
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, 21 October 2019 commencing at 6.00pm.

Councillors attendance

Cr Jan Bonde (Mayor)
Cr John Beswick
Cr Casey Hiscutt
Cr Tony van Rooyen

Cr Garry Carpenter (Deputy Mayor)
Cr Amanda Diprose
Cr Annette Overton
Cr Philip Viney

Apologies

Cr Cheryl Fuller

Employees attendance

General Manager (Ms Sandra Ayton)
Director Community Services (Mr Barry Omundson)
Director Infrastructure Services (Mr John Kersnovski)
Acting Director Organisational Services (Mrs Yvonne Edwards)
Executive Services Officer (Mrs Lou Brooke)
Town Planner (Mrs Carolyn Harris)

Media attendance

The Advocate newspaper.

Public attendance

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

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

292/2019 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 16 September 2019 have 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 Hiscutt moved and Cr Overton seconded, “That the minutes of the previous ordinary meeting of the Council held on 16 September 2019 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

293/2019 Council workshops

The Executive Services Officer reported as follows:

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

- . 23.09.2019 – Reconciliation Action Plan; Power pole upgrade – Ulverstone Showgrounds; RV Strategy
- . 30.09.2019 – Penguin District School presentation, Dog Management Policy, Revitalisation of Reibey Street
- . 07.10.2019 – Quarterly update; EOI Wharf Precinct presentation
- . 14.10.2019 – Walking Trails Marketing Plan; Ulverstone Cultural Precinct Tenders.

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

294/2019 Mayor's communications

The Mayor reported as follows:

"I will now briefly adjourn the meeting to allow Mr Phillip McKenzie, President of the Rotary Club Ulverstone West, to make a presentation to the council on behalf of the Club."

Following the presentation, the meeting resumed at 6.04pm.

295/2019 Mayor's diary

The Mayor reported as follows:

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

- . Food Organics Garden Organics (FOGO) Sessions – Sulphur Creek, Turners Beach, Penguin and Ulverstone
- . Living Room at Ulverstone Library – Guest Speaker – Ulverstone
- . 2019 NBL Blitz – Ulverstone
- . Central Coast Chamber Commerce and Industry Breakfast – Ulverstone
- . Former Councillor Max Johnston's funeral
- . Season Open Day – Turners Beach Bowls and Community Club
- . Gavin Pearce MP – General Meeting – Ulverstone
- . Radio community reports
- . Federal Senators – Sea Wall – Penguin
- . Vanishing Point Unseen – Community Forum – Burnie
- . Central Coast Council Citizenship Ceremony – Ulverstone
- . Ulverstone Football Club – Annual Dinner – Ulverstone
- . Ulverstone Repertory Theatre Production – Dr Dolittle Jr – Ulverstone
- . Ulverstone Senior Citizens Club – Mayor's Cup Presentation – Ulverstone
- . Cluster School Association meeting – Ulverstone
- . Beyond Blue Gala Dinner – Ulverstone
- . Luncheon with the Tasmanian Labor Leader and team – Burnie."

The Deputy Mayor reported as follows:

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

- . Ulverstone Bowls Club Open Day – Ulverstone
- . Penguin Football Club – Presentation Evening – Penguin."

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- Cr van Rooyen moved and Cr Viney seconded, “That the Mayor’s and Deputy Mayor’s reports be received.”

Carried unanimously

296/2019 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.”

Cr Diprose reported as follows:

“I am declaring an interest in respect of the Standing Tender 2019–2022 – Coastal and rural roadside mowing at Minute No. 319/2019.”

COUNCILLOR REPORTS

297/2019 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 Hiscutt reported on recent meetings of the Slipstream Circus Board Inc. and the Penguin Surf Life Saving Club.

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

APPLICATIONS FOR LEAVE OF ABSENCE

298/2019 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

299/2019 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

300/2019 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

301/2019 Councillors' questions without notice

The Executive Services Officer reported as follows:

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

- '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.

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- (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
 - (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.

302/2019 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

303/2019 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).”

304/2019 Public questions taken on notice

The Executive Services Officer reported as follows:

“At the 16 September 2019 Ordinary Council Meeting, **Mr Darryl Barker** asked the following questions without notice, which were responded to by the Mayor who advised that matter would be investigated, and a response provided.

Question 1:

‘In relation to the Capeweed, the Council has had a couple of goes at spraying it, but has the program finished? If not, have they sprayed all of the area that used to be the old football ground, the block opposite the south end of the football ground, 12 King Edward Street and Johnsons Beach around the Scout Hall, the Penguin Miniature Train Depot and the Council subdivision on Dial Road?’

Response:

The Council has an ongoing program of treating Capeweed in residential areas within the Central Coast including in Penguin with the goal of eradicating or effectively controlling the weed pest. Spraying of affected public areas is undertaken at appropriate periods during the year. Recent treatment works

were undertaken in many areas within Penguin and this program of treatment will continue but with recognition of prevailing weather conditions and the limitations that this may impose.

Question 2 –

‘I asked the Council in June if a No Through Road sign could be installed at Johnsons Beach Drive. A reply was from Mr Kersnovski saying that no complaints have been received from drivers of vehicles encountering turning difficulties on this road and therefore is no need for it. If there aren't any complaints, where would you complain in Penguin, if the Council and the Visitor Centre is closed? And how many signatures do you want before you take action?’

Response:

The installation of road signs in Australia is governed by Australian Standard 1742.1 as well as criteria determined by State Road Authorities and municipalities. In the instance of Johnsons Beach Road, as it has a vehicle turnaround at the end of the road and provides access to a major business (Penguin Caravan Park) as well as numerous community facilities including the Scouts building, Penguin Miniature Railway, Johnsons Beach (and amenities), Penguin skatepark and Penguin boat ramps, installation of a No Through Road sign near the beginning of the road is considered to be inappropriate. No Through Road signs are generally installed at the entrance to minor roads where there is no ability for vehicles to turn around at the end of the road and acts as a warning to road users not to travel on the road beyond the signs location.”

- Cr Beswick moved and Cr Diprose seconded, “That the responses to questions from Mr Barker from the 16 September 2019 Ordinary Council meeting are received and noted.”

Carried unanimously

DEPARTMENTAL BUSINESS

GENERAL MANAGEMENT

305/2019 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:

- . Cradle Coast Authority Representatives – meeting held 22 August 2019
- . Central Coast Youth Engaged Steering Committee – meeting held 26 September 2019.

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

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

Carried unanimously

306/2019 Annual Report for the year ended 30 June 2019

The General Manager reported as follows:

“PURPOSE

The purpose of this report is to approve the Annual Report for the year ended 30 June 2019.

BACKGROUND

The *Local Government Act 1993* (the Act) provides that a council must prepare an Annual Report.

An Annual Report for the period 2018–2019 has been prepared as required and a copy is appended to this report.

The Annual Report is the major reporting mechanism to the community.

The Act provides the requirements for the preparation of the Annual Report and directs that a council must invite the community to make submissions on its report for discussion at its Annual General Meeting.

DISCUSSION

Discussion has been provided for within the Annual Report.

CONSULTATION

A draft Annual Report was forwarded to the Tasmanian Audit Office for review in accordance with Auditing Standard ASA 720 *Other Information in Documents Containing Audited Financial Reports*.

Community reporting will take place as part of the Annual General Meeting which is scheduled to be held at the Gnomon Room, Ulverstone Wharf Precinct at 7.00pm on Monday, 11 November 2019.

RESOURCE, FINANCIAL AND RISK IMPACTS

The cost of preparation of the Annual Report has been provided for within the Estimates.

CORPORATE COMPLIANCE

Preparation of the Annual Report is a statutory requirement.

CONCLUSION

The Annual Report is recommended for approval.”

The Executive Services Officer reported as follows:

“A copy of the Annual Report for the year ended 30 June 2019 has been circulated to all Councillors.”

- Cr Viney moved and Cr Hiscutt seconded, “That the Annual Report for the year ended 30 June 2019 be approved.”

Carried unanimously

307/2019 Quarterly Performance Report – 2019–2020 Annual Plan progress

The General Manager reported as follows:

"PURPOSE

The purpose of this report is to present a Quarterly Performance Report on progress with the Council's 2019–2020 Annual Plan.

BACKGROUND

The Council's 2019–2020 Annual Plan and Budget Estimates were adopted by the Council at its Ordinary meeting on Monday, 17 June 2019 in accordance with the requirements of the *Local Government Act 1993*.

DISCUSSION

The Quarterly Performance Report to Council provides an update on the progress of strategic actions included in the Council's 2019–2020 Annual Plan. Strategies and Actions are listed in Departmental order and provide information on the Department responsible for the action. Each action's status includes progress comments, the estimated percentage completed against the action's targets for the financial year. Some of the Annual Plan's achievements over the first quarter included:

- . Progression with the Tasmania Planning Scheme transition;
- . Progress from the Leven and Gawler River Community Reference Group in developing a draft Rivercare Plan;
- . Development of the Central Coast Walking Trails Marketing Plan;
- . Continued progress towards the implementation of Food Organics and Garden Organics collection and disposal;
- . Service Levels for Open Space and Parks developed in readiness for Councillor Workshop; and
- . Progression to tenders for construction of the Turners Beach to Forth Shared Pathway, including a Memorandum of Understanding for ownership of the old railway bridge.

A copy of the Quarterly Performance Report to Council – 30 September 2019 is appended.

CONSULTATION

Consultation is not required on this report.

RESOURCE, FINANCIAL AND RISK IMPACTS

Other than staff time there is no impact on Council resources.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

- . Improve corporate governance
- . Improve service provision
- . Effective communication and engagement
- . Strengthen local–regional connections.

CONCLUSION

It is recommended that the Council receive the Quarterly Performance Report on progress with the 2019–2020 Annual Plan as at 30 September 2019.”

The Executive Services Officer reported as follows:

“A copy of the Quarterly Performance Report to Council – 30 September 2019 has been circulated to all Councillors.”

- Cr Beswick moved and Cr Diprose seconded, “That Council receive the Quarterly Performance Report on progress with the 2019–2020 Annual Plan as at 30 September 2019.”

Carried unanimously

308/2019 Correspondence addressed to the Mayor and Councillors

The General Manager reported as follows:

“A Schedule of Correspondence addressed to the Mayor and Councillors for the period 17 September 2019 to 21 October 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 Diprose moved and Cr Viney 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

309/2019 Common seal

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 17 September 2019 to 21 October 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 Hiscutt moved and Cr Beswick 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

310/2019 Contracts and agreements

The General Manager reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into for the period 17 September 2019 to 21 October 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 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

COMMUNITY SERVICES

311/2019 Statutory determinations

The Director Community Services reported as follows:

“A Schedule of Statutory Determinations made during the month of September 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 Hiscutt moved and Cr Viney seconded, “That the Schedule of Statutory Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

312/2019 Creation of a Recreational Vehicle By-law

The Director Community Services reported as follows:

“PURPOSE

The purpose of this report is to provide the Council information regarding the growing (largely unregulated) economic and environmentally effecting activity known as Freedom Camping, and to recommend the commencement of the legislative process for the creation of a Recreation Vehicle By-law and regulated framework. The By-law and framework would provide the Council an avenue for increased tourism while maintaining residential ambiance and protect our valuable and unique environment.

BACKGROUND

Freedom Camping is camping in a tent, campervan or motor vehicle on public land, on a site with minimal or no facilities, such as toilets or showers. Within the Central Coast Council municipal area, there are numerous places where this activity takes place with a snapshot taken of multiple users in February 2018 as follows:

- . Forth Football Grounds – 54 users;
- . Midway Point – 33 users;
- . Hall Point – 22 users;
- . Penguin SLSC – 20 users;

- . Lions Park Penguin – 0; and
- . Nicholson Point – 8 users.

Arising from these activities the Council has received numerous complaints from members of the community that include:

- . Nudity;
- . Environmental damage;
- . Interfering with a Penguin habitat;
- . Noise;
- . Drinking;
- . Unsightly toiletry habits;
- . Dogs off leash; and
- . Lack of amenity for community when activity takes place adjacent/opposite to residential living.

In some overnight areas, the Council has signage setting out times and expected behaviours, yet this is neither consistent nor with any regulated framework therefore, unable to be enforced.

For the purposes of this report it would be a recommendation that the Council only allow only fully self-contained Recreational Vehicles (RV's) to stay overnight in permitted areas, and for permitted periods of time. Other elements within the Freedom Camping collective would be encouraged to use existing Caravan Parks within the municipal area.

DISCUSSION

In discussions around this matter, Waratah-Wynyard Council advised of their completed strategic review of the same issues in their municipal area, and with this engaged the services of David Hammond a consultant from Business Lab, who has expertise in this area. There are significant similarities between the municipal areas and the good work undertaken by Waratah-Wynyard Council has largely informed this report.

A survey by Free Camping Australia Released in 2017 of 400 free campers said:

- . 83% are retired;
- . 59% report that they stop for 3 days;
- . 82% were travelling for 2 months;
- . 14% usually stay in Caravan Parks.

Due to the age group, noise associated with young people and families, it is a disincentive for staying in Caravan Parks.

Central Coast provides around 17,000sqm of camping sites, with only two privately owned Caravan Parks. The average value of Freedom Camping from a Camping Australia survey is \$100 a week. A similar survey was undertaken by the Caravan and Motorhome Club who estimated the weekly value at \$130 a week.

The Central Coast Council plays a key regional role in balancing the economic stimulus of Freedom Camping as a tourist activity with the privacy and residential ambience of our community and protecting our world-renowned environment. The Council also plays a role in educating visitors, while also promoting the wonderful assets within our municipal area through the provision of welcome pack, just as other Councils have done throughout Australia.

While it is acknowledged that Waratah-Wynyard sought to manage issues with Freedom Camping at peak times, the Central Coast Council receives complaints of poor behaviour of some Freedom Campers throughout the entire year. Any regulation considered would then ensure a year-round presence.

Should the Council wish to operate under a regulated framework then the most suitable means of doing so would be through the creation of a Recreational Vehicle By-law. Under Section 145, of the *Local Government Act 1993* (the Act):

- '(1) A council may make by-laws in respect of any act, matter or thing for which a council has a function or power under this or any other Act.*
- '(2) By-laws under this Part may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the by-laws.'*

By creating a Recreational Vehicle By-law, it will enable the Council to deal with issues that are currently received through community complaints and would take in a wide array of parameters including elements of the Competitive Neutrality principals. The first step in the development of a By-law is a Council resolution that states that the Council intends to make a By-law which must be carried by an absolute majority as per s.156 of the Act.

In order to create and subsequently consult on a By-law it is appropriate to identify and select the scope of the intended regulatory framework.

Taking directly from the work of Waratah Wynyard Council there exists three scope options, which are as follows:

- "1: *Permissive Open* – we'll have a worldwide reputation as the most embracing area of the free camper in Tasmania; we will build an international culture and visitors will stay more nights for the benefits of Council;

- 2: *Balanced Welcoming* – we seek to be good hosts of our visitors and we seek them to be good guests when they come to our place. To achieve that we'll give a high level of warm, welcoming support and embrace their cultures, but we will also put in place the measures to protect the values and environments important to us;
- 3: *Prohibitive Closed* – The campervan culture is one our ratepayers and our environment can no longer afford. That's why we invested in campgrounds in the first place."

It is prudent to note, if not for consistency in approach, that the Waratah-Wynyard Council selected Option 2.

The Balanced Welcoming option for Central Coast means we warmly welcome Freedom Camping as contributing a valuable economic input into our region. We balance this with the realisation that not all will be role model visitors and hold the same values that the communities they stay in have. Consequently through the provision of a suitable By-law council places stricter control over non-self-contained vehicles. We assist all visitors by the provision of education, signage and working collectively with all involved to minimise the negative stresses including:

- . By-laws provisions to be specific in management efforts;
- . Regular compliance patrolling to both infringe and advise people to move on to appropriate areas;
- . Allow overnight stays for self-contained RV's for 2 nights, no non-self-contained vehicles are permitted in public areas; and
- . Extensive signage, education and regional collaboration.

While this form of regulated environment will undoubtedly provide for better outcomes for the visitor, the community and the environment, it may influence the homeless and itinerant workers. These effects are largely unknown, as such it is recommended that further analysis and recommendations be presented to Council in the future.

CONSULTATION

Consultation was undertaken with the Waratah-Wynyard Council and at a Councillor Workshop which was held in September 2019.

A Councillor Workshop with Youth, Family and Community Connection is scheduled for 5 November 2019, to inform and raise awareness on homelessness in Central Coast.

As a part of the process of creating a By-law, under Section 156A of the Act, a public community consultation process will occur.

RESOURCE, FINANCIAL AND RISK IMPACTS

It is proposed that a fee be set for infringing the provisions of the By-law and that allows for the costs of the required additional resources to regulate this activity.

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.

Council Sustainability and Governance

- . Improve service provision.

CONCLUSION

It is recommended that the Council:

- 1 adopts the *Balanced Welcoming* approach to fully self-contained Recreational Vehicles only; and
- 2 that the Council creates an appropriate regulatory framework to support the commencement of legislative process for the creation of a Recreational Vehicle By-law."

■ Cr Hiscutt moved and Cr van Rooyen seconded, "That the Council:

- 1 adopts the *Balanced Welcoming* approach to fully self-contained Recreational Vehicles only; and
- 2 that the Council creates an appropriate regulatory framework to support the commencement of legislative process for the creation of a Recreational Vehicle By-law."

Carried unanimously

313/2019 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. 314/2019, 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 Viney moved and Cr Diprose seconded, “That the Mayor’s report be received.”

Carried unanimously

314/2019 Food services (roofed deck) and Visitor accommodation (27 van sites, cabin, amenities block and a wastewater dump facility) – discretionary use and variation to front boundary setback standard, suitability of site, site coverage and car parking standards at 225 Penguin Road, West Ulverstone – Application No. DA2019010

The Director Community Services reported as follows:

“The Town Planner has prepared the following report:

<p>‘<i>DEVELOPMENT APPLICATION No.:</i> <i>PROPOSAL:</i></p>	<p>DA2019010 Food services (roofed deck) and Visitor accommodation (27 van sites, cabin, amenities block and a wastewater dump facility) – discretionary use and variation to front boundary setback standard, suitability of site, site coverage and car parking standards</p>
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<i>APPLICANT:</i>	Ross & Peta Jacobson
<i>LOCATION:</i>	225 Penguin 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>	31 August 2019
<i>REPRESENTATIONS EXPIRY DATE:</i>	16 September 2019
<i>REPRESENTATIONS RECEIVED:</i>	Five
<i>42-DAY EXPIRY DATE:</i>	7 October 2019 (extension of time granted until 21 October 2019)
<i>DECISION DUE:</i>	21 October 2019

PURPOSE

The purpose of this report is to consider an application for the extension of Food services (roofed deck) and intensification of Visitor accommodation use (27 van sites, cabin, amenities block and a wastewater dump facility) on land known as 225 Penguin Road, West Ulverstone.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representations;
- . Annexure 4 – photographs; and
- . Annexure 5 – Statement of Compliance from Road Authority and Stormwater Authority.

BACKGROUND

Development description –

An application is made for the extension and intensification of use and development on land identified as 225 Penguin Road, West Ulverstone (CT65465/3) known as ‘The Blue Wren’. The proposal would comprise of the following:

Visitor accommodation

- . Twenty seven van sites in total comprising of:
 - (a) ten van sites (15m x 6m) would be located 7m from the eastern side boundary and would accommodate the majority of this boundary;

- (b) six van sites (15m x 6m) would be located 5m from the western side boundary and would be located towards the middle of this boundary;
 - (c) six van sites (15m x 6m) would be located central to the site;
 - (d) three van sites (10m x 5m) would be located 7m to the southern rear boundary; and
 - (e) two van sites (10m x 5m) located in front of the six van sites (15m x 6m) located 5m from the western side boundary.
- . An 8m x 3.4m amenities block that would contain two ensuites (one disability facility) and two toilet cubicles along with a laundry facility for guests.
 - . One self-contained holiday cabin located in the north-west portion of the site. The cabin would be 3.6m x 12m and would contain a living area, kitchen, bathroom and one bedroom.
 - . Provision for power to 10 of the van sites.
 - . A wastewater dump facility that would be located to the west of the amenities block for guests to empty both grey and black water holding tanks.
 - . Portable water supply from the on-site bore.

Food service (deck)

- . A north facing deck off the existing café, which is located to the north of the site, closest to Penguin Road.
- . Deck would be roofed with transparent blinds providing a wind break when required.
- . It is said that the deck area would provide for alternate seating arrangements, not additional seating.

Other

- . Additional car parking spaces to be provided on the site, as per Site Plan provided.

- . Access crossover to the site would be updated as per requirements set out in the Statement of Compliance.
- . Existing site signage would be updated.

Site description and surrounding area -

The 2.02ha parcel of land is zoned Rural Living and is accessed via Penguin Road, West Ulverstone. The land has some change in topography across the site with a small mound located to the front of the site just south of the internal access driveway.

The site accommodates the “The Blue Wren – Tea Rooms”, Visitor accommodation and a single dwelling.

Adjoining land to the east is zoned Rural Living with existing dwellings established on the site. Land to the south is zoned Rural Living with an existing dwelling and Resource development established on the site. Land to the west is zoned Rural Resource and forms part of a larger parcel of rural land that is identified as 83 Olivers Road, located to the south. A large rural dam has recently been established on this site.

History -

Approval was granted under DA214097 for Visitor accommodation and Food services. Under DA214097, approval was granted for an area for Visitor accommodation use along the eastern side boundary and a portion of the southern side boundary on the development site. Both areas were setback 10m from these boundaries respectively. This application, DA2019010, would allow for the intensification of the Visitor accommodation aspect on the site as well as the addition of a roofed area for the Food services.

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 on a large lot in a rural setting.
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 on a large lot in a rural setting.
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) Compliant. Use and development 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) Compliant. Rural Living zone allows for a variety of residential and non-residential use and development. The subject site is located in an established mixed area of use, development and zones. It has been demonstrated within the application that the site can accommodate the proposal in terms of infrastructure and land capability. Furthermore, there are no</p>

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<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>a. occupational and operational practices of primary industry and other use on adjacent rural land;</p>	<p>identified natural hazards on the subject site and the site is not subject to land for primary production.</p> <p>(d) Compliant. The site includes a single dwelling.</p> <p>(e) Not applicable. Not an application for home occupation or home-based business.</p> <p>(f) Compliant. The proposal is considered to be reasonable use and development within the Rural Living zone and within an established mixed use area with no known constraints on residential use.</p> <p>(g) Compliant. Proposal is for Visitor accommodation and Food services use.</p> <p>(h)(i)a. Compliant. The area is an established mixed use and zone area. The proposal is not considered to compromise any established uses (Resource development located on land adjacent to the west) which is zoned Rural Resource.</p> <p>(h)(i)b. Compliant. Transport infrastructure and electrical connections able to be provided.</p> <p>(h)(i)c. Compliant. Retail, education, health, social support, sports and recreation facilities in the locality of West Ulverstone.</p> <p>(h)(i)d. Compliant. No natural hazards are identified on the site.</p>
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<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>c. opportunity for access to daylight and sunlight;</p>	<p>(h)(i)e. Compliant. Site is not remote from urban centre.</p> <p>(h)(ii)a. Compliant. The proposed roofed deck would be within 15m to the front boundary. It is noted that vegetation will be planted along this section of the site to minimise visual appearance from Penguin Road. No other buildings or structures are proposed to be located within the required setbacks for Rural Living.</p> <p>(h)(ii)b. Compliant. Ample areas for private open space and parking of vehicles.</p> <p>(h)(ii)c. Compliant. Existing and proposed buildings on the site would be north facing to optimise sunlight.</p> <p>(h)(ii)d. Compliant. The proposal would result in an increase to the Visitor accommodation use. Adjacent dwellings located at 201 and 203 Penguin Road are setback a minimum of 19m from the eastern boundary of the development site. Visual and acoustic privacy has been addressed and conditioned to include visual barriers required to be constructed along the development sites' eastern and a portion of the southern side boundary.</p> <p>(h)(ii)e. Compliant. The existing streetscape along Penguin Road would be considered mixed use and development with the proposal fitting within the existing streetscape. Apart from the proposed roofed deck, all other buildings and van sites</p>
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<p>d. visual and acoustic privacy between adjacent dwellings; and</p> <p>e. consistency of the streetscape</p>	<p>would be setback from the road frontage. Furthermore, it is mentioned within the application the intention to plant vegetation along the Penguin Road frontage to mitigate any visual impact from Penguin Road (streetscape).</p>
<p>13.1.3 Desired Future Character Statements</p>	
<p>13.1.3.1</p> <p>(a) occur as discrete, contiguous, and ordered clusters of dwellings and associated buildings embedded in a rural setting;</p> <p>(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;</p> <p>(c) provide housing as a predominant but not exclusive use;</p> <p>(d) provide choice and diversity in the type and form of buildings for housing and non-housing development;</p> <p>(e) provide buildings that are typically of one or two storeys;</p>	<p>(a) Compliant. The site is positioned within an established mixed use and development area. It is considered that the proposal would be the intensification of an existing use within a rural setting.</p> <p>(b) Compliant. The 2.02ha Rural Living zone is larger than a suburban lot and as demonstrated within the application is capable to support the proposed use and development.</p> <p>(c) Compliant. The site accommodates an existing single dwelling for residential use.</p> <p>(d) Compliant. Proposal is for the intensification of Visitor accommodation and Food services, allowing a greater diversity in the type and form of the established mixed use area consisting of dwellings, rural operations, dams and resource development.</p>

<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>(e) Compliant. All buildings existing and proposed on the subject site are of single-storey.</p> <p>(f) Compliant. The site has some established vegetation along all boundaries that adjoin adjacent sites. It is noted that existing and proposed buildings on the subject site would be consistent with the setbacks of adjoining buildings on adjacent sites.</p> <p>(g) Compliant. The On-site Wastewater and Stormwater Disposal Report outlines that the site has sufficient area to accommodate the proposed systems.</p> <p>(h) Compliant. The On-site Wastewater and Stormwater Disposal Report outlines that the site is capable to accommodate both wastewater and stormwater disposal on the site.</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>Food services is a discretionary use in the Rural Living zone through Clause 9.2 of the Scheme the existing Food services use would be permitted. This Clause states that an existing discretionary use must be considered as if that use class had permitted status where the</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>proposal for development does not establish a new use, or substantially intensify the use.</p> <p>Visitor accommodation cannot be considered under Clause 9.2 of the Scheme as the proposal would result in a substantial intensification for use as Visitor accommodation.</p> <p>(a) Compliant. Refer to assessment above within Clause 13.1.2 of the Scheme.</p> <p>(b) Compliant. Refer to assessment above within Clause 13.1.3 of the Scheme.</p> <p>(c) Compliant. The proposed use would not have an unreasonable impact on the amenity for residential use on adjacent land in the zone.</p> <p>Refer to the “Issues” section of this report.</p>
<p>13.3.2 Impact of use</p>	
<p>13.3.2–(A1) Permitted non-residential use must adjoin at last one residential use on the same street frontage.</p>	<p>Compliant. Adjoining sites to the east, south and west accommodate residential use.</p>
<p>13.3.2–(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.</p>	<p>Non-compliant. The proposal would result with more than 40 average daily vehicle movements.</p>

	Refer to the “Issues” section of this report.
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. Food services use would operate from 9am to 7pm. Visitor accommodation is not applicable to this Clause.
13.4.1 Suitability of a site or lot for use or development	
<p>13.4.1–(A1) Each site or each lot on a plan of subdivision must:</p> <p>(a) have an area not less than:</p> <p style="padding-left: 40px;">(i) 1.0 hectares excluding any access strip; or</p> <p style="padding-left: 40px;">(ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality.</p> <p>(b) If intended for a building, contain a building area of:</p> <p style="padding-left: 40px;">(i) not more than 1,000m²;</p> <p style="padding-left: 40px;">(ii) clear of any applicable setback from a frontage, side, or rear boundary;</p> <p style="padding-left: 40px;">(iii) clear of any applicable setback from a zone boundary;</p>	<p>(a)(i) Compliant. Land area is 2.02ha.</p> <p>(a)(ii) Not applicable. Satisfied by (i).</p> <p>(b)(i) Non-compliant. Existing building area is approximately 831.4m². Proposed development would result with a total of 2,431.4m² of building area (includes on-site wastewater areas).</p> <p>Refer to the “Issues” section of this report in relation to site coverage.</p> <p>(b)(ii) Non-compliant. Proposed roofed deck off the existing Tea Room would be setback 15m from the northern frontage boundary.</p> <p>Refer to the “Issues” section of this report in relation to front boundary setback variation.</p>

<ul style="list-style-type: none"> (iv) clear of any registered easement; (v) clear of any registered right-of-way benefiting other land; (vi) clear of any restriction imposed by a utility; (vii) not including any access strip; and (viii) clear of any area required for the on-site disposal of sewage or stormwater; and (ix) accessible from a frontage or access strip. 	<ul style="list-style-type: none"> (b)(iii) Compliant. The Scheme requires a setback of 10m from the Rural Resource zone boundary if the site is a single lot approved prior to the 2013 Scheme coming into effect. The Title for the subject site was sealed in 1971. The proposed cabin would be setback approximately 30m from the zone boundary. (b)(iv) Not applicable. No registered easement. (b)(v) Not applicable. No right-of-way. (b)(vi) Not applicable. No restrictions imposed by a utility. (b)(vii) Not applicable. No access strip. (b)(viii) Compliant. The on-site wastewater areas and stormwater disposal areas would be clear of all building areas, as shown on the site plan and on-site wastewater report. (b)(ix) Compliant. Site is accessed from Penguin Road. A Statement of Compliance has been issued regarding upgrades for this access as part of this application.
<p>13.4.1–(A2) Each site or a lot on a plan of subdivision must have a separate access from a road:</p>	<ul style="list-style-type: none"> (a) Compliant. Land has frontage off Penguin Road. (b) Not applicable. No internal lots.

<ul style="list-style-type: none"> (a) across a frontage over which no other land has a right of access; and (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 (c) by a right of way connecting to a road – <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; and (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 (d) with a width of frontage and any access strip or right of way of not less than 6.0m; and (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. 	<ul style="list-style-type: none"> (c) Not applicable. No right-of-way proposed. (d) Compliant. Frontage is 200m in width. (e) Compliant. A Statement of Compliance has been issued regarding upgrades for this access as part of this application.
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<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>a. a single dwelling; or</p> <p>b. a use with an equivalent population of not more than 10 people per day.</p>	<p>(a) Not applicable. Satisfied by (b).</p> <p>(b)(i) Compliant. Rechargeable water supply from a bore is available.</p> <p>(b)(ii) Non-compliant. Proposal is not for a single dwelling and would have the equivalent of more than 10 people per day.</p> <p>Refer to the “Issues” section of this report.</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</p>	<p>(a) Not applicable. Satisfied by (b).</p> <p>(b)(i) Compliant. Proposal is for the on-site disposal of sewage and trade waste.</p> <p>(b)(ii) Non-compliant. Proposal is not for a single dwelling, would have the equivalent of more than 10 people per day and would create a total sewage and wastewater flow of more than 1,000L per day.</p>

<p>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>(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>Refer to the “Issues” section of this report.</p> <p>(b)(iii) Compliant. Application includes a Water, On-site Wastewater and Stormwater Disposal Report that demonstrates that the site has capacity for on-site disposal of domestic wastewater in accordance with AS/NZS1547:2000 On-site domestic wastewater management, clear of any defined building area or access strip.</p>
<p>13.4.1–(A5) A site or each lot on a plan of subdivision must 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>(a) Not applicable. Satisfied by (b).</p> <p>(b)(ii) Compliant. Onsite wastewater and stormwater disposal report demonstrates that disposal of stormwater can occur on-site, which is greater than 5,000m², clear of defined building areas, onsite wastewater areas and access strips.</p> <p>(b)(iii) Non-compliant. Proposal is not for a single dwelling.</p> <p>Refer to the “Issues” section of this report.</p>

<p>(ii) for disposal within the site if:</p> <ul style="list-style-type: none"> a. the site has an area of not less than 5,000m²; b. the disposal area is not within any defined building area; c. the disposal area is not within any area required for the disposal of sewage; d. the disposal area is not within any access strip; and e. not more than 50% of the site is impervious surface; and <p>(iii) the development is for a single dwelling.</p>	
<p>13.4.2 Dwelling density</p>	
<p>13.4.2-(A1) The site area per dwelling must:</p> <ul style="list-style-type: none"> (a) be not less than 1.0 hectare; or (b) if the site is in a locality shown in the Table to this clause, the site area for that locality. 	<ul style="list-style-type: none"> (a) Compliant. Site area is 2.02ha. (b) Not applicable. No locality in Table to this Clause.

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>(a) not less than 20.0m;</p> <p>(b) not less or not more than the setbacks for any existing building on each of the immediate adjoining sites;</p> <p>(c) not less than for any building retained on the site;</p> <p>(d) in accordance with any building area shown on a sealed plan of subdivision; or</p> <p>(e) if the site abuts a road shown in the Table to this clause, the setback specified for that road; or</p> <p>(f) if the site is in a locality shown in the Table to this clause, the setback for that locality.</p>	<p>(a) Non-compliant. The proposed roofed deck would be setback 15m from the front boundary.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b) Not applicable. Satisfied by (a)</p> <p>(c) Not applicable. Satisfied by (a)</p> <p>(d) Not applicable. Sealed plan does not show a building area.</p> <p>(e) Not applicable. Site does not abut the Bass Highway.</p> <p>(f) Not applicable. Locality not shown in Table to this Clause.</p>
<p>13.4.3–(A2) All buildings must be contained within a building envelope determined by:</p> <p>(a) the applicable frontage setback;</p> <p>(b) a setback of not less than 10.0m from each side</p>	<p>(a) Non-compliant. The proposed roofed deck would be setback 15m from the front boundary.</p> <p>Refer to the “Issues” section of this report.</p>

<p>boundary;</p> <p>(c) a setback of not less than 10.0m from the rear boundary;</p> <p>(d) a setback of not less than 20.0m from any designated building area on each adjacent site; or</p> <p>(e) 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>(b) Compliant. All proposed buildings (deck, cabin and amenity block) would be setback greater than 10m to each side boundary. The designated van spaces would be setback 7m to the eastern side boundary and 5m to the western side boundary, however these are not defined as buildings and therefore not applicable to this Clause.</p> <p>(c) Compliant. All proposed buildings (deck, cabin and amenity block) would be setback greater than 10m to the rear boundary. The designated van spaces would be setback 7m from the rear boundary, however these are not defined as buildings and therefore not applicable to this Clause.</p> <p>(d) Not applicable. No designated building area.</p> <p>(e) Not applicable. No Table to this Clause.</p> <p>(f) Not applicable. No sealed area on a plan of subdivision.</p> <p>(g) Compliant. Proposed roofed deck would be 4.5m high. Proposed cabin would be 2.7m high and the proposed amenities block would be 3.5m high.</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</p>	<p>(a) Non-compliant. Proposed site coverage would be approximately 2,431.40m² (including building areas, van sites, driveway/parking area and on-site wastewater areas).</p> <p>Refer to the “Issues” section of this report.</p>

<p>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>(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> <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% 	<p>(a) Not applicable. No utility structure proposed.</p> <p>(b)(i) Compliant. Site is located approximately 70m below the nearest ridgeline.</p> <p>(b)(ii) Compliant. Bass Strait is approximately 60m to the north of the subject site.</p> <p>(b)(iii) Compliant by Condition to a Permit.</p>

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>(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>(a) Compliant. The proposed roofed deck would be setback greater than 10m to both side boundaries and greater than 10m to the rear boundary.</p> <p>(b) Compliant. The proposed roofed deck would be setback greater than 10m to both side boundaries and greater than 10m to the rear boundary.</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>
13.4.5 Private open space for multiple dwelling residential use	
<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>Not applicable.</p> <p>Not a multiple dwelling development.</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>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>	<p>Not applicable.</p> <p>Not a multiple dwelling development.</p>
<p>13.4.6 Setback of sensitive use development</p>	
<p>13.4.6–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown on the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary.</p>	<p>(a) Compliant. Rural Resource zone adjoins the land to the west. The proposed cabin would be setback approximately 30m from the zone boundary. The Scheme requires a 10m setback for a lot sealed prior to the 2013 Scheme.</p> <p>(b) Compliant. Rural Resource zone adjoins the land to the west. The proposed cabin would be setback approximately 30m from the zone boundary. The Scheme requires a 10m setback for a lot sealed prior to the 2013 Scheme.</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>(a) Compliant. Proposed development would be setback approximately 1.5km from Bass Highway.</p>

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<p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(b) Compliant. Proposed development would be approximately 43m from the Western Rail Line.</p> <p>(c) Not applicable. No land designated for future road or rail purposes.</p> <p>(d) Compliant. The closest proclaimed wharf is located at Burnie approximately 25km to the west.</p>
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>	Not applicable. Not a subdivision.
<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>	Not applicable. Not a subdivision.

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.	Not applicable. Not a subdivision.
CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Proposal is for Visitor accommodation and Food services.
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	Not applicable. No change in ground level greater than 1m.
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. Upgrade of existing signage is 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) The below discussion outlines the proposal against the requirements of the Scheme.</p> <p><u>Residential (dwelling) – Compliant</u></p> <ul style="list-style-type: none"> . Requires two car parking spaces; and . Has existing two car parking spaces. <p><u>Food services (café) – Non-compliant</u></p> <ul style="list-style-type: none"> . has an existing 10 car parking spaces; . 51m² new café floor area = 15 spaces (additional); . Food services generates the need for 25 car parking spaces; . The proposal allows for the provision of 17 car parking spaces; and

	<ul style="list-style-type: none"> Non-compliant due to proposal providing a shortfall of eight car parking spaces. <p>Refer to the “Issues” section of this report.</p> <p><u>Visitor accommodation (cabin) – Compliant</u></p> <ul style="list-style-type: none"> Requires one car parking space for the proposed cabin; and Proposal demonstrates the one car parking space is positioned south of the proposed cabin. <p><u>Visitor accommodation – van sites – Compliant</u></p> <ul style="list-style-type: none"> Requires one car parking space per caravan site; and 27 van sites are proposed. <p>Each van site has the provision for the car parking space.</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) Site plan shows parking space adjacent to the southern side of the café for delivery vehicles.</p> <p>(b) Compliant. The site has ample land area to accommodate vehicle maneuverability in accordance with Australian Standards.</p>

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; (f) Provide for the forward movement and passing of all 	<ul style="list-style-type: none"> (a) Compliant. The site has ample land area to accommodate vehicle maneuverability and parking in accordance with Australian Standards. (b) Compliant. The site has ample land area to accommodate vehicle maneuverability and parking in accordance with Australian Standards. (c) Compliant. The site has ample land area to accommodate vehicle maneuverability and parking in accordance with Australian Standards. (d) Compliant. The site has ample land area to accommodate vehicle maneuverability and parking in accordance with Australian Standards. (e) Compliant. The site has ample land area to accommodate vehicle maneuverability and parking in accordance with Australian Standards.

<p>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>(f) Compliant. The site has ample land area to accommodate vehicle maneuverability and parking in accordance with Australian Standards.</p> <p>(g) Compliant. The site has ample land area to accommodate vehicle maneuverability and parking in accordance with Australian Standards.</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 60m from Bass Strait.</p>
<p>Specific Area Plans</p>	<p>No Specific Area Plans apply to this location.</p>

Issues –

1 Discretionary use –

Visitor accommodation is a discretionary use within the Rural Living zone. There is no Acceptable Solution for Clause 13.3.1. Therefore, the application must rely on the Performance Criteria.

Clause 13.3.1–(P1) states that discretionary permit use must –

- (a) be consistent with Local Area Objectives;

The proposal is compliant with the Local Area Objectives for the Rural Living zone as discussed above in the report under Clause 13.1.2. The application included a Planning Report prepared by Ian Newman of 4 Planning, that also concurred that the proposal complies with the Local Area Objectives.

- (b) be consistent with any applicable Desired Future Character Statements; and

The proposal is compliant with the applicable Desired Future Character Statements for the Rural Living zone as discussed above in the report under Clause 13.1.3. The application included a Planning Report prepared by Ian Newman of 4 Planning that also concurred that the proposal complies with the applicable Desired Future Character Statements.

- (c) minimise likelihood for adverse impact on amenity for residential use on adjacent land in the zone.

Amenity is defined under the Scheme as:

“Means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable”.

The Resource Management Planning Appeals Tribunal determined (decision *Pielage v Launceston City Council 2019 TASRMPAT 14*) that under the Scheme, some loss of amenity is permissible, but it must not be unreasonable. Whether the loss of amenity is unreasonable depends on an analysis of the existing amenity and the likely impact of the proposal.

The subject site is positioned within an established mixed area of uses, development and zones. The site is located with northern views to Bass Strait and set within a semi-rural environment. It is considered that the amenity of the area consists of residential, rural, semi-rural (larger lots all with scenic values).

It is unlikely that the proposal would not have an adverse impact on amenity for residential use on adjacent land in the zone. Conditions have been included in the Permit to mitigate potential visual and light intrusion including screening along the eastern boundary and portion of the southern boundary; and noise restrictions in relation to the usage of generators; as well as restrictions regarding the usage of fire pots including setback provisions from boundaries.

There are considerable separation distances between the subject site and adjoining properties. The property at 203 Penguin Road is setback 19m from the eastern boundary of 225 Penguin Road with an outbuilding located between the boundary and the dwelling at 203 Penguin Road. The property at 201 Penguin Road is setback 20m from the eastern boundary of 225 Penguin Road. It is noted that the private open space is located between the boundary and the dwelling at 203 Penguin Road, however there is established vegetation along a portion of the boundary and a condition has been included in this Permit for future vegetation or screening to be erected along the entirety of this boundary.

2 *Impact of use –*

The Scheme's Acceptable Solution for Clause 13.3.2–(A2) states that permitted non-residential use must not generate more than 40 average daily vehicles movements.

The proposal would generate up to 186 vehicle movements per day when fully occupied. This figure was based on the analysis undertaken by Ian Newman of 4 Planning (Planning report) which accompanied the application. Therefore, the application must rely on the Performance Criteria.

The Scheme's Performance Criteria for Clause 13.3.2–(P2) states that use that is not a residential use must –

- (a) be consistent with Local Area Objectives;

The proposal is compliant with the Local Area Objectives for Rural Living zone as discussed above in the report under Clause 13.1.2. The application included a Planning Report prepared by Ian Newman of 4 Planning that also concurred that the proposal complies with the Local Area Objectives.

- (b) Be consistent with any applicable Desired Future Character Statements; be required to obtain vehicular and pedestrian access from a no-through road to service and support local community; be dependant on the site for provision of significant social, economic, or environmental benefit to the local community;

The proposal is compliant with the applicable Desired Future Character Statements for the Rural Living zone as discussed above in the report under Clause 13.1.3. The application included a Planning Report prepared by Ian Newman of 4 Planning that also concurred that the proposal complies with the Desired Future Character Statements.

Furthermore, it is stated in the Planning report that it is considered the proposal is dependant on the site for the environmental outlook over the coast to benefit the local community and economic activity.

- (c) Be required as a consequence of –

- (i) The effect of topography on ability to create access upon a through road; or

Compliant. It is stated in the Planning report as required as a consequence of being positioned between the coastal foreshore and coastal escarpment to have access to Penguin Road.

- (ii) A regulatory limit on the ability to obtain pedestrian or vehicular access upon a through road; and

- (d) Have minimal likelihood for unreasonable impact on amenity for residential use on adjacent land in the zone.

As per comments made above, it is unlikely that the proposal would not have an adverse impact on amenity for residential use on adjacent land in the zone. Conditions have been included in the Permit to mitigate potential visual and light intrusion including screening along the eastern boundary and portion of the southern boundary; and noise restrictions in relation to the usage of generators ;as well as restrictions regarding the usage of fire pots including setback provisions from boundaries.

3 Variation to front boundary setback standard –

The Scheme's Acceptable Solution for Clause 13.4.3–(A1)(a) states that a building must be setback not less than 20m from a frontage.

The proposed deck extension would be setback 15m from the frontage. Therefore, a variation to this standard is required and an exercise of discretion is needed for the proposal.

The Scheme's Performance Criteria for Clause 13.4.3–(P1) states that the setback of a building from a frontage must be –

- (a) consistent with the rural setting and streetscape; and

Compliant. The proposal would fit within the existing mixed streetscape along Penguin Road. Apart from the proposed roofed deck, all other buildings and van sites would be setback noticeably from the road frontage. The streetscape consists of dwellings (203 Penguin Road) and dams (83 Olivers Road) closer along the road frontage than the proposed and existing structures at 225 Penguin Road. Furthermore, it is mentioned within the application the intention to plant vegetation along the Penguin Road frontage to mitigate any visual impact from Penguin Road.

- (b) Required by a constraint imposed by –

- (i) Size and shape of the site;

Compliant. The proposed extension to the Food services, being the roofed deck would be positioned north of the existing Food services building (café). The proposal would utilise the available space for the

expansion of the building and would result with less disturbance to the site.

(ii) Orientation and topography of land;

As discussed above. The proposed extension to the Food services, being the roofed deck would be positioned north of the existing Food services building (café). The proposal would utilise the available space for the expansion of the building and would result with less disturbance to the site.

(iii) Arrangements for a water supply and for the drainage and disposal of sewage and stormwater;

Compliant. The proposed roofed deck would not impact on the arrangements for a water supply and for the drainage and disposal of sewage and stormwater.

(iv) Arrangements for vehicular or pedestrian access;

Compliant. The proposed roofed deck would not impact on the arrangements for a water supply and for vehicular or pedestrian access.

(v) Any requirement of a conservation or urban design outcome detailed in a provision in this planning scheme;

Not applicable. No requirement of a conservation or urban design outcome detailed in a provision in this Scheme.

(vi) A utility; or

Not applicable. No utility.

(vii) Any lawful and binding requirement –

- a. By the State or a council or by an entity owned or regulated by the State or a council to acquire or occupy part of the site; or
- b. An interest protected at law by an easement or other regulation.

4 *Suitability of a site –*

(a) Water supply –

The Scheme's Acceptable Solution for Clause 13.4.1–(A3)(b)(ii)(a)(b) states that a site must be capable of connecting to a water supply from a rechargeable drinking water system with a storage capacity of not less than 10,000L, is development for a single dwelling, or a use with an equivalent population of not more than 10 people per day.

The proposal is not for a single dwelling and would have more than 10 people per day on average. Therefore, a variation to this standard is required and an exercise of discretion is needed for the proposal.

The Scheme's Performance Criteria for Clause 13.4.1–(P3)(a) states that there must be a water supply available for the site with an adequate level of reliability, quality, and quantity to service the anticipated use of the site.

The site has its own water supply in the form of a 45,000L header tank filled from a bore. The water supply capacity to comply with the Australian drinking water guidelines and be sufficient for the proposal was assessed by Environmental Services and Design who concluded that the water supply complies with this Clause.

(b) Sewage and trade waste –

The Scheme's Acceptable Solution for Clause 13.4.1–(A4)(b)(ii)((b) states that a site must be capable of draining and disposing of sewage and trade waste by on-site disposal if the development provides for the equivalent population of not more than 10 people per day.

The proposal is not for a single dwelling, would have more than 10 people per day on average and create more than 1,000L per day on average of sewage and wastewater flow. Therefore, a variation to this standard is required and an exercise of discretion is needed for the proposal.

The proposal has satisfied the Scheme's Performance Criteria for Clause 13.4.1–(P4) as outlined in the Water, On-site

Wastewater and Stormwater Assessment prepared by Environmental Services and Design. The recommendations within this assessment forms a condition of this Permit.

(c) Stormwater –

The Scheme's Acceptable Solution for Clause 13.4.1–(A5)(b)(ii) and (iii) states that a site must be capable of draining and disposing of stormwater within the site if the site is not less than 5,000m²; the disposal is not within any defined building area; the disposal is not within any area required for the disposal of sewage; the disposal area is not within any access strip; and not more than 50% of the site is impervious surface and the development is for a single dwelling.

The proposal is not for a single dwelling. Therefore, a variation to this standard is required and an exercise of discretion is needed for the proposal.

The proposal has satisfied the Scheme's Performance Criteria for Clause 13.4.1–(P5) as outlined in the Water, On-site Wastewater and Stormwater Assessment prepared by Environmental Services and Design. The recommendations within this assessment forms a condition of this Permit.

5 *Site coverage –*

The Scheme's Acceptable Solution for Clause 13.4.3–(A3)(a) states that coverage must not be more than 500m².

Proposed site coverage would be approximately 2,431.4m² (including building areas, van sites, driveway/parking area and on-site wastewater areas). Therefore, a variation to this standard is required and an exercise of discretion is needed for the proposal.

The Scheme's Performance Criteria for Clause 13.4.3–(P3) states that site coverage must retain capacity in any area required for disposal of sewage or stormwater and be consistent with the rural setting and streetscape.

As per the Water, On-site Wastewater and Stormwater Assessment, all building areas would be clear of areas designated for on-site disposal of sewage or stormwater.

The proposal would fit within the rural setting of the area due to distances between adjoining dwellings and the existing vegetation on the subject site, combined with the proposed vegetation and conditions regarding screening. Apart from the proposed roofed deck, all other buildings and van sites would be setback from the road frontage. The streetscape consists of dwellings (203 Penguin Road) and dams (83 Olivers Road) closer along the streetscape than proposed and existing structures at 225 Penguin Road. Furthermore, it is mentioned within the application the intention to plant vegetation along the Penguin Road frontage to mitigate any visual impact from Penguin Road (streetscape).

6 Variation to car parking standards –

The Scheme's E9 Traffic Generating Use and Parking Code stipulates the required number of car parking spaces depending on the proposed use.

As discussed above in this report, the proposal satisfies car parking provisions for the single dwelling and Visitor accommodation aspects of the proposal. The proposal however does not satisfy the car parking requirements for the Food services aspect.

The site currently has 10 car parking spaces for Food services. The Scheme requires 15 car parking spaces per 100m² or one space per three seats (whichever is greater).

The Scheme states that parking in a changed or enlarged use must be calculated as the difference between the required parking for the changed or enlarged use and any existing parking requirement (whether or not there is full compliance with this Code).

The existing tearoom is approximately 200m² which would equate to 30 car parking spaces. Currently there is the provision for 10 car parking spaces. The proposed extension would be 49.5m² which would equate to the requirement of an additional 15 car parking spaces.

The proposal includes the provisions for an additional eight car parking spaces, which would be a shortfall of seven car parking spaces.

The Code provides a Performance Criteria pathway when there is a shortfall of car parking spaces. Clause E9.5.2–(P1)(b)(i) and (ii) states that adequate and appropriate provision must be made for the loading

and unloading of vehicles to meet likely volume, type and frequency or vehicles associated with the delivery and collection of goods and passengers; and likely frequency and duration of requirements for delivery and collection of goods or people.

As stated in the supporting Planning Report there is ample space on the site for the expected parking demand of the café. It is also likely that people staying at the site for Visitor accommodation would also utilise the Food services (café) and would not necessarily require a parking space as they would be parked at their van or cabin site. There is also ample area on the site for additional car parking if required.

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	<p>Comments have been received from the Council's Environmental Health Officers.</p> <p>Comments included:</p> <ul style="list-style-type: none"> Noise regulations under the <i>Environmental Management and Pollution Control (Noise) Regulations 2016</i>. Guidelines regarding use of fire pots. Wastewater management. <p>Some other comments were provided but were outside the scope of the Scheme.</p>
Infrastructure Services	Refer to Statement 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 –

Five representations were received within the prescribed time, copies of which are provided at Annexure 3.

The representations are summarised and responded to as follows:

MATTER RAISED	RESPONSE
REPRESENTATION 1	
1 Site access is dangerous and concerns regarding increase traffic to and from the site.	<p>The existing sealed access is to Penguin Road and is within a 70km/h speed limit zone.</p> <p>The Road Authority has determined that the existing access is compliant with Tasmanian Standard Drawings TSD-RF01-v1 Guide to Intersection</p>

	<p>and Domestic Access Sight Distance Requirements.</p> <p>A Statement of Compliance has been issued by the Road Authority requiring the existing access to be reconstructed in accordance with Tasmanian Standard Drawings TSD-R03-v1 Rural Roads – Typical Property Access and TSD-R04-v1 Rural Roads – Typical Driveway Profile or in accordance with an alternative design provided by a suitably qualified person and approved in principle by the Council's Director Infrastructure Services.</p>
<p>2 Impacts to adjoining properties due to increase in noise from people, machinery, vehicles, generators and smoke and odour from proposed fire pot and fire pit usage.</p>	<p>The regulation regarding noise/pollution control falls under the <i>Environmental Management and Pollution Control Act 1994 (EMPCA)</i>.</p> <p>Specific conditions have been placed on the Permit (condition number 6 and number 7) to ensure the proposal will comply with the requirements set out in EMPCA.</p> <p>In relation to the concern regarding noise from people who would utilise the site the EMPCA Noise Regulations Schedule 1 outlines the acceptable noise level. This is implemented by Local Government and Tasmania Police. This regulation schedule has been included as a note on the Permit. This is no different to other Rural Living zone properties.</p>
<p>3 Is this application to set a precedent to allow future cabins on site?</p>	<p>The Planning Authority must assess the application submitted. It cannot be considered that by permitting one</p>

	<p>building (in this case a cabin) would set a precedent for future development.</p> <p>Any future development would be subject to a planning application and assessed in accordance with the Scheme requirements as per this application.</p>
<p>4 Concern regarding length of stay. Will it be Visitor accommodation? Possible 'tone' of neighbourhood being impacted by random people staying at the accommodation.</p>	<p>The application is for Visitor accommodation. Visitor accommodation is defined under the Scheme as <i>"use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment"</i>.</p> <p>As stated throughout the planning application, the proposal is intended for short to medium term accommodation at the subject site. It is considered that the proposal satisfies the Visitor accommodation definition.</p> <p>In relation to the possible 'tone' of neighbourhood being impacted by random people staying at the accommodation, this is an opinion and is not a planning matter.</p>
<p>5 Is this application to set a precedent to allow future acceptable types of Visitor accommodation. Questions</p>	<p>The Planning Authority must assess the application submitted. It cannot be considered that by permitting one type of use (in this case Visitor</p>

<p>how the application states 'nothing currently unduly impacts on the residents'.</p>	<p>accommodation) would set a precedent for future development.</p> <p>Any future development would be subject to a planning application and assessed in accordance with the Scheme requirements as per this application.</p> <p>In relation to unduly impacts on the residents please refer to comments made in the "Issues" section above in relation to local amenity.</p>
<p>6 The existing issue of people urinating in the bushes.</p>	<p>This is not a planning matter.</p>
<p>7 Use of fire pots and communal fire pit and potential fire hazard.</p>	<p>The regulation regarding noise/pollution control falls under EMPCA.</p> <p>A specific condition regarding fire pot usage has been placed on the Permit (condition number 6) to ensure the proposal will comply with the requirements set out in EMPCA.</p> <p>In relation to the concern regarding noise from people who would utilise the site the EMPCA Noise Regulations Schedule 1 outlines the acceptable noise level. This is implemented by Local Government and Tasmania Police. This regulation schedule has been included as a note on the Permit. This is no different to other Rural Living zone properties.</p>
<p>8 Concern regarding website public advertising of the site.</p>	<p>This is not a planning matter.</p>

9	Use of generators between 10am – 4pm and the unacceptable amount of noise.	<p>The regulation regarding noise/pollution control falls under EMPCA.</p> <p>A specific condition regarding generator usage has been placed on the Permit (condition number 7) to ensure the proposal will comply with the requirements set out in EMPCA.</p>
10	Management and legislation requirements of running the caravan park.	This is not a planning matter.
11	Concern regarding the type of people who use independent camping grounds and the social risk factors associated.	This is not a planning matter.
REPRESENTATION 2		
1	Concern regarding Blue Wren already advertised for 27 sites but yet to have approval.	This is not a planning matter.
2	Population density not compatible with surrounding area.	As per comments made above in this report under Clause 13.4.2 (dwelling density) the proposal is compliant with the Acceptable Solution in relation to dwelling density.
3	Clarification wanted regarding the months the caravan park will operate and length of stays allowed.	This is not a planning matter.
4	Question how application can state 'not adversely impact on the residential amenity' without actually speaking to any neighbours.	The application is discretionary which allows for public notification of an application. This process allows for any neighbours or the general public to view a proposal.

	Please refer to comments made in the “Issues” section above in relation to local amenity.
5 Number of seats the café has and the seating capacity of the site.	Refer to comments made in the “Issues” section above in relation to car parking standards.
6 Application is incorrect when it states there are no caravan parks or visitor accommodation adjacent to the property.	This is not a planning matter.
7 Site access is dangerous and concerns regarding increase traffic to and from the site.	<p>The existing sealed access is to Penguin Road and is within a 70km/h speed limit zone.</p> <p>The Road Authority has determined that the existing access is compliant with Tasmanian Standard Drawings TSD-RF01-v1 Guide to Intersection and Domestic Access Sight Distance Requirements.</p> <p>The Road Authority has issued a Statement of Compliance requiring the existing access to be reconstructed in accordance with Tasmanian Standard Drawings TSD-R03-v1 Rural Roads – Typical Property Access and TSD-R04-v1 Rural Roads – Typical Driveway Profile or in accordance with an alternative design provided by a suitably qualified person and approved in principle by the Council's Director Infrastructure Services.</p>
8 Concerns that the Scheme only takes into account permanent dwellings and not RV's and caravans.	Visitor accommodation definition allows for a range of activities including overnight stays which would include RV's. The application

	<p>has addressed all the applicable provisions in relation to Visitor accommodation.</p> <p>It is considered that the Scheme does take into account RV's within the Visitor accommodation use.</p>
9 Increase in number of dogs.	This is not a planning matter.
10 Management and legislation requirements of running the caravan park.	This is not a planning matter.
REPRESENTATION 3	
1 Serious implication the proposal would have on the future of family business adjacent.	<p>The subject site is located within a mixed area of uses, development and zones.</p> <p>It is acknowledged that within an area of established mixed uses, some potential conflict could occur.</p> <p>As per Clauses 3.1(d)(iv) and (v) of the Scheme which are within the Scheme Objectives, the Scheme should minimise likelihood for conflict and interference between uses and provide for diversity and choice in the form and setting for use or development to meet existing and future needs.</p> <p>It is considered with all approved use and/or development, if appropriate conditions are placed on the Permits (if required) after a thorough assessment of the applicable requirements of the Scheme, then mixed uses and development should be able to operate within close proximity of each other without</p>

	<p>causing unreasonable negative impacts.</p> <p>Please refer to comments made in the “Issues” section above in relation to local amenity.</p>
<p>2 On-going breaches occurring on-site and concern with how the Council would enforce any regulation imposed.</p>	<p>Noted.</p> <p>It is acknowledged that some alleged breaches of the previous Permit (DA214097) have occurred on the site.</p> <p>The Planning Authority must consider the proposed application and to consider if any conditions should be included to mitigate some potential issues. The Permit would include conditions in relation to some potential amenity issues.</p> <p>If any alleged breaches of the Permit are reported to the Council, then the Council would need to investigate and if required reinforce any conditions of the Permit through the enforcement process in accordance with LUPAA.</p>
<p>3 Loss of residential amenity to the adjoining property.</p>	<p>Please refer to comments made in the “Issues” section above in relation to local amenity.</p>
<p>4 Concern regarding the use for a caravan park in Rural Living zone and application not an intensification of existing Permit, rather a new use.</p>	<p>The previous Permit, being DA214097, was approved and included the use and development for Visitor accommodation. This use includes a caravan park.</p> <p>It is considered that the proposal for DA2019010 does include permissible activities within the Visitor accommodation use and is</p>

	therefore deemed an intensification of the existing use and not a new use being introduced on the site.
5 Increase in number of dogs.	This is not a planning matter.
6 Negative impact and fettering of immediately adjacent primary industry land use activities.	<p>The subject site is located within a mixed area of uses, development and zones.</p> <p>The site at 83 Olivers Road is zoned Rural Resource and contains existing Resource development use and development on the site. No representation was received from the owner/occupiers of 83 Oliver Road.</p> <p>The site at 201 Penguin Road is zoned Rural Living and contains existing Resource development and Residential uses. It is noted that within the Local Area Objectives, being Objective (g) that Rural Living areas have no priority for primary industry use (which includes Resource development).</p> <p>Rather the Rural Living zone as per Clause 13.1.1.2 provides for compatible use and development that does not adversely impact on residential amenity.</p> <p>It is acknowledged that within an area of established mixed uses, some potential conflict could occur.</p> <p>As per Clauses 3.1(d)(iv) and (v) of the Scheme which are within the Scheme Objectives, the Scheme should minimise likelihood for conflict and interference between uses and provide for diversity and</p>

	<p>choice in the form and setting for use or development to meet existing and future needs.</p> <p>It is considered with all approved use and development, if appropriate conditions are placed on the Permits (if required) after a thorough assessment of the applicable requirements of the Scheme, then mixed uses and development should be able to operate within close proximity of each without causing unreasonable negative impacts.</p> <p>Please refer to comments made in the "Issues" section above in relation to local amenity.</p>
<p>7 Significant imposition and likely increased in dam safety. Compliant to the irrigation water storage dams on adjacent land.</p>	<p>The subject site is located within a mixed area of uses, development and zones.</p> <p>As previously mentioned, the site at 83 Olivers Road is zoned Rural Resource and contains existing Resource development use and development on the site. No representation was received from the owner/occupiers of 83 Oliver Road.</p> <p>It is acknowledged that within an area of established mixed uses, some potential conflict could occur.</p> <p>As per Clauses 3.1(d)(iv) and (v) of the Scheme which are within the Scheme Objectives, the Scheme should minimise likelihood for conflict and interference between uses and provide for diversity and choice in the form and setting for</p>

	<p>use or development to meet existing and future needs.</p> <p>It is considered with all approved use and development, if appropriate, conditions are placed on the Permits (if required) after a thorough assessment of the applicable requirements of the Scheme, then mixed uses and development should be able to operate within close proximity of each without causing unreasonable negative impacts.</p> <p>Please refer to comments made in the “Issues” section above in relation to local amenity.</p>
8 Disagree that the application can comply with the Local Area Objectives and Desired Future Character Statements.	<p>This is a difference of opinion between two experts of different fields.</p> <p>The application was supported by a Planning Consultant report (4 Planning as prepared by Ian Newman) and it is concluded that this report provides justification against the applicable provisions of the Scheme demonstrating compliance with both the Local Area Objectives and Desired Future Character Statements.</p> <p>Refer to comments made above in this report under Clauses 13.1.2 and 13.1.3 of the Scheme.</p>
9 Concerns regarding impact of use.	<p>Please refer to comments made in the “Issues” section above in relation to impact of use.</p>
10 Concern regarding wastewater management and compliance.	<p>The application was accompanied by a Water, On-site Wastewater and</p>

	<p>Stormwater Disposal Assessment. It is considered that with recommendations made within this report that wastewater treatment and effluent disposal will treat sewage effluent to a higher standard than is currently installed. Treated effluent will be used on-site to water gardens etc.</p>
11 Concern regarding setback standards.	<p>The only variation to a setback standard is the front boundary setback. Please refer to the "Issues" section above in relation to the front boundary setback variation.</p> <p>In relation to side setback standards, these cannot be considered as this provision specifically stipulates buildings and structures. Van sites are not considered as buildings or structures.</p>
REPRESENTATION 4	
1 Site access is dangerous and concerns regarding increase traffic to and from the site.	<p>The existing sealed access is to Penguin Road and is within a 70km/h speed limit zone.</p> <p>The Road Authority has determined that the existing access is compliant with Tasmanian Standard Drawings TSD-RF01-v1 Guide to Intersection and Domestic Access Sight Distance Requirements.</p> <p>A Statement of Compliance has been issued by the Road Authority requiring the existing access to be reconstructed in accordance with Tasmanian Standard Drawings TSD-R03-v1 Rural Roads - Typical Property Access and TSD-R04-v1 Rural Roads - Typical Driveway</p>

	Profile or in accordance with an alternative design provided by a suitably qualified person and approved in principle by the Council's Director Infrastructure Services.
2 Concern regarding local amenity.	Please refer to comments made in the "Issues" section above in relation to local amenity.
3 Is this application to set a precedent to allow future cabins on site?	<p>The Planning Authority must assess the application submitted. It cannot be considered that by permitting one type of use (in this case Visitor accommodation) would set a precedent for future development.</p> <p>Any future development would be subject to a planning application and assessed in accordance with the Scheme requirements as per this application.</p>
4 Concern regarding length of stay.	<p>The application is for Visitor accommodation. Visitor accommodation is defined under the Scheme as <i>"use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpacker's hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping are, residential hotel and serviced apartment"</i>.</p> <p>As stated throughout the planning application, the proposal is intended for short to medium term accommodation at the subject site.</p>

	It is considered that the proposal satisfies the Visitor accommodation definition.
5 Existing issues that occur on site.	<p>Noted.</p> <p>It is acknowledged that some alleged breaches of the previous Permit (DA214097) have occurred on the site.</p> <p>The Planning Authority must consider the proposed application and to consider if any conditions should be included to mitigate some potential issues. The Permit would include conditions in relation to some potential amenity issues.</p> <p>If any alleged breaches of the Permit are reported to the Council, then the Council would need to investigate and if required reinforce any conditions of the Permit.</p>
6 Is this application to set a precedent to allow future acceptable types of Visitor accommodation. Questions how the application states 'nothing currently unduly impacts on the residents'.	<p>The Planning Authority must assess the application submitted. It cannot be considered that by permitting one type of use (in this case Visitor accommodation) would set a precedent for future development.</p> <p>Any future development would require a planning application to the Council with the same assessment process that has occurred for this application.</p> <p>In relation to unduly impacts on the residents please refer to comments made in the "Issues" section above in relation to local amenity.</p>
7 Concern regarding high density development.	As per comments made above in this report under Clause 13.4.2 (Dwelling density) the proposal is compliant

	with the Acceptable Solution in relation to dwelling density.
8 Concern regarding the management of the caravan park and perceived lack of legislative guidance.	This is not a planning matter.
9 Concern regarding communal fire pit and individual fire pits.	<p>The regulation regarding noise/pollution control falls under EMPCA.</p> <p>Specific condition regarding fire pot usage has been placed on the Permit (condition number 6) to ensure the proposal will comply with the requirements set out in EMPCA.</p>
10 Lack of fire management.	This is not a planning matter.
11 Concern regarding type of people who use independent camping grounds.	This is not a planning matter.
REPRESENTATION 5	
1 Concern regarding local amenity.	Please refer to comments made in the "Issues" section above in relation to local amenity.
2 Bushfire/evacuation management.	This is not a planning matter.
3 Concern regarding contamination from the proposed wastewater dump facility.	The application was accompanied by a Water, On-site Wastewater and Stormwater Disposal Assessment. It is considered that with recommendations made within this report that wastewater treatment and effluent disposal will treat sewage effluent to a higher standard than is currently installed. Treated effluent will be used on-site to water gardens etc.

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. However, there may be an impact on Council resources in relation to ensuring compliance with Permit conditions.

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 representations do not contain sufficient merit to refuse the application. Some matters raised justify the inclusion of conditions in relation to visual amenity including buffers along the eastern and southern boundaries and specific conditions regarding use of fire pots and generators.

The application was discretionary due to Visitor accommodation use, variation to the front boundary setback, suitability of the site for on-site wastewater and stormwater disposal, site coverage and variation to car parking standards, all of which have been addressed throughout this report, particularly within the "Issues" section and is considered to have satisfied the applicable Scheme's Performance Criteria.

The proposed development is considered to be a reasonable development within Rural Living zoned land and would be keeping within the established mixed area of use, development, zones and characteristics of the surrounding area. It is considered appropriate that the proposal be approved, subject to conditions.

Recommendation –

It is recommended that the application for Food services (roofed deck) and Visitor accommodation (27 van sites, cabin, amenities block and a wastewater dump facility) – discretionary use and variation to front boundary setback standard, suitability of site, site coverage and car parking standards at

225 Penguin Road, West Ulverstone be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the following:
 - (a) Plans by Ritson Building Design, Project No. 19.035, Drawing Nos. A01, A02 (Tea House Floor Plan), A02 (Waste Water Management Plan), A03, A04 and A05 dated 17 June 2019;
 - (b) Amenities Block and Holiday Cabin Floor Plans as submitted by the applicant and received 9 July 2019;
 - (c) Supporting documentation as prepared by 4 Planning dated 9 July 2019 (including five information fact sheets); and
 - (d) Recommendations in the Water, On-site Wastewater and Stormwater Disposal Assessment as prepared by ES&D dated 30 July 2019.
- 2 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 3 Screening must be established along the eastern side boundary and a portion of the southern rear boundary (80m along the rear boundary from the eastern corner).

In this regard, the screening can either be a privacy screen to a height of 1.7m or mature vegetation to a height of 1.7m (planted in areas where there is no established vegetation) or a mixture of both.
- 4 Van sites must be clearly marked to show the 7m setback from the eastern side boundary and southern rear boundary and 5m from the western side boundary.
- 5 Fire pots must be located at least 20m from the subject site's boundaries. Seasoned and dry hardwood must be used, with the principal use of the fire pots for heating and/or cooking as per requirements set out in the *Environmental Management and Pollution Control Act 1994*.

- 6 The use of generators must only operate between 10am–4pm as per requirements set out in the *Environmental Management and Pollution Control Act 1994*.
- 7 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 26 September 2019 issued by the Council acting in its capacity as the Road Authority and the Stormwater Authority.
- 8 A minimum of 17 car parking spaces must be provided on-site and enable the forward movement of vehicles entering and egressing the site.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension 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.
- 4 The owners and occupants of 225 Penguin Road, West Ulverstone should familiarise themselves with the Noise Regulations, Schedule 1 from the *Environmental Management and Pollution Control Act 1994*.

The Town Planner’s report is supported.”

The Executive Services Officer reported as follows:

“A copy of the Annexures referred to in the Town Planner’s report has been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Carpenter seconded, “That the application for Food services (roofed deck) and Visitor accommodation (27 van sites, cabin, amenities block and wastewater dump facility) – discretionary use and variation to front boundary setback standard, suitability of site, site coverage and car parking standards at 225 Penguin Road, West Ulverstone be refused on the basis of the following:-

- 1 The proposal does not satisfy Clause 13.3.1 for a discretionary use (Visitor accommodation) in that the proposal:
 - (a) is not considered to be consistent with the local area objectives, namely that the proposal may compromise the occupation and operation practices of primary industry and other use on adjacent rural land as per Clause 13.1.2(h)(i)(a) and an unreasonable impact for visual and acoustic privacy between adjacent dwellings as per Clause 13.1.2(h)(ii)(d);
 - (b) is not considered to be consistent with the desired future character statements, namely that the proposal does not provide a landscape in which buildings are set well apart from buildings on adjacent sites and from the frontage road as per Clause 13.1.1(f); and
 - (c) the proposal would result with an adverse impact on amenity for residential use on adjacent land in the zone;
- 2 The proposal does not satisfy Clause 13.3.2 in that the proposal would result in an average of 186 average daily vehicle movements which would create an unreasonable impact of use on adjoining residential use on adjacent land;
- 3 Screening is unlikely to provide an acceptable solution of the loss of amenity to adjoining residential use on adjacent land.”

Carried unanimously

315/2019 Public question time

The Mayor introduced public question time at 6.37pm.

Mr Bill Hutcheson – Forth

Question 1 –

“Regarding the community representation groups, for me one of my passions is around community planning and ensuring that the community do have a say in what happens with Council and are involved the decision making process. Council has two such community representative groups Turners Beach and Forth. When you search

the website, there is hardly anything on there at all, the only thing I can find on there is in relation to the Charter for the Turners Beach group but not the Forth group. Just wondering why there is such a low profile for such groups, who I see as being very important in the community?"

Response –

The Mayor responded that the matter in relation to the availability of information on the Council website would be taken on notice.

Question 2 –

"In relation to the same thing, why is it that only those two communities have representation, when to me it should be something that all communities should have?"

Response –

The Mayor referred the matter to the General Manager who advised that Turners Beach and Forth have those groups because they asked for them, and we have done that. Penguin did ask at one stage and then that didn't go any further, that is why that hasn't happened, if other community groups want to, we can look at that, but they haven't asked.

Question 3 –

"But are they aware of that though, it is not on the website?"

Response –

The Mayor responded by advising that Penguin asked, and they came and visited, sat down with us and when we discussed the options, they decided that is not what they wanted. What people really wanted, is the opportunity to come and talk with their Councillors on a regular basis, and that was certainly made clear to us. We do our morning teas and try and get out into the community as much as we can with our community morning teas and suppers, so that is the way we have chosen to do it, rather than just having a small group, that is representative. We try and get out into the wider community.

Mr Darryl Barker – Penguin

Question 1 –

"Last meeting, I asked two questions the first one was regarding Capeweed, which I have asked for three years and am getting sick of it. I will quote from the letter, *'spraying of affected public areas is undertaken at appropriate periods during the year. Recent treatment works were undertaken in many areas within Penguin and this program of treatment will continue but with recognition of prevailing weather*

conditions and the limitations that this may impose.' The four areas I asked about, in my opinion, have not been touched since the last meeting, what is the sense of spraying three parts of an area and not finishing it off because Capeweed goes on and on, if you don't keep spraying it just goes on and on. I must say it looks lovely; it looks a bit like the tulip festival."

Response –

The Mayor referred the matter to the Director Infrastructure Services, who advised that the areas being referred to, were actually sprayed again in the last couple of weeks. This is what (my) staff have told me, that it was sprayed last week or the week before.

Question 2 –

"I asked the Council in June if a No Through Road sign could be installed at Johnsons Beach Drive. There was a bit that, if there aren't any complaints, where would you complain in Penguin, if the Council and the Visitor Centre is closed? And how many signatures do you want before you take action? That part wasn't answered?"

Response –

The Mayor responded that generally they would contact Council or give us a call, our offices are generally open.

Question 3 –

"What happens if you are a tourist and it is a weekend, and you want to complain?"

Response –

The Mayor responded that they would be able to call on a Monday morning.

Question 4 –

"It says here that the 'No Through Road' sign doesn't need to be put there because you can go to the Penguin Caravan Park and have somewhere to turn around. If you put a sign just past the skate park, it would eliminate the concern you have had about getting to the Scouts building, Penguin Miniature Railway, Johnsons Beach (and amenities), Penguin skatepark and Penguin boat ramps. It goes on to say there is no need, if there is not a good turning place at the end, there is quite a few good turning places around the municipality, that don't have good turning U's."

Response –

The Mayor responded that you are welcome to come and speak to a Director yourself Mr Barker, and have a conversation with him at any time. The Mayor then referred the matter to the Director Infrastructure Services, who advised that the report and what was said in the letter, is that where there is generally a business, we don't put 'No Through Road' signs, and if we were to be guided by the Australian Standards –Manual of Uniform Control Traffic Devices, it says that you should not put 'No Through Road' signs, if there is a business or if you want vehicles to go past that point. If we were to abide by that, we wouldn't be putting 'No Through Road' signs anywhere.

Question 5 –

"I'll finish that off, there is a 'No Through Road' sign at Dial Park Drive, that goes into the Clubrooms and Football Club?"

The Mayor deferred the matter to Director Infrastructure Services, who advised that it is a private property not on a roadway, we are talking about signage on roads.

The Mayor commented that it would be best if the matter was taken up in a conversation, as it is a good conversation to have.

Karen McDonnaugh – Quoiba

Question 1 –

"I am not from Ulverstone, however, am one of the people that over the last three years, have utilised the Blue Wren. I would just like to ask a question of the Councillors, as coming to this town over the last three and a half years, I have noticed quite a few of businesses closing down. I travel the country and I thought we were about progress. I know this is a Rural Residential, I have actually been a caretaker of this property for the previous owners on several occasions. I would really like to dispute the 180 vehicles a day that are going in there a day, because even at the peak time when we've have had 23 vans on site, I honestly have to say that the previous owners never made us aware of the fact that there was a 10 limit on the vans or anything, at no stage ever did we allow 180 vehicles, on to that property. With 23 vans and we all only had one car. One of the things, I would like to ask you to consider is the loss of employment if this business doesn't go ahead.

There's a lot of places closing down, the loss of dollars that will go into this town as a camper, if I'm here for seven days, and I utilise all of the local the businesses, the IGA at West Ulverstone, the discount fabric place, hairdressers, we fill up the fuel, if you really wanted to do some homework, ask that place to get everybody to put in the dollars of what people are spending, and the thousands of dollars that this town will

actually lose. It is being done in many other towns right around this country, because the same thing has happened when people have actually gone and objected to places having free campers as we're called, we don't, we all pay for our sites, we pay for our site, we pay for our power we pay to use it so that we're not filling up your free campers, that are there for the people that can't afford it. I just think that you need to consider and I'd love you to consider the dollar factors that are going to go out of this town, because if these people can't make a go of it, it is not going to be worth it to keep it ongoing, there will be another town that will take it up. I am asking you to consider what dollar impact this will have on the town?

Response –

The Mayor responded by advising that before we debated the Planning Application, we moved into operating as a Planning Authority, this is a statutory body that we must operate under the planning scheme, we have no option to go outside of that. Our decision was certainly on planning grounds, under the Planning Scheme and that is what we must abide by. I take the point on the economic development, but it is a separate matter to the Planning Scheme, I am happy to talk to you at any time.

Questions and replies concluded at 6.49pm.

INFRASTRUCTURE SERVICES

316/2019 Removal of the 'Works in Road Reservation minor works – no excavation' permit fee

Cr Hiscutt requested consent of the meeting to withdraw his original motion on notice (worded as follows):

- Cr Hiscutt (having given notice) to move “That the fee associated with the ‘Works in Road Reservation minor works – no excavation’ permit be removed for all central business district businesses in the Central Coast Council, that the current ‘Working in the Road Reservation Policy’ be reviewed and that progress is made to streamline the process for applying for a ‘Works in Road Reservation’ permit.”

The meeting consented to the withdrawal.

- Cr Hiscutt moved and Cr Carpenter seconded, “That the ‘Works in Road Reservation – Road Reserve Permit – Minor Works – No excavation’ fee as determined by the Council at its 17 June 2019 meeting, whilst setting the Fees and Charges for the year ended 30 June 2020 be deleted and that progress is made to review the process for applying for a ‘Works in Road Reservation Permit’.”

Cr Hiscutt, in support of his motion, submitted as follows:

“The purpose of this motion is to alleviate some of the pressures on business to enable them to strive for excellence and to take barriers away from beautifying their shop fronts. This will also soften the barriers for new business that need to change their street frontage.

The Council has a legal responsibility to maintain and keep highways open and safe, as defined in the *Local Government (Highways) Act 1982* (the Act).

The Works in Road Reservation Policy was endorsed by Council in November 2013 to achieve the above stipulations and maintain a consistent approach to the requirements and issuing of permits.

This Policy was to be reviewed every 3 years the next time being in 2016. However, this has currently not been updated.

As the current Policy stands this fee inhibits or makes it more difficult to upgrade a business’s shop front or make adjustments to their shop front to help less abled people. In alignment with the Council’s recent decision to progress with a new outdoor dining policy this change would encourage business owners to spend more on their shop fronts. Currently the Permit is often expensive relative to the work to be carried out.

The current Policy sets out that any project that affects pedestrian or vehicle traffic is subject to this permit. It means that any and every piece of maintenance or cleaning or improvements made above ground level will require this permit. The motion does not object to the requirement to have the Permit but rejects the need for a restrictive fee.

For example, if a business wished to hang new signage or adjust their awning this would require the use of this permit, at the current cost of this Permit that may be as much as 25% of the total cost of the upgrade. This would be enough to put some business owners off doing the job entirely and instead of carrying out beautifying projects will only carry out necessary maintenance.

This could also apply to a business which wishes to install a handrail or a ramp to help those less abled in the community, or when weather has affected their signage and it need to be repaired.”

The Director Infrastructure Services reports as follows:

“PURPOSE

To provide information on the Council’s Works in Road Reservations Policy including fees charged for Permits and the current exclusions used to assist local businesses with this Policy.

The Policy applies to all roads within the municipal area which are maintained by the Central Coast Council and includes works on the carriageways, footpaths and nature strips. Any Permit is issued in accordance with Section 46 of the *Local Government (Highways) Act 1982*.

BACKGROUND

The current Works in Road Reservation Policy was adopted by the Council in 2013 and was due for review in 2016. As no changes were needed at that time, the Policy has continued as is to the current date. It is listed for review this financial year and will be workshopped and considered by the Council in the last quarter of the financial year.

Fees are charged for the three categories of works and did not increase from the 2018–2019 fees, the current fees are:

Working in Road Reservation – Road Reserve Permit	
Minor Works – no excavation	\$ 75
Minor works – with excavation	\$150
Major Works	\$300
Working in Road Reservation – Road Reserve Permit	
Minor Works – no excavation	\$ 75

Permits are not required for the following works:

- . Where the road or the condition of the road is not affected, e.g. mowing a nature strip or cleaning a footpath.
- . Where a business wishes to prepare a quotation to work on the frontage of a property, e.g. a business who has been asked to provide a quotation to paint a road frontage or to install a new sign on the awning and needs to place a ladder on the building on the road reserve.

DISCUSSION

The Council employs a Public Safety Officer and one of his duties is to issue Road Reserve Permits and to ensure that anyone undertaking works within the road reservation are working in compliance with the various Acts and standards that apply, e.g. *Local Government (Highways) Act 1982*, *Traffic Act 1925*, *Roads and Jetties Act 1935*, *Work Health and Safety Act 2012* etc. Fees charged for permits contribute to the costs involved with this position but only cover a portion of the officer's wages.

The figures provided for the Minor Works Permits below are for the municipal area, i.e. details of permits issued in the CBDs of our towns have not been identified separately. The CBDs of our towns are busy locations and are considered to be very high risk areas when compared to other areas in the municipality. It is incumbent on the Council to ensure that legislation is complied with and that public safety is maintained. If anything, it is more important/critical that public safety is maintained within the CBDs of our towns.

The number of permits issued, and the fees collected over the last three financial years are;

2016–2017	Minor Works	45	\$ 3,650
	Total Permits Issued	67	\$29,365
2017–2018	Minor Works	63	\$ 7,400
	Total Permits Issued	93	\$56,390
2018–2019	Minor Works	48	\$ 5,000
	Total Permits Issued	55	\$52,550

The process of applying for a permit is simple in that contact can be made with the Council and our Public Safety Officer, who then attends the location and assists the applicant with advice and provides the formal Permit. The Officer then visits the site when works are underway to ensure compliance with the legislation and regulations

that apply. In many instances within CBDs the Officer will visit the site a number of times to ensure that community is being maintained.

In making any decision on this matter, Councillors need to ensure consistency within the community and that legal compliance and consequent public safety is maintained.

CONSULTATION

Contact with neighbouring councils was made to determine what permits are issued and fees charged for Works in Road Reserves.

RESOURCE, FINANCIAL AND RISK IMPACTS

An indication of the income received from the issuing of Road Reserve Permits has been listed elsewhere in this report.

Any reduction in fees charged will need to be made up from other income sources such as rates or increases in other Fees and Charges. The CBDs of our towns are considered to be very high risk when compared to our residential areas for similar works and any decision to reduce Permit fees charged needs to be consistent across the community.

CORPORATE COMPLIANCE

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

Provide for a diverse range of movement patterns

- Connect the people with services.

Community Capacity and Creativity

- Facilitate entrepreneurship in the business community.

The Environment and Sustainable Infrastructure

- Contribute to a safe and healthy environment.

Council Sustainability and Governance

- Improve the Council's financial capacity to sustainably meet community expectations.

CONCLUSION

The motion on notice from Cr Hiscutt is submitted for consideration."

Voting for the motion

(5)

Cr Beswick

Cr Carpenter

Cr Diprose

Cr Hiscutt

Cr Viney

Voting against the motion

(3)

Cr Bonde

Cr Overton

Cr van Rooyen

Motion

Carried

317/2019 Tenders – Turners Beach to Leith Shared Pathway, Turners Beach/Leith

The Director Infrastructure Services reported as follows:

“The Engineering Group Leader has prepared the following report:

PURPOSE

The purpose of this report is to make recommendation on tenders received for the Turners Beach to Leith Shared Pathway project.

BACKGROUND

The Turners Beach to Leith Shared Pathway is part of the North West Tasmania Coastal Pathway Plan 2010. This section commences at the southern end of Esplanade in Turners Beach and links with the Bass Highway underpass near Short Street in Leith.

This section of Pathway incorporates the former railway bridge over the Forth River, which will be transferred from State ownership to the Council.

A general arrangement plan showing the alignment of the Shared Pathway is included in Annexure 1.

DISCUSSION

Tenders were called on Saturday, 7 September 2019 and closed at 2.00pm on Tuesday, 8 October 2019.

Tender documents included designs and specifications prepared by CSE Tasmania Pty Ltd and the Council's Infrastructure Services Department. The tender was advertised in The Advocate newspaper and also on the Council's internet portal, Tenderlink, to ensure as wide a coverage as possible.

Six conforming tenders were received as follows (including GST):

TENDERER	PRICE \$
AJR Construct Pty Ltd	1,136,811.81
Civilscape Contracting Tasmania Pty Ltd	1,231,828.00
Bridgepro Engineering Pty Ltd	1,295,027.74
ATM Civil	1,351,797.44
Hazel Bros Pty Ltd	1,433,138.30
Hardings Hotmix Pty Ltd	1,681,329.54
<i>ESTIMATE</i>	<i>1,400,000.00</i>

All tenderers are deemed competent to perform the works.

The Council uses a weighted tender assessment method based on:

- . compliance with tender documents;
- . previous experience;
- . supervisory personnel;
- . construction period;
- . WHS policy and record;
- . tender price.

Based on the detailed assessment undertaken by the Tender Evaluation Panel using the above criteria and weighting process (a copy of the confidential tender assessment is appended) AJR Construct Pty Ltd achieved the highest rating based on this method.

Works are proposed to commence in November 2019, however, the commencement date is dependent on receipt of a Memorandum of Understanding (MOU) in relation to transfer of the former railway bridge. The provided construction program provides for a completion date of twelve weeks from possession of site.

CONSULTATION

This section of pathway has been identified in the North West Tasmania Coastal Pathway Plan 2010 and included in Council's Long-term Financial Plan.

This project requires that a development application is submitted for approval. Key stakeholders and interested parties include the Department of State Growth, Crown Land Services, TasRail, Department of Primary Industries, Parks Water and Environment, Tasmania Parks and Wildlife and local residents.

RESOURCE, FINANCIAL AND RISK IMPACTS

The project is being funded by both Council funds and a grant of \$450,000 from the Tasmanian Government.

The tender price can be accommodated with the budget allowance.

In regard to risk it is important that contracts are either delayed or stipulate that the contract with the successful tenderer is dependent on receipt of an acceptable MOU from Department of State Growth in respect to transfer of the railway bridge. Commencement of works will also require the development approval which will include for licenses from TasRail, Parks and Crown Land Services.

CORPORATE COMPLIANCE

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

The Shape of the Place

- Encourage a creative approach to new development.

A Connected Central Coast

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

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

Council Sustainability and Governance

- Improve service provision
- Improve the Council's financial capacity to sustainably meet community expectations.

CONCLUSION

It is recommended that the tender from AJR Construct Pty Ltd for the sum of \$1,033,465.28 (excluding GST) [\$1,136,811.81 (including GST)] for the Turners Beach to Leith Shared Pathway, subject to receipt of an acceptable Memorandum of Understanding from the Department of State Growth regarding transfer of ownership of the railway bridge, be accepted and approved by the Council.'

The Engineering Group Leader's report is supported."

The Executive Services Officer reported as follows:

“A copy of the confidential tender assessment has been circulated to all Councillors.”

■ Cr Beswick moved and Cr Viney seconded, “That the tender from AJR Construct Pty Ltd for the sum of \$1,136,811.81 (including GST) for the Turners Beach to Leith Shared Pathway, subject to receipt of an acceptable Memorandum of Understanding from the Department of State Growth regarding transfer of ownership of the railway bridge, be accepted and approved by the Council.”

Carried unanimously

318/2019 Tenders for Ulverstone Civic Centre – Seating renewal

The Director Infrastructure Services reported as follows:

“The Assets & Facilities Group Leader has prepared the following report:

‘PURPOSE

The purpose of this report is to make recommendation on tenders received for new seating for the Leven Theatre at the Ulverstone Civic Centre, Ulverstone.

BACKGROUND

The existing Leven Theatre seating at the Ulverstone Civic Centre has been in place since the building was constructed in 1986.

Since that time the seating has reached a point where it is at the end of its useful life.

The front row of seating has been removed to be used as spare parts to repair other seats; however, this is not sustainable and new seating is required.

DISCUSSION

Replacing the seats will improve the comfort of patrons attending functions and shows at the Theatre.

Tenders were called via Tenderlink for the provision of new seating on 31 August 2019 and closed at 2.00pm on 24 September 2019.

Submissions were received from four tenderers as follows (excluding GST and a \$5,000 contingency sum):

TENDERER	PRICE \$
Sebel Furniture	83,282.73
Profurn Commercial (Sentul)	106,308.18
Profurn Commercial (Beaufort)	110,063.64
Starena Australia Pty Ltd (The Commander)	131,032.00
Maxwood Technology Australia Ltd – 712 series	131,220.00
Starena Australia Pty Ltd (The Stella)	137,224.00
Starena Australia Pty Ltd (The Apollo)	139,239.00
Starena Australia Pty Ltd (The Monet)	139,239.00
Maxwood Technology Australia Ltd – 502 series	169,614.00
<i>BUDGET</i>	<i>150,000.00</i>

All of the tenderers are capable of supplying and installing the new seating.

The Council uses a weighted tender assessment method based on:

- . compliance with tender documents;
- . previous experience;
- . proposed construction period;
- . WHS system and record;
- . Type and style of seat: and
- . tender price/value for money.

All the companies that provided tenders have the capacity and previous experience in the provision of the required outcome.

Members of the assessment panel visited the new Parklands High School auditorium to view the seating that had been tendered for by Sebel and determined that it would not be suitable for this installation, as the seating did not lend itself to a theatre style environment, therefore would not provide the level of comfort looked-for by patrons.

The assessment panel then considered the type and style of the seating tendered.

Consideration was then given to the existing décor, ambiance and environment of the Leven Theatre as well the time patrons could spend in the seats, which seat would most suit this, as well as providing comfort and amenity for patrons.

Based on the assessment, Maxwood Technology Australia Ltd for their 712 series seats is the preferred tenderer. Although not the lowest cost, this

tender was assessed as best value for money and the seating suits the existing décor and character of the building. The 712 series is designed for both comfort and the ergonomic principles and because of this, it is easy to understand why the 712 series chair is featured in many of the top venues across the country including Empire Theatre and QLD Theatre in Brisbane (a copy of the confidential tender assessment is appended).

CONSULTATION

This project was proposed following discussion with the Council's Community Services staff who are responsible for delivering the service from the facility.

RESOURCE, FINANCIAL AND RISK IMPACTS

The 2019–2020 budget for this project is \$150,000. The preferred tender is within the allocated budget.

The risk impact of not undertaking this project is continuing deterioration of the seats and complaints in relation to the comfort of the seats.

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

Council Sustainability and Governance

- Improve service provision.

CONCLUSION

It is recommended that the tender from Maxwood Technology Australia Ltd for the supply and installation of the 712 series seating in the amount of \$131,220 (excluding GST) [\$144,342.00 (including GST)] for the Leven Theatre at the Ulverstone Civic Centre be accepted and approved by the Council.'

The Assets & Facilities Group Leader's report is supported."

The Executive Services Officer reported as follows:

"A copy of the confidential tender assessment has been circulated to all Councillors."

■ Cr Hiscutt moved and Cr Beswick seconded, “That the tender from Maxwood Technology Australia Ltd for the supply and installation of the 712 series seating in the amount of \$144,342.00 (including GST) for the Leven Theatre at the Ulverstone Civic Centre be accepted and approved by the Council.”

Carried unanimously

319/2019 Standing Tender 2019–2022 – Coastal and rural roadside mowing

Cr Diprose having declared an interest, left the meeting at 7.11pm for consideration and voting on appointing the contractor for the Standing Tender 2019–2022 – Coastal and rural roadside mowing.

The Director Infrastructure Services reported as follows:

“The Engineering Group Leader has prepared the following report:

‘PURPOSE

The purpose of this report is to consider the tenders received for the coastal and rural roadside mowing contract from 1 October 2019 to 30 September 2022.

BACKGROUND

The Central Coast Council controls and maintains the coastal and rural roadside mowing areas within the Central Coast municipal area. The rural road network is made up of approximately 450km of sealed and unsealed roads and the coastal road network is made up of approximately 65km of sealed and unsealed roads totalling 515km of roads.

The coastal and rural roadside mowing program consists of a first cut to a width of 3.4m both sides of the road, followed by a second cut later in the season on all main arterials to 5m wide (where possible) and a 3.4m wide cut on all other roads.

DISCUSSION

Tenders were called via the Council’s on-line e-tendering portal, Tenderlink, on 4 September 2019 and closed at 2.00pm on 25 September 2019.

There were nine downloads of the tender document by prospective tenderers. However, only three tenders were received from the following companies:

- . Rodney Wright & Sons Contracting
- . Statewide Contracting (TAS) Pty Ltd
- . Mareeba Tas Pty Ltd

The coastal and rural roadside mowing tender is a schedule of rates tender and the tenderers were asked to provide an hourly rate along with a 3.4m wide cut per km (one side) rate and 5.0m wide cut per km (one side) rate in accordance with the coastal and rural roadside mowing manual.

The following rates (inclusive of GST) have been submitted by the tenderers.

TENDERER	HOURLY RATE (\$)	3.4M WIDE CUT RATE (\$)	5.0M WIDE CUT RATE (\$)
Statewide Contracting (TAS) Pty Ltd	137.50	100.00	133.00
Rodney Wright & Sons Contracting	137.50	103.11	137.48
Mareeba Tas Pty Ltd	137.50	103.25	137.50

For the assessment, a 3.4m wide cut rate over the 515km network length and second cut totals have been calculated based on tender's 3.4m and 5.0m wide cut rates for the relevant road lengths.

Below is a table showing the estimated costs using the rates provided by the tenderers:

INFRASTRUCTURE SERVICES

TENDERER	1 ST CUT (\$) (515KM, BOTH SIDES) 3.4M	2 ND CUT (\$) ARTERIAL ROADS (190KM, BOTH SIDES) 5.0M	2 ND CUT (\$) OTHER ROADS (325KM, BOTH SIDES) 3.4M	TOTAL (\$)
Statewide Contracting (TAS) Pty Ltd	103,000.00	50,540.00	65,000.00	218,540.00
Rodney Wright & Sons Contracting	106,203.30	52,242.40	67,021.50	225,467.20
Mareeba Tas Pty Ltd	106,347.50	52,250.00	67,112.50	225,710.00

All submissions for coastal and rural roadside mowing meet the tender requirements and would be considered acceptable.

Tenders were evaluated using a weighted scoring system which considers compliance with tender documents, previous work for the Council, Work Health and Safety Policy and Record, relevant experience, resources and tender price.

Based on the evaluation, Statewide Contracting (TAS) Pty Ltd was assessed as the preferred tender (a copy of the confidential tender assessment is appended).

CONSULTATION

This item has followed a public tendering process.

RESOURCE, FINANCIAL AND RISK IMPACTS

The tender from Statewide Contracting (TAS) Pty Ltd can be accommodated within the budget (\$222,000.00).

CORPORATE COMPLIANCE

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

Community Capacity and Creativity

- Facilitate entrepreneurship in the business community.

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

Council Sustainability and Governance

- Improve corporate governance
- Improve the Council's financial capacity to sustainably meet community expectations.

CONCLUSION

It is recommended that the tender from Statewide Contracting (TAS) Pty Ltd for the coastal and rural roadside mowing contract be accepted and approved by the Council.'

The Executive Services Officer reported as follows:

“A copy of the confidential tender assessment has been circulated to all Councillors.”

■ Cr Hiscutt moved and Cr Carpenter seconded, “That the tender from Rodney Wright & Sons Contracting for the coastal and rural roadside mowing contract be accepted and approved by the Council.”

Carried unanimously

Cr Diprose returned to the meeting at 7.14pm.

320/2019 Tenders for resealing of urban and rural roads 2019–2020

The Director Infrastructure Services reported as follows:

“The Engineering Group Leader has prepared the following report:

‘PURPOSE

The purpose of this report is to make recommendation on tenders received for the 2019–2020 urban and rural roads resealing program.

BACKGROUND

For sealing of Council roads there is an established practice of calling for expressions of interest from suppliers to be listed on a Multiple Use Register for a three-year term.

Expressions of interest for sprayed bituminous surfacing were invited on 22 June 2018 as part of the Council’s Standing Tenders for 2018–2021. Submissions were received from Hardings Hotmix Pty Ltd, Roadways Pty Ltd and Venarchie (since then Venarchie has merged with Fulton Hogan Industries Pty Ltd).

All three companies were placed on the Multiple Use Register after being assessed for compliance.

They were invited to provide tenders for the resealing of urban and rural roads during 2019–2020, via the Council’s on-line e-tendering portal, Tenderlink, on 4 September 2019. Tenders closed at 2.00pm on Wednesday, 25 September 2019.

DISCUSSION

Tenders were received as follows (including GST):

TENDERER	PRICE \$
Hardings Hotmix Pty Ltd	727,568.32
Fulton Hogan Industries Pty Ltd (formerly Venarchie)	827,609.31
Roadways Pty Ltd	1,083,101.97
<i>ESTIMATE</i>	<i>822,000.00</i>

Initial verification of price extensions revealed some minor rounding off and mathematical errors.

After the adjustment the following tender prices have been used to assess the tenders.

TENDERER	PRICE \$
Hardings Hotmix Pty Ltd	727,548.77
Fulton Hogan Industries Pty Ltd (formerly Venarchie)	827,541.96
Roadways Pty Ltd	1,095,053.99

The Council normally uses a weighted tender assessment method based on:

- . compliance with tender documents;
- . previous experience;
- . proposed construction period;
- . WHS system and record; and
- . tender price/value for money.

Based on the evaluation, Hardings Hotmix Pty Ltd was assessed as the preferred tender (a copy of the confidential tender assessment is appended).

CONSULTATION

This item has utilised the Council's Multiple Use Register for sprayed bituminous sealing in an invited tendering process.

RESOURCE, FINANCIAL AND RISK IMPACTS

The total budget for urban and rural resealing for 2019–2020 is \$1,100,000. The tender from Hardings Hotmix Pty Ltd can be accommodated within the budget.

The balance is utilised for reseal preparation works carried out by the Council's Construction and Maintenance Group and overheads.

Under this urban and rural road reseal 2019–2020 tender, 3.13km of urban roads and 26.86km of rural roads will be resealed, 8.48km of road sections affected by resealing will be re-linemarked.

This year's successful tender rate comparisons with last year's successful tender are as follows:

RESEAL AREA	THIS YEAR'S TENDER
Rural	-1.53%
Urban	-2.27%
Linemarking	-19.24%

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following objectives:

A Connected Central Coast

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

Council Sustainability and Governance

- . Improve service provision.

CONCLUSION

It is recommended that the tender from Hardings Hotmix Pty Ltd in the amount of \$727,568.32 (including GST) [\$661,407.97 excluding GST] be approved and accepted by the Council.'

The Engineering Group Leader's report is supported."

The Executive Services Officer reported as follows:

"A copy of the confidential tender assessment has been circulated to all Councillors."

- Cr Carpenter moved and Cr Viney seconded, "That the tender from Hardings Hotmix Pty Ltd in the amount of \$727,568.32 (including GST) for urban and rural road resealing 2019–2020, be approved and accepted by the Council."

Carried unanimously

321/2019 Ulverstone Showground underground electrical – reallocation of Capital funds

The Director Infrastructure Services reported as follows:

"The Assets & Facilities Group Leader has prepared the following report:

PURPOSE

The purpose of this report is to make recommendations to allow unplanned underground electrical works required to be undertaken at the Ulverstone Showground, Ulverstone and approve the reallocation of Capital funds.

BACKGROUND

In March 2019, the Council was advised by the Department of Justice that the power pole servicing the Ulverstone Soccer Clubrooms and the Keith Johnstone Memorial Pavillion had been condemned and required replacement.

This pole is within the TasRail corridor and for the replacement to take place it was necessary to contact TasRail to ensure all requirements were met.

Following long negotiations with TasRail regarding the location of the pole they advised that the pole had to be removed from the rail corridor completely.

Upon further investigation it was determined that the boundary fence is not on the boundary line and to erect the pole inside Council's property would not allow for the power lines to be reconnected due to existing buildings in the way.

The Department of Justice has now advised that they will be removing the service and the pole on the 31 December 2019, so it is essential that an alternative power supply is found.

DISCUSSION

Investigations on alternatives have been carried out and the only option available is to provide a new overhead service to a pole near the poultry pavilion with a new switchboard, then run underground along the roadway

past the Lions Club and the Rotary Club buildings, to the southern end of the Ulverstone Soccer Clubrooms.

From this location the Ulverstone Soccer Clubrooms and Keith Johnstone Memorial Pavilion will be reconnected.

The Lions Club of Ulverstone building and Ulverstone Rotary Club building will also be connected to the new underground power supply.

This will allow for the condemned pole, as well as two others in the rail corridor to be removed, it will also future proof for any additional buildings near the site and will tidy up the area by removing the overhead power lines.

The estimated cost of the works is as follows:

TENDERER	PRICE \$
Install new pole and service	10,000.00
Install all underground power, new switchboard, connections to existing buildings	50,000.00
Trenching and reinstatement	10,000.00
<i>TOTAL ESTIMATE</i>	<i>70,000.00</i>

CONSULTATION

This project has arisen due to the requirements of TasRail to remove the pole from the rail corridor.

Discussions have taken place within the Infrastructure Services Department regarding options available and it has been determined that only one option was available, from this the matter was discussed with the General Manager and Senior Leadership Team, and at a Councillor Workshop on 23 September 2019.

RESOURCE, FINANCIAL AND RISK IMPACTS

This project is unexpected and is not funded in the current 2019–2020 budget.

To fund the project, it is proposed the following alterations be made to other budgets.

- . Defer the Recreation Ground Water Connection assessment until the 2020–2021 budget and reallocate the \$20,000 to this project.
- . Reduce the Ulverstone Showgrounds programmed maintenance budget from \$40,000 to \$20,000.
- . Reduce the Hiscutt Park wall repair from \$50,000 to \$20,000. Further investigations have revealed that a larger portion of the wall will require rehabilitation and additional funds will need to be allocated in the 2020–2021 budget. This will be the subject of a separate report.

FUNDING SOURCE	CURRENT BUDGET \$	PROPOSED BUDGET \$	DIFFERENCE \$
Recreation Ground – water connections (defer 2020–2021)	20,000	Nil	\$20,000
Showgrounds – programmed maintenance	40,000	20,000	\$20,000
Hiscutt Park pond – wall repair	50,000	20,000	\$30,000
<i>TOTAL</i>			<i>\$70,000</i>

The risk impact of not undertaking this project is the power will be cut from the Ulverstone Soccer Clubrooms and the Keith Johnstone Memorial Pavilion on 31 December 2019 and no alternative power supply is available.

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

Council Sustainability and Governance

- . Improve service provision.

INFRASTRUCTURE SERVICES

CONCLUSION

It is recommended that the unplanned underground electrical works at the Ulverstone Showground, Ulverstone proceed and additionally that the following budget reallocations be approved:

FUNDING SOURCE	CURRENT BUDGET \$	PROPOSED BUDGET \$	DIFFERENCE \$
Recreation Ground – water connections (defer 2020–2021)	20,000	Nil	20,000
Showgrounds – programmed maintenance	40,000	20,000	20,000
Hiscutt Park pond – wall repair	50,000	20,000	30,000
<i>TOTAL</i>			<i>70,000.'</i>

The Assets & Facilities Group Leader's report is supported."

■ Cr Carpenter moved and Cr Diprose seconded, "That the unplanned underground electrical works at the Ulverstone Showground, Ulverstone proceed and additionally that the following budget reallocations be approved:

FUNDING SOURCE	CURRENT BUDGET \$	PROPOSED BUDGET \$	DIFFERENCE \$
Recreation Ground – water connections (defer 2020–2021)	20,000	Nil	20,000
Showgrounds – programmed maintenance	40,000	20,000	20,000
Hiscutt Park pond – wall repair	50,000	20,000	30,000
<i>TOTAL</i>			<i>70,000."</i>

Carried unanimously and by absolute majority

ORGANISATIONAL SERVICES

322/2019 Financial statements

The Acting Director Organisational Services reported as follows:

“This report details the financial statements for the first quarter of the 2019–2020 financial year. The statements contain comments relating to variations between year to date budgets and year to date actual figures.

The Income Statement is based on accrual accounting practice. This means that the income shown in the income statement for rates, is the amount that has been raised by the rating system and apportioned against each property. If we consider the actual cash that we have received, then as at the end of September, the Council received \$13.2 million in rates revenue which is the equivalent of 81.87% of rates. This is similar to the 2018–2019 year when 81.13% was received at the same period. This is important from a cash flow basis as it allows the Council to invest these funds to produce a further return for ratepayers.

The following principal financial statements of the Council for the period ended 30 September 2019 are submitted for consideration:

- . Statement of Comprehensive Income for period ended 30 September 2019
- . Statement of Financial Position as at 30 September 2019
- . Operating Budgets (inc. the operating budget commentary report)
- . Summary of Rates and Fire Service Levies
- . Capital Works Schedule 2019–2020.”

The Executive Services Officer reported as follows:

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

■ Cr Viney moved and Cr Beswick seconded, “That the financial statements to 30 September 2019 (copies being appended to and forming part of the minutes) be received.”

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

323/2019 Meeting closed to the public

Cr Diprose left the meeting at 7.21 pm.

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 . Cradle Coast Authority Board – 29 August 2019	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Tenders – Kings Parade Upgrade Project, Ulverstone	15(2)(d) Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal
Ulverstone Cultural Precinct Guaranteed Maximum Price Expression of Interest – Consideration of the appointment of building contractor (215/2019 – 15.07.2019)	15(2)(b) information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business

Ulverstone Recreation Ground Changeroom Redevelopment Guaranteed Maximum Price Expression of Interest – Appointment of building contractor	15(2)(b) information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business.”
--	---

- Cr Beswick moved and Cr Viney 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 . Cradle Coast Authority Board – 29 August 2019	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Tenders – Kings Parade Upgrade Project, Ulverstone	15(2)(d) Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal
Ulverstone Cultural Precinct Guaranteed Maximum Price Expression of Interest – Consideration of the appointment of building contractor (215/2019 – 15.07.2019)	15(2)(b) . information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business
Ulverstone Recreation Ground Changeroom Redevelopment Guaranteed Maximum Price Expression of Interest – Appointment of building contractor	15(2)(b) information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business.”

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 Council moved into Closed session at 7.23pm.

Cr Diprose returned to the meeting at 7.23pm.

324/2019 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 16 September 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

325/2019 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:

- . Cradle Coast Authority Board – meeting held 29 August 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.”

INFRASTRUCTURE SERVICES

326/2019 Tenders – Kings Parade Upgrade Project, Ulverstone

The Director Infrastructure Services reported as follows:

“The Engineering Group Leader has prepared the following report:

PURPOSE

The purpose of this report is to make recommendation on tenders received for the Kings Parade upgrade project.

...

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.”

COMMUNITY SERVICES

**327/2019 Ulverstone Cultural Precinct Guaranteed Maximum Price Expression of Interest –
Consideration of the appointment of building contractor (215/2019 –
15.07.2019)**

The Director Community Services reported as follows:

“The Community Development Group Leader has prepared the following report:

‘PURPOSE

This report provides an overview of the Expressions of Interest (EOI) process to select a building contractor to tender for the Ulverstone Cultural Precinct (the Precinct) project.

328/2019 Adjournment of meeting

The meeting adjourned from 7.25pm – 8.10pm for Councillors to workshop and consider the content of the report and motion currently before the meeting.

The meeting resumed at 8.10pm.

327/2019 ...continued

...

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."

**329/2019 Ulverstone Recreation Ground Changeroom Redevelopment Guaranteed
Maximum Price Expression of Interest – Appointment of building contractor**

The Director Community Services reported as follows:

“The Community Development Group Leader has prepared the following report:

‘PURPOSE

This report provides an overview of the Expression of Interest process to select a building contractor to tender for the Ulverstone Recreation Ground Changeroom Redevelopment.

...

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.”

There being no further business, the Mayor declared the meeting closed at 8.13pm.

CONFIRMED THIS 18TH DAY OF NOVEMBER 2019.

Chairperson

(lb:Imm)

Appendices

- Minute No. 308/2019 – Schedule of Correspondence addressed to the Mayor and Councillors
- Minute No. 309/2019 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 310/2019 – Schedule of Contracts & Agreements
- Minute No. 311/2019 – Schedule of Statutory Determinations
- Minute No. 322/2019 – Financial Statements to 30 September 2019

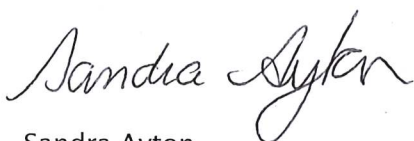
QUALIFIED PERSON'S ADVICE

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.



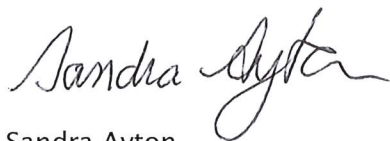
Sandra Ayton
GENERAL MANAGER

Associated Reports And Documents

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

Period: 17 September to 21 October 2019

- . Letter of protest against the proposed FOGO collection and request that the letter be tabled at the next Council meeting
- . A letter from the Department of State Growth in relation to feedback information on the North West Consultation for Bus Services
- . A letter seeking support from the Council and the Councillor's at the 2019 Ulverstone Show
- . Letter expressing disappointment of the introduction of the FOGO bin and the impact it will have on small business
- . Letter requesting to opt-out of the FOGO service
- . Email in relation to the Penguin District School's presentation to Council regarding the proposed construction of a shared usage multi-purpose facility in Central Coast
- . Letter of objection regarding the Development Application at 225 Penguin Road, West Ulverstone DA2019010
- . Email in relation to FOGO bin delivery.



Sandra Ayton
GENERAL MANAGER

SCHEDULE OF DOCUMENTS FOR AFFIXING OF
THE COMMON SEAL

Period: 17 September to 21 October 2019

Documents for affixing of the common seal under delegation

- . Staged Strata Plan
36 Risby Street, Ulverstone
Application No. DA214055
- . Final Plan of Survey and Schedule of Easement
Browns Lane, Penguin
Council Reference: ENG1872
- . Final Plan of Survey and Schedule of Easement
Lowanna Road, Gunns Plains
Council Reference: ENG1939
- . Final Plan of Survey
Explorer Drive, Turners Beach – subdivision – lots 8, 14 and 20
Application No. SUB2007.29
- . Deed of Surrender of Land
Central Coast Council and The Crown in Right of Tasmania
100 Queen Street, West Ulverstone
Register Volume 121241 Folio 1
- . Schedule of Easements
1A Main Road Penguin – subdivision – two lots
Application No. DA215140
- . Final Survey and Schedule of Easements
240 Westella Drive, Turners Beach
Application No. DA214154
- . Retail Agent (Consignment) Agreement – Collection of certain fees
Central Coast Council's Ulverstone Visitor Information Centre and Department
of Primary Industries, Parks, Water and Environment
Term of Agreement: 1 July 2019 – 30 June 2020

Final Survey Plan
Lot 3, Kilowatt Court, Ulverstone
Application No.: SUB 2003.44



Sandra Ayton
GENERAL MANAGER

SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

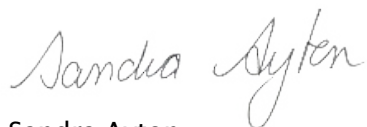
Period: 17 September to 21 October 2019

Contracts

- . Aldridge Traffic Systems Pty Ltd
Energy Efficient Street Lighting Hardware (luminaires and associated components) and Installation Services
Length of Agreement – 12 September 2019 until 31 December 2019
Net Price \$199,432.00 (inc. GST)
- . IronBark Group Pty Ltd
Project management and additional ancillary services relating to the provision of the Energy Efficient Street Lighting Installation Project/Great Southern Lights Project
Length of Agreement – 4 June 2019 until 30 June 2021
Net Price \$30,076.00 (plus GST)

Agreements

- . Deed of Variation to Grant Deed
Department of State Growth and Central Coast Council
Construction/extension of pedestrian cycle pathway between Blackburn Drive, Turners Beach and Allport Street, Leith (including re-decking of former Forth River Rail Bridge into a usable pathway)
Item 3 – Payment Method for Grant Instalments 2 and 3
Item 4 – Conditions precedent to payment of the Grant 2 and 3
Item 6 – Date for completion of the approved purpose
Item 7 – Reporting requirements
Item 8 – Special terms and conditions glossary



Sandra Ayton
GENERAL MANAGER

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

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2018163 – 1	3 Boathouse Lane HEYBRIDGE,TAS,7316	Minor amendment of a Permit.	Residential (redevelopment of existing dwelling and new shed)	13/08/2019	19/09/2019	1	\$300,000.00
DA2018169	16 Stephen Street FORTH,TAS,7310	Discretionary	Residential (dwelling)	4/12/2018	11/09/2019	28	\$300,000.00
DA2018226	340 Preservation Drive SULPHUR CREEK,TAS,7316	Discretionary	Residential (subdivision – 16 lots)	1/03/2019	17/09/2019	20	\$210,000.00
DA2018294	257 Penguin Road WEST ULVERSTONE,TAS,7315	Discretionary	Residential (subdivision x two and dwelling on Lot 1)	8/05/2019	16/09/2019	39	\$300,000.00
DA2018318	2A Gilbert Street FORTH,TAS,7310	Discretionary	Residential (dwelling)	5/06/2019	16/09/2019	41	\$500,000.00
DA2018328 – 1	6 Ling Street PENGUIN,TAS,7316	Discretionary	Residential (outbuilding – carport)	19/09/2019	24/09/2019	5	\$0.00
DA2018332	190 Preston Road GAWLER,TAS,7315	Discretionary	Residential (building envelope for non-required dwelling)	13/06/2019	11/09/2019	33	\$300,000.00
DA2018333	95A Leven Street ULVERSTONE,TAS,7315	Discretionary	Residential (multiple dwelling)	14/06/2019	26/09/2019	6	\$180,000.00
DA2019004	256 Preservation Drive SULPHUR CREEK,TAS,7316	Discretionary	Residential (dwelling)	2/07/2019	13/09/2019	29	\$0.00
DA2019021	229 Clerke Plains Road KINDRED,TAS,7310	Discretionary	Residential (outbuildings – carport and shed)	23/07/2019	24/09/2019	29	\$52,000.00

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

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2019024	109 Reibey Street ULVERSTONE,TAS,7315	Discretionary	Community meeting and entertainment, Food Services and General Retail and Hire	24/07/2019	16/09/2019	49	\$7,500,000.00
DA2019026	30 Hogarth Road SULPHUR CREEK,TAS,7316	Discretionary	Residential (outbuilding) – shed – proximity to the Bass Highway	25/07/2019	6/09/2019	30	\$60,000.00
DA2019027	6 Hill View Way WEST ULVERSTONE,TAS,7315	Discretionary	Residential (multiple dwellings – two)	26/07/2019	9/09/2019	35	\$236,000.00
DA2019030	Clara Street (CT 252413/1) WEST ULVERSTONE,TAS,7315	Discretionary	Residential (subdivision – 3 lots)	30/07/2019	16/09/2019	38	\$20,000.00
DA2019031	16 Boyes Street TURNERS BEACH,TAS,7315	Discretionary	Residential (ancillary dwelling/studio)	31/07/2019	9/09/2019	31	\$30,000.00
DA2019034	468 Raymond Road GUNNS PLAINS,TAS,7315	Permitted	Residential (dwelling additions)	1/08/2019	30/09/2019	12	\$220,000.00
DA2019035	36 Explorer Drive TURNERS BEACH,TAS,7315	Discretionary	Residential (dwelling and outbuilding – shed)	5/08/2019	11/09/2019	28	\$400,000.00
DA2019036	5 Gumnut Place ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling additions)	5/08/2019	4/09/2019	26	\$150,000.00
DA2019037	2 Tasma Parade WEST ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling)	7/08/2019	13/09/2019	30	\$350,000.00
DA2019039	333 South Road WEST ULVERSTONE,TAS,7315	Permitted	Residential (adjustment of a boundary)	5/08/2019	3/09/2019	21	\$5,000.00

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

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2019042	Shop 3/23 Alexandra Road ULVERSTONE,TAS,7315	Discretionary	Sports and Recreation (Gym)	12/08/2019	11/09/2019	29	\$15,000.00
DA2019046	20 Southern Cross Drive ULVERSTONE,TAS,7315	Discretionary	Residential (outbuilding – shipping container)	15/08/2019	18/09/2019	27	\$5,000.00
DA2019049	121 Cullens Road SOUTH PRESTON,TAS,7315	Discretionary	Residential (outbuilding – shed)	19/08/2019	24/09/2019	29	\$7,000.00
DA2019051	51 Susan Street TURNERS BEACH,TAS,7315	Discretionary	Residential (outbuilding – carport)	16/08/2019	18/09/2019	23	\$3,400.00
DA2019052	42 Explorer Drive TURNERS BEACH,TAS,7315	Discretionary	Residential (dwelling)	21/08/2019	26/09/2019	6	\$300,000.00
DA2019054	29 Ashwater Crescent PENGUIN,TAS,7316	Discretionary	Residential (outbuilding – shed)	23/08/2019	24/09/2019	25	\$6,000.00
DA2019056	1 Arcadia Avenue TURNERS BEACH,TAS,7315	Permitted	Residential (dwelling)	23/08/2019	18/09/2019	16	\$400,000.00

SCHEDULE OF STATUTORY DETERMINATIONS

MADE UNDER DELEGATION

Period: 1 September 2019 to 30 September 2019

Building Permits – 5

• New dwellings	3	\$968,895
• Outbuildings	0	\$0.00
• Additions/Alterations	2	\$145,000
• Other	0	\$0.00
• Units	0	\$0.00

Demolition Permit – 0

Permit of Substantial Compliance – Building – 0

Notifiable Work – Building – 8

• New dwellings	2	\$715,000
• Outbuildings	1	\$35,000
• Additions/Alterations	3	\$82,200
• Other	2	\$84,000

Building Low Risk Work – 8

Certificate of Likely Compliance – Plumbing – 10

No Permit Required – Plumbing – 4

Food Business registrations (renewals) – 6

Food Business registrations – 3

Temporary Food Business registrations – 0

Temporary 12 month Statewide Food Business Registrations – 1

Public Health Risk Activity Premises Registration – 0

Public Health Risk Activity Operator Licences – 0

Temporary Place of Assembly licences – 0

Kennel Licences issued –

Address

Owner

1704 Pine Road, South Riana

Emily Fielding

16 Helen Street, Ulverstone

Amanda Lewis

Animal Permits

Nil

Abatements

2 River Road, West Ulverstone

Declan Banim



Barry Omundson
DIRECTOR COMMUNITY SERVICES

Central Coast Council
Statement of Comprehensive Income for the period ended 30 September 2019

Note	Budget 2020 \$	YTD Budget 2020 \$	Actual 2020 \$	Variance \$
Income				
Recurrent Income				
1 Rates and charges	16,364,182	16,364,182	16,190,080	(174,102)
2 Fees and charges	4,236,862	1,059,216	1,032,449	(26,767)
3 Government grants	4,013,000	1,003,250	1,471,083	467,833
4 Contributions - cash	781,669	195,417	207,029	11,612
5 Share of net profits/(losses) of associates	650,000	-	-	-
6 Interest	301,500	75,375	12,050	(63,325)
7 Other income	274,113	68,528	(28,734)	(97,262)
8 Investment revenue	1,200,000	-	-	-
	27,821,326	18,765,968	18,883,956	117,988
Capital income				
9 Capital grants	770,000	192,500	100,000	(92,500)
10 Capital contributions	10,297,038	-	-	-
11 Net gain/(loss) on disposal of assets	2,930,000	-	-	-
	13,997,038	192,500	100,000	- 92,500
Total Income	41,818,364	18,958,468	18,983,956	25,488
Expenses				
12 Employee benefits	10,571,553	2,642,888	2,644,481	(1,593)
13 Materials and services	9,803,241	2,450,810	2,739,428	(288,618)
14 Depreciation and amortisation	6,247,603	1,561,901	1,562,169	(268)
15 Finance costs	361,298	90,325	69,349	20,974
16 Other expenses	373,000	93,250	75,913	17,337
Total expenses	27,356,695	6,839,174	7,091,340	(252,168)
Operating result	14,461,669	12,119,294	11,892,616	226,678
Other comprehensive income				
Items that will not be reclassified to surplus or deficit				
Net asset revaluation increment/(decrement) Council	-	-	-	-
Net asset revaluation increment/(decrement) Associates	-	-	-	-
Fair Value adjustment on equity investment	-	-	-	-
Total Other Comprehensive Income	-	-	-	-
Comprehensive Income	14,461,669	12,119,294	11,892,616	226,678

Notes

Recurrent Income

- 1 Rates is above budget expectations due to the 2019-2020 rates being generated using the general land revaluation effective from 29 June 2019.
- 2 Is within budget expectations.
- 3 Government grants is above budget expectation due to receipt of the Federal Assistance Grant instalment.
- 4 Is within budget expectations.
- 5 Is within budget expectations.
- 6 Interest on term deposit investments are due to mature in October 2019.
- 7 Is within budget expectations.
- 8 Is within budget expectations.

Capital income

- 9 Revenue relates to Urban Roads RTR quarterly payment.
- 10 Is within budget expectations.
- 11 Is within budget expectations.

Expenses

- 12 Is within budget expectations.
- 13 Is within budget expectations.
- 14 Is within budget expectations.
- 15 Interest bearing liabilities are due to a combination of the timing of interest payments due in October and the accrued interest payments relating to the previous financial year.
- 16 Other expenses is below budget expectation due to the accrual of Other Expenses in the previous year and the timing of the related payment to be paid in October 2019.

Central Coast Council
Statement of Financial Position
as at 30 September 2019

Note	30 June 2019	30 September 2019	Movement
	\$	\$	\$
Assets			
Current assets			
1 Cash and cash equivalents	11,409,067	18,959,211	7,550,145
2 Trade and other receivables	627,057	4,376,180	3,749,123
3 Assets held for sale	395,500	395,500	-
4 Other assets	469,134	700,519	231,384
Total current assets	12,900,758	24,431,410	11,530,652
Non-current assets			
5 Investment in Regional Waste Management Authority	6,130,257	6,130,257	-
6 Investment in Water Corporation	87,013,228	87,013,228	-
7 Property, infrastructure, plant and equipment (PIPE)	457,605,030	456,043,129	(1,561,901)
8 Capital work in Progress	2,053,930	2,996,182	942,252
Total non-current assets	552,802,445	552,182,796	(619,649)
Total assets	565,703,203	576,614,206	10,911,003
Liabilities			
Current liabilities			
9 Trade and other payables	1,953,970	57,674	1,896,296
10 Trust funds and deposits	275,161	276,575	(1,414)
11 Provisions	4,215,771	4,215,771	(0)
12 Interest bearing liabilities	180,688	156,133	24,555
Total current liabilities	6,625,590	4,706,153	1,919,437
Non-current liabilities			
13 Provisions	2,118,486	2,118,486	-
14 Interest bearing liabilities	10,009,709	10,009,709	-
Total non-current liabilities	12,128,195	12,128,195	-
Total liabilities	18,753,785	16,834,348	(1,919,437)
Net Assets	546,949,418	559,779,858	12,830,441
Equity			
15 Accumulated surplus	255,697,348	268,527,788	12,830,440
16 Reserves	291,252,070	291,252,070	-
Total Equity	546,949,418	559,779,858	12,830,440

Notes

Current Assets

- 1 Payments of rates during this quarter has significantly increased the cash balance.
- 2 Increase is due to rates debtors being raised at the start of this period.
- 3 No Land held for sale has been sold to date.
- 4 Other Asset movements relate to 2018-2019 prepaid expenses.

Non Current Assets

- 5 Nil movement
- 6 Nil movement
- 7 PIPE movement relates to depreciation accruals relating to this period.
- 8 Capital works program expenditure as at the end of this reporting period.

Current Liabilities

- 9 This is the amount of accounts payable at 30 September 2019.
- 10 This is the amount of trust funds payable at 30 September 2019.
- 11 Nil movement
- 12 This amount relates to the payments made on loans due during this period.

Non Current Liabilities

- 13 Nil movement
- 14 Nil movement

Equity

- 15 Movement reflects Comprehensive Income Statement surplus as at 30 September 2019.
- 16 Nil movement

Central Coast Council
Operating budgets as at 30 September 2019

	Adopted Budget 2020 \$	Current Budget 2020 \$	YTD Budget 30 Sept 2019 \$	YTD Actuals 30 Sept 2019 \$	Variation \$	% Variation	Note
GENERAL MANAGEMENT							
Office of General Manager							
Strategic Projects	- 9,742,500	- 9,742,500	10,000	7,791	- 2,209		
Property Management	- 13,500	- 13,500	- 3,375	- 1,910	1,465		
Elected Members	596,373	596,373	149,100	164,186	15,086		
General Managers Office	1,027,926	1,027,926	256,968	266,347	9,379		
	- 8,131,701	- 8,131,701	412,693	436,414	23,721	6%	1
INFRASTRUCTURE SERVICES							
Engineering Services							
Engineering	-	-	-	377,964	377,964		
Fleet	-	-	-	17,899	17,899		
Plant	-	-	-	116,140	116,140		
	-	-	-	512,003	395,863		2
Works							
Private Works	- 20,000	- 20,000	- 5,006	- 18,020	- 13,014		
Roads - Urban Sealed	1,342,000	1,342,000	335,476	31,037	- 304,439		
Roads - Rural Sealed	1,996,500	1,996,500	499,089	213,615	- 285,474		
Roads - Rural Unsealed	409,500	409,500	102,303	17,116	- 85,187		
Footpaths	707,000	707,000	176,711	45,263	- 131,448		
Bridges	300,000	300,000	74,991	19,778	- 55,213		
Carparks	96,000	96,000	24,000	4,194	- 19,806		
Street Lighting	440,000	440,000	109,997	36,767	- 73,230		
Drainage	700,000	700,000	174,931	30,166	- 144,765		
Parks	1,790,000	1,790,000	447,299	354,661	- 92,638		
Public Amenities	440,400	440,400	110,037	65,917	- 44,120		
Cemeteries	257,500	257,500	64,342	43,814	- 20,528		
	8,458,900	8,458,900	2,114,170	844,308	- 1,269,862	-60%	3
Depot							
Works Depot and Store	-	-	-	260,037	260,037		
Emergency Services	161,000	161,000	40,229	6,932	- 33,297		
Household Garbage	3,432,500	3,432,500	858,104	474,733	- 383,371		
Non-Household Garbage	362,500	362,500	90,619	61,017	- 29,602		
	3,956,000	3,956,000	988,952	802,719	- 186,233	-19%	4
COMMUNITY SERVICES							
Community Services							
Community Development	739,677	739,677	184,908	161,774	- 23,134		
Housing	- 34,320	- 34,320	- 8,571	3,657	12,228		
Cultural Amenities	330,750	330,750	82,701	84,990	2,289		
Public Halls and Buildings	179,750	179,750	44,768	6,025	- 38,743		
Swimming Pool and Waterslide	4,000	4,000	976	- 3,839	- 4,815		
Active Recreation	1,053,262	1,053,262	263,224	104,573	- 158,651		
Recreation Centres	440,522	440,522	110,105	37,105	- 73,000		
Cultural Activities	154,500	154,500	38,607	44,262	5,655		
Community Contribs & Supt	47,100	47,100	11,784	15,476	3,692		
Visitor Information Services	189,500	189,500	47,354	35,315	- 12,039		
	3,104,741	3,104,741	775,856	489,338	- 286,518	-37%	5
Childrens Services							
Child Care	- 26,620	- 26,620	- 6,703	- 128,990	- 122,287		
Penguin Play Centre	- 4,000	- 4,000	- 1,003	320	1,323		
	- 30,620	- 30,620	- 7,706	- 128,670	- 120,964	1570%	6
Regulatory Services							
Building and Plumbing	258,066	258,066	64,521	58,193	- 6,328		
Environment and Health	238,334	238,334	59,603	71,115	11,512		
Parking Control	52,950	52,950	13,215	15,199	1,984		
Animal Control	44,962	44,962	11,239	- 9,542	- 20,781		
	594,312	594,312	148,578	134,965	- 13,613	-9%	7
Land Use Planning							
Land Use Planning	346,809	346,809	86,709	77,673	- 9,036		
	346,809	346,809	86,709	77,673	- 9,036	-10%	8
ORGANISATIONAL SERVICES							
Corporate Services							
Administration	429,400	429,400	107,353	122,251	14,898		
Administration Centre	231,400	231,400	57,817	254,142	196,325		
Caravan Parks	- 48,700	- 48,700	- 12,178	- 33,703	- 21,525		
Corporate Support Services	785,500	785,500	196,387	267,136	70,749		
	1,397,600	1,397,600	349,379	609,826	260,447	75%	9
Finance							
Finance	- 1,715,800	- 1,715,800	- 428,944	- 15,433	413,511		
Rates	- 16,364,182	- 16,364,182	- 16,364,182	- 17,127,904	- 763,722		
Government Contributions	- 3,188,000	- 3,188,000	- 796,997	- 1,391,327	- 594,330		
Labour Oncosts	-	-	-	- 141,732	- 141,732		
	- 21,267,982	- 21,267,982	- 17,590,123	- 18,676,396	- 1,086,273	6%	10
Organisational Services Director							
Organisational Services Directo	234,887	234,887	58,730	27,036	- 31,694		
	234,887	234,887	58,730	27,036	- 31,694	-54%	11

Central Coast Council
Notes for Operating Budgets @ 30 September 2019

Note	Area	Comment
1	Office of General Manager	The Office of General Manager is within budget expectations.
	Engineering Services	Due to the relationship between on-costs recovery and completed works it is anticipated that the YTD actuals for Engineering Services will not match budget until the completion of the reporting period 2019-20.
2		
3	Works	The Works budget is well below budget expectations due to the seasonal structure of the major works program with major works not being scheduled over the winter months.
4	Depot	The Depot expenditure is within budget expectation.
	Community Services	Community Services is below budget expectation due to both revenue and expenditure being impacted by seasonal usage, usage is expected to be low during the winter months.
5		
	Children's Services	Government contributions for families has resulted in higher than budgeted revenue for Children's services.
6		
7	Regulatory Services	Regulatory Services is within budget expectations.
8	Land Use Planning	Land Use Planning is within budget expectations.
9	Corporate Service	Corporate Services is above budget expectations due to payment of the 2019-2020 insurance premium being allocated solely to this cost centre with the allocation yet to be distributed to the relevant cost centre budgets.
10	Finance	Finance is within budget expectations.
	Organisational Services Director	The Organisational Services Director budget is below budget expectation due to the current vacancy of this position.
11		

**A SUMMARY OF RATES & FIRE SERVICE LEVIES
FOR THE PERIOD ENDED 30 SEPTEMBER 2019**

	2018/2019		2019/2020	
	\$	%	\$	%
Rates paid in Advance	- 1,087,032.00	-7.08	- 1,202,988.01	-7.46
Rates Receivable	226,686.72	1.48	198,235.42	1.23
Rates Demanded	16,167,949.24	105.36	17,102,786.24	106.07
Supplementary Rates	37,464.45	0.24	25,572.37	0.16
	15,345,068.41	100.00	16,123,606.02	100.00
Collected	11,539,645.90	75.20	12,262,255.65	76.05
Add Pensioners – Government	875,880.50	5.71	903,069.90	5.60
Pensioners – Council	34,300.00	0.22	34,755.00	0.22
	12,449,826.40	81.13	13,200,080.55	81.87
Discount Allowed	630,813.23	4.11	666,815.50	4.14
Paid in advance	- 402,336.03	-2.62	- 412,977.36	-2.56
Outstanding	2,666,764.81	17.38	2,669,687.33	16.56
	15,345,068.41	100.00	16,123,606.02	100.00



Rachel Stratton
ASSISTANT ACCOUNTANT

3-Sep-2019

Works Program 2019-2020

(Schedule indicates site construction only)

Status	Task Name	Budget	Actual Expenditure	Notes	Scheduling Comments	June 17/24	July 1 8 15 22 29	August 5 12 19 26	September 2 9 16 23 30	October 7 14 21 28	November 4 11 18 25	December 2 9 16 23 30	January 6 13 20 27	February 3 10 17 24	March 2 9 16 23 30	April 6 13 20 27	May 4 11 18 25	June 1 8 15 22 29	July 6 13 20 27	
	Works Schedule 2019-2020	\$26,454,497	\$843,001																	
	CAPITAL WORKS PROGRAM 2019-2020	\$26,454,497	\$843,001																	
	Strategic Projects	\$16,431,000	\$188,445																	
	Coastal Pathway	\$6,600,000	\$24,139		Delayed due to TasRail approval															
	LED Street Lighting	\$1,000,000	\$0																	
	Turners Beach - Leith Shared Pathway	\$1,331,000	\$0																	
	Ulverstone Cultural Precinct	\$7,500,000	\$164,306																	
	Property Management	\$900,000	\$24,649																	
	Dial Road Development	\$700,000	-\$439	Subdivision construction & drainage line																
	East Ulverstone Industrial Estate	\$100,000	\$0																	
	Penguin Depot decommission	\$100,000	\$25,088																	
	Works Depot	\$115,000	\$0																	
	Ulverstone Depot - painting	\$5,000	\$0																	
	Ulverstone Depot - shed roof renewal	\$10,000	\$0	Building upgrade																
	Ulverstone Depot - Trevor Street wall	\$100,000	\$0	Scope increase to include window replacement																
	Emergency Services	\$70,000	\$9,367																	
	Emergency power supply	\$60,000	\$9,367	Generator and switchboard on order																
	SES Equipment Upgrade	\$10,000	\$0																	
	Roads - Urban Sealed	\$2,044,000	\$167,974																	
	Street Resealing	\$0	\$0	Preparation works																
	Street Resealing	\$300,000	\$14,113	As per program																
	Carpark Lane Improvements	\$250,000	\$0																	
	CBD Bollards	\$30,000	\$0	Event safety																
	Cluan Crescent/Neil Crescent - rehabilitation	\$200,000	\$10,934	Road rehabilitation	Delayed due to TasNetwork spotter availab															
	Kerb Ramp Improvements	\$20,000	\$0	As per program																
	King Edward Street, Ulverstone - kerb and channel	\$200,000	\$0	King Edward St/Grove St corner improvements																
	Kings Parade	\$150,000	\$157	Bridge RAB to Jermyn Street																
	Kings Parade/Queen's Gardens	\$595,000	\$0	Access improvements																
	Queen Street/Hobbs Parade - intersection	\$50,000	\$1,638	Kerb and drainage improvements																
	Railway Crossings	\$20,000	\$0																	
	Reibey Street/Kings Parade	\$159,000	\$0	Intersection realignment																
	Safe Cycling Routes	\$5,000	\$0																	
	South Road/Dial Road, Penguin - safety improvements	\$50,000	\$23,364	Pedestrian safety under VRUP																
	South Road, Ulverstone - retaining wall	\$5,000	\$0	Retaining Wall Design east of Hearps																
	Sports Complex Avenue	\$0	\$115,415	C/O Widen and K&C																
	Traffic Management/Safety Improvements	\$10,000	\$2,353	Works as required from TMC																
	Roads - Rural Sealed	\$1,561,000	\$223,359																	
	Road Resealing	\$0	\$0	Preparation works																
	Road Resealing	\$800,000	\$23,259	Sealing works																
	Beinefeldts Road	\$96,000	\$159,419	C/O Widen & Seal																
	Guidepost installation program	\$200,000	\$0																	
	Intersection Improvements	\$20,000	\$0																	
	Isandula Road	\$380,000	\$0	Road rehabilitation (slip)																
	McKenna's Road	\$0	\$20,711	Site distance improvements																
	Penguin Road Landslip	\$50,000	\$0	As required																
	Penguin Road Safe Cycle Use	\$0	\$19,970	Signage and overtaking facilities																
	Raymond Road Landslip	\$10,000	\$0	As required																
	Traffic Management	\$5,000	\$0	Works as required from TMC																
	Footpaths	\$440,000	\$0																	
	Lovett Street	\$140,000	\$0	New footpath in vicinity of school																
	Turners Avenue	\$300,000	\$0	Turners Bch Rd to Albert St																
	Bridges	\$520,000	\$3,091																	
	Castra Road bridge approaches	\$60,000	\$0	Barrier upgrade																
	Claytons Rivulet, Rodmans Road	\$320,000	\$3,091	Bridge replacement																
	Forth River, Forth Road Flood Opening	\$60,000	\$0	Concrete repairs & joint re-seal																
	Leven River, South Riana Road	\$80,000	\$0	Abutment sheeting repair																
	Car Parks	\$325,000	\$0																	
	Anglican Church car park	\$220,000	\$0	Regrade, resurface & linemark...																
	North Reibey Street	\$105,000	\$0	Investigations, Layout Improvements																

Date: Tue 8/10/19

+ Task

Progress

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(Schedule indicates site construction only)

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Task Progress

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