Car + Trailer	V.S Length + 1.0

* Increase 'L' as required to suit outward swinging gates.



TYPE DCE
SCALE 1: 10

NOTES

- Property Access Seal Types:
 - Adopt the seal type on the adjacent road (Asphalt / hot Sprayed bituminous surfacing).
 - Seal is not required for property access off unsealed roads.
- Offset property entrance gate to provide adequate vehicle standing area clear of road edge, as required.
- Install guideposts at :
 - culvert end walls.
 - the start of the access ('nearside' lane approach only).
- Pipe Culvert.
 - Pipe size, type, class, cover and grade shall be determined by consideration of the drainage catchment, rainfall I.F.D. data and road grade for an A.R.I. of 5 years (min).
 - Minimum pipe size — 300 dia.
 - Minimum grade — 1 in 100 (1%).
- Shallow dish crossing may be used as an alternative.
- Applicable for design speed zones in excess of 60km/hr.

SCALES: AS SHOWN
(All scales are correct at A3)

XRef File: TSD-R03-v1.dwg

REFERENCES

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TAS Division
IPWEA
INSTITUTE OF PUBLIC WORKS
ENGINEERING AUSTRALIA

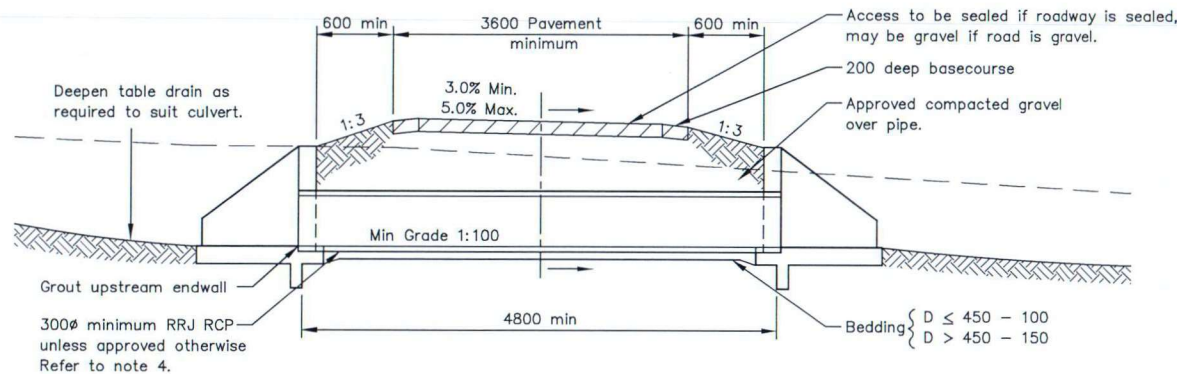


STANDARD DRAWING
RURAL ROADS
TYPICAL PROPERTY ACCESS

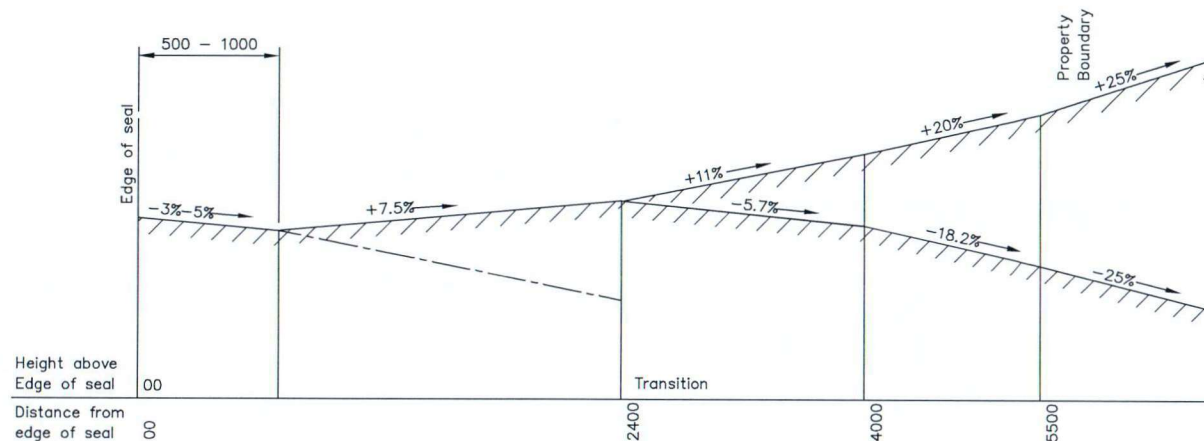
GPO Box 1521, Hobart Tasmania 7001 | 326 Macquarie Street, Hobart Tasmania 7000
T: 03 6233 5966 F: 03 6233 5986 Email: admin@lgat.tas.gov.au

ISSUE DATE:
30-11-2013

DWG No. TSD-R03-v1



CROSS SECTION



DRIVEWAY PROFILE

Culvert removed for clarity

NOTES

1. All dimensions in millimetres (mm) unless noted
2. Precast endwall to be winged type or other approved type.
3. Shallow dish crossing may be used as an alternative
4. Min clear cover over driveway culverts shall be:

Pipe Class:	Min Cover:
-Class 2 (Concrete)	600
-Class 3 (Concrete)	400
-Class 4 (Concrete)	300

(All other pipes refer to manufacturers recommendations.)

5. Install guideposts at culvert ends.
6. Minimum driveway dimension for Class 4b to have a minimum pavement width of 4 metres.

SCALES: AS SHOWN
(All scales are correct at A3)

XRef File: TSD-R04-v1.dwg

REFERENCES

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IPWEA

INSTITUTE OF PUBLIC WORKS
ENGINEERING AUSTRALIA

TAS Division



Local Government Association Tasmania

STANDARD DRAWING
RURAL ROADS
TYPICAL DRIVEWAY PROFILE

GPO Box 1521, Hobart Tasmania 7001 1326 Macquarie Street, Hobart Tasmania 7000
T: 03 6233 5966 F: 03 6233 5986 Email: admin@lgat.tas.gov.au

ISSUE DATE:
30-11-2013

DWG No

TSD-R04-v1

SCHEDULE OF INFRASTRUCTURE SERVICES DETERMINATIONS

Period: 1 April 2019 to 30 April 2019

Approval of Roadworks and Services

Developer: Central Coast Council
Location: 310A Preservation Drive, Sulphur Creek
Development: 2 Residential Lots
Engineer: Dean Panton/Chris Walker
(PDA Surveyors)



John Kersnovski
DIRECTOR INFRASTRUCTURE SERVICES

SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

Period: 1 April to 20 May 2019

Contracts

- . Contract for Services
Environmental Health Officer
Central Coast Council and Devonport City Council
Term – 21 February to 30 June 2019
- . Contract No. 12/2018–2019
Fairbrother Pty Ltd
Ulverstone Senior Citizens Building
Undertake removal and replacement of the atrium roof
Contract Amount: \$59,399.00 (incl. GST and \$5,000 contingency)
- . Contract No. 13/2018–2019
BridgePro Engineering
Design and construction of Buttons Creek bridge replacement at
Edinburgh Road, Abbotsham
Contract Amount: \$167,400.00 (incl. GST)

Agreements

- . 2019 Stadium Agreement
Central Coast Council and North West Thunder Basketball Club
- . Amendment to Lease Agreement
Penguin Senior Citizens Club
Land Tax calculation relating to building
- . Transfer and Access Agreement
Central Coast Council and State Archivist

Cemetery Registers – AF991
Date range: 01.12.1871 – 13.08.1987

Registers of Right of Burial – AF992
Date Range: 30.06.1958 – 04.09.1964

Proposed Subdivision Files – AF993
date range: 21.01.1960 – 20.04.1982

Subdivision files – AF994
Date range: 24.07.1941 – 04.10.1990

- . Lease Agreement
Department of Primary Industries, Parks, Water and Environment
Crown Land
Preservation Drive, Preservation Bay
Penguin Surf Life Saving Club building and associated clubrooms
(approx. 920m²)
PID: 6772159
- . Residence Agreement
Unit 7 Ganesway, 51–55 Queen Street, West Ulverstone

A handwritten signature in cursive script that reads "Sandra Ayton".

Sandra Ayton
GENERAL MANAGER

**SCHEDULE OF CORRESPONDENCE RECEIVED ADDRESSED TO
MAYOR AND COUNCILLORS**

Period: 16 April to 20 May 2019

- . Letter requesting Council assistance to fund the Promotions Officer for the Central Coast Chamber of Commerce and Industry
- . A letter from Hobart City Council confirming nomination for the Presidency of the Local Government Association of Tasmania and seeking support during election process
- . A letter from Break O Day Council confirming nomination for the Presidency of the Local Government Association of Tasmania and seeking support during election process
- . A letter from Circular Head Council confirming nomination for the Presidency of the Local Government Association of Tasmania and seeking support during election process
- . A letter from Latrobe Council confirming nomination for the Presidency of the Local Government Association of Tasmania and seeking support during election process
- . Letter from Alderman Blomeley, Clarence City Council confirming nomination for the Presidency of the Local Government Association of Tasmania and seeking support during election process.



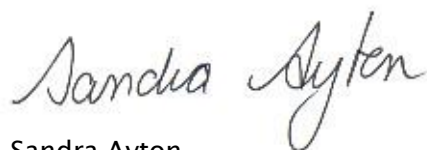
Bill Hutcheson
DIRECTOR ORGANISATIONAL SERVICES

**SCHEDULE OF DOCUMENTS FOR AFFIXING OF
THE COMMON SEAL**

Period: 16 April to 20 May 2019

Documents for affixing of the common seal under delegation

- . Transfer of Title
South Nietta Road, Nietta
Title reference: 215480/1
Amount: \$1,000.00
- . Final Plan of Survey
1 Summers Place, Turners Beach – 2 lot subdivision
Application No. DA2018094
- . Final Plan of Survey
5–7 Buttons Avenue, Ulverstone – amalgamation of Titles
Application No. DA214119



Sandra Ayton
GENERAL MANAGER