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**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, 17 February 2020 commencing at 6.00pm.**

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**Councillors attendance**

Cr Jan Bonde (Mayor)	Cr John Beswick
Cr Garry Carpenter (Deputy Mayor)	Cr Amanda Diprose
Cr Cheryl Fuller	Cr Casey Hiscutt
Cr Annette Overton	Cr Tony van Rooyen
Cr Philip Viney	

**Employees attendance**

General Manager (Ms Sandra Ayton)  
Director Community Services (Mrs Jackie Harvey)  
Director Infrastructure Services (Mr Paul Breaden)  
Director Organisational Services (Mr Ian Stoneman)  
Land Use Planning Group Leader (Ms Mary-Ann Edwards)  
Executive Services Officer (Mrs Lou Brooke)

**Media attendance**

The media was not represented.

**Public attendance**

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

**Prayer**

The meeting opened in prayer.

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## CONFIRMATION OF MINUTES OF THE COUNCIL

### 35/2020 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 28 January 2020 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 Viney moved and Cr Hiscutt seconded, “That the minutes of the previous ordinary meeting of the Council held on 28 January 2020 be confirmed.”

Carried unanimously

## COUNCIL WORKSHOPS

### 36/2020 Council workshops

The Executive Services Officer reported as follows:

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

- . 03.02.2020 – Cultural Awareness Session – Reconciliation Tasmania
- . 10.02.2020 – East Ulverstone ‘Learn to Swim’ Swimming Pool; Draft Dog Management Policy; Historic buildings at the Ulverstone History Museum site

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

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

Carried unanimously

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## **MAYOR'S COMMUNICATIONS**

### **37/2020 Mayor's communications**

The Mayor reported as follows:

"I have no communications at this time."

### **38/2020 Mayor's diary**

The Mayor reported as follows:

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

- . Launch of Tassie's Top Tourism Town with Premier Peter Gutwein – Latrobe
- . Walk With Us – A celebration of Tasmanian Aboriginal Culture, guest speaker – Ulverstone
- . Owners Representatives Quarterly Briefings, TasWater – Devonport
- . Afternoon Tea with Rebecca White MP and Anita Dow MP – Burnie
- . 150<sup>th</sup> Anniversary for Ulverstone Primary School, Guest Speaker – Ulverstone
- . She Sails Launch – Ulverstone."

The Deputy Mayor reported as follows:

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

- . Over 50's Mayor's Cup Cricket Game – Ulverstone."

■ Cr van Rooyen moved and Cr Viney seconded, "That the Mayor and Deputy Mayor's reports be received."

Carried unanimously

### **39/2020 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."

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The Executive Services Officer reported as follows:

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

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

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

No interests were declared at this time.

## **COUNCILLOR REPORTS**

### **40/2020      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 a recent meeting of Slipstream Circus Board Inc.

Cr Fuller reported on a recent meeting of the Penguin Miniature Railway Management Committee.

## **APPLICATIONS FOR LEAVE OF ABSENCE**

### **41/2020      Leave of absence**

The Executive Services Officer reported as follows:

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“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**

#### **42/2020      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**

#### **43/2020      Petition – Kerbside Garbage and Food and Garden Organics collection**

The Executive Services Officer reported as follows:

“The following petition has been received:

‘SUBJECT MATTER	Kerbside Garbage and Food and Garden Organics Collection.	
STATEMENT OF SUBJECT MATTER AND ACTION REQUESTED	That the Central Coast Council: <ul style="list-style-type: none"><li>. immediately resume weekly kerbside collection of general garbage, and</li><li>. Immediately rescind the compulsory Food and Garden Organics Collection program.</li></ul>	
SIGNATORIES	Total No. Entries:	1587
	Duplicates:	97

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Invalid: ( <i>incomplete entry or in support of FOGO</i> )	32
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<b>TOTAL</b>	<b>1458.'</b>
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A copy of the petition is attached. The petition is in compliance with s.57 of the *Local Government Act 1993* and accordingly is able to be tabled. In reviewing the petition, it should be noted that the compliant signatory count is 1458.

The General Manager reported as follows:

'In accordance with s.58 of the *Local Government Act 1993*, the General Manager is to table the petition at the next ordinary meeting of the Council, the petition has been appended to this report, enabling the Council to receive it.

A report on the outcomes of the Food Organics and Garden Organics (FOGO) review will be submitted to the 20 April 2020 Ordinary Council Meeting. The subject matter and actions requested within this petition will be considered during the FOGO review and a response relating to the petition's subject matter and actions will also form part of the 20 April 2020 report to Council.'

- Cr van Rooyen moved and Cr Carpenter seconded, "That the petition be received."

Carried unanimously

## COUNCILLORS' QUESTIONS

### 44/2020 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.
  - (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.'

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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.

#### **45/2020      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**

#### **46/2020      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).”



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**47/2020      Public questions taken on notice**

The Executive Services Officer reported as follows:

“At the 28 January 2020 Ordinary Council Meeting, Mr Declan Banim asked the following questions without notice, which was responded to by the Mayor who advised that matter would be investigated, and a response provided.

*Question 1:*

“I was just wondering in reference to page 37, line 6, I was wondering how you would distinguish a right of way?”

*Response:*

“In response to your question raised at the Council’s meeting held 28 January 2020 as to “what is a right of way?”. This is a colloquial expression for what is technically described as a right of carriageway.

I refer to a definition found in Schedule 8 of the *Conveyancing and Law of Property Act 1884*:

*‘Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment, and every person authorized by him, to go, pass, and repass at all times and for all purposes with or without animals or vehicles or both to and from the said dominant tenement or any such part thereof.’*

I would suggest that any further understanding of the meaning of a right of way be obtained from your legal advisor.”

■ Cr Beswick moved and Cr Fuller seconded, “That the question from Mr Banim and the Mayor’s response is received and noted.”

Carried unanimously

**DEPARTMENTAL BUSINESS**

**GENERAL MANAGEMENT**

**48/2020 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 29 January to 17 February 2020 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 Viney moved and Cr Diprose 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

**49/2020 Common seal**

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 29 January to 17 February 2020 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 van Rooyen moved and Cr Hiscutt 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

#### **50/2020      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 29 January to 17 February 2020 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 Viney 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

**51/2020      Statutory determinations**

The Director Community Services reported as follows:

“A Schedule of Statutory Determinations made during the month of January 2020 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 Beswick seconded, “That the Schedule of Statutory Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**52/2020      Council acting as a planning authority**

The Mayor reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide that if a council intends to act at a meeting as a planning authority under the *Land Use Planning and Approvals Act 1993*, the chairperson is to advise the meeting accordingly.

The Director Community Services has submitted the following report:

‘If any such actions arise out of Minute No.s 53/2020, 54/2020 and 55/2020, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Officer reported as follows:

“Councillors are reminded that the *Local Government (Meeting Procedures) Regulations 2015* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.”

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

Carried unanimously

**53/2020      Visitor accommodation (cabins x 20 and associated car parking) – changes to an existing non-conforming use and proximity to Bass Strait at 2 Picnic Point Road, West Ulverstone – Application No. DA2019082**

The Director Community Services reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2019082
<i>PROPOSAL:</i>	Visitor accommodation (cabins x 20 and associated car parking) – changes to an existing non-conforming use and proximity to Bass Strait
<i>APPLICANT:</i>	Julian Willoughby Apex Club of Ulverstone
<i>LOCATION:</i>	2 Picnic Point Road, West Ulverstone
<i>ZONE:</i>	Environmental Management
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	8 January 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	22 January 2020
<i>REPRESENTATIONS RECEIVED:</i>	Four
<i>42-DAY EXPIRY DATE:</i>	31 January 2020 – extension of time until 17 February 2020
<i>DECISION DUE:</i>	17 February 2020
<i>PURPOSE</i>	

The purpose of this report is to consider an application for Visitor accommodation (cabins x 20 and associated car parking) at 2 Picnic Point Road, West Ulverstone, also known as Apex Caravan Park.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representations;
- . Annexure 4 – photographs;
- . Annexure 5 – TasWater Submission to Planning Authority Notice;
- . Annexure 6 – Statement of Compliance by the Stormwater Authority.

### *BACKGROUND*

#### *Development description –*

Application has been made for Visitor accommodation on land known as 2 Picnic Point Road, West Ulverstone, also known as Apex Caravan Park.

The proposal includes the construction of 20 cabins and associated car parking spaces. Proposal includes a 9m x 9m shed to be constructed at a later stage. The 20 cabins will be scattered around the existing reception building and other buildings located to the right of the site.

The proposal includes three types of cabins.

- . Type one would be 9.2m x 6.7m and includes a timber 15m<sup>2</sup> deck. This cabin would comprise two bedrooms, bathroom and open plan kitchen/dining/lounge room. There would be ten of the Type one cabins. Type one cabins would include two that is wheelchair accessible.
- . Type two would be 9.9m x 5.2m and includes a timber 11m<sup>2</sup> deck. This cabin would comprise two bedrooms, bathroom, separate toilet and an open plan lounge room/dining/kitchen. There would be six of the Type two cabins.
- . Type three would be 10m x 4.7m. This cabin would comprise three bedrooms, a kitchenette and living area. There would be four of the Type three cabins.

The proposal includes the construction of a carpark to accommodate 13 car spaces. This car park would be located to the immediate right as you enter the caravan park. In addition to the car park, cabin Types one and two would each have a single car parking space adjoining the cabins.

Internal driveway upgrades and works would occur around the proposed cabins to allow easy access and would join onto the existing internal driveway access at the caravan park.

#### *Site description and surrounding area –*

The Apex Caravan Park is located to the north-east of Queen Street in West Ulverstone and is land that abuts Bass Strait.

The site is zoned Environmental Management due to the proximity to Bass Strait. The site has been highly modified over the years and is used solely as a caravan park, with camping sites (both permanent and temporary) located on the modified site to ensure optimal ocean views and access to the beach.

The railway line extends along the site's entire frontage. Due to the alignment of the railway line, both vehicular and pedestrian access to the site proceeds over the railway line.

It has been identified that a Penguin habitat is along the site's beach frontage to Bass Strait. The site has existing vegetation between the site and Bass Strait with no vegetation proposed to be removed as part of this application.

The land to the south and west of the site is zoned General Residential and developed for residential purpose.

#### *History –*

The site is the Apex Caravan Park and contains both permanent and temporary cabins as well as camping sites for both vans and tents. The site has provisions for both powered and non-powered van sites.

#### *DISCUSSION*

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

## 29.0 Environmental Management

CLAUSE	COMMENT
<b>29.3 Use Standards</b>	
<b>29.3.1 Use in a statutory conservation reserve</b>	
<p>29.3.1-(A1) The relevant conservation management agency must advise –</p> <ul style="list-style-type: none"> <li>(a) the use is in accordance with any applicable reserve management plan;</li> <li>(b) it is satisfied the health and safety of people, property and the environment is not at risk from the use; and</li> <li>(c) any conditions and requirements for protection, conservation, or management.</li> </ul>	<p>Not applicable.</p> <p>The site is not a statutory conservation reserve.</p>
<b>29.3.2 Discretionary permit use</b>	
<p>29.3.2-(A1) Discretionary permit use, other than residential use, must be –</p>	<p>Not applicable.</p> <p>Use is not discretionary. Use is an existing non-conforming use.</p> <p>Refer to the “Issues” section of this report</p>



<p>(a) on a site that is not located in an area of significant ecological, scientific, cultural or aesthetic value; or</p> <p>(b) consistent with any advice or decision of the relevant entity for a statutory outcome applying for protection, conservation and management of a significant ecological, scientific, cultural, or aesthetic value of the land or adjacent land.</p>	
<b>29.3.3 Required residential use</b>	
<p>29.3.3–(A1) Residential use required as part of a protection and conservation or hazard management use must –</p> <p>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</p> <p>(b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;</p> <p>(c) not intensify an existing lawful residential use;</p> <p>(d) replace an existing lawful residential use;</p> <p>(e) not create a new residential use through conversion of an existing building; or</p>	<p>Not applicable.</p> <p>Not a required residential use.</p>

<p>(f) be home based business in association with occupation of an existing lawful and structural sound residential building; and</p> <p>(g) there is no change in the title description of the site on which the residential use is located.</p>	
<b>29.3.4 Residential use</b>	
<p>29.3.4–(A1) Residential use that is not required as part of a protection and conservation or hazard management use must –</p> <p>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</p> <p>(b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;</p> <p>(c) not intensify an existing lawful residential use;</p> <p>(d) replace an existing lawful residential use;</p> <p>(e) not create a new residential use through conversion of an existing building; or</p>	<p>Not applicable.</p> <p>Not residential use.</p>

<p>(f) be home based business in association with occupation of an existing lawful and structural sound residential building; and</p> <p>(g) there is no change in the title description of the site on which the residential use is located.</p>	
<b>29.4.1 Development in a statutory conservation area</b>	
<p>29.4.1 – (A1) The relevant conservation management agency must advise –</p> <p>(a) the use is in accordance with any applicable reserve management plan;</p> <p>(b) it is satisfied the health and safety of people, property and the environment is not at risk from the development; and</p> <p>(c) any conditions and requirements for protection, conservation, or management.</p>	<p>Not applicable.</p> <p>The site is not a statutory conservation reserve.</p>
<b>29.4.2 Suitability of a site or lot for use or development</b>	
<p>29.4.2 –(A1) A site or each lot on a plan of subdivision must:</p>	<p>(a)(i) Compliant. Site area is 3.76ha.</p>

<p>(a) have an area of not less than 1000m<sup>2</sup> excluding any access strip:</p> <p>(b) if intended for a building, have a building area –</p> <p>(i) of not more than 2000m<sup>2</sup> or 20% of the area of the site, whichever is the greater;</p> <p>(ii) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(iii) clear of any applicable setback from a zone boundary;</p> <p>(iv) clear of any registered easement;</p> <p>(v) clear of any registered right-of-way benefiting other land;</p> <p>(vi) clear of any restriction imposed by a utility;</p> <p>(vii) not including an access strip; and</p> <p>(viii) accessible from a frontage or access strip.</p>	<p>(b)(i) Compliant. Cabin development would be 1,048m<sup>2</sup> in total.</p> <p>(b)(ii) Compliant. Cabins would meet all setback requirements as outlined in Clause 29.4.3.</p> <p>(b)(iii) Not applicable. Site does not adjoin a zone boundary.</p> <p>(b)(iv) Not applicable. Site does not have any registered easements.</p> <p>(b)(v) Not applicable. No registered right-of-way.</p> <p>(b)(vi) Not applicable. No restriction imposed by a utility.</p> <p>(b)(vii) Not applicable. No access strip.</p> <p>(b)(viii) Compliant. Site is accessible from Queen Street.</p>
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<p>29.4.2–(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <ul style="list-style-type: none"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</li> <li>(c) by a right of way connecting to a road <ul style="list-style-type: none"> <li>(i) over land not required as the means of access to any other land; and</li> <li>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</li> </ul> </li> <li>(d) with a width of frontage and any access strip or right-of-way of not less than 6.0m:</li> <li>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and</i></li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Site has access off Queen Street.</li> <li>(b) Not applicable. Not an internal lot.</li> <li>(c) Not applicable. Site not accessed by a right of way.</li> <li>(d) Compliant. Frontage to Queen Street is approximately 300m.</li> <li>(e) Compliant. Council as a Road Authority have stated they have no issues with the existing access off Queen Street.</li> </ul>
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<p><i>Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right-of-way to the site or each lot on a proposed subdivision plan.</p>	
<p>29.4.2–(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply:</p> <p>(a) provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) from a rechargeable drinking water system <sup>R4</sup> 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) Compliant. The site is connected to the reticulated water system. A Submission to Planning Authority Notice has been issued by TasWater. Refer to Condition 2 of Permit.</p> <p>(b) Not applicable. Satisfied by (a).</p>

<p>29.4.2 –(A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and liquid trade waste:</p> <p>(a) to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) by on-site disposal if:</p> <p>(i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development:</p> <p>a. is for a single dwelling; or</p> <p>b. provides for an equivalent population of not more than 10 people per day; or</p> <p>c. creates a total sewage and waste water flow of not more than 1,000 litres per day; and</p> <p>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS1547:2012 On-site domestic-wastewater management, clear of any defined building area or access strip.</p>	<p>(a) Compliant. The site is connected to the reticulated sewage system. A Submission to Planning Authority Notice has been issued by TasWater. Refer to Condition 2 of Permit.</p> <p>(b) Not applicable. Satisfied by (a).</p>
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<p>29.4.2–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p> <p>(a) to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <p>(i) for discharge to a natural drainage line, water body, or watercourse; or</p> <p>(ii) for disposal within the site if:</p> <p>a. the site has an area of not less than 5,000m<sup>2</sup>;</p> <p>b. the disposal area is not within any defined building area;</p> <p>c. the disposal area is not within any area required for the disposal of sewage;</p> <p>d. the disposal area is not within any access strip; and</p> <p>e. not more than 50% of the site is impervious surface; and</p> <p>(iii) the development is for a single dwelling.</p>	<p>(a) Compliant. The site is connected to the reticulated stormwater system. A Statement of Compliance has been issued by the Council acting as a Stormwater Authority regarding stormwater management. Refer to Condition 3 of Permit.</p> <p>(b) Not applicable. Satisfied by (a).</p>
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<b>29.4.3 Location and configuration of development</b>	
<p>29.4.3–(A1) A building and any development area must be setback –</p> <ul style="list-style-type: none"> <li>(a) not less than 20.0m from the frontage to a road; or</li> <li>(b) if the development is on land that adjoins a road specified in the Table to this Clause, not less than the setback specified from that road; and</li> <li>(c) not less than 10.0m from each side boundary;</li> <li>(d) not less than 10.0m from the rear boundary; or</li> <li>(e) in accordance with any building area shown on a sealed plan.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Cabins would be setback approximately 50m from Queen Street.</li> <li>(b) Not applicable. Land does not abut a road specified in the Table to this Clause.</li> <li>(c) Compliant. Cabins would be setback approximately 100m from the closest side boundary.</li> <li>(d) Not applicable. Site does not have a rear boundary.</li> <li>(e) Not applicable. No building area on a sealed plan.</li> </ul>
<p>29.4.3–(A2) Building height or the height of a utility structure must be not more than 8.5m.</p>	<p>Compliant. Cabins would be 3.8m at the highest point.</p>
<p>29.4.3–(A3) A building or utility structure must be –</p> <ul style="list-style-type: none"> <li>(a) not less than 15m below the level of any adjoining ridgeline;</li> <li>(b) be not less than 30m from any shoreline to a marine or aquatic water body, watercourse, or wetland;</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Cabins would be approximately 45m below the closest adjoining ridgeline.</li> <li>(b) Non-compliant. Cabins would be closer than 30m to Bass Strait.  Refer to the “Issues” section of this report.</li> </ul>

<p>(c) below the canopy level of any adjacent forest or woodland vegetation; and</p> <p>(d) clad and roofed with materials with a light reflectance value of less than 40%.</p>	<p>(c) Compliant. Cabins would be below the canopy of nearest woodland vegetation.</p> <p>(d) Compliant. Plans show walls and roof of cabins to be darker in colour. Condition on Permit is required to reflect this provision.</p>
<p>29.4.3–(A4)</p> <p>(a) Clearing and conversion of native vegetation, and any change in natural ground level must not occur on any part of a site outside the designated building area; and</p> <p>(b) Rehabilitation must use vegetation of a type consistent with the native vegetation of the locality.</p>	<p>(a) Not applicable. No clearing of land is required as part of this application.</p> <p>(b) Not applicable. No clearing of land is required as part of this application.</p>
<p><b>29.4.4 Subdivision</b></p>	
<p>29.4.4–(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) a lot required for public use by the State government, a Council, a Statutory authority or a cooperation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority.</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Site is not a subdivision or vulnerable or hazardous use.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Airport Impact Management Code in the Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of vegetation proposed.
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level is proposed.
<b>E5 Local Heritage Code</b>	Not applicable. No local Heritage listings in this Scheme.
<b>E6 Hazard Management Code</b>	<p>Code applies. Majority of the site is within a medium coastal inundation hazard band.</p> <p>The application was accompanied with a specialised report prepared by Pitt &amp; Sherry for the assessment against the Hazard Management Code.</p> <p>This report outlined the proposed development and concluded the following:</p> <ul style="list-style-type: none"> <li>. the proposed development is entirely consistent with the existing development and use of the land and as such there</li> </ul>

	<p>is no increased risk sufficient to warrant any additional specific hazard reduction of protection measures.</p> <ul style="list-style-type: none"> <li>. There will be no increase in the potential for flooding and inundation of the area due to the works proposed. Ground levels, where modified, will not be lower than they are existing.</li> <li>. There will be limited disturbance and change in natural ground level, and none that will increase the risk of erosion.</li> <li>. The proposed development and structures are appropriate type, form and scale to provide a tolerable level of risk.</li> </ul> <p>There are other management suggestions within the report. This report will be a document forming part of this Permit. Refer to Condition 5 of this Permit.</p>
<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunication facilities proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	Applicable.

<b>E9.4 Exemption</b>	Not exempt.  Code applies to all development.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
<p>E9.5.1-(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table E9A.</p>	<p>Compliant.</p> <p>Visitor accommodation (cabins) require one car parking space per cabin plus an additional space per three cabins.</p> <p>In total, the proposed development would require 20 car parking spaces to accommodate one per cabin plus an additional seven car parking spaces. A total of 27 car parking spaces.</p> <p>Proposal includes a total of 36 car parking spaces as shown on the site plan. Proposal therefore complies with car parking number requirements.</p>
<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
<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 Table E9A; and</p>	<p>(a) Compliant. The site has adequate space in the vicinity of the existing amenities building and other areas of the site for on-site loading or unloading.</p>

## COMMUNITY SERVICES

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(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.	(b) Compliant. The site has adequate space for passenger vehicle pick-up and set-down facilities.
<b>E9.6 Development Standards</b>	
<b>E9.6.1 Design of vehicle parking and loading areas</b>	
E9.6.1-(A1.1) All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by condition of 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 manoeuvring area must –</p> <p>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS2890.2 (2002) Parking Facilities – Off Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.3 1993) Parking Facilities – Bicycle Parking Facilities;</p> <p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off Street Parking for People with Disabilities;</p>	Compliant by condition of Permit.

<p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	
<p>E9.6.2-(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Compliant by condition of Permit.</p>
<p><b>E10 Water and Waterways Code</b></p>	<p>Code applies. The development would be within 30m to Bass Strait. The application was supported with an assessment against the Water and Waterways Code undertaken by Pitt &amp; Sherry. Refer to the “Issues” section of this report.</p>
<p><b>Specific Area Plans</b></p>	<p>Not applicable. Site not within a Specific Area Plan.</p>

### *Issues –*

#### *1 Clause 9.1 Changes to an existing non-conforming use –*

Clause 9.1.1 states that notwithstanding any other provision in this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application:

- (a) To bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme; or

Compliant. The site is already used as a caravan park and has been highly modified to accommodate this use. The proposal is to incorporate an additional 20 cabins on the site in an area used currently for van sites. No change to the existing use is proposed.

- (b) To extend or transfer a non-conforming use and any associated development, from one part of a site to another part of that site; or

Compliant. As mentioned, the site is already used as a caravan park and has been highly modified to accommodate this use. The proposal is to incorporate an additional 20 cabins on the site in an area used currently for van sites. The area for the proposed cabins is currently used for van sites and would be utilising existing available area on the site.

- (c) For a minor development to a non-conforming use.

Compliant. The proposed development of 20 cabins is considered minor development on an already highly modified site that contains several cabins used temporarily and permanently. The proposed development is minor when considered against the existing buildings, structures and infrastructure on the site.

### *Where there is –*

- (a) No detrimental impact on adjoining uses; or

Compliant. The site adjoins residential use to the south and west. The uses are separated by Queen Street, railway line and



vegetation. It is not considered that the proposed cabins would have a detrimental impact on the adjoining residential use.

- (b) The amenity of the locality; and

Compliant by condition. Amenity as defined by the Scheme and *“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”*.

It would be considered that the subject site would include Bass Strait, the beach and Penguin habitat as part of the amenity. The protection of Bass Strait and the beach in terms of potential coastal erosion has been addressed satisfactorily in supporting reports for assessment against the Hazard Management Code and the Water and Waterways Code.

The application also included a Survey of Little Penguin colony at Apex Caravan Park at West Ulverstone regarding the Penguin habitat along the beach line in front of the site. During the public notification period the Council received a representation from the author of this report stating that this report is not a suitable report for the development application.

Therefore, as per Condition 6 of this Permit, a Penguin Habitat Management Plan must be undertaken by a suitably qualified person and in accordance with the Guidelines for Works in areas of Little Penguin Habitat as prepared by Perviz Marker. This plan must be submitted to the satisfaction of the Director Community Services and would be a document forming part of this Permit.

As per the guidelines, matters that must be considered within a Penguin Habitat Management Plan include the presence or absence of Little Penguins, timing of works, identifying vegetation types used in Little Penguin habitat, revegetation, use of chemicals, installation of artificial burrows or igloos, penguin fencing, public works and maintenance, mowing and slashing and overnight parking of campervans and caravans in Little Penguin habitat.

- (c) No substantial intensification of the use of any land, building or work.

Compliant. The application included a statement outlining the existing use and development on site in comparison to the proposed use and development. It is outlined in this statement that the proposal would not result in an intensification of use of the land. In summary the existing site has a total of 4037m<sup>2</sup> of floor area compared to the proposed 1200m<sup>2</sup> of floor area.

In exercising its discretion, the Planning Authority may have regard to the purpose and provisions of the zone and any applicable codes.

Compliant. Please refer to the Environmental Management assessment table above.

2 *Proximity to Bass Strait –*

The Scheme states that E10 Water and Waterways Code applies for use or development on land within 30m of a shoreline area.

Bass Strait abuts the development site. There is no Acceptable Solution for E10.6.2. The relevant Performance Criteria must be satisfied.

The proposal therefore relies on the Performance Criteria for this Clause and is a discretionary element of the application.

An assessment against the Water and Waterways Code was undertaken by Pitt & Sherry as well as the assessment against the Hazard Management Code and the Survey of Little Penguin colony at Apex Caravan Park at West Ulverstone as prepared by Perviz Marker. Clause E10.6.2–(P1) states that development must –

- (a) Be required to locate in, over, on or under the shoreline, sea or tidal waters for operational efficiency;

Compliant. The proposed development would be on a site that has already been highly modified to accommodate the caravan park. The area for the proposed cabins is currently used for van sites and would be utilising existing available area on the site.

- (b) Avoid unreasonably or unnecessarily impact on existing or potential access by the public to shoreline land or waters;

Compliant. As stated in the application, no changes are proposed to the existing access for the public to the shoreline land and water.

- (c) Minimise impact on scenic quality of the sea-shore area;

Compliant. No changes would occur to the scenic quality of the sea-shore area. There is a strip of vegetation that separates the subject site and Bass Strait. No vegetation is proposed to be removed as part of this application.

- (d) Minimise impact on amenity or aesthetic appearance of the sea-shore area as a result of –

- (i) Nature and operational characteristics of the development;

Compliant. The proposed development would be on a site that has already been highly modified to accommodate the caravan park. The area for the proposed cabins is currently used for van sites and would be utilising existing available area on the site.

- (ii) Location;

Compliant. The proposed development would be on a site that has already been highly modified to accommodate the caravan park. The area for the proposed cabins is currently used for van sites and would be utilising existing available area on the site.

- (iii) Bulk, size and overall built form of any building or work;

Compliant. The proposed development would be on a site that has already been highly modified to accommodate the caravan park. The area for the proposed cabins is currently used for van sites and would be utilising existing available area on the site. The proposed cabins would be similar to existing buildings on the site and would not appear negatively in terms of bulk and size.

- (iv) Overshadowing; or

Compliant. Due to the orientation of the site and proposed location of the development, any shadow cast from the cabins would be onto the subject site and not to Bass Strait.

- (v) Obstruction of views from a public place; and

Compliant. Bass Strait is separated from the subject site with vegetation. This is considered to already obstruct the views to Bass Strait. No vegetation will be removed as a result of this application.

- (e) Minimise immediate or cumulative adverse effect for –

- (i) Tidal, wave, current, or sediment movement processes;

Compliant. As stated in the application appropriate measures will be implemented in relation to sediment control.

- (ii) Coastal landforms, seabed, and other geomorphic features, including sand dunes, and mobile landforms;

Compliant. The proposed development will not impact on the coastal landforms, seabed, other geomorphic features, including sand dunes and mobile landforms along Bass Strait and the beach. The proposed cabins would be setback approximately 20m from the beach and would be separated by an existing vegetation strip.

- (iii) Vulnerability to erosion and recession;

Compliant. As stated in the application, the existing use and the proposed new development is subject to exposure from natural hazards of coastal inundation and/or coastal erosion which may result from low likelihood extreme storm tide events, projected to increase due to the effects of climate change induced sea level rise. As stated in the application, there is an insufficient increase in risk to warrant any specific hazard reduction or protection measure for the development.

(iv) Natural cycles of deposition and erosion;

Compliant. As stated in the application, the existing use and the proposed new development is subject to exposure from natural hazards of coastal inundation and/or coastal erosion which may result from low likelihood extreme storm tide events, projected to increase due to effects of climate change induced sea level rise. As stated in the application there is an insufficient increase in risk to warrant any specific hazard reduction or protection measure for the development.

(v) Conservation or biodiversity and marine habitat, including during critical lifestyles stages of individual and migratory species;

Compliant by condition. The application included a Survey of Little Penguin colony at Apex Caravan Park at West Ulverstone regarding the penguin habitat along the beach line in front of the site. During the public notification period the Council received a representation from the Author of this report stating that this report is not a suitable report for the development application.

Therefore, as per Condition 6 of this Permit, a Penguin Habitat Management Plan must be undertaken by a suitably qualified person and in accordance with the Guidelines for Works in areas of Little Penguin Habitat as prepared by Perviz Marker. This plan must be submitted to the satisfaction of the Director Community Services and would be a document forming part of this Permit.

As per the guidelines, matters that must be considered within the Penguin Habitat Management Plan include the presence or absence of Little Penguins, timing of works, identifying vegetation types use in Little Penguin habitat, revegetation, use of chemicals, installation of artificial burrows or igloos, penguin fencing, public works and maintenance, mowing and slashing and overnight parking of campervans and caravans in Little Penguin habitat.

- (vi) Drainage from a water course, wetland, ground water, flood, stormwater, or tidal water;

Compliant. Stormwater disposal would be managed under the Statement of Compliance for Drainage Access as per Condition 3 of this Permit.

- (vii) Coastal water quality;

Compliant. No changes would occur to the coastal water quality as a result of this application.

- (viii) Likely interference or constraint on use of public areas;

Compliant. As stated in the application no changes would occur to the access to the beach or Bass Strait as a result of this application.

- (ix) Any scientific, architectural, aesthetic, historic or special cultural value;

Not applicable. The site has not been identified as having any scientific, architectural, aesthetic, historic or special cultural value.

- (x) Exposure to or increased risk from a natural hazard, including sea level rise, storm surge, or inundation as a result of climate change;

Compliant. As stated in the application, the existing use and the proposed new development is subject to exposure from natural hazards of coastal inundation and/or coastal erosion which may result from low likelihood extreme storm tide events, projected to increase due to effects of climate change induced sea level rise. As stated in the application, there is an insufficient increase in risk to warrant any specific hazard reduction or protection measure for the development.

- (xi) Coastal protection and rehabilitation work required to address erosion, instability, regression, or inundation;

Compliant. As stated in the application, the existing use and the proposed new development is subject to

exposure from natural hazards of coastal inundation and/or coastal erosion which may result from low likelihood extreme storm tide events, projected to increase due to effects of climate change induced sea level rise. As stated in the application, there is an insufficient increase in risk to warrant any specific hazard reduction or protection measure for the development.

- (xii) Collection, treatment, and disposal of waste, including bilge waters and excavated or dredged sediment;

Not applicable. The site is connected to reticulated stormwater and sewage systems.

- (xiii) Economic activity dependant for operational efficiency on a sea-shore location;

Compliant. The proposal would not impact on the economic activity dependant for operational efficiency to Bass Strait. As stated in the application, the access to the beach and Bass Strait will not change as a result of this proposal.

- (xiv) Public safety and emergency services;

Compliant. The proposal will not result in any changes to the access to the beach and Bass Strait. Emergency services and the public will still be able to access the beach and Bass Strait during and after the cabins are constructed.

- (xv) Marine navigation and communication systems;

Compliant. No changes are proposed to the existing marine navigation and communication systems along this portion of Bass Strait.

- (xvi) Safety or recreational boating; and

Compliant. No changes are proposed to the access to the beach and Bass Strait and would therefore not impact on safety or recreational boating along this portion of Bass Strait.

- (xvii) Be consistent with the current edition of the Department of Primary Industries, Parks, Water and Environment's Tasmanian Coastal Works Manual 2011.

Compliant by condition of Permit.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Referral not required.
Infrastructure Services	Road Authority – no issues.  Stormwater Authority – Statement of Compliance issued 5 February 2020. Refer to Condition 3 of this Permit.
TasWater	Submission to Planning Authority Notice was received 9 January 2020. Refer to Condition 2 of this Permit.
Building Services	Building Note No. 10 – refer to Note 3 of this Permit.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Representation was received during the public notification period. Specific conditions and notes will be included in this Permit as per advice from TasRail.
Heritage Tasmania	Referral not required.
Crown Land Services	Application was referred to Crown Land Services. No comments were received from Crown Land Services. during the public notification period.
Other	Referral not required.



*CONSULTATION*

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

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

*Representations –*

Four representations were received within the prescribed time, a copy of each is provided at Annexure 3.

The issues raised in the representations are in relation to impacts to flora, fauna, traffic and parking, cost options for campers, stormwater management, visitor accommodation time frames for users of the cabins, impacts to penguin habitat, use of the penguin report submitted as part of the application and TasRail infrastructure management.

The representations are summarised and responded to as follows:

REPRESENTATION 1	
MATTER RAISED	RESPONSE
1 Concern regarding impact on flora, fauna, traffic and parking.	<p>Please refer to the assessment table and Issue's discussion above regarding flora and fauna impacts.</p> <p>The application demonstrated compliance with the required number of car parking spaces for the proposed development. The Council, acting as a Road Authority, have mentioned that they have no issues regarding the access to the site.</p> <p>Please also refer to conditions of this Permit in relation to traffic and parking conditions.</p>

2	Removal of low cost options for campers.	<p>This is not a planning matter.</p> <p>It is noted that the Apex Caravan Park offers a variety of camping styles.</p>
3	Concern regarding stormwater management.	<p>It is acknowledged that there have been some issues regarding stormwater management on the site. The Council have undertaken some works on the site to mitigate these issues and have a capital works budget to address outfall blockage issues.</p> <p>Please refer to Condition 3 of this Permit regarding Statement of Compliance for Drainage Access and management of stormwater disposal.</p>
4	Application does not state maximum time for cabins to be rented.	<p>This is not a planning matter.</p> <p>Application is for Visitor accommodation which 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</i>”.</p> <p>If the cabins are intended to be used for Residential use (allows longer time to stay) then an application would need to be made for Residential use and would be assessed accordingly under the Scheme.</p>
5	Impacts to Penguin habitat.	Please refer to Issue's discussion above and Condition 6 of this Permit.
REPRESENTATION 2		
MATTER RAISED		RESPONSE
1	Impacts to Penguin habitat.	Please refer to Issue's discussion above and Condition 6 of this Permit.

REPRESENTATION 3	
MATTER RAISED	RESPONSE
<p>1 Impacts to Penguin habitat.</p> <p>The representor is the author of the “<i>Survey of Little Penguin colony at Apex Caravan Park</i>”. The report is considered not suitable for the development application. Recommendations regarding mitigating disturbance, timing of construction etc. need to be considered.</p>	<p>This is noted.</p> <p>Condition 6 of this Permit outlines the need for a Penguin Habitat Management Plan.</p> <p>However, it is noted that within this report a summary of recommendations was made outlining requirements to be undertaken to manage the potential risks to the penguins and their habitat for ongoing stability of the penguin colony.</p>
REPRESENTATION 4	
MATTER RAISED	RESPONSE
<p>1 Conditions required for protection of TasRail.</p>	<p>The conditions that were asked to be included in a Permit for this application is outside the scope of the Scheme. Appropriate notes have been included with the Permit addressing TasRail’s concerns.</p>
<p>2 Notes required for protection of TasRail.</p>	<p>This is noted. Please refer to TasRail’s notes on the Permit.</p>

*RESOURCE, FINANCIAL AND RISK IMPACTS*

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, and possibly costs associated with an appeal against the Council’s determination should one be instituted. 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 contain some merits to justify the addition of conditions and notes to a Permit regarding protection of penguin habitat and TasRail infrastructure. The representations do not contain sufficient merit for refusal of the development.

The proposed Visitor accommodation was discretionary due to the changes to an existing non-conforming use and the proximity to Bass Strait. The proposed development as discussed in the “Issues” section of this report is considered to have satisfied the applicable Scheme’s Performance Criteria with conditions and notes applied to a Permit accordingly.

The proposed development is considered to be a reasonable development in the Environmental Management zone on an already highly modified environment and would be in keeping with the characteristics of the existing site. It is considered appropriate that the proposed cabins and shed be approved, subject to conditions.

### *Recommendation –*

It is recommended that the application for Visitor accommodation (cabins x 20 and associated car parking) – changes to an existing non-conforming use and proximity to Bass Strait at 2 Picnic Point, West Ulverstone be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by n+b, Project No. P19041, Sheet Nos. A100, A101, A102, A103, A104, A105, A106, A107, A108, A109, A110, A111 and A112, Revision A dated 19 December 2019 and the plans by Pitt & Sherry, Drawing No. DV13110, Sheet Nos. G100, C101, C102, C103, C104, C105, C106, C107, C108, C110 and C111 dated December 2019 and supporting statement by Apex Australia dated 19 December 2019.

- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2019/01929-CC dated 9 January 2020.
- 3 The development must be in accordance with the conditions of the Statement of Compliance for Drainage Access dated 5 February 2020 issued by the Council acting in its capacity as the Stormwater Authority.
- 4 The development must be in accordance with the recommendations in the Assessment Against the Water and Waterways Code as prepared by Pitt & Sherry dated 6 December 2019.
- 5 The development must be in accordance with the recommendations in the Assessment Against the Hazard Management Code as prepared by Pitt & Sherry dated 6 December 2019.
- 6 A Penguin Habitat Management Plan must be undertaken by a suitably qualified person and in accordance with the Guidelines for Works in areas of Little Penguin Habitat as prepared by Perviz Marker.  
  
In this regard, this Penguin Habitat Management Plan must be submitted to the satisfaction of the Director of Community Services prior to the lodgement of a Building Application and will then be a document forming part of this Permit.
- 7 A minimum of 27 car parking spaces must be provided on-site and enable the forward movement of vehicles entering and egressing the site.
- 8 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 9 Development must be consistent with the current edition of the Department of Primary Industries, Parks, Water and Environment's Tasmanian Coastal Works Manual 2011.

Please note:

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

- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Prior to the commencement of work the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority, or a Building Surveyor be contacted should clarification be required.

### TasRail Notes:

- 1 To mitigate noise and vibration impacts from rail operations, the applicant is encouraged to incorporate appropriate design measures such as double-glazed windows and sound batt insulation.
- 2 TasRail freight services operate 24 hours a day, 7 days a week and its operating procedures require the train horn, a safety device, to be sounded twice per level crossing, on approach and on entry and at any time the train driver perceives a risk.
- 3 No obstruction, installation or works of any kind are permitted inside railway land for any purpose including for structures, unauthorised vehicles, drainage, water pipes, stormwater discharge, electrical or service infrastructure, storage of materials, vegetation clearing or inspections.
- 4 Consideration should be given to landscaping, fencing and the siting of structures so as to ensure a clear line of sight for the train driver and for approaching vehicles and/or pedestrians.
- 5 No person is to access the rail line other than via the signed public railway crossing. Entry to any other part of the rail corridor is strictly prohibited.
- 6 Discharge of stormwater or any other run-off into the rail corridor or the rail drainage system is prohibited.

- 7 Rail land is not for private use and should not be encroached for any purpose including for gardens, storage, keeping of animals. Dumping of rubbish including green waste into the rail corridor is not permitted.
- 8 As per the *Rail Infrastructure Act 2007*, the Rail Infrastructure Manager (TasRail) may remove any dispose of unauthorised or unlawful service infrastructure and take such other action as it sees fit. Where this occurs, TasRail may recover its costs of doing so as a debt due to TasRail from that person and retain, if applicable, any proceeds of disposal. No action lies against TasRail for removing or disposing of the unauthorised or unlawful service infrastructure.
- 9 Using or creating an unauthorised railway crossing or stock crossing is unsafe and strictly prohibited.
- 10 In addition to the above, TasRail notes it is suggested the owner of the subject site contact TasRail to discuss the following matters raised by TasRail (copy of response enclosed):
  - (a) The existing fence at the entrance of the caravan park.
  - (b) Land to be surveyed to determine the rightful land boundary adjoining State Rail Network.

All access and rail land enquiries should be directed to [property@tasrail.com.au](mailto:property@tasrail.com.au).'

The Town Planner's report is supported."

The Executive Services Officer Services 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 Visitor accommodation (cabins x 20 and associated car parking) – changes to an existing non-conforming use and proximity to Bass Strait at 2 Picnic Point, West Ulverstone be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by n+b, Project No. P19041, Sheet Nos. A100, A101, A102, A103, A104, A105, A106, A107, A108, A109, A110, A111 and A112, Revision A dated 19 December 2019 and the plans by Pitt & Sherry, Drawing No. DV13110, Sheet Nos. G100, C101, C102, C103, C104,

C105, C106, C107, C108, C110 and C111 dated December 2019 and supporting statement by Apex Australia dated 19 December 2019.

- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2019/01929-CC dated 9 January 2020.
- 3 The development must be in accordance with the conditions of the Statement of Compliance for Drainage Access dated 5 February 2020 issued by the Council acting in its capacity as the Stormwater Authority.
- 4 The development must be in accordance with the recommendations in the Assessment Against the Water and Waterways Code as prepared by Pitt & Sherry dated 6 December 2019.
- 5 The development must be in accordance with the recommendations in the Assessment Against the Hazard Management Code as prepared by Pitt & Sherry dated 6 December 2019.
- 6 A Penguin Habitat Management Plan must be undertaken by a suitably qualified person and in accordance with the Guidelines for Works in areas of Little Penguin Habitat as prepared by Perviz Marker.
- 7 In this regard, this Penguin Habitat Management Plan must be submitted to the satisfaction of the Director of Community Services prior to the lodgement of a Building Application and will then be a document forming part of this Permit.
- 8 A minimum of 27 car parking spaces must be provided on-site and enable the forward movement of vehicles entering and egressing the site.
- 9 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 10 Development must be consistent with the current edition of the Department of Primary Industries, Parks, Water and Environment's Tasmanian Coastal Works Manual 2011.

Please note:

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



- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Prior to the commencement of work the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority, or a Building Surveyor be contacted should clarification be required.

TasRail Notes:

- 1 To mitigate noise and vibration impacts from rail operations, the applicant is encouraged to incorporate appropriate design measures such as double-glazed windows and sound batt insulation.
- 2 TasRail freight services operate 24 hours a day, 7 days a week and its operating procedures require the train horn, a safety device, to be sounded twice per level crossing, on approach and on entry and at any time the train driver perceives a risk.
- 3 No obstruction, installation or works of any kind are permitted inside railway land for any purpose including for structures, unauthorised vehicles, drainage, water pipes, stormwater discharge, electrical or service infrastructure, storage of materials, vegetation clearing or inspections.
- 4 Consideration should be given to landscaping, fencing and the siting of structures so as to ensure a clear line of sight for the train driver and for approaching vehicles and/or pedestrians.
- 5 No person is to access the rail line other than via the signed public railway crossing. Entry to any other part of the rail corridor is strictly prohibited.
- 6 Discharge of stormwater or any other run-off into the rail corridor or the rail drainage system is prohibited.
- 7 Rail land is not for private use and should not be encroached for any purpose including for gardens, storage, keeping of animals. Dumping of rubbish including green waste into the rail corridor is not permitted.

- 8 As per the *Rail Infrastructure Act 2007*, the Rail Infrastructure Manager (TasRail) may remove any dispose of unauthorised or unlawful service infrastructure and take such other action as it sees fit. Where this occurs, TasRail may recover its costs of doing so as a debt due to TasRail from that person and retain, if applicable, any proceeds of disposal. No action lies against TasRail for removing or disposing of the unauthorised or unlawful service infrastructure.
- 9 Using or creating an unauthorised railway crossing or stock crossing is unsafe and strictly prohibited.
- 10 In addition to the above, TasRail notes it is suggested the owner of the subject site contact TasRail to discuss the following matters raised by TasRail (copy of response enclosed):
  - (a) The existing fence at the entrance of the caravan park.
  - (b) Land to be surveyed to determine the rightful land boundary adjoining State Rail Network.

All access and rail land enquiries should be directed to [property@tasrail.com.au](mailto:property@tasrail.com.au).”

Carried unanimously

- 54/2020**      **Hotel industry (staged development – part demolition and extension of dining area and sports bar, new beer garden and smoking area, new rear entry and gaming area and internal reconfigurations) – Heritage listed building with variation to car parking standards and location and configuration of a building under Penguin Specific Area Plan at 84 Main Road, Penguin – Application No. DA2019125**

The Director Community Services reported as follows:

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

*‘DEVELOPMENT APPLICATION NO.:  
PROPOSAL:*

DA2019125  
Hotel industry (staged development – part demolition and extension of dining area and sports bar, new beer garden and smoking area, new rear entry and gaming area and internal reconfigurations) – Heritage listed building with variation to car parking standards and location and

	configuration of a building under Penguin Specific Area Plan
<i>APPLICANT:</i>	Métier Planning and Development
<i>LOCATION:</i>	84 Main Road, Penguin
<i>ZONE:</i>	Local Business
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	11 January 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	28 January 2020
<i>REPRESENTATIONS RECEIVED:</i>	Three
<i>42-DAY EXPIRY DATE:</i>	30 January 2020
<i>DECISION DUE:</i>	17 February 2020

*PURPOSE*

The purpose of this report is to consider an application for the demolition of a section of the Neptune Grand Hotel in Penguin and redevelopment comprising extensions to the dining area and sports bar, a new beer garden and smoking area, a new rear entry and gaming area and internal reconfigurations.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representations;
- . Annexure 4 – photographs and Tasmanian Heritage Register datasheet;
- . Annexure 5 – Notice of Heritage Decision.

*BACKGROUND*

*Development description –*

Application is made to expand and upgrade the facilities offered by the Neptune Grand Hotel.

The project would be undertaken over two stages with the following works proposed:

- . redevelopment of the existing front entry porch, with balustrading along the property boundary and refurbished and extension of the existing dining room and sports bar, with an adjoining beer garden and smoking area;

- . redevelopment of the rear entry and gaming area, with an adjoining terrace and general internal refurbishments and reconfigurations; and
- . redevelopment of the existing deck footprint to accommodate two enclosed bistro areas overlooking Main Road. Works include the removal of planting beds and paving that front Main Road, within the property boundary.

The existing building has a gross floor area of 1,086m<sup>2</sup>. The redevelopment would result in a gross floor area of 1,220m<sup>2</sup>.

The height of the building extensions would be 4m.

The existing car park is accessed via Arnold Street. No additional car parking is proposed. This deems the application to be discretionary as the proposal does not satisfy the Scheme's *E9 Traffic Generating Use and Parking Code*.

### *Site description and surrounding area -*

The land accommodates the Neptune Grand Hotel that is a Heritage listed building, constructed in the early 20<sup>th</sup> Century. Heritage Tasmania's datasheet, describing the buildings heritage values, is available at Annexure 4.

The land falls within the Penguin Specific Area Plan overlay.

The land is accessed via an existing crossover off Arnold Street. No change to existing car parking provisions or vehicular access is proposed.

The land is fully serviced.

### *DISCUSSION*

The following table is an assessment of the relevant Scheme provisions for the Local Business zone and Penguin Specific Area Plan.

**20.0 Local Business Zone**

CLAUSE	COMMENT
<b>20.3.1 Discretionary Permit Use</b>	
20.3.1–(P1) Discretionary permit use must:	Not applicable.
(a) be consistent with local area objectives;	Use is Permitted.
(b) be consistent with any applicable desired future character statement for the zone; and	
(c) be required to service requirements of the local and district resident and visitor population;	
(d) minimise potential to:	
(i) service a population beyond the local, district, or municipal community;	
(ii) have immediate, incremental or cumulative adverse effect on the regional pattern of retail and service provision; and	
(iii) displace retail, business, and professional use.	

20.4.1 Suitability of a site for use or development	
<p>20.4.1–(A1) Each use or development site or each lot on a plan of subdivision must:</p> <p>(a) have a site area of not less than 45m<sup>2</sup>; and</p> <p>(b) if intended for a building, contain a building area of not less than 45m<sup>2</sup>:</p> <p>(i) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(ii) clear of any applicable setback from a zone boundary;</p> <p>(iii) clear of any registered easement;</p> <p>(iv) clear of any registered right-of-way benefiting other land;</p> <p>(v) not including land required as part of access to the site;</p> <p>(vi) accessible from a frontage or access strip; and</p>	<p>(a) Compliant. Site area is 3,806m<sup>2</sup>.</p> <p>(b)(i) Compliant. Development would satisfy Scheme boundary setbacks for the Local Business zone.</p> <p>(b)(ii) Compliant. Development would be setback greater than 4m from General Residential zone boundary to the south and west.</p> <p>(b)(iii) Not applicable. No easements shown on a sealed plan.</p> <p>(b)(iv) Not applicable. No right of way.</p> <p>(b)(v) Compliant. Development would be clear of access to the site.</p> <p>(b)(vi) Compliant. Building has a primary frontage to Main Road and a secondary frontage to Arnold Street.</p> <p>(b)(vii) Not applicable. Site is connected to reticulated services.</p>

(vii) clear of any area required for the on-site disposal of sewage or stormwater.	
<p>20.4.1–(A2) A site or each lot on a plan of subdivision must have a separate access from a road:</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road:</p> <p style="padding-left: 40px;">(i) over land not required as the means of access to any other land; and</p> <p style="padding-left: 40px;">(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right-of-way of not less than 3.6m; and</p> <p>(e) the relevant road authority in accordance with the Local Government (Highways) Act 1982 or the Roads and</p>	<p>(a) Compliant. Land has existing vehicular access via Arnold Street.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Compliant. Frontage to Arnold Street is greater than 3.6m in width.</p> <p>(e) Compliant. The Council, as the Road Authority, is satisfied with existing arrangements for vehicular access between the carriageway of a road and the site.</p>

## COMMUNITY SERVICES

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Jetties Act 1935 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.	
20.4.1–(A3) A site or each lot on a plan of subdivision must have a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i> .	Compliant.  The site is connected to the reticulated water system.
20.4.1–(A4) A site or each lot on a plan of subdivision must drain sewage and waste water to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i> .	Compliant.  The site is connected to the reticulated sewerage system.
20.4.1–(A5) A site or each lot on a plan of subdivision must drain stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i> .	Compliant.  The site is connected to the reticulated stormwater system.
<b>20.4.2 Location and configuration of development</b>	
20.4.2–(A1) Building height must not be more than 10.0m.	Compliant.  Building additions would be 4m high.



20.4.2–(A2) An external car parking and loading area, and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage elevation of a building.	Compliant.  Car parking is located behind the primary frontage elevation of the building.
<b>20.4.3 Acoustic and Visual privacy for residential development</b>	
<p>20.4.3–(A1) A door or window to a habitable room, or any part of a balcony, deck, roof garden, parking space or carport must:</p> <ul style="list-style-type: none"> <li>(a) be not less than 3.0m from a side boundary and 4.0 m from a rear boundary to land in a zone for residential purposes;</li> <li>(b) be not less than 6.0m from any door, window, balcony deck or roof garden in an adjacent dwelling;</li> <li>(c) be off-set by not less than 1.5m from the edge of any door or window in an adjacent dwelling;</li> <li>(d) have a window sill height of not less than 1.8m above finished floor level;</li> <li>(e) have fixed and durable glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.8m above finished floor level; or</li> </ul>	<p>Not applicable.</p> <p>Not residential development.</p>

<p>(f) have fixed and durable external screen other than vegetation of not less than 1.8m height above the finished floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.</p>	
<p><b>20.4.4 Private open space for residential use</b></p>	
<p>20.4.4–(A1) Each dwelling must provide:</p> <p>(a) external private open space that:</p> <ul style="list-style-type: none"> <li>(i) is accessible from the dwelling;</li> <li>(ii) comprises an area of not less than 25m<sup>2</sup> for each dwelling;</li> <li>(iii) has a gradient of not more than 1 in 10; and</li> <li>(iv) has a minimum dimension of 4.0m; or</li> </ul> <p>(b) private open space provided as a private balcony, deck or terrace:</p> <ul style="list-style-type: none"> <li>(i) of area not less than 25m<sup>2</sup></li> <li>(ii) minimum dimension of 2.0m; and</li> </ul>	<p>Not applicable.</p> <p>Not residential use.</p>

(iii) accessible from the dwelling.	
<b>20.4.5 Setback from zone boundaries</b>	
<p>20.4.5–(A1) Development of land with a boundary to a zone must:</p> <p>(a) be set back from the boundary of land in an adjoining zone by not less than the distance for that zone shown in the Table to this Clause;</p> <p>(b) not include within the setback area required from a boundary to land in a zone shown in the Table to this Clause:</p> <p>(i) a building or work;</p> <p>(ii) vehicular or pedestrian access from a road if the boundary is not a frontage;</p> <p>(iii) vehicle loading or parking area;</p> <p>(iv) an area for the display, handling, operation, manufacturing, processing, servicing, repair, or storage of any animal, equipment, goods, plant, materials, vehicle, or waste;</p>	<p>(a) Compliant. The Scheme requires a 4m setback from a General Residential zone boundary. Proposed redevelopment of the hotel exceeds this setback requirement.</p> <p>The existing hotel car park adjoins a General Residential zone to the south and west. This grassed area of land is used as parking ‘spill over’, if required. No additional works or uses are proposed for the grassed area of land that would impact on the amenity of adjoining properties, over and above pre-existing uses.</p> <p>(b)(i) Compliant. No buildings or works are proposed within 4m of the General Residential zone boundary.</p> <p>(b)(ii) Compliant. No vehicle or pedestrian access is proposed within 4m of the General Residential zone boundary other than that pre-existing.</p> <p>(b)(iii) Compliant. No vehicle or parking is proposed within 4m of the General Residential zone boundary, other than that pre-existing.</p>

<p>(v) an area for the gathering of people, including for entertainment, community event, performance, sport or for a spectator facility;</p> <p>(vi) a sign orientated to view from land in another zone; or</p> <p>(vii) external lighting for operational or security purposes; and</p> <p>(c) a building with an elevation to a zone boundary to which this clause applies must be contained within a building envelope determined by:</p> <p>(i) the setback distance from the zone boundary as shown in the Table to this Clause; and</p> <p>(ii) projecting upward and away from the zone boundary at an angle of 45° above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary; and</p> <p>(d) the elevation of a building to a zone boundary must not contain an external opening other than an emergency exit, including a door, window to a habitable room, loading bay, or vehicle entry.</p>	<p>(b)(iv) Compliant. No area for the display, handling, operation, manufacturing, processing, servicing, repair or storage of any equipment, goods, plant, materials, vehicle or waste is proposed within 4m of the General Residential zone boundary other than that pre-existing.</p> <p>(b)(v) Compliant. No area for the gathering of people is proposed within 4m of a General Residential zone boundary other than that pre-existing.</p> <p>(b)(vi) Compliant. No signage is proposed within 4m of a General Residential zone boundary.</p> <p>(b)(vii) Compliant. No external lighting proposed within 4m of a General Residential zone boundary.</p> <p>(c)(i) Compliant. Building work satisfies building envelope, setbacks and elevation standards of the Local Business zone.</p> <p>(c)(ii) Compliant. Building work satisfies building envelope, setbacks and elevation standards of the Local Business zone.</p> <p>(d) Compliant. Rear entry to the gaming and lounge area of the hotel is existing and would be reconfigured. This rear entry to the hotel is pre-existing. A second, new rear entry</p>
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	is proposed that would be accessed via a door with elevation to the east to the Arnold Street frontage.
<b>20.4.6 Subdivision</b>	
20.4.6-(A1) Each new lot on a plan of subdivision must be –  (a) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority.	Not applicable.  No subdivision proposed.
20.4.6-(P1) Each new lot on a plan of subdivision must be –  (a) for a purpose permissible in the zone.	Not applicable.  No subdivision proposed.
<b>20.4.7 Reticulation of an electricity supply</b>	
20.4.7-(A1) Electricity reticulation and site connections must be installed underground.	Not applicable.  No subdivision proposed.
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Not a subdivision, vulnerable or hazardous use.
<b>E2 Airport Impact Management Code</b>	Not applicable. Not in this Scheme.

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<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of vegetation proposed.
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level proposed.
<b>E5 Local Heritage Code</b>	Not applicable. No local Heritage listings in this Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. No hazard identified.
<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunication facilities proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	
<b>E9.4 Use or development exempt from this Code</b>	Not exempt.  Code applies to all development.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
<b>E9.5.1-(A1) Provision for parking must be:</b>	Non-compliant.

<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>The existing hotel has a gross floor area of 1,086m<sup>2</sup>.</p> <p>Application is made to increase the gross floor area to be 1,220m<sup>2</sup>.</p> <p>This is a total increase in floor area of 134m<sup>2</sup>.</p> <p>The Scheme's <i>E9 Traffic Generating Use and Parking Code</i> (the Code) requires that for Hotel industry, the following parking allocation applies:</p> <ul style="list-style-type: none"> <li>. 15 spaces for every 100m<sup>2</sup> of gross floor area; or</li> <li>. one space for every three seats; whichever is the greater.</li> </ul> <p>Under the Code, the requirement for car parking is to be calculated as the difference between the required parking for the enlarged use and any existing parking requirements, provided the current number of spaces is retained as part of the development.</p> <p>The increase in floor area of 134m<sup>2</sup> means an additional 20 car parking spaces would be required.</p> <p>The development does not propose any increase in car parking on-site. The application's "Site Plan" does not propose any increase in the car parking sealed area. The applicant states that</p>
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	<p>“there is adequate car parking at the rear of the site”. This deems the application to be discretionary in this regard.</p> <p>Refer to the “Issues” section of this report.</p>
<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
<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) Compliant. Table E9.1 requires space for a small truck on-site loading space. Provision is made for an existing goods delivery area on the southern side of the building.</p> <p>(b) Not applicable. No provision required for passenger vehicle pick-up and set-down.</p>
<b>E9.6 Development Standards</b>	
<b>E9.6.2 Design of vehicle parking and loading areas</b>	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by condition to a Permit.
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 maneuverings area must –	<p>Not applicable.</p> <p>No extension to existing car parking area is proposed.</p>



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

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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.	
<b>E10 Water and Waterways Code</b>	Not applicable. Not within 30m of a water course or water body.
SPECIFIC AREA PLANS	
<b>F1.0 Forth Specific Area Plan</b>	Not applicable. Site not within SAP.
<b>F2.0 Ulverstone Wharf Specific Area Plan</b>	Not applicable. Site not within SAP.
<b>F3.0 Penguin Specific Area Plan</b>	Applicable.
<b>F3.2 Application of Code</b>	Applies.
<b>F3.4 Exemption</b>	Not exempt. Site is located in Penguin SAP overlay.
<b>F3.5 Development Standards</b>	
<b>E3.5.1 Building design</b>	
F3.5.1-(A1) Building height must not be more than 8.0m.	Compliant.  Height of building additions would be 4m.

<p>F3.5.1–(A2) A building must not have a continuous wall longer than:</p> <p>(a) 16.0m if measured parallel to the front or rear boundary; and</p> <p>(b) 20.0m if measured parallel to the applicable side boundary.</p>	<p>(a) Compliant. Development comprises zig zag building ‘pods’ and would not result in a continuous front wall greater than 16m in length.</p> <p>(b) Compliant. Proposed development would not result in a continuous side wall greater than 16m.</p>
<p><b>F3.5.2 Location and configuration of buildings</b></p>	
<p>F3.5.2–(A1) A building in the local Business zone must:</p> <p>(a) be located onto the primary and secondary frontage if the wall height is not more than 6.0m;</p> <p>(b) for that part of the building with a wall height of not more than 6.0m;</p> <p>(i) onto one side boundary; and</p> <p>(ii) not less than 2.0m or half the wall height on the other side boundary, whichever is the greater; and</p> <p>(c) for that part of the building with a wall height of more than 6.0m, not less than half the wall height from all</p>	<p>(a) Compliant. Development located on the primary frontage would have a wall height of 4m.</p> <p>(b)(i) Non-compliant. Building additions would not be to the side boundary.</p> <p>(b)(ii) Non-compliant. The site has a primary and secondary frontage and a ‘zig zag’ side boundary to the west. New development would be setback 1m from the western side boundary of the lot. Existing development on this boundary is primarily set back 1m, aside from a 2.4m long toilet wall that is setback 0.4m. No portion of existing or proposed walls would be setback 2m or greater.</p> <p>Refer to the “Issues” section of this report.</p>

boundaries.	(c) Not applicable. No wall height greater than 6m is proposed.
<b>F3.5.3 Access and off-street car parking</b>	
<p>F3.5.3-(A1) Off-street parking in the Local Business zone must:</p> <p>(a) be located to the rear or within side boundaries of a site; or</p> <p>(b) below natural ground level; or</p> <p>(c) be screened from public view.</p>	<p>(a) Compliant. Existing car park is located to the rear of a building, adjoining a side boundary.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p>
F3.5.3-(A2) Access across the frontage to Main Road, Penguin must be obtained using an existing lawful constructed access.	<p>Compliant.</p> <p>Vehicular access via Arnold Street.</p>
<b>F4.0 Turners Beach Specific Area Plan</b>	<p>Not applicable.</p> <p>Site not within SAP.</p>
<b>F5.0 Not used in this planning scheme</b>	
<b>F6.0 Revell Lane Precinct Specific Area Plan</b>	<p>Not applicable.</p> <p>Site not within SAP.</p>

*Issues –*

*1 Penguin Specific Area Plan – F3.5.2 Location and configuration of buildings –*

Clause F3.5.2–A1(b) of the Penguin Specific Area Plan (SAP) requires that a building in the Local Business zone must, for that part of the building with a wall height of not more than 6m, be constructed onto one side boundary and be not less than 2m or half the wall height on the other side boundary, whichever is the greater.

The new bistro room of the Neptune Grand Hotel would have a build height of 4m. The building walls would be of ‘zig zag’ shape, setback 1m from the western side boundary of the allotment. Existing development on this side boundary is also primarily set back 1m, aside from an existing 2.4m long ablutions wall that is setback 0.4m. No portion of existing or proposed walls would be constructed to the side boundary or setback 2m, as required under the SAP.

The intent of the Penguin SAP standards is to “maintain views between buildings to the foreshore and views from the foreshore and Main Road to the hinterland”.

The Penguin SAP Performance Criteria F3.5.2–P1(b) states:

*...for that part of a building with a wall height of more than 6.0m, the setback from all boundaries must –*

*(i) be consistent with the coastal village character;*

The pattern and form of development along Main Road, Penguin varies to include existing, two-storey buildings that completely cover site areas, to remnant dwellings that have been converted into retail outlets. The proposed additions are to improve the facilities on offer in a long established Heritage listed building. The additions, approved by the Tasmanian Heritage Council, will enhance the character of the building.

*(ii) not cause unreasonable over-shadowing or loss of privacy to adjoining sites;*

Due to the north-south orientation of the lot, the proposed development will not cause unreasonable overshadowing or loss of privacy to adjoining land.

- (iii) *reflect the existing building rhythm of Penguin;*

The proposed additions are to enhance a long established Heritage listed building. The additions, approved by the Tasmanian Heritage Council, will enhance the character of the building.

- (iv) *maintain views between buildings to the foreshore; and*

Due to the pre-existing layout of the bulk of the building over the site, views to the foreshore between the subject and adjoining buildings do not exist. This will not alter with the proposed development and there would be no increase in view obstruction as development would primarily be over an existing deck footprint.

- (v) *maintain views from the foreshore and Main Street to the hinterland.*

Refer to comment as above (iv).

Given the actual increase in floor area would be 134m<sup>2</sup>, with much of the development comprising internal refurbishments, the proposed eastern side boundary wall, over an existing footprint (currently outdoor decks) is considered to satisfy the Scheme's relevant Performance Criteria.

## 2 *Car parking provision –*

The existing hotel has a gross floor area of 1,086m<sup>2</sup>.

Application is made to increase the gross floor area to be 1,220m<sup>2</sup>.

This is a total increase in floor area of 134m<sup>2</sup>.

The Scheme's E9 Traffic Generating Use and Parking Code (the Code) requires that for Hotel industry the following parking allocation applies:

- . 15 spaces for every 100m<sup>2</sup> of gross floor area; or
- . one space for every three seats, whichever is the greater.

Under the Code, the requirement for car parking is to be calculated as the difference between the required parking for the enlarged use and

any existing parking requirements, provided the current number of spaces is retained as part of the development.

Currently, approximately 1,200m<sup>2</sup> of land area is allocated for car parking at the rear of the hotel, a portion of which is unsealed. The area of land available for parking is approximately 2,000m<sup>2</sup>, the majority of which is grassland. The used area provides for 50 car parking spaces and a turning circle so vehicles can exit and enter the site in a forward manner.

The increase in floor area of 134m<sup>2</sup> means an additional 20 car parking spaces would be required.

The development does not propose any increase in car parking on-site, over and above existing and the application "Site Plan" does not propose any increase in the car parking sealed area. The applicant states that "there is adequate car parking at the rear of the site". This lack of an increase in car parking deems the application to be discretionary in this regard.

Given the increase in floor area would be 134m<sup>2</sup>, the allocation of 20 additional spaces, to bring the total number to 70 car parking spaces on site, would satisfy the likely demand for parking and the volume and frequency of vehicles accessing the site.

It is worth noting that under the draft Central Coast LPS, car parking will not be required in the Penguin and Ulverstone CBD areas.

#### *Referral advice*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	Works to be located wholly within the property boundary.
TasWater	Referral not required.
Department of State Growth	Referral not required.

Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Refer to Notice of Heritage Decision – Annexure 5.
Crown Land Services	Referral not required.
Other	Referral not required.

#### CONSULTATION

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

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

#### Representations –

Three 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 The hotel extension does not include detail on the car parking or any impacts on the amenity of adjacent residential areas, including greater security risks, increased noise, cigarette smoke etc.	(a) The application states that no works are proposed to the existing car park at the rear of the hotel.  The Scheme requires, under Clause 20.4.5–A1, that the development of land with a boundary to a General Residential zone be setback



	<p>4m from the adjoining zone boundary. The proposed development complies with this standard. Works would be setback approximately 30m from the nearest General Residential zone boundary. The application does not propose any increase to the car park area, however provision for additional car parking has been provided at Condition 5.</p> <p>(b) Cigarette smoke is not a matter for the Planning Authority. Matters relating to cigarette smoke are managed by the Council under the <i>Public Health Act 1997</i>. A patron who wishes to smoke a cigarette must be 3m from the doorway of a building they are frequenting. The Act makes no mention of a required distance from a dwelling. The representor would be located approximately 64m from the nearest hotel smoking area.</p> <p>(c) Noise is managed by the Council under the <i>Environmental Management and Pollution Control Act 1994</i> (EMPCA). Whilst noise may impact on amenity, it cannot be assumed the proposal will result in an increase in noise pollution,</p>
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		over and above that permitted under EMPCA.
2	A new boundary fence between the hotel and 3 Braddon Street would reduce noise and improve security.	<p>The hotel land adjoins five private properties. The development proposal does not include replacement fencing to any of the adjoining property boundaries.</p> <p>The <i>Central Coast Interim Planning Scheme 2013</i> does not contain development standards for front or side boundary fencing in the Local Business zone.</p> <p>Side boundary fence construction and repair is a matter between adjoining landowners and is administered under the <i>Boundary Fences Act 1908</i>.</p> <p>The <i>Boundary Fences Act 1908</i> stipulates that adjoining, private property owners have a joint responsibility for the maintenance and replacement of boundary fences.</p>
REPRESENTATION 2		
1	The application does not detail any increase in the car park area and impacts of increased use of the car park.	<p>The application does not propose any increase to the car park area.</p> <p>The application states that there is adequate car parking area available at the rear of the site.</p> <p>Refer to response to Representation No. 1.</p>
2	Greater use of the hotel will result in increased security risks, noise, dumping of rubbish, smoking, late night	Refer to response to Representation No. 1 in relation to noise and smoking.

<p>drinking and occasional use of vans/caravans.</p>	<p>The Planning Authority does not regulate late night drinking activities or the security of private premises.</p> <p>The land does not have a permit for Visitor accommodation, other than that ancillary and subservient to the use of the land for Hotel industry (upstairs accommodation rooms). Any use of the land for camping in overnight caravans or vans would require the issue of a permit for such a specified use of the land. One of the Council's compliance officers has recently been inspecting the site each day. No overnight accommodation vehicles have been identified on the land during this period.</p>
<p>3 Requests that the applicant be required to erect a 2.1m high 'Colorbond' fence to the adjoining property boundary and plant a screen hedge to reduce car parking activity.</p>	<p>Refer to comments made to Representation No. 1 in relation to boundary fencing.</p>
<p>REPRESENTATION 3</p>	
<p>1 The application does not detail in relation to the hotel car park and its potential impact. Greater use of the hotel will mean greater security risk, increased noise, cigarette smoke and the occasional camping with motorhomes.</p>	<p>Refer to response to Representations No. 1 and No. 2.</p>

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

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

### *CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

### *CONCLUSION*

The proposal is considered to adequately satisfy the Scheme's relevant Performance Criteria and the requirements of the Tasmanian Heritage Council.

The Scheme does not contain a standard that would allow for the addition of a condition requiring the erection of a 2.1m high boundary fence to those adjoining properties that are zoned General Residential. Under the *Boundary Fences Act 1908*, adjoining property owners have a joint responsibility for the maintenance and replacement of boundary fences.

Whilst the upgrade of the hotel may result in a moderate increase in patrons, the applicant does not propose, at this stage, to undertake any additional works to the existing car park area. It is noted that under the Tasmanian Planning Scheme and draft Central Coast LPS, there will be no requirement for on-site car parking within the Penguin and Ulverstone CBD areas.

It is recommended that the application for Hotel industry (staged development – part demolition and extension of dining area and sports bar, new beer garden and smoking area, new rear entry and gaming area and internal reconfigurations) – Heritage listed building with variation to car parking standards and location and configuration of a building under Penguin Specific Area Plan at 84 Main Road, Penguin be approved subject to the following conditions and notes:

- 1 Development must be substantially in accordance with the plans by BSPN Architecture, Project No. R0180007, Drawing Nos. TP1.00, TP1.10, TP1.20, TP2.00, TP2.20, TP2.40, TP2.41, TP3.00, TP3.10, TP3.20, TP3.30, TP4.00, TP2.10 and TP2.30, Revision TP1 date

stamped 31 October 2019, unless modified by a condition of this Permit.

- 2 Development must be in accordance with the Notice of Heritage Decision issued by Tasmanian Heritage Council, THC Works Reference #6079 dated 29 January 2020.
- 3 Development must be located wholly within the property boundary.
- 4 Stormwater must be collected, drained and disposed of to an approved stormwater system.
- 5 The development is to make provision for seventy (70) on site car parking spaces, and note under Clause 20.4.5-A1, that the development of land with a boundary to a General Residential zone be setback 4m from the adjoining zone boundary.

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 Prior to the commencement of work the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 4 To mitigate light and noise impacts on adjoining residential land the developer is to give consideration to the erection of 2.1m high fence on boundaries that adjoin the General Residential zone.'

The Land Use Planning Group Leader's report is supported."

The Executive Services Officer reported as follows:

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

■ Cr Carpenter moved and Cr van Rooyen seconded, “That the application for Hotel industry (staged development – part demolition and extension of dining area and sports bar, new beer garden and smoking area, new rear entry and gaming area and internal reconfigurations) – Heritage listed building with variation to car parking standards and location and configuration of a building under Penguin Specific Area Plan at 84 Main Road, Penguin be approved subject to the following conditions and notes:

- 1 Development must be substantially in accordance with the plans by BSPN Architecture, Project No. R0180007, Drawing Nos. TP1.00, TP1.10, TP1.20, TP2.00, TP2.20, TP2.40, TP2.41, TP3.00, TP3.10, TP3.20, TP3.30, TP4.00, TP2.10 and TP2.30, Revision TP1 date stamped 31 October 2019, unless modified by a condition of this Permit.
- 2 Development must be in accordance with the Notice of Heritage Decision issued by Tasmanian Heritage Council, THC Works Reference #6079 dated 29 January 2020.
- 3 Development must be located wholly within the property boundary.
- 4 Stormwater must be collected, drained and disposed of to an approved stormwater system.
- 5 The development is to make provision for seventy (70) on site car parking spaces, and note under Clause 20.4.5–A1, that the development of land with a boundary to a General Residential zone be setback 4m from the adjoining zone boundary.

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 Prior to the commencement of work the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is

recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.

- 4 To mitigate light and noise impacts on adjoining residential land the developer is to give consideration to the erection of 2.1m high fence on boundaries that adjoin the General Residential zone."

Carried unanimously

**55/2020 Residential (outbuilding – shed) – variation to site coverage and side boundary setback standard (re-advertised) – at 247 Penguin Road, West Ulverstone – Application No. DA2019129**

The Director Community Services reported as follows:

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

<i>'DEVELOPMENT APPLICATION NO.:</i>	DA2019129
<i>PROPOSAL:</i>	Residential (outbuilding – shed) – variation to site coverage and side boundary setback standard (re-advertised)
<i>APPLICANT:</i>	Harvey Jackson
<i>LOCATION:</i>	247 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>	11 November 2019 and re-advertised 11 January 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	28 January 2020
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	15 January 2020 – extension of time until 17 February 2020
<i>DECISION DUE:</i>	17 February 2020
<i>PURPOSE</i>	

The purpose of this report is to consider an application for a non-habitable shed on a rural residential allotment at 247 Penguin Road, West Ulverstone.

Accompanying the report are the following documents:

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

### *BACKGROUND*

#### *Development description –*

Application is made for the construction of a non-habitable 54m<sup>2</sup> shed that would be ancillary to the residential use of the land at 247 Penguin Road, West Ulverstone.

The shed would be clad in ‘Night sky’ and ‘Cottage green’ Colorbond materials.

The development would be within 4.2m of the eastern side boundary and access would be via the garage of a second dwelling that has been approved on the land.

The applicant proposes the construction of a new driveway to access the existing garage and proposed shed. This would require the relocation of an existing on-site wastewater system to be clear of the internal road works.

Stormwater overflow would be disposed of to an underground trench system, to be located west of the proposed shed location.

#### *Site description and surrounding area –*

The 2.2ha allotment is located approximately 1 km west of the West Ulverstone town boundary. The land is zoned Rural Living and is shown on the *Central Coast Interim Planning Scheme 2013* as being subject to medium landslip risk. Surrounding land to the east and west is also zoned Rural Living. Land that is zoned Rural Resource is located on the southern boundary.

The land accommodates two dwellings and is accessed off Penguin Road.

The land cannot be serviced with reticulated water, sewer or stormwater systems.

#### *History –*

An application for the subdivision of the land to form two lots was approved in 2018. The subdivision has not yet progressed to Final Plan of Survey stage.



The conversion of an existing outbuilding to be a second, small dwelling was approved in 2018.

An original application for the outbuilding (shed), lodged 7 November 2019, was withdrawn by the applicant based on submitted, advertised plans showing the incorrect location of an existing on-site wastewater system, where a new internal roadway was to be constructed. The revised plans were submitted on 20 December 2019 and re-advertised on 11 January 2020, at this point an extension of time was granted by the applicant until 17 February 2020.

*DISCUSSION*

The following table is an assessment of the relevant Scheme provisions for the Rural Living zone.

## 13.0 Rural Living Zone

<b>13.3 Use Standards</b>	
<b>13.3.1 Discretionary permit use</b>	
<p>13.3.2–(A1) Discretionary permit use must:</p> <ul style="list-style-type: none"> <li>(a) be consistent with local area objectives;</li> <li>(b) be consistent with any applicable desired future character statement; and</li> <li>(c) minimise likelihood for unreasonable impact on amenity for residential use on adjacent land in the zone.</li> </ul>	<p>Not applicable.</p> <p>Residential use class is Permitted.</p>
<b>13.3.2 Impact of use</b>	
13.3.2–(A1) Permitted non-residential use must adjoin at last one residential use on the same street frontage.	<p>Not applicable.</p> <p>Use would be Residential.</p>
13.3.2–(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.	<p>Not applicable.</p> <p>Use would be Residential.</p>

13.3.2–(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.	Compliant.  Use would be Residential.
<b>13.4.1 Suitability of a site or lot for use or development</b>	
<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 1,000m<sup>2</sup>;</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 (a).</p> <p>(b)(i) Compliant. The site will have a total building area of 549m<sup>2</sup> including the two existing dwellings and proposed shed.</p> <p>(b)(ii) Non-compliant. The proposed shed would be located approximately 4.2m from the eastern side boundary.</p> <p style="padding-left: 40px;">Refer to the “Issues” section of this report.</p> <p>(b)(iii) Compliant. Development would be setback greater than 200m from Rural Resource zone boundary to the south of the allotment.</p> <p>(b)(iv) Not applicable. No registered easements.</p> <p>(b)(v) Not applicable. No right of way.</p>

<ul style="list-style-type: none"> <li>(iv) clear of any registered easement;</li> <li>(v) clear of any registered right-of-way benefiting other land;</li> <li>(vi) clear of any restriction imposed by a utility;</li> <li>(vii) not including any access strip; and</li> <li>(viii) clear of any area required for the on-site disposal of sewage or stormwater; and</li> <li>(ix) accessible from a frontage or access strip.</li> </ul>	<ul style="list-style-type: none"> <li>(b)(vi) Not applicable. No restriction imposed by a utility.</li> <li>(b)(vii) Not applicable. No access strip.</li> <li>(b)(viii) Compliant. Shed would be clear of area required for sewerage and stormwater disposal.</li> <li>(b)(ix) Compliant. Land is accessed from Penguin Road.</li> </ul>
<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"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</li> <li>(c) by a right of way connecting to a road – <ul style="list-style-type: none"> <li>(i) over land not required as the means of access to any other land; and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Land has established access via Penguin Road.</li> <li>(b) Not applicable. Satisfied by (a).</li> <li>(c) Not applicable. Satisfied by (a).</li> <li>(d) Compliant. Frontage would be 47.47m.</li> <li>(e) Compliant. Existing approved access from Penguin Road.</li> </ul>

<p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than 6.0m; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1992</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	
<p>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 <sup>R6</sup> 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>Not applicable.</p> <p>Development does not require a water supply.</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>13.4.1–(A4) A site or each lot on a plan of subdivision must drain sewage and trade waste:</p> <p>(a) to a reticulated sewer system provided in accordance with the <i>Water and Sewerage Industry Act 2009</i>; or</p> <p>(b) by on-site disposal if:</p> <p>(i) sewage or trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development:</p> <p>a. is for a single dwelling; or</p> <p>b. provides for an equivalent population of not more than 10 people per day; or</p>	<p>Not applicable.</p> <p>Development does not require the drainage of sewage or trade waste.</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>13.4.1–(A5) A site or each lot on a plan of subdivision must drain stormwater:</p> <p>(a) or discharge to a stormwater system provided in accordance with the <i>Drains Act 1954</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <p>(i) for discharge to a natural drainage line, water body, or watercourse; or</p> <p>(ii) for disposal within the site if:</p> <p>a. the site has an area of not less than 5,000m<sup>2</sup>;</p>	<p>(a) Not applicable. Satisfied by (b).</p> <p>(b)(i) Not applicable. Satisfied by (b)(ii).</p> <p>(b)(ii)a. Compliant. Site has an area of 2.02ha.</p> <p>(b)(ii)b. Compliant. Stormwater disposal would be clear of defined building areas.</p> <p>(b)(ii)c. Compliant. Disposal of stormwater clear of area required for disposal of wastewater.</p> <p>(b)(ii)d. Not applicable. No access strip.</p> <p>(b)(ii)e. Compliant. More than 50% of the site is of a pervious surface.</p> <p>(b)(iii) Non-compliant. Development is ancillary to multiple dwellings.</p>

<ul style="list-style-type: none"> <li>b. the disposal area is not within any defined building area;</li> <li>c. the disposal area is not within any area required for the disposal of sewage;</li> <li>d. the disposal area is not within any access strip; and</li> <li>e. not more than 50% of the site is impervious surface; and</li> </ul> <p>(iii) the development is for a single dwelling.</p>	<p>Refer to the “Issues” section of this report.</p>
<p><b>13.4.2 Dwelling density</b></p>	
<p>13.4.2–(A1) The site area per dwelling must:</p> <ul style="list-style-type: none"> <li>(a) be not less than 1.0 hectare; or</li> <li>(b) if the site is in a locality shown in the Table to this clause, the site area for that locality.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Site area is 2.02ha.</li> <li>(b) Not applicable. No locality in Table to this Clause.</li> </ul>
<p><b>13.4.3 Location and configuration of development</b></p>	



<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) Compliant. Shed would be setback 56m from the Penguin Road frontage.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Not applicable. Satisfied by (a).</p> <p>(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) Compliant. Development would be setback 56m from the Penguin Road frontage.</p> <p>(b) Non-compliant. Development would be setback 4.2m from eastern side boundary and approximately 24m from western side boundary.</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>Refer to the "Issues" section of this report.</p> <p>(c) Compliant. Development would be setback greater than 200m from the rear boundary.</p> <p>(d) Compliant. Development would not be within 20m of any designated building areas on adjacent lots.</p> <p>(e) Not applicable. Locality not shown in Table to this Clause.</p> <p>(f) Not applicable. No sealed area on a plan of subdivision.</p> <p>(g) Compliant. Building height would be 3.4m above natural ground level.</p>
<p>13.4.3-(A3) Site coverage must:</p> <p>(a) be not more than 500m<sup>2</sup>; and</p> <p>(b) not include any part of a site required for the disposal and drainage of sewage or stormwater; or</p> <p>(c) be not more than any building area shown on a sealed plan of subdivision.</p>	<p>(a) Non-compliant. Total site coverage would be 549m<sup>2</sup>.</p> <p>Refer to the "Issues" section of this report.</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) Not applicable. No utility structure proposed.</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"> <li>(i) not part of a wind farm;</li> <li>(ii) not sited on a skyline; and</li> <li>(iii) if a wind turbine, not located within 60m a dwelling in other ownership not within 30m of a public road.</li> </ul> <p>(b) A building, except a utility structure must be –</p> <ul style="list-style-type: none"> <li>(i) located not less than 15m below the level of any adjoining ridgeline;</li> <li>(ii) not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; and</li> <li>(iii) clad and roofed with materials with a light reflectance value of less than 40%.</li> </ul>	<p>(b)(i) Compliant. Development would be located approximately 70m below nearest ridgeline.</p> <p>(b)(ii) Compliant. Bass Strait is located approximately 120m to the north.</p> <p>(b)(iii) Compliant. Cladding materials would be Colorbond ‘Night sky’ and ‘Cottage green’.</p>
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<b>13.4.4 Acoustic and visual privacy for residential development</b>	
<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) Not applicable. Satisfied by (b).</p> <p>(b) Compliant. Development would be located approximately 130m from the nearest adjacent dwelling.</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>
<b>13.4.5 Private open space for multiple dwelling residential use</b>	
<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>(a) Compliant. Proposed development would not impede existing private open space that is located to the north and north-west of existing residential buildings, accessed from ground floor living areas.</p>

<p>(b) comprises an area of not less than 50.0m<sup>2</sup>;</p> <p>(c) has a minimum dimension of 5.0m;</p> <p>(d) has a gradient of not more than 1 in 10.</p>	<p>(b) Compliant. Existing private open space comprises of an area greater than 50m<sup>2</sup>.</p> <p>(c) Compliant. The minimum dimension of private open space would be 10m.</p> <p>(d) Compliant. The development area does not have a slope that exceeds 1 in 10 and is relatively flat.</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>Compliant.</p> <p>Proposed development will not impede or alter existing private open space allocation.</p>
<p><b>13.4.6 Setback of sensitive use development</b></p>	
<p>13.4.6–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown on the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary.</p>	<p>(a) Compliant. The site would be setback 45m from the Utilities zone boundary and more than 150m from the Rural Resource zone boundary.</p> <p>(b) Compliant. The site would be setback 45m from the Utilities zone boundary and more than 150m from the Rural Resource zone boundary.</p>

<p>13.4.6–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <ul style="list-style-type: none"> <li>(a) the Bass Highway;</li> <li>(b) a railway;</li> <li>(c) land designated in the planning scheme for future road or rail purposes; or</li> <li>(d) a proclaimed wharf area.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Proposed building would be setback approximately 920m from Bass Highway.</li> <li>(b) Compliant. Proposed building would be setback over 90m from rail line.</li> <li>(c) Not applicable. No land designated for future road or rail purposes.</li> <li>(d) Compliant. The closest proclaimed wharf is located at Devonport approximately 20km to the east.</li> </ul>
<p><b>13.4.7 Subdivision</b></p>	
<p>13.4.7–(P1) Each new lot on a plan of subdivision must be:</p> <ul style="list-style-type: none"> <li>(a) intended for residential use;</li> <li>(b) a lot required for public use by the State Government, a Council, a statutory authority, or a corporation, all the shares of which are held by or on behalf of the State, a Council, or by a statutory authority.</li> </ul>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

13.4.7–(A2)  A lot other than a lot to which A1(b) applies, must not be an internal lot.	Not applicable.  No subdivision proposed.
<b>13.4.8 Reticulation of an electricity supply to new lots on a plan of subdivision</b>	
13.4.8–(A1) Electricity reticulation and site connections must be installed underground.	Not applicable.  No subdivision proposed.
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Not a subdivision, vulnerable or hazardous use.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in the Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of vegetation.
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level proposed.
<b>E5 Local Heritage Code</b>	Not applicable. No Local Heritage Code in the Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. Not a habitable building within a medium hazard mapped area.

<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Code applies to all development.
<b>E9.4 Use or development exempt from this Code</b>	Not exempt.  No Local Area Parking Scheme applies to the site.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
E9.5.1–(A1) Provision for parking must be:  (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;	(a) Compliant. Table E9A requires two car parking spaces for a residential dwelling. The site has ample land area to accommodate this requirement (2.02ha).
<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
E9.5.2–(A1) There must be provision within a site for:  (a) on-site loading area in accordance with the	Not applicable to residential development.



<p>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><b>E9.6 Development Standards</b></p>	
<p><b>E9.6.2 Design of vehicle parking and loading areas</b></p>	
<p>E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p>	<p>Compliant by a Condition on a Permit.</p>
<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and maneuvering area must –</p> <p>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</p>	<p>(a) Compliant. The site has ample land area to accommodate vehicle maneuverability in accordance with Australian Standards.</p> <p>(b) Not applicable.</p> <p>(c) Not applicable.</p> <p>(d) Not applicable.</p> <p>(e) Not applicable.</p> <p>(f) Compliant. Ample area on the site for vehicles to pass and exit in a forward manner.</p>

## COMMUNITY SERVICES

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<p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</p> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	<p>(g) Compliant. Condition to be applied to a Permit.</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>

<b>E10 Water and Waterways Code</b>	Not applicable. Development site would be approximately 120m from Bass Strait.
<b>Specific Area Plans</b>	No Specific Area Plans apply to this location.

### *Issues –*

#### *3 Site coverage and stormwater disposal –*

The Scheme's Acceptable Solution 13.4.3–A3 requires that site coverage in the Rural Living zone be not more than 500m<sup>2</sup>.

The total site coverage, including the area required by the two existing dwellings and the proposed 54m<sup>2</sup> shed, would be approximately 549m<sup>2</sup>.

The Planning Authority may approve a site coverage greater than 500m<sup>2</sup>, providing the site retains the capacity to accommodate the disposal of sewerage and stormwater and the amenity of the site is consistent with the rural setting of the Penguin Road area.

The application is accompanied by a report and designed by consultants Environmental Service and Design for the relocation of the existing wastewater management system, as its current location would impede the construction of the proposed internal driveway. The new system location would be clear of building footprints and the proposed shed stormwater overflow area.

The Scheme's Acceptable Solution 13.4.1–A5 requires that the site be capable of disposing of stormwater. The Acceptable Solution standard only applies to development associated with a single dwelling. The site accommodates two dwellings. Subsequently, a discretion is required to ensure the proposed stormwater from the shed is disposed of in an acceptable manner.

The application details the trenching of stormwater overflow, with works clear of building footprints, the internal access driveway and wastewater systems. In this regard, the proposal satisfies the Scheme requirements in that the site plan shows the land capable of disposal. The Scheme also states that land must have a minimum area of 5,000m<sup>2</sup>. The subject land has an area of 2.02ha.

If a permit is granted, the applicant will need to apply for a Plumbing Permit for the relocation of the on-site wastewater system and the proposed stormwater system. All works approved will need to be installed by a suitably qualified person and ensure that no stormwater would concentrate on adjoining land.

4     *Setback from a side boundary –*

The Scheme's Acceptable Solution 13.4.1–A1 requires that development in the Rural Living zone be setback 10m from a side boundary. The proposed shed would be located approximately 4.2m from the eastern side boundary.

The proposed location of the shed is limited on-site by the location of other existing and proposed infrastructure and buildings.

The Scheme's Performance Criteria 13.4.1–P1(b) requires that the site be of sufficient size for the intended use, taking into account the topography of the land, the natural drainage of the land, management of natural hazards (in this case medium landslide characteristics), access to a road and the disposal of stormwater.

The proposed shed is limited by the two existing dwellings on the site and associated wastewater and stormwater management systems.

The proposed 4.2m setback will not result in negative impacts to adjoining residential uses, as adjoining eastern side boundary land accommodates two access strips that provide vehicular access to internal southern allotments, identified as 245 and 243 Penguin Road.

The applicant proposes to access the shed via the garage that forms a part of the second dwelling. The garage has a roller door at each end of the building and is located to the north of the proposed development. There remains ample area on the western portion of the site to establish an alternate vehicular access, 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	No comment.
Infrastructure Services	No issues.
TasWater	Referral not required.

Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Other	Referral not required.

#### CONSULTATION

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

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

#### Representations –

One representation was received within the prescribed time, a copy of which is provided at Annexure 3.

The representation is summarised and responded to as follows:

MATTER RAISED		RESPONSE
REPRESENTATION 1		
1	The development proposes to block an existing (open) culvert that was built to drain onto a right of way located on an internal strip, just east of the site. The development will direct water onto the access strip/driveways of adjoining properties.	The culvert, as described, is an illegal open stormwater drainage trench that is to become redundant. The landowner of 247 Penguin Road has no legal authority to purposefully drain the land at 247 Penguin Road onto the adjoining access strip/driveway that services internal allotments at

	245 and 243 Penguin Road (via a benefiting right of way).
The water tanks depicted in the applicant's photos show the culvert as blocked. This would lead to a build-up of stormwater behind the tanks and may saturate the septic tank system on site.	<p>The application shows no use of the 'culvert' for stormwater overflow. The proposed disposal of stormwater overflow would be to an underground trench system that is to be constructed to the west of the proposed shed location.</p> <p>A suitably qualified person has redesigned the location of the on-site wastewater system to be clear of the proposed new internal access road and clear of stormwater and building envelopes.</p> <p>Stormwater and wastewater construction and final approval for certification would need to be undertaken by a suitably qualified person when a Plumbing Permit is issued.</p>

*RESOURCE, FINANCIAL AND RISK IMPACTS*

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

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

*CONCLUSION*

The representation does not contain sufficient merit to justify refusal of the development.

The proposed development, as discussed in the “Issues” section of this report, is considered to have adequately satisfied the Scheme’s applicable Performance Criteria. A condition is to be applied to the permit stating that stormwater must not be drained so that it results in the concentration of stormwater onto adjoining land.

Prior to the commencement of work on the site, the applicant would need to ensure that the category of work for building and plumbing works is defined using the Determinations as issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits that may be required in accordance with the defined category of work must be attained prior to the commencement of work.

It is recommended that the application for Residential (outbuilding – shed) – variation to site coverage and side boundary setback standard (re-advertised) at 247 Penguin Road, West Ulverstone be approved subject to the following conditions and notes:

- 1 Development must be in accordance with the plans by Weeda Drafting & Building Construction Pty Ltd, Drawing Nos. 11519-3A and 11519-4A dated 19 December 2019 and Drawing Nos. 11719-1 and 11719-2 dated 9 September 2019, unless modified by a condition of this Permit.
- 2 The development must provide for the on-site collection, storage and disposal of stormwater clear of any defined building area, wastewater disposal area and access driveway.
- 3 Stormwater must not be drained so as to concentrate on adjoining land.
- 4 Vehicle parking and manoeuvring areas must be designed and constructed in accordance with the “Unsealed Roads Manual – Guideline for Good Practice ARRB. In this regard, driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 5 The relocation of the domestic wastewater system must be in accordance with the Wastewater Design Plan and recommendations by Bruce Harpley of Environmental Service and Design, Drawing Nos. 6163-3 dated 25 May 2018 and 6163-4 dated 6 December 2019 and clear of any defined building area, stormwater disposal site or access driveway.



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 outbuilding is approved for non-habitable use ancillary to Residential use of the land. If the outbuilding is intended to be used for a purpose other than this, then a further permit for a change of use would be required.
- 4 The proposed development fits within the criteria of Category 3 – Notifiable Building Work when assessed against the Determinations issued under the *Building Act 2016*. Accordingly, a notification by a Building Surveyor is to be forwarded to the Council's Building Permit Authority prior to the commencement of work. Note that roofwater/stormwater is to be disposed of via connection to an existing stormwater disposal system if available. Alternatively, if no existing stormwater disposal system is available, the roofwater/stormwater is to be disposed of so as to not create a nuisance to neighbouring properties.’

The Land Use Planning Group Leader’s report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr Carpenter moved and Cr Hiscutt seconded, “That the application for Residential (outbuilding – shed) – variation to site coverage and side boundary setback standard (re-advertised) at 247 Penguin Road, West Ulverstone be approved subject to the following conditions and notes:

- 1 Development must be in accordance with the plans by Weeda Drafting & Building Construction Pty Ltd, Drawing Nos. 11519-3A and 11519-4A dated 19 December 2019 and Drawing Nos. 11719-1 and 11719-2 dated 9 September 2019, unless modified by a condition of this Permit.

- 2 The development must provide for the on-site collection, storage and disposal of stormwater clear of any defined building area, wastewater disposal area and access driveway.
- 3 Stormwater must not be drained so as to concentrate on adjoining land.
- 4 Vehicle parking and manoeuvring areas must be designed and constructed in accordance with the "Unsealed Roads Manual – Guideline for Good Practice ARRB. In this regard, driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 5 The relocation of the domestic wastewater system must be in accordance with the Wastewater Design Plan and recommendations by Bruce Harpley of Environmental Service and Design, Drawing Nos. 6163-3 dated 25 May 2018 and 6163-4 dated 6 December 2019 and clear of any defined building area, stormwater disposal site or access driveway.

Please note:

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- 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 outbuilding is approved for non-habitable use ancillary to Residential use of the land. If the outbuilding is intended to be used for a purpose other than this, then a further Permit for a change of use would be required.
- 4 The proposed development fits within the criteria of Category 3 – Notifiable Building Work when assessed against the Determinations issued under the *Building Act 2016*. Accordingly, a notification by a Building Surveyor is to be forwarded to the Council's Building Permit Authority prior to the commencement of work. Note that roofwater/stormwater is to be disposed of via connection to an existing stormwater disposal system if available. Alternatively, if no existing stormwater disposal system is available, the roofwater/stormwater is to be disposed of so as to not create a nuisance to neighbouring properties."

Carried unanimously

INFRASTRUCTURE SERVICES

**56/2020      Infrastructure Services**

The Director Infrastructure Services reported as follows:

“There are no matters from the Infrastructure Services Department for decision at this meeting.”

### ORGANISATIONAL SERVICES

#### **57/2020      Organisational Services**

The Director Organisational Services reported as follows:

“There are no matters from the Organisational Services Department for decision at this meeting.”

#### **58/2020      Public question time**

The Mayor introduced public question time at 6.28pm.

Mrs Dianne Kurrle – Ulverstone

##### *Question 1 –*

“I organised the petition and I wanted to speak on behalf of the petitioners to Councillors. The petition was presented to the community, it was community based, where the community were able to sign it themselves, no door knocking was implemented with the petition. We (the petitioners) are not against the FOGO service, rather its implementation and the question would be around the cost to ratepayers due to the contamination of the FOGO bins and what that cost would be to the public, and also the cost of contamination for the recycling bins?”

##### *Response –*

The Mayor responded that that the questions will be answered in the review and will form part of the Council report to be presented at the Ordinary Meeting of the Council on 20 April 2020.

Mr John Thompson – Gunns Plains

##### *Question 1 –*

“Is Council still committed to consulting and collaborating with the rural community before making any changes to the current country transfer station arrangements?”

*Question 2*

“Are last year’s construction of a third bin bay and the current major site expansion at Preston Transfer Station in anticipation of the closure of Castra and South Riana Transfer Stations?”

*Response–*

The Mayor referred the matter the Director Infrastructure Services who advised that the aim of any consultation is that the Council doesn’t go out with any preconceived ideas, and to his knowledge the construction of the bins at Preston is not to change any service or any other Country Transfer Station. In the review of the Country Transfer stations (that is to occur) it will see the Council go out to the community to discuss all of the Transfer Stations.

*Question 3 –*

“Regarding the Rural Waste Management Consultative Group which has been meeting during that period and is what I was referring to in my questions, is the Council going to continue with that quite effective and consultative and collaborative forum?”

*Response–*

The Mayor referred the matter the General Manager who advised that the Council would initially consult with the group but will also go out to the wider community.

*Question 4 –*

“I only received a part answer to Question 2, the Director hasn’t referred to current major site expansion that is going on at the Preston Transfer Station?”

*Response–*

The Director Infrastructure Services advised that to his knowledge the larger bin installation is to bring the recycling to the Preston Transfer Station, providing an expanded facility.

The Mayor further commented that the matter would be able to have a more in-depth conversation once the group comes together and further, that the Director will be managing the review process.

Anne O'Rourke – Heybridge

*Question 1 –*

“How will the (FOGO) review be conducted through the community, can we do it online or will we have to come to the Council, will the community be involved in it? Further, if the community do request it, will you please reinstate our weekly garbage collection, if the community say they want it, because we do pay for it?”

*Response –*

The Mayor referred the matter the Director Infrastructure Services who advised that as of three o'clock this afternoon (17 February 2020), the survey questions have been placed online (Council website) for those that can use that platform. Survey forms will be available at the Administration Centre in Ulverstone and the Penguin Service Centre. An advertisement was placed in Saturday's newspaper (The Advocate) to reach the wider community. The review will be undertaken as publicly as it can be to try and reach a greater audience.

*Question 2 –*

“Will you reinstate the weekly, if that is what has been requested?”

*Response –*

The Mayor advised that the community would need to wait until the review is undertaken, so that all of the information is considered and a full report to the Council will be provided.

Judy Wells – Forth

*Question 1 –*

“The Forth Community Representative Committee that works in our area, unfortunately there is no way of contacting any of the Committee members, it is not on the website, nothing in the Forth community, so how can the residents of Forth communicate with these Committee members, and we don't know what they are saying to the Council either.”

*Response–*

The Mayor referred the matter the General Manager who advised that the information should be on our website (this was arranged in October 2019). A

poster regarding the Committee has been created and will be placed at the Forth Shop and on the Council website, however, due to some issues a new contact phone number is being identified. The minutes of the Committee are included in the Council agendas and the Committee meetings are open to the public to listen. Committee members will be uploaded to the website.

*Question 2 -*

“I used your search engine but I couldn’t find anything, there is information on the Turners Beach Committee but nothing on Forth. The residents are not happy, as we cannot communicate with anyone.”

*Response -*

The Mayor and General Manager advised that the matter would be followed up to ensure the information is available.

Questions and replies concluded at 6.39pm.

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## CLOSURE OF MEETING TO THE PUBLIC

### 59/2020 Meeting closed to the public

The Executive Services Officer reported as follows:

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

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

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

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
TasWater Quarterly Report to the Owners' Representatives	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Sale of land at 2A Dial Road, Penguin (392A/2019 – 16.12.2019)	15(2)(f) Proposals for the council to acquire land or an interest in land or for the disposal of land.”

■ Cr Beswick moved and Cr Hiscutt 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
TasWater Quarterly Report to the Owners' Representatives	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Sale of land at 2A Dial Road, Penguin (392A/2019 – 16.12.2019)	15(2)(f) Proposals for the council to acquire land or an interest in land or for the disposal of land.”

Carried unanimously and by absolute majority

The Executive Services Officer further reported as follows:

- “1 The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, the fact that the matter was discussed and a brief description of the matter so discussed, and is not to record in the minutes of the open meeting the details of the outcome unless the council determines otherwise.
- 2 While in a closed meeting, the council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.
- 3 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.  
  
Similarly, an employee of a council must not disclose information acquired as such an employee on the condition that it be kept confidential.
- 4 In the event that additional business is required to be conducted by a council after the matter(s) for which the meeting has been closed to the public have been conducted, the Regulations provide that a council may, by simple majority, re-open a closed meeting to the public.”

The meeting moved into Closed session at 6.40pm.

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**60/2020      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 28 January 2020 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

**61/2019      TasWater Quarterly Report to the Owners' Representatives**

The General Manager reported as follows:

*"PURPOSE*

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

...

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

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

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

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

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

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

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

ORGANISATIONAL SERVICES

**62/2020      Sale of land at 2A Dial Road, Penguin (392A/2019 – 16.12.2019)**

The Director Organisational Services reported as follows:

*“PURPOSE*

A report was provided to assist the Council in further considering the sale of 0.3218 hectares of land at 2A Dial Road, Penguin to the adjoining neighbour as per previous report to the Council on 16 December 2019 – Minute No. 392A/2019.

...

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.”

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There being no further business, the Mayor declared the meeting closed at 6.43pm.

CONFIRMED THIS 16TH DAY OF MARCH, 2020.

**Chairperson**

(lb:lc)

**Appendices**

- Minute No. 48/2020 – Schedule of Correspondence addressed to the Mayor and Councillors
- Minute No. 49/2020 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 50/2020 – Schedule of Contracts & Agreements
- Minute No. 51/2020 – Schedule of Statutory Determinations

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*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

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# Associated Reports And Documents

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

Period: 29 January to 17 February 2020

- . A letter petitioning the Council to open up the electric vehicle charging station near the Civic Centre
- . A letter of further request in regard to an upgrade of the road sign for the entry into Penguin
- . A letter advising that nothing has been done to improve the surface of Dial Road, Penguin
- . Letter of concern in relation to noise pollution being experienced in West Ulverstone
- . A letter providing information regarding the purchase of land and removal of vegetation – CT Volume 230089 Folio 1 – Golf Club Road, West Ulverstone.



Sandra Ayton  
GENERAL MANAGER

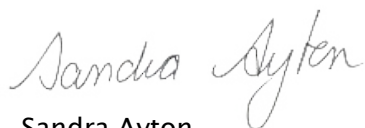


**SCHEDULE OF DOCUMENTS FOR AFFIXING OF  
THE COMMON SEAL**

Period: 29 January to 17 February 2020

*Documents for affixing of the common seal under delegation*

- . Final Plan of Survey and Schedule of Easements  
247 Penguin Road, West Ulverstone  
DA216080
- . Final Plan of Survey and Schedule of Easements  
146 Main Street, Ulverstone  
DA2018198
- . Final Plan of Survey and Schedule of Easements  
12-14 Bertha Street, West Ulverstone  
DA2018312



Sandra Ayton  
GENERAL MANAGER

## SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

Period: 29 January to 17 February 2020

### *Contracts*

- . Contract 10/2019–2020  
ETCS Electrical and Fire  
Undertake the provision of maintenance of essential safety and health features measure – fire and electrical inspections in accordance with the tender document dated 2 October 2019  
Contract Amount: Rates as per tender documents
- . Contract of Sale  
Central Coast Council to SM International P/L SF  
4 Turners Beach Road, Turners Beach  
Property ID: Volume 8179 Folio 1  
Via Auction on 14 February 2020  
Purchase Price: \$140,000.00

### *Agreements*

- . Deed of Agreement  
Department of infrastructure, Transport, Cities and Regional Development and Central Coast Council  
Funding agreement for Penguin Foreshore Remediation and Upgrade Project  
Funding amount: \$6,500,000.00
- . Grant Deed  
The Crown in Right of Tasmania (Department of State Growth) and Central Coast Council  
To provide new bus stop, existing bus stop upgrades and nominated removals as part of bus stop infrastructure in Central Coast  
Completion of Approved Purpose: 1 April 2020  
Grant Amount: \$93,000.00

- . Occupancy Agreement  
Victoria Street Clinic and Central Coast Council  
52 Richardson Street, Ulverstone  
Period of Agreement: 1 January 2020 to 1 January 2021
- . Memorandum of Agreement  
Ross Hartley – Friends of the Penguin General Cemetery and  
Central Coast Council  
Temporary art installation (mosaic, steel and metal printed board artwork)  
Penguin Railway Station lawn  
Community Consultation Period: 7 February to 21 February 2020



Sandra Ayton  
GENERAL MANAGER

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 January 2020 to 31 January 2020**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2018130	15 Browns Lane PENGUIN,TAS,7316	Discretionary	Retrospective application for discretionary use and development in Rural Resource zone being Visitor accommodation (cabin and outbuilding – shed comprising shipping containers x two)	13/03/2018	6/01/2020	35	\$75,000.00
DA2018134 – 1	41 Fieldings Way ULVERSTONE,TAS,7315	Minor amendment of a Permit.	Storage (truck shed) – Minor Amendment	27/11/2019	7/01/2020	19	\$0.00
DA2018180	CT115730/2 Allison Road NORTH MOTTON,TAS,7315	Discretionary	Residential (non–required dwelling and outbuilding – garage)	18/12/2018	6/01/2020	32	\$300,000.00
DA2018315	605 Stotts Road CAMENA,TAS,7316	Discretionary	Resource development (cattle grazing and cultivation) and Residential (required dwelling)	3/06/2019	24/01/2020	35	\$300,000.00
DA2018331	Fabers Road, RIANA and 137 Winduss Road GUNNS PLAINS,TAS,7315	Discretionary	Passive recreation (public walking trail)	13/06/2019	6/01/2020	43	\$1,000.00
DA2019089	5 Midway Lane SULPHUR CREEK,TAS,7316	Discretionary	Residential (bin enclosure and letter box)	25/09/2019	30/01/2020	24	\$0.00
DA2019102	13 Turners Avenue TURNERS BEACH,TAS,7315	Discretionary	Residential (demolition and new dwelling)	3/10/2019	23/01/2020	34	\$500,000.00

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 January 2020 to 31 January 2020**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2019111	47 King Edward Street ULVERSTONE,TAS,7315	Discretionary	Business and professional services (office extensions, carport and storage shed)	10/10/2019	10/01/2020	36	\$350,000.00
DA2019115	39 Walker Street ULVERSTONE,TAS,7315	Permitted	Residential (construction of a single dwelling to establish multiple dwelling development x two including the demolition of existing outbuildings)	18/10/2019	23/01/2020	8	\$300,000.00
DA2019116	611 Forth Road FORTH,TAS,7310	Discretionary	Residential (dwelling and outbuilding and an ancillary dwelling)	21/10/2019	28/01/2020	53	\$318,200.00
DA2019132	47 Alice Street WEST ULVERSTONE,TAS,7315	Discretionary	Residential (subdivision – two lots)	14/11/2019	20/01/2020	38	\$10,000.00
DA2019136	50 Lasts Road FORTH,TAS,7310	Discretionary	Residential (multiple dwellings x two – required dwelling and farm hand residence)	19/11/2019	29/01/2020	36	\$400,000.00
DA2019138	50 Barkers Road SOUTH RIANA,TAS,7316	Discretionary	Residential (retrospective approval for dwelling extension and outbuildings – carport, garage and farm shed)	21/11/2019	29/01/2020	22	\$130,000.00
DA2019139	130 Raymond Road and Preston Creek on adjoining Crown land GUNNS PLAINS,TAS,7315	Discretionary	Utilities (above ground pipeline from Preston Creek)	20/11/2019	23/01/2020	31	\$400.00

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 January 2020 to 31 January 2020**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2019140	7 Hogarth Road SULPHUR CREEK,TAS,7316	Discretionary	Residential (outbuilding – garage)	20/11/2019	23/01/2020	34	\$26,000.00
DA2019141	25 Allens Road WEST ULVERSTONE,TAS,7315	Permitted	Residential (demolition of existing dwelling and construction of new dwelling)	22/11/2019	7/01/2020	26	\$300,000.00
DA2019145	322 Braddons Lookout Road FORTH,TAS,7310	Discretionary	Residential (outbuilding – garage)	22/11/2019	6/01/2020	35	\$12,000.00
DA2019150	18 Bowman Drive PENGUIN,TAS,7316	Permitted	Residential (dwelling and outbuilding – shed)	29/11/2019	23/01/2020	7	\$280,000.00
DA2019158	6 Phoenix Court ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling)	10/12/2019	9/01/2020	28	\$600,000.00
DA2019161	133B South Road WEST ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling extension – BBQ area and covered deck)	13/12/2019	20/01/2020	34	\$40,000.00
DA2019162	1360 Kindred Road KINDRED,TAS,7310	Discretionary	Residential (required one bedroom dwelling)	13/12/2019	23/01/2020	35	\$70,000.00
DA2019163	25 Esplanade TURNERS BEACH,TAS,7315	Discretionary	Residential (dwelling addition)	16/12/2019	29/01/2020	37	\$30,000.00
DA2019164	5 Tucker Street ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling extension)	16/12/2019	23/01/2020	34	\$15,000.00
DA2019169	3 Moonbeam Place ULVERSTONE,TAS,7315	Permitted	Residential (dwelling)	17/12/2019	23/01/2020	6	\$400,000.00
DA2019171	31 Westland Drive WEST ULVERSTONE,TAS,7315	Discretionary	Residential (outbuildings – garage and carport)	18/12/2019	29/01/2020	22	\$22,000.00
DA2019173	83 River Avenue HEYBRIDGE,TAS,7316	Discretionary	Residential (outbuilding – carport)	19/12/2019	23/01/2020	34	\$3,000.00

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 January 2020 to 31 January 2020**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2019174	110 Clerke Plains Road SPALFORD,TAS,7315	Permitted	Residential (outbuilding – carport)	19/12/2019	9/01/2020	7	\$2,000.00
DA2019175	2 Hearps Road WEST ULVERSTONE,TAS,7315	Permitted	Residential (demolition of carport and new outbuilding – garage)	20/12/2019	28/01/2020	0	\$15,000.00
DA2020001	141 Hardys Road PENGUIN,TAS,7316	Permitted	Residential (earthworks – cut, fill and retaining walls) – retrospective approval	2/01/2020	28/01/2020	12	\$5,000.00

## SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION

Period: 1 January 2020 to 31 January 2020

### Building Permits – 6

·	New dwellings	4	\$1,225,000
·	Outbuildings	0	\$0.00
·	Additions/Alterations	2	\$240,000
·	Other	0	\$0.00
·	Units	0	\$0.00

### Demolition Permit – 0

### Permit of Substantial Compliance – Building – 0

### Notifiable Work – Building – 9

·	New dwellings	3	\$785,000
·	Outbuildings	3	\$103,403
·	Additions/Alterations	2	\$114,000
·	Other	1	\$140,000

### Building Low Risk Work – 1

### Certificate of Likely Compliance – Plumbing – 7

### No Permit Required – Plumbing – 4

### Food Business registrations (renewals) – 6

### Food Business registrations – 1

### Temporary Food Business registrations – 3

### Temporary 12 month Statewide Food Business Registrations – 2

### Public Health Risk Activity Premises Registration – 0

### Public Health Risk Activity Operator Licences – 0

### Temporary Place of Assembly licences – 0



## **SCHEDULE OF COMMUNITY SERVICES DETERMINATIONS MADE UNDER DELEGATION**

Period: 1 January 2020 to 31 January 2020

### **Abatement notices issued**

<b>ADDRESS</b>	<b>PROPERTY ID</b>
5-7 Buttons Avenue, Ulverstone	100220.0015
Hogarth Road, Sulphur Creek	403265.0100
Forth Road, Forth	302380.0690

### **Kennel Licence issued**

<b>ADDRESS</b>	<b>OWNER</b>
Nil	

### **Permits issued under Animal By-Law 1 – 2018**

<b>ADDRESS</b>	<b>PERMIT ISSUED FOR</b>
Nil	

## **SCHEDULE OF OTHER STATUTORY RESPONSIBILITIES OF COMMUNITY SERVICES**

Period: 1 January 2020 to 31 January 2020

### **Infringement notices issued for Dog Offenses**

	<b>1-31 Jan 2019</b>
Claimed	2
Burnie Dogs Home	1
Destroyed	0
Heldover	3

### **Infringements for dogs and impoundments etc.**

1 - 31 January 2020	1
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### **Traffic Infringement Notices for Parking Offences**

1 - 31 January 2020	33
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Jackie Harvey  
DIRECTOR COMMUNITY SERVICES