
Minutes of an ordinary meeting of the Central Coast Council held via Zoom (electronic conferencing) on Monday, 20 April 2020 commencing at 6.00pm.

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	

Councillors apologies

Nil

Employees attendance

General Manager (Ms Sandra Ayton)
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

Due to COVID-19 restrictions, media representatives were not able to attend the meeting.

Public attendance

Due to COVID-19 restrictions, the public were not able to attend the meeting.

CONFIRMATION OF MINUTES OF THE COUNCIL

98/2020 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 16 March 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 Diprose seconded, “That the minutes of the previous ordinary meeting of the Council held on 16 March 2020 be confirmed.”

Carried unanimously

COUNCIL WORKSHOP

99/2020 Council workshops

The Executive Services Officer reported as follows:

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

- . 30.03.2020 – FOGO review;
- . 06.04.2020 – Disability Action Plan; Road Permits; Ulverstone Cultural Precinct update; Social Recovery Plan and Financial Hardship Assistance Policy; Turners Avenue footpath.

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

100/2020 Mayor's communications

The Mayor reported as follows:

"I will now briefly adjourn this meeting to present Certificates of Appointment to Mr Paul Breaden as the Council's Municipal Emergency Management Coordinator for a period of two years, as well as Mr Phillip Barker as the Council's Deputy Municipal Emergency Management Coordinator for a period of two years in accordance with s.23 of the *Emergency Management Act 2006*, I ask that staff be presented with their Certificates and that congratulations are conveyed to both, on behalf of the Council."

The meeting resumed at 6.02pm.

101/2020 Mayor's diary

The Mayor reported as follows:

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

- . TasWater Owners' Representative Group Special General Meeting – via video conference
- . Local Government Association Tasmania (LGAT) General Meeting – via video conference
- . Local Government COVID-19 Stimulus Package Discussion – via video conference
- . Central Coast Chamber of Commerce and Industry – Meeting – via video conference
- . Switch Tasmania – COVID-19 Meeting – via video conference
- . Discussion with Premier Peter Gutwein regarding COVID-19 – via telephone
- . Discussion with Minister for Local Government, Mark Shelton MP regarding COVID-19 – via telephone."

The Executive Services Officer reported as follows:

- Cr Hiscutt moved and Cr Overton seconded "That the Mayor's report be received."

Carried unanimously

102/2020 **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.”

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.”

There were no interests declared.

COUNCILLOR REPORTS

103/2020 **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 the Slipstream Circus Board Inc., the Board also held their Annual General Meeting, where Ms. Meg Arvier was reappointed as Committee President. Cr Hiscutt further reported that the Circus has been impacted by COVID-19 and are looking for support during and beyond this difficult time.

Cr Fuller reported on a recent meeting of the Dulverton Waste Management Board, where a sub-committee have continued to work on the review and assessment of the Boards' skills,

identifying gaps and areas of expertise. A report will be provided in due course. Cr Fuller further provided an update on the Riana Community Centre and noted her disappointment in the committee having not received the support from the Council (as hoped) in relation to their Tas Communities Fund Grant application to remodel and upgrade their toilet and change room facility. Cr Fuller confirmed a budget request for the upgrade is likely to be submitted for consideration during the 2020–2021 budget process.

Cr Overton reported on a recent meeting of Central Coast Chamber of Commerce and Industry, and noted the Chambers' interest as to how the Council will assist businesses during this period of time, however feels that the Financial Hardship Assistance Policy will answer their concerns and questions.

APPLICATIONS FOR LEAVE OF ABSENCE

104/2020 Leave of absence

The Executive Services Officer reported as follows:

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

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

There are no applications for consideration at this meeting.”

DEPUTATIONS

105/2020 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

106/2020 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

107/2020 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.

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- (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.'

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.

108/2020 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

109/2020 Public question time

The Mayor reported as follows:

"Due to the current COVID-19 crisis and associated restrictions, this meeting is not be open to public attendance. Members of the public who wanted to ask questions to the Council, that would normally have been heard during the Public Question Time section of the meeting agenda, were advised to provide their question on notice to the General Manager by 3.00pm Monday, 20th April 2020.

No Questions were received by the time as was advertised to the public."

110/2020 Public questions taken on notice

The Executive Services Officer reported as follows:

"No public questions were taken on notice from the 16 March 2020 meeting."

DEPARTMENTAL BUSINESS

GENERAL MANAGEMENT

111/2020 COVID-19 pandemic relief mechanisms for Central Coast

The General Manager reported as follows:

PURPOSE

The purpose of this report is to assist the Council in considering relief mechanisms that can be implemented to assist the Central Coast community as an outcome from the COVID-19 virus that has had major impacts on community members, businesses and organisations.

BACKGROUND

The Local Government Association of Tasmania (LGAT) held a General Meeting on Friday 27th March 2020 via web conference.

A late item on the agenda was in relation to possible approaches to relief that could be agreed sectorially.

The State Government has indicated through addresses in Parliament and Legislation, that there is an expectation that Local Government will assist in addressing the burden on communities, triggered by COVID-19 emergency actions.

DISCUSSION

Local Government as a sector has been working together, as well as, individual Councils, to identify areas where a unified approach can be developed that supports their communities to recover from the economic and social impacts of the virus. This includes consideration of financial measure through the freezing of Rates and Fees and Charges, hardship assistance and social support.

The Local Government Association of Tasmania (LGAT) is also working closely with Councils and the State Government (directly) in regard to COVID-19. LGAT are supporting members in areas such as business continuity planning, specific pandemic management measures and sectoral issues that need to be addressed with the support of the State Government.

On 24 March 2020, LGAT, Mayors and General Managers (state-wide) held discussion via web-conference about possible state-wide approaches to relief mechanisms. In support of this the State Government indicated through Parliamentary addresses and legislation, that there is an expectation that the Local Government sector will be required to assist communities, where possible to lessen impacts that have been triggered by COVID-19.

At the LGAT meeting held 27 March 2020, a motion was carried unanimously determining that “*LGAT Voting Representatives agree to take back relief mechanisms, to their Council for determination of a formal position on them as soon as practicable for this point in time with a review before 30 June 2020.*”

The following motions were passed at the meeting:

- 1 No penalties, charges, interest or debt collection for late rates payments and extended payment periods (with such measures in place) until 30 June 2020.

 Rent relief on Council owned buildings where tenants are experiencing financial hardship until 30 June 2020.
3. A common approach to hardship/assistance policies with LGAT to develop a model policy based on engagement with Councils.
- 4a Community grants to be refocussed as appropriate to support local business and not for profit recovery or conversion to a digital environment or circular economy until 30 June 2021.
- 4b As a means of supporting local business recovery and injecting funds into communities in a timely manner, Councils be encouraged to settle creditor invoices within a maximum 14-day timeframe (or sooner), irrespective of normal trading terms.
- 5 A 0% increase on general rates for 2020-21 but fees and charges may be indexed by CPI.
- 6 Seek the option of relaxing depreciation requirements or extending standard asset life for 2020-21 upon agreed criteria with the Auditor General (including asset condition) and subject to the Auditor General adjusting financial indicators accordingly.

The Council implemented their Pandemic Plan on 18 March 2020, and since that time have been working to ensure critical operations are continued and are developing provisions for financial and social support and recovery plans, to support the Central Coast Community.

Along with the Council's Plans and response to the pandemic, it is also supportive of a unified approach with relief mechanisms, where possible and in light of this are supportive of the motion that was adopted at the LGAT General Meeting held on 27 March 2020.

CONSULTATION

The report outlines the considerable consultation that has been undertaken on a Federal, State and Local level.

RESOURCE, FINANCIAL AND RISK IMPACTS

The total impact on the Council in relation to the relief mechanisms outlined within this report will be wide and varied for ratepayers, businesses and community organisations.

The Councils' 2020–2021 budget will be impacted from the implementation of these measures and will require a rework of the Council's long-term financial plan to accommodate these measures.

The risk is that if we as a Local Government Sector cannot agree sectorially on a response, there is every chance that a State Government decision will be imposed.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

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

CONCLUSION

It is recommended that the Council endorse the following relief mechanisms listed below coming out of the Local Government Association of Tasmania meeting on 27 March 2020:

- 1 no penalties, charges, interest or debt collection for late rates payments and extended payment periods (with such measures in place) until 30 June 2020;
- 2 rent relief on Council owned buildings where tenants are experiencing financial hardship until 30 June 2020;

- 3 a common approach to hardship/assistance policies with LGAT to develop a model policy based on engagement with councils;
- 4a Community Grants to be refocussed as appropriate to support local business and not for profit recovery or conversion to a digital environment or circular economy until 30 June 2021;
- 4b as a means of supporting local business recovery and injecting funds into communities in a timely manner, councils be encouraged to settle creditor invoices within a maximum 14-day timeframe (or sooner), irrespective of normal trading terms;
- 5 a 0% increase on general rates for 2020–2021 but fees and charges may be indexed by CPI; and
- 6 seek the option of relaxing depreciation requirements or extending standard asset life for 2020–2021 upon agreed criteria with the Auditor General (including asset condition) and subject to the Auditor General adjusting financial indicators accordingly.”

The Executive Services Officer reported as follows:

■ Cr van Rooyen moved and Cr Overton seconded “That the Council endorse the following relief mechanisms listed below coming out of the Local Government Association of Tasmania meeting on 27 March 2020:

- 1 no penalties, charges, interest or debt collection for late rates payments and extended payment periods (with such measures in place) until 30 June 2020;
- 2 rent relief on Council owned buildings where tenants are experiencing financial hardship until 30 June 2020;
- 3 a common approach to hardship/assistance policies with LGAT to develop a model policy based on engagement with councils;
- 4a Community grants to be refocussed as appropriate to support local business and not for profit recovery or conversion to a digital environment or circular economy until 30 June 2021;
- 4b as a means of supporting local business recovery and injecting funds into communities in a timely manner, councils be encouraged to settle creditor invoices within a maximum 14-day timeframe (or sooner), irrespective of normal trading terms;

- 5 a 0% increase on general rates for 2020–2021 but fees and charges may be indexed by CPI; and
- 6 seek the option of relaxing depreciation requirements or extending standard asset life for 2020–2021 upon agreed criteria with the Auditor General (including asset condition) and subject to the Auditor General adjusting financial indicators accordingly.”

Carried unanimously

112/2020 Financial Hardship Assistance Policy

The General Manager reported as follows:

“PURPOSE

The purpose of this report is to assist the Council in considering the adoption of a Financial Hardship Assistance Policy (the Policy) to support ratepayers experiencing hardship, particularly in the currently declared COVID–19 pandemic.

BACKGROUND

At the Local Government Association of Tasmania (LGAT) General Meeting held 27 March 2020, a motion was carried unanimously determining that *“LGAT Voting Representatives agree to take back relief mechanisms, to their Council for determination of a formal position on them as soon as practicable for this point in time with a review before 30 June 2020”*. The development of a Financial Hardship Assistance Policy is one of the actions arising from the motion and has been developed with a state–wide approach.

DISCUSSION

The State Government has indicated through addresses in Parliament and legislation that expectation will be placed on Councils to assist ratepayers and persons impacted by COVID–19. From these clear expectations, Councils in conjunction with LGAT developed a draft Financial Hardship Assistance Policy, in conjunction with the *Local Government Act 1993*, the *COVID–19 Disease Emergency (Miscellaneous Provisions) Act 2020*, the Council’s Rates and Charges Policy and the Australian Tax Office guidelines

The Policy provides a clear process in which Councils will need to adhere to when considering an application for financial hardship. Each application is to be considered

on an individual basis and take into consideration all of the factors to which may apply to individual circumstances, based on the evidence that is supplied.

Whilst this Policy has been developed during the COVID-19 pandemic, the Policy can be utilised for cases of financial hardship, outside of a pandemic situation.

CONSULTATION

The development of this Policy has been a collaborative approach with the Local Government Association of Tasmania and other Councils to ensure a consistent approach to all Ratepayers within Tasmania.

RESOURCE, FINANCIAL AND RISK IMPACTS

One of the considerations in developing this Policy is to ensure a consistent approach with dealing with ratepayers, businesses and organisations. In relation to the COVID-19 pandemic the impact on financial resources is not known.

Outside of the current COVID-19 pandemic the policy is not inconsistent with our current practices.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

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

CONCLUSION

It is recommended that the Council:

- 1 adopts the Financial Hardship Assistance Policy – dated April 2020 and further;
- 2 that the Council provide rental relief for Community groups and Organisations using Council facilities and for rental of Council properties used for business purposes from the commencement of the impact of COVID-19 until 30 June 2020 where further extensions will be considered at that time."

The Executive Services Officer reported as follows:

“A copy of the Financial Hardship Assistance Policy – dated April 2020 has been circulated to all Councillors.”

■ Cr Viney moved and Cr Beswick seconded “That the Council:

- 1 adopts the Financial Hardship Assistance Policy – dated April 2020 (a copy being appended to and forming part of the minutes) and further;
- 2 that the Council provide rental relief for Community groups and Organisations using Council facilities and for rental of Council properties used for business purposes from the commencement of the impact of COVID-19 until 30 June 2020 where further extensions will be considered at that time.”

Carried unanimously

113/2020 Quarterly Performance Report – 2019–2020 Annual Plan progress

The General Manager reported as follows:

“PURPOSE

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

BACKGROUND

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

DISCUSSION

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

- . Ulverstone Recreation Ground Changerooms project has progressed and is on track for completion late–April, early–May 2020;

- . Costings for the implementation of charging stations in the Ulverstone and Penguin CBD's has been undertaken and will be considered during the 2020–2021 budget estimate process;
- . Further progress made in relation to the social aspect of the Ulverstone and Penguin CBD's. Community surveys were conducted in Ulverstone and Penguin during February and a Councillors Workshop with Consultant – Steven Burgess and the Central Coast Chamber of Commerce and Industry in March 2020;
- . Draft Dog Management Policy adopted by the Council in March 2020, community consultation process to be undertaken mid–April, with a view that a final Policy and report will be submitted to the June 2020 Council meeting;
- . Development Application for the Turners Beach to Forth Shared Pathway submitted to Council for decision;
- . Further development of the Ulverstone Showground Master Plan, with a draft Master Plan presented at a Councillor Workshop;
- . Food Organics and Garden Organics review is being undertaken and a report will be submitted to the Council for the May 2020 meeting;
- . Commencement of footpath surveys, for inclusion in the Footpath Forward Plan review;
- . North Reibey Street design options were presented to a Councillor Workshop, design arrangement and layout continues;
- . Climate Change Policy and Strategy adopted at March 2020 Council meeting.

A copy of the Quarterly Performance Report to Council – 31 March 2020 is appended.

CONSULTATION

Consultation is not required on this report.

RESOURCE, FINANCIAL AND RISK IMPACTS

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

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

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

CONCLUSION

It is recommended that the Council receive the Quarterly Performance Report on progress with the 2019–2020 Annual Plan as at 31 March 2020.”

The Executive Services Officer reported as follows:

“A copy of the Quarterly Performance Report to Council – 31 March 2020 has been circulated to all Councillors.”

- Cr Overton moved and Cr Hiscutt seconded “That Council receive the Quarterly Performance Report on progress with the 2019–2020 Annual Plan as at 31 March 2020.”

Carried unanimously

114/2020 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 17 March 2020 to 20 April 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 Fuller 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

115/2020 Common seal

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 17 March 2020 to 20 April 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 Beswick 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

116/2020 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 17 March 2020 to 20 April 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 van Rooyen 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

117/2020 Statutory determinations

The Director Community Services reported as follows:

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

Carried unanimously

118/2020 Proposal for Public Art Installation at Penguin Beach (82/2020 – 16.03.2020)

The Director Community Services reported as follows:

“The Community Development Officer prepared the following report

‘PURPOSE

The purposes of this report is to assist the Council in considering the proposed installation of the Public Art piece “mosaic and word jumble” submitted by Ross Hartley, for Friends of the Penguin General Cemetery (the applicant) at the Penguin Foreshore following recent community consultation.

BACKGROUND

The Council received an application from the applicant to temporarily place a two-sided piece of Public Art created by Christianne Goss (mosaic side) and word jumble (created by sign maker) at the railway precinct at the railway precinct at Penguin.

Following community consultation, a report was brought to the Council in March 2020 recommending that the artwork be installed at Johnsons Beach.

Community consultation has shown that the majority of the community is in support of the artwork, and appreciative of the message that it sends to the community. However, opinions had raised understandable reservations about the suitability of the railway precinct as a home for the piece for multiple reasons.

At the March 2020 Council meeting, an alternate motion was adopted, that the Council:

- (a) note the feedback received through the consultation period;
- (b) not support the siting of the Public Art Installation at the Penguin Railway site;
- (c) implement a working group consisting of two (2) elected representatives, two (2) staff members from Community Services along with three (3) members of the Friends of the Penguin General Cemetery (the applicant) to find a suitable alternative location for this important community art piece;
- (d) that the Council finalise an agreement with the applicant outlining the terms for repair of damage to the artwork, decommissioning of the artwork, and decisions on its end of life; and further
- (e) That a report come back to the Council by no later than the May 2020 Council meeting.

The motion was carried unanimously.

DISCUSSION

The working group was established and consisted of Ross Hartley, Neil Maggs and Leah Morrow (on behalf of the applicant), Crs John Beswick and Cheryl Fuller, Director Community Services and the Community Development Group Leader. Ross Hartley resigned from the group and nominated Christianne Goss (the artist) as the replacement representative.

The working group met on 7 April 2020 to consider ten (10) potential sites that had been identified from the applicant, from Councillors and the staff. Copies of location options and the underground services relating to the location options are appended to this report.

PROPOSED LOCATIONS FOR CONSIDERATION:

After a short-listing process, two sites were chosen unanimously for further discussion:

- 1 Location 1: near the bridge to Johnsons Beach; and
- 2 Location 7: Penguin foreshore, west of the beach access stairs and vehicle turn-out.

Location 1 will be subject to construction works and disruption over the coming financial year with the Penguin foreshore wall and shared pathway projects. It was noted that the footings could be installed to enable the temporary removal of the artwork while works are undertaken.

The site is currently noted as a high coastal erosion hazard.

Location 7 is located at the foreshore, adjacent to the trees, west of the beach access stairs and the vehicle turn-out area.

This is a site that offers good visibility of the artwork at the foreshore. The proximity of the trees minimises any additional visual impact of the sea view. There are no coastal erosion hazards.

The working group unanimously agreed that Location 7 was the preferred site for the location of the artwork.

An initial services survey has been undertaken and it was noted that a final survey would be required ahead of any installation.



In summary of the nomination of Location 7:

- 1 the working group agreed unanimously that they would like to nominate the Foreshore site for the installation of the art work;
- 2 the area is accessible and has space to manoeuvre around the artwork; and
- 3 the location sits adjacent to the trees and does not disrupt the view of the Bass Strait.

The Council would like to thank the representatives of the Friends of the Penguin Cemetery who participated in the working group in a positive, collegiate and flexible way.

CONSULTATION

The application was subject to a public consultation process in accordance with the adopted Public Art Policy 2019.

Consultation was undertaken between 7 and 21 February 2020 and 75 comments were received.

RESOURCE, FINANCIAL AND RISK IMPACTS

To date the costs incurred by the Council are, primarily Officers time in reviewing and providing advice to the applicant. However, multiple searches and service checks have been undertaken at cost to the Council. The Council also provided \$2,994.50 through the Community Grant process.

Concerns are raised for the long-term preservation of the mosaic side of the artwork. In time a more permanent and substantial surface will likely be required e.g. solid wall placement may need to be considered into the future.

CORPORATE COMPLIANCE

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

Community Capacity and Creativity

- Cultivate a culture of creativity in the community.
- Central coast Council Public Art Policy:
- Community: Facilitate artists, artist groups and community organisations to develop public art opportunities.

CONCLUSION

The working group has considered a number of locations in Penguin for the installation of the artwork.

A unanimous recommendation is put forward for Location 7 at the Penguin foreshore,

It is therefore recommended that the Council:

- 1 note the work undertaken by the working group;
- 2 undertakes a site services survey on the location;
- 3 the Council approves the installation of the artwork at Penguin foreshore, west of the beach access stairs and vehicle turn-out location, subject to the final result of the services survey; and
- 4 that the Council finalise an agreement with the applicant outlining the terms for repair of damage to the artwork, decommissioning of the artwork, and decisions on its end of life.'

The Community Development Officer's report is supported."

The Executive Services Officer reported as follows:

"A copy of the site location has been circulated to all Councillors."

■ Cr Fuller moved and Cr Beswick seconded "That the Council:

- 1 note the work undertaken by the working group;
- 2 undertakes a site services survey on the location;
- 3 the Council approves the installation of the artwork at Penguin foreshore, west of the beach access stairs and vehicle turn-out location, subject to the final result of the services survey; and
- 4 that the Council finalise an agreement with the applicant outlining the terms for repair of damage to the artwork, decommissioning of the artwork, and decisions on its end of life."

Carried unanimously

119/2020 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 Ref No. 120, 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 Hiscutt moved and Cr Diprose seconded “That the Mayor’s report be received.”

Carried unanimously

120/2020 Minor utilities – Shared Pathway, Turners Beach to Leith – DA2020028

The Director Community Services reported as follows:

“The planning consultant, Theresia Williams of PlanPlace consulting has prepared the following assessment report:

‘ <i>DEVELOPMENT APPLICATION No.:</i>	DA2020028
<i>PROPOSAL:</i>	Minor utilities (shared pathway from Turners Beach to Leith)
<i>APPLICANT:</i>	Central Coast Council
<i>LOCATION:</i>	Turners Beach to Leith, Multiple sites
<i>ZONE:</i>	Environmental Management, Rural Living and Utilities zones
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	4 March 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	19 March 2020

<i>REPRESENTATIONS RECEIVED:</i>	Fourteen
<i>42-DAY EXPIRY DATE:</i>	9 April 2020– Extension of time granted until 20 April 2020
<i>DECISION DUE:</i>	20 April 2020

PURPOSE

The purpose of this report is to consider an application for the proposed shared pathway between Turners Beach and Leith.

Accompanying the report are the following documents:

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

BACKGROUND

Development description –

Application is made for the approval of the proposed new section of the Shared Coastal Pathway, running from Turners Beach, across the old rail bridge and through Leith.

Minor Utilities is defined as “*use of land for utilities for local distribution or reticulation of services and associated infrastructure such as a footpath, cycle path, stormwater channel, water pipes, retarding basin, telecommunication lines or electricity substation and power lines up to but not exceeding 110Kv*”.

It is a permitted use within all three zones.

The proposal is reliant upon assessment under a number of performance criteria.

Site description and surrounding area –

The site is located across the coastal areas of both Turners Beach and Leith. The pathway travels through coastal reserve, across the now defunct rail line and through coastal reserve once again, before passing through the residential area of Leith before terminating at the existing underpass (Bass Highway).

History -

The proposed walkway travels over land which has traditionally been used as a public coastal reserve, as well as alongside current residential uses within both Turners Beach and Leith. Additionally, the proposal utilises a now defunct railway bridge.

The area was the subject of a previous application for a walkway which was withdrawn.

DISCUSSION

The following table is an assessment of the relevant Scheme provisions

Rural Living	
CLAUSE	COMMENT
13.3 Use Standards	
13.3.1 Discretionary Permit Use	
13.3.1 Discretionary permit use A1 There are no acceptable solutions.	Not applicable. The proposal is for minor utilities and as such is a permitted use.
13.3.2 Impact of use	
13.3.2 A1 Permitted non-residential use must adjoin at least one residential use on the same street frontage.	Complies. The proposed pathway adjoins residential uses on all street frontages.

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13.3.2 A2 Permitted non-residential use must not generate more than 40 average daily vehicle movements.	Complies. The proposed development is expected to generate pedestrian traffic, rather than vehicular movements.
13.3.2 A3 Other than for emergency services, residential and visitor accommodation, hours of operation must be between 6am and 9pm.	Relies on the Performance Criteria. No limitations on hours of operation for the pathway are proposed. Refer to “Issues” section of the report for assessment under 13.3.2 P3.
13.4 Development Standards	
13.4.1 Suitability of a site or lot for use or development	
13.4.1 A1 Each site or each lot on a plan of subdivision must: (a) have an area of not less than: (i) 1.0 ha excluding any access strip; or (ii) if in a locality shown on Table A1 to this clause, not less than the site area shown for that locality; and (b) If intended for a building, contain a building area of:	The site exceeds 1 ha in size. No building is intended. Complies.

<ul style="list-style-type: none"> (i) not more than 1,000m²; (ii) clear of any applicable setback from a frontage, side, or rear boundary; (iii) clear of any applicable setback from a zone boundary; (iv) clear of any registered easement; (v) clear of any registered right-of-way benefiting other land; (vi) clear of any restriction imposed by a utility; (vii) not including any access strip; (viii) clear of any area required for the on-site disposal of sewage or stormwater; and (ix) accessible from a frontage or access strip. 	
<p>13.4.1 A2 Each site or each lot on a plan of subdivision must have separate access from a road–</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or 	<p>The site is accessible from multiple points, with much of the site being within the road reserve.</p> <p>It is also noted that the use does not require vehicle access for operation, only for maintenance.</p> <p>Complies.</p>

<p>(c) by a right of way connecting to a road –</p> <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; and (ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and <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 Local Government (Highways) Act 1982 or the Roads and 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.</p>	
<p>13.4.1 A3 A site or each lot on a plan of subdivision must be capable of connecting to a water supply –</p> <ul style="list-style-type: none"> (a) from a connection to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or (b) from a rechargeable drinking water system with a storage capacity of not less than 10,000 litres if – <ul style="list-style-type: none"> (i) there is not a reticulated water supply; and 	<p>Complies.</p> <p>The site is capable of connection.</p>

<ul style="list-style-type: none"> (ii) development is for – <ul style="list-style-type: none"> a. a single dwelling; or b. a use with an equivalent population of not more than 10 people per day 	
<p>13.4.1 (A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and trade waste:</p> <ul style="list-style-type: none"> (a) to a reticulated sewer system provided in accordance with the <i>Water and Sewerage Industry Act 2009</i>; or (b) by on site disposal if: <ul style="list-style-type: none"> (i) sewage or trade waste cannot be drained to a reticulated sewer system; and (ii) the development: <ul style="list-style-type: none"> a. is for a single dwelling; or b. provides for an equivalent population of not more than 10 people per day; or c. creates a total sewage and waste water flow of not more than 1,000 litres per day; and (iii) the site has capacity for onsite disposal of domestic waste water in accordance with AS/NZS1547:2000 Onsite 	<p>Complies.</p> <p>The site is capable of connection.</p>

domestic wastewater management, clear of any defined building area or access strip.	
<p>13.4.1 (A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p> <p>(a) for discharge to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <p>(i) for discharge to a natural drainage line, water body, or watercourse; or</p> <p>(ii) for disposal within the site if:</p> <p>a. the site has an area of not less than 5,000m²;</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>Complies.</p> <p>Stormwater runoff is addressed in the application documents (report by CSE Tasmania), with the stormwater to be connected to the existing stormwater system.</p>

13.4.2 Dwelling Density	
<p>13.4.2 A1 The site area per dwelling must–</p> <p>(a) be not less than 1.0ha; or</p> <p>(b) if the site is in a locality shown in the Table to this Clause, the site area for that locality.</p>	<p>Not applicable. No dwellings proposed and the site area per dwelling is not being impacted.</p>
13.4.3 Location and configuration of development	
<p>13.4.3 A1 A building, utility structure, garage or carport must be setback from a frontage –</p> <p>(a) not less than 20m;</p> <p>(b) not less than 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>Relies on Performance Criteria</p> <p>On the face of it, this clause is not applicable.</p> <p>No buildings, garages or carports are proposed. The proposal does not reduce any of the existing setbacks.</p> <p>However, the definition of “structure” in the Macquarie Dictionary includes (among other things):</p> <p><i>Mode of building, construction, or organisation; arrangement of parts, elements, or constituents;</i></p> <p><i>Something built or constructed; a building, bridge, dam, framework etc.</i></p>

	<p>The proposal could be interpreted as being a utility structure. For surety, the assessment includes consideration that it is indeed a utility structure.</p> <p>Refer to “Issues” section of the report for assessment under 13.4.3 P1.</p>
<p>13.4.3 A2 All buildings must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> (a) the applicable frontage setback; (b) a setback of not less than 10m from each side boundary; (c) a setback of not less than 10m from the rear boundary; (d) a setback of not less than 20m from any designated building area on each adjacent site; or (e) if the site is in a locality shown in the Table to this Clause, the setback for that locality; or (f) any building area shown on a sealed plan; and (g) building height of not more than 8.5m. 	<p>Not applicable.</p> <p>No buildings are proposed. No building envelopes are being impacted by the proposed development.</p>
<p>13.4.3 A3 Site coverage must –</p> <ul style="list-style-type: none"> (a) be not more than 500m²; and (b) not include any part of a site required for the disposal and 	<p>Not applicable.</p> <p>“Site coverage” is defined as “the proportion of a site (excluding any access strip) covered by roofed buildings”.</p>

<p>drainage of sewage or stormwater; or</p> <p>(c) be not more than any building area shown on a sealed plan.</p>	<p>No roofed buildings are proposed.</p>
<p>13.4.3 A4</p> <p>(a) A utility structure must be a power pole, antenna or a single domestic-scale turbine to a maximum of 10m in height which is –</p> <ul style="list-style-type: none"> (i) not part of a wind farm; (ii) not sited on a skyline; and (iii) if a wind turbine, not located within 60m of a dwelling in other ownership nor within 30m of a public road. <p>(b) a building, except a utility structure must be –</p> <ul style="list-style-type: none"> (i) located not less than 15m below the level of any adjoining ridgeline; and (ii) not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; and (iii) clad and roofed with materials with a light reflectance value of less than 40%. 	<p>Relies on Performance Criteria</p> <p>The proposal could be interpreted as being a utility structure. For surety, the assessment includes consideration that it is indeed a utility structure.</p> <p>Refer to “Issues” section of the report for assessment under 13.4.3 P4.</p>
<p>13.4.3 A5 Area for the display, handling of good, storage or waste must not be located in front of the building line.</p>	<p>Not applicable.</p>

	No area for the display, handling of goods, storage or waste is proposed.
13.4.4 Acoustic and visual privacy for residential development	
<p>13.4.4 A1 A door or window to a habitable room or any part o a balcony, deck, roof garden, parking space or carport of a building must –</p> <p>(a) be not less than 10m from a side boundary and 10m from a rear boundary to adjoining land in any zone for residential purposes; or</p> <p>(b) be not less than 10m from a door or window to a habitable room or any party of a balcony, deck, or roof garden in an adjacent dwelling.</p>	<p>Complies.</p> <p>The proposal is not proposing any habitable rooms, nor does it reduce any of these listed spacings.</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 5m horizontally from the door or window to a dwelling or any balcony, deck or roof garden in a dwelling.</p>	<p>Relies on Performance Criteria.</p> <p>The proposed pathway will be within 5m of the residence on 39 Short Street.</p> <p>Refer to “Issues” section of the report for assessment under 13.4.4 P2.</p>

13.4.5 Private Open space for multiple dwelling residential use	
13.4.5 A1 – A2–	Not applicable. No multiple dwellings are proposed and no existing open space for multiple dwelling residences is being impacted.
13.4.6 Setback of development for sensitive use	
13.4.6 A1 – A2–	Not applicable. No sensitive use is proposed and no building envelope for an existing sensitive use is being affected.
13.4.7 Subdivision	
13.4.7 A1– A2–	Not applicable.
13.4.8 reticulation of an electricity supply to new lots on a plan of subdivision	
13.4.6 A1–	Not applicable.

Utilities Zone	
28.3.1 Discretionary permit use	
28.3.1 Discretionary permit use A1 There is no acceptable solution.	Not applicable. Utilities (minor or other) are a permitted use within the zone.
28.4.1 Suitability of a site or lot on a plan of subdivision for use or development	
28.4.1 A1 A site or each lot on a plan of subdivision must contain a development area – (a) clear of any applicable setback from a frontage, side or rear boundary; (b) clear of any applicable setback from a zone boundary; (c) clear of any registered easement; (e) clear of any registered right of way benefitting other land; (f) not including an access strip; (g) accessible from a frontage or access strip.	Complies.

<p>28.4.1 A2 A site or each lot on a subdivision must have a separate access from a road –</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has a right of access with a width of not less than 20m; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land with a width of not less than 10m; or (c) by a right of way connecting to a road – <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; and (ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and (iii) with a width of not less than 10m; and (c) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan. 	<p>The site is accessible from multiple points, with much of the site being within the road reserve.</p> <p>Complies.</p>
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<p>28.4.1 A3 A site or each lot on a plan of subdivision must be capable of connecting to a water supply –</p> <ul style="list-style-type: none"> (a) from a connection to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or (b) from a rechargeable drinking water system with a storage capacity of not less than 10,000 litres if – <ul style="list-style-type: none"> (i) there is not a reticulated water supply; and (ii) development is for a use with an equivalent population of not more than 10 people per day. 	<p>Complies.</p> <p>The site is capable of connection.</p>
<p>28.4.1 (A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and trade waste:</p> <ul style="list-style-type: none"> (a) to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or (b) by on-site disposal if: <ul style="list-style-type: none"> (i) sewage or trade waste cannot be drained to a reticulated sewer system; and (ii) the development provides for an equivalent population of not more than 10 people per day; or (iii) creates a total sewage and waste water flow of not more than 1,000 litres per day; and 	<p>Complies.</p> <p>The site is capable of connection.</p>

<p>(iv) the site has capacity for onsite 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>28.4.1 (A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p> <p>(a) for discharge to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <p>(i) for discharge to a natural drainage line, water body, or watercourse; or</p> <p>(ii) for disposal within the site if:</p> <ol style="list-style-type: none"> the site has an area of not less than 5,000m²; the disposal area is not within any defined building area; the disposal area is not within any area required for the disposal of sewage; the disposal area is not within any access strip; and not more than 50% of the site is impervious surface. 	<p>Complies.</p> <p>Stormwater runoff is addressed in the application documents (report by CSE Tasmania), with the stormwater to be connected to the existing stormwater system.</p>

28.4.2 Location and configuration of development	
<p>28.4.2 A1 A building or a utility structure excluding bridges must be setback –</p> <ul style="list-style-type: none"> (a) not less than 20.0m from the frontage; or (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 (c) not less than 10.0m from each side boundary; (d) not less than 10.0m from the rear boundary; or (e) in accordance within any building area shown on a sealed plan of subdivision. 	<p>Relies on Performance Criteria</p> <p>The proposal could be interpreted as being a utility structure. For surety, the assessment includes consideration that it is indeed a utility structure.</p> <p>Table 28.4.2 requires setbacks of 50m to the Bass Highway. Similarly, the proposal could be considered to not meet other setbacks.</p> <p>Refer to “Issues” section of the report for assessment under 28.4.2 P1.</p>
<p>28.4.2 A2 Building height or the height of a utility structure must not be more than 10m.</p>	<p>Complies</p> <p>The proposal could be interpreted as being a utility structure. For surety, the assessment includes consideration that it is indeed a utility structure.</p> <p>The pathway will not be over 10m in height.</p>

28.4.3 Subdivision	
28.4.3 A1 –	Not applicable.
Environmental Management Zone	
29.3.1 Use in a statutory conservation reserve	
A1 –	Not applicable. No part of the development is within a statutory conservation reserve.
29.3.2 Discretionary use	
A1 – A2	Not applicable. Minor utilities is a Permitted (with permit) use within the zone.
29.3.3 Required residential use	
A1 –	Not applicable.

29.3.4 Residential use	
A1 –	Not applicable.
29.4.1 Development in a statutory conservation area	
A1 –	Not applicable.
29.4.2 Suitability of a site for use or development	
<p>29.4.2 A1 A site or each lot on a plan of subdivision must –</p> <p>(a) have an area of not less than 1000m² excluding any access strip; and</p> <p>(b) if intended for a building, have a building area –</p> <p>(i) of not more than 2000m² 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>Complies.</p> <p>The site is over 1000m² and is not intended for a building. The proposal is clear of all listed restrictions.</p>

<ul style="list-style-type: none"> (v) clear of any registered right of way benefitting other land; (vi) clear of any restriction imposed by a utility; (vii) not including an access strip; and (viii) accessible from a frontage or access strip. 	
<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"> (a) across a frontage over which no other land has a right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or (c) by a right of way connecting to a road – <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; and (ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and (d) with a width of frontage and any access strip or right of way of not less than 6.0m; and 	<p>Complies.</p> <p>The site is accessible from multiple points, with much of the site being within the road reserve.</p>

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<p>(e) the relevant road authority in accordance with the Local Government (Highways) Act 1982 or the Roads and 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 the 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) from a connection to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) from a rechargeable drinking water system 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>Complies.</p> <p>The site is capable of connection.</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 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>Complies.</p> <p>The site is capable of connection.</p>

<p>(b) by onsite disposal if:</p> <ul style="list-style-type: none"> (i) sewage or trade waste cannot be drained to a reticulated sewer system; and (ii) the development: <ul style="list-style-type: none"> a. is for a single dwelling; or b. provides for an equivalent population of not more than 10 people per day; or c. creates a total sewage and waste water flow of not more than 1,000 litres per day; and (iii) the site has capacity for onsite 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>29.4.2 A5 A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p> <ul style="list-style-type: none"> (a) to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or (b) if stormwater cannot be drained to a stormwater system: <ul style="list-style-type: none"> (i) for discharge to a natural drainage line, water body, or watercourse; or (ii) for disposal within the site if: 	<p>Complies.</p> <p>Stormwater runoff is addressed in the application documents (report by CSE Tasmania), with the stormwater to be connected to the existing stormwater system.</p>

<ul style="list-style-type: none"> a. the site has an area of not less than 5,000m²; b. the disposal area is not within any defined building area; c. the disposal area is not within any area required for the disposal of sewage; d. the disposal area is not within any access strip; and e. not more than 50% of the site is impervious surface; and <p>(iii) the development is for a single dwelling.</p>	
29.4.3 Location and configuration of development	
<p>29.4.3 A1 A building and any development area must be setback –</p> <ul style="list-style-type: none"> (a) not less than 20.0m from the frontage to a road; or (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 (c) not less than 10.0m from each side boundary; (d) not less than 10.0m from the rear boundary; or 	<p>Relies on the Performance Criteria.</p> <p>In contrast to the majority of the other sections of the Scheme, 29.4.3A1 refers to the development area, rather than the building, and as such is applicable.</p> <p>The development area includes the road as defined by the Scheme, and the development is within 50m of the Bass Highway.</p>

(e) in accordance with any building area shown on a sealed plan.	Refer to “Issues” section of the report for assessment under 29.4.3 P1.
29.4.3 A2 Building height or the height of a utility structure must be not more than 8.5m	<p>Complies.</p> <p>The proposal could be interpreted as being a utility structure. For surety, the assessment includes consideration that it is indeed a utility structure.</p>
<p>29.4.3 A3 A building or a utility structure must be –</p> <p>(a) not less than 15m below the level of any adjoining ridgeline;</p> <p>(b) not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland;</p> <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>Relies on Performance Criteria</p> <p>The proposal could be interpreted as being a utility structure. For surety, the assessment includes consideration that it is indeed a utility structure.</p> <p>The walkway will be within 30m of the shoreline.</p> <p>Refer to “Issues” section of the report for assessment under 28.4.3 P3.</p>
<p>29.4.3 A4</p> <p>(a) clearing and conversion of native vegetation and any change in</p>	<p>Relies on Performance Criteria.</p> <p>There is no designated building area on the land title.</p>

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<p>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 native vegetation of the locality.</p>	<p>Rehabilitation will be in compliance with (b) as per the report by Natural State.</p> <p>Refer to “Issues” section of the report for assessment under 29.4.3 P4.</p>
29.4.4 Subdivision	
29.4.4 A1	Not applicable.
CODES	
E1 Bushfire-Prone Areas Code	Not applicable. The use is neither vulnerable or hazardous. _
E2 Airport Impact Management Code	Not applicable. This Code is not in the Scheme.
E3 Clearing and Conversion of Vegetation Code	
E3.2 Application of Code	The Code is applicable due to the land zoning and proximity of the development to the watercourse.
E3.4 Exemptions	The works within the road reserve are exempt from this Code.

E3.6.1 Protection of a threatened native vegetation community or native vegetation providing habitat for a threatened species	
<p>E3.6.1 A1</p> <p>(a) Vegetation must not be any of the following:</p> <ul style="list-style-type: none"> (i) A threatened native vegetation community; (ii) Contain threatened flora or be threatened fauna habitat; or (iii) Be within 30m of a water body, watercourse, wetland or coastal shoreline; or <p>(b) The removal or destruction of any rare or threatened species or rare or threatened communities protected under state or commonwealth legislation must not occur unless authorised by the appropriate agency.</p>	<p>Relies on Performance Criteria.</p> <p>The proposed works will be within 30m of the river.</p> <p>Refer to “Issues” section of the report for assessment under E3.6.1 P1.</p>
E3.6.2 Clearing of vegetation on land of scenic or landscape value	
<p>A1</p> <p>There is no acceptable solution.</p>	<p>Not applicable.</p> <p>The development area is not within land identified as having scenic or landscape value within the scheme.</p>
E3.6.3 Clearing of vegetation on land susceptible to landslide	
<p>A1 The site must be within an area–</p>	<p>Complies.</p>

<p>(a) Exposed to a low level of likely risk from landslide; and</p> <p>(b) In a landslide hazard risk assessment as defined in E6 must indicate clearing of native vegetation –</p> <p>(i) Can achieve and maintain a tolerable level of risk; or</p> <p>(ii) There is insufficient increase in the level of risk to warrant any specific hazard reduction or protection measures; or</p> <p>(iii) Any condition or requirement for specific hazard reduction or protection measures.</p>	<p>The section of the walkway is to be located within a small section of low risk landslide where it adjoins the Bass Highway.</p>
E4 Change in Ground Level Code	
E4.2 Application of Code	Cut and fill is proposed. The Code is applicable.
E4.4 Exemptions	The proposed cut and fill is not exempt.
E4.6.1 Change in existing ground level or natural ground level	
<p>A1</p> <p>Cut or fill must –</p> <p>(a) Not be on land within the Environmental Living Zone or the Environmental Management zone;</p> <p>(b) Be required to –</p>	<p>Relies on Performance Criteria.</p> <p>Cut and fill is required within the Environmental Management zone.</p> <p>Refer to “Issues” section of the report for assessment under E4.6.1 P1.</p>

<ul style="list-style-type: none"> (i) Provide a construction site for buildings and structures; (ii) Facilitate vehicular access; (iii) Mitigate exposure to a natural or environmental hazard; (iv) Facilitate provision of a utility; (v) Assist the consolidation or intensification of development; or (vi) Assist stormwater management. <p>(c) Not result in a modification of surface stormwater water flow to increase –</p> <ul style="list-style-type: none"> (i) Surface water drainage onto adjacent land; (ii) Pooling of water on the site or on adjacent land; or (iii) The nature or capacity of discharge from land upstream in a natural or artificial drainage channel; <p>(d) Not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land;</p> <p>(e) Manage disposal of intersected ground water;</p> <p>(f) Safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction</p>	
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<p>and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009;</p> <p>(g) Not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land; and</p> <p>(h) Not encroach upon or expose, disturb or reduce cover over an underground utility to less than 1m unless the relevant regulatory entity has advised –</p> <p>i. Is it satisfied the cut or fill will not result in harm to the utility; and</p> <p>ii. Any condition or requirement it determines are appropriate to protect the utility.</p>	
E5 Local Heritage Code	<p>Not applicable. The Code does not apply to this site or development.</p> <p>The Bridge is listed on the Tasmanian Heritage Register. The application is accompanied by an exemption issued by the Tasmanian Heritage Council.</p>
E6 Hazard Management Code	
E6.2 Application of Code	Code applies. The site is identified as at risk of coastal inundation and erosion.

E6.4 Exemption	The proposal is not exempt.
<p>E6.5.1 A1</p> <p>Use must not occur on land potentially contaminated by a previous use for an activity listed in Table E6.1 unless –</p> <ul style="list-style-type: none"> (a) soil disturbance and development is carried out in accordance with requirements in a hazard risk assessment for contamination; (b) a hazard risk assessment for potential contamination establishes the site can be remediated to provide a tolerable level of risk for the use; or (c) a hazard risk assessment establishes the site has been remediated to provide a tolerable level of risk 	Not applicable. Site is not identified as potentially contaminated.
<p>E6.5.2 A1</p> <p>If use is on land within an area of risk from exposure to a natural hazard as shown on a map forming part of this planning scheme –</p> <ul style="list-style-type: none"> (a) use must not be for a critical use, a hazardous use, or a vulnerable use; (b) use must not be residential use if the level of risk is medium or higher; and (c) a hazard risk assessment must demonstrate a tolerable level of 	<p>Complies.</p> <p>The proposed use is neither critical, hazardous nor vulnerable as defined by the Scheme. There is no residential use proposed. The application is accompanied by a hazard risk assessment which satisfies A1 (c).</p>

<p>risk can be achieved and maintained for the nature and duration of the use</p>	
<p>E6.6.1 A1</p> <p>Development must not occur on land potentially contaminated by a previous use for an activity listed in the Table E6.1 to this clause unless –</p> <ul style="list-style-type: none"> (a) soil disturbance and development is carried out in accordance with the requirements of a hazard risk assessment for contamination; (b) a hazard risk assessment establishes the site can be remediated to provide a tolerable level of risk from the development; or (c) a hazard risk assessment establishes the site has been remediated to provide a tolerable level of risk from the development; and (d) if a hazard risk assessment establishes need to involve land on another title to manage risk consistent with the objective, the consent in writing of the owner of that land must be provided to enter into a Part 5 agreement to be registered on the title of the land and providing for the affected land to be managed in accordance with recommendations for contamination management. 	<p>Not applicable. Site is not identified as potentially contaminated.</p>

<p>E6.6.2 A1</p> <p>If the site is within an area of risk shown on a natural hazard map forming part of this planning scheme –</p> <p>(a) a hazard risk assessment must determine –</p> <p style="padding-left: 40px;">(i) there is an insufficient increase in risk to warrant any specific hazard reduction or protection measure; or</p> <p style="padding-left: 40px;">(ii) a tolerable level of risk can be achieved for the type, form, scale and duration of the development; and</p> <p>(b) if a hazard risk assessment established need to involve land on another title for hazard management consistent with the objective, the consent in writing of the owner of that land must be provided to enter into a Part 5 agreement to be registered on the title of the land and providing for the effected land to be managed in accordance with recommendations for hazard management.</p>	<p>Complies.</p> <p>The report accompanying the application indicates that the level of risk for the proposed development is tolerable. There is potential for the works proposed to reduce the risk for adjoining residential uses.</p>
<p>E7 Sign Code</p>	<p>The Code is not applicable. No signage is proposed.</p>
<p>E8 Telecommunication Code</p>	<p>Not applicable. No telecommunications are proposed. _</p>
<p>E9 Traffic Generating Use and Parking Code</p>	
<p>E9.2 Application of the Code</p>	<p>Code applies to all development.</p>

COMMUNITY SERVICES

E9.4 Exemptions	The proposal is not exempt.
<p>E9.5.1 (A1) – Provision for parking must be –</p> <p>(a) The minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code</p>	<p>There is no requirement in the Table.</p> <p>Complies.</p>
<p>E9.5.2 (A1) – There must be provision within a site for –</p> <p>(a) On-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) Passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of 1 space for every 50 parking spaces.</p>	<p>There is no requirement in the Table.</p> <p>Complies.</p>
<p>E9.6.1 (A1.1) – All development must provide for the collection, drainage and disposal of stormwater; and</p> <p>E9.6.1 (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/NZ 2890.1 (2004) – Parking Facilities – Off Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities –</p>	Complies.

<p>Off Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.6 (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> <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>	
E9.6.1 (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 APRB.	N/A.
E10 Water and Waterways Code	
E10.2 Application of the Code	Development is within 30m of a watercourse / high tide mark.

	The Code is applicable.
E10.4 Exemptions	The proposal is not exempt.
E10.6.1 Development in proximity to a water body, watercourse or wetland A1 No acceptable solution.	Relies on Performance Criteria. Refer to "Issues" section of report for assessment under E10.6.1 P1.
E10.6.2 Development in a shoreline area A1 No acceptable solution.	Relies on Performance Criteria. Refer to "Issues" section of report for assessment under E10.6.2 P1.
SPECIFIC AREA PLANS	
F1.0 Forth Specific Area Plan	Not applicable. This Specific Area Plan does not apply to the site.
F2.0 Ulverstone Wharf Specific Area Plan	Not applicable. This Specific Area Plan does not apply to the site.
F3.0 Penguin Specific Area Plan	Not applicable. This Specific Area Plan does not apply to the site.

F4.0 Turners Beach Specific Area Plan	Not applicable. This Specific Area Plan does not apply to the development site.
F5.0 Not used in this Scheme	
F6.0 Revell Lane Precinct Specific Area Plan	Not applicable. This Specific Area Plan does not apply to the site.

Issues –

RURAL LIVING

1 Impact of use

Clause 13.3.2 A3 requires that hours of operation are required to be limited to between 6am and 9pm to fit within the acceptable solution. The Scheme also allows for consideration of other hours of operation under the Performance Criteria which also result in compliance with the Scheme.

Cl.13.3.2 P3 Other than for emergency services, residential and visitor accommodation, hours of operation, including for the delivery and despatch of goods and the conduct of routine cleaning, maintenance and service, must be reasonable to requirements of the use and unlikely to cause conflict or interference to other use on adjacent and in the zone.

It is unreasonable for a walking trail to be closed outside these hours, as the use could not then fit the requirements for such a use.

We then move to whether the use is likely to cause conflict or interference to other use on adjacent land. It is important to note that this only includes adjacent land within the Rural Living zone. This affects land on Short Street, Clerke Street and Allport Street West. It is expected that the majority of traffic on the walkway will indeed be within the hours listed within the acceptable solution. A relatively small amount of traffic will occur on the walkway outside these hours. The site for the walkway in these areas is already within the road reservation and forms the equivalent of the local footpath, which a number of the representations attest to.

Given the existing situation, and the small amount of traffic likely outside 6am to 9pm, the development cannot be considered to be likely to cause conflict or interference to the adjoining users in the Rural Living zone.

The impacts are considered to be reasonable for the requirements of the use, and the impacts are unlikely to cause conflict or interference to other use on the applicable adjoining land.

The proposal is assessed as complying with cl. 13.3.2 P3.

2 *Location and configuration of development – setback*

The proposal can be interpreted as being a utility structure. Clause 13.4.3 P1 is addressed as if it is the case.

Cl.13.4.3 P1 The setback of a building, utility structure or carport from a frontage must be –

- (a) Consistent with the rural setting and streetscape; and*
- (b) Required by a constraint imposed by –*
 - (i) Size and shape of the site;*
 - (ii) Orientation and topography of land;*
 - (iii) Arrangements for a water supply and for the drainage and disposal of sewage and stormwater;*
 - (iv) Arrangements for vehicular or pedestrian access;*
 - (v) Any requirement of a conservation or urban design outcome detailed in a provision in this planning scheme;*
 - (vi) A utility; or*
 - (vii) Any lawful and binding requirement –*
 - b. by the State or a council or by an entity owned or regulated by the State or a council to acquire or occupy part of the site; or*
 - c. an interest protected at law by an easement or other regulation.*

A frontage is defined as “a boundary of a lot which abuts a road”. A number of the boundaries about a road, albeit likely not what this clause intended, the proposal is being assessed in the strictest interpretation of this provision.

The walkway (within this zone) is to be located alongside existing roadways, where existing, if informal, pathways are already located, or within the Crown Reserve. It is recognised that Leith currently has soft road edges. The development will allow for significant soft edges and open space alongside the proposed pathway to remain.

The character of the area is not so much rural. Instead, it is a developed area, with established roadways, residential development and supporting infrastructure (albeit limited), with a more relaxed environment than a General Residential area.

A footpath along the edge of a road, retaining green space alongside for the majority of the path is certainly considered to be consistent with the streetscape.

The addition of a formalised walkway is not considered to change this 'atmosphere', due to the presence of the existing infrastructure and informal path. The setting and streetscape, within the existing character will remain. The proposal is therefore considered to comply with 13.4.3 P1(a).

As for 13.4.3 P1(b), the location of the walkway is constrained by the existing infrastructure (roads) and reserves, with it being impossible to locate the walkway 20m from all 'frontages'. As such, the proposal meets the requirements of 13.4.3 P1(b).

The proposal meets the requirements of cl.13.4.3 P1.

3 *Location and configuration of development – particular structure*

Clause 13.4.3 A4 gives specific requirements for certain utility structures. The proposal is not any of the listed structures, and as such is subject to assessment under the performance criteria.

cl.13.4.3P4

- (a) a utility structure may be a single domestic scale turbine or wind powered pump if –*
 - (i) not sited on a skyline; and*
 - (ii) not located within 30m of a public road.*
- (b) the location, height and visual appearance of a building or structure (except a single domestic scale turbine or wind powered pump) must have regard to –*
 - (i) minimising the visual impact on the skyline;*
 - (ii) minimising height above the adjacent vegetation canopy;*

- (iii) *minimising visual impact on the shoreline or a marine or aquatic water body, water course or wetland where possible; and*
- (iv) *minimising excessive reflection of light from an external surface.*

(a) is not applicable, as the proposal is none of these structures.

(b) Is applicable. The walkway at ground level has no capacity to conflict with (i), (ii) or (iv) within the Rural Living zone. We must keep in mind that we are only discussing the section within the Rural Living zone at this point.

The Rural Living zone does not run through any of the areas listed in (iii).

The materials proposed for the walkway are not reflective.

The proposal complies with 13.4.3 P4.

4 *Acoustic and visual privacy for residential development – pedestrian pathway*

The standard setback for traffic uses (including from a pedestrian pathway) from a door or window to a dwelling, balcony, deck or roof garden, is 5m. The walkway will be just within 5m of the residence on 39 Short Street.



Cl.13.4.4 P2 An access strip or shared driveway, including any pedestrian pathway and parking area, must minimise likelihood for impact from over-viewing and noise disturbance on the amenity of any dwelling.

The walkway will sit between 4.5m and 5m from the northern side of 39 Short Street (image above). This side of the dwelling includes a window. A new fence is proposed to be constructed between the walkway and the dwelling, along the boundary line, replacing the existing fence. The new fence will sit higher than the existing fence, shown in the image.

This clause only provides for consideration of noise and over-viewing. It does not provide for consideration of overshadowing. The new fence will be high enough to remove these risks for uses such as walking and cycling, which do not make significant noise. Standard maximum eye level is considered to be 1.7m. A fence of 1.8m would minimise all reasonable risk of overlooking or noise, given the proximity of the road and the existing informal walking track in the same location.

The proposal is considered to be in keeping with cl.13.4.4 P2. Conditions may be imposed regarding fence heights if required / deemed appropriate for any permit issued.

UTILITIES

5 *Location and configuration of development*

Clause 28.4.2 also references a required setback for 'utility structures', which the proposal, if deemed to be a utility structure, cannot meet. We turn to the performance criteria.

Cl.28.4.2 P1 The setback of a building or a utility structure excluding a bridge must be –

- (a) Consistent with the streetscape; and*
- (b) Required by a constraint imposed by –*
 - (i) size and shape of the site;*
 - (ii) orientation and topography of land;*
 - (iii) arrangements for vehicular or pedestrian access;*
 - (iv) any requirement of a conservation or urban design outcome detailed in a provision in this planning scheme.*
 - (v) a utility; or*

(vii) *any lawful and binding requirement –*

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

It is necessary to remember that this clause only applies to the section within the Utilities zone. This includes the small section on Short Street, where the path is to meet the underpass and either side of the railway bridge. As such, it has little practical impact. The section over the rail line on Short Street will be minimal. The other sections do not sit along a 'streetscape' as such.

The size and shape of the road reserves prohibit the development from meeting the setbacks. Similarly, the requirements of the development itself (e.g. arrangements for vehicular or pedestrian access) result in constraints.

The proposal is considered to comply with 28.4.2P1.

ENVIRONMENTAL MANAGEMENT ZONE

6 *Location and configuration of development – building and development area*

The scheme provides specific setbacks for a development area. A development area is defined as "the area of land occupied by development including its yards, outbuildings, car parking, driveways, storage areas, landscaping and wastewater disposal areas". This has been taken to include the walkway.

The walkway will not meet all setbacks listed in this clause within all sections of the Environmental Management zone. As such, the proposal must be assessed against the Performance criteria.

Cl.29.4.3 P1 The setback of a building and development area from the frontage or from a side or rear boundary must –

- (a) *Be consistent with prevailing frontage setbacks for any existing and approved building or structure on the site or on adjacent land;*

- (b) *Provide a sufficient physical and visual separation between the road and any use on the site sufficient to buffer or screen the site to view from a road or public place; and*
- (c) *Provide measures to attenuate visual impact of the site.*

The development area is to be located within the Crown Reserve.

As per the natural values report, the location of the pathway is in many cases, the same as the existing walkway. This existing pathway is the only comparison for prevailing setbacks within the zone. Adjoining land (General Residential) has established development with lesser setbacks, as evidenced by 15 Lukin Street and 124 The Esplanade, Turners Beach. As for the Leith side, the 'development area' of a number of the adjoining lots extends up to or right across the lot boundaries. As such, the development is considered to comply with 29.4.3 P1(a).





29.4.3 P1 (b) requires sufficient separation and visual separation between the road and any use on the site. This clause protects the view lines from roads or public places, rather than the existing uses on other sites. A public walkway is, by its very nature, public, and as such no physical or visual separation is considered necessary for the users of the walkway from other public places. The proposal is considered to comply with 29.4.3 P1(b).

29.4.3 P1(c) requires that measures are taken to minimise the visual impact of the site. The walkway within this zone is at ground level in the majority. Some cut and fill will be required within this zone. Revegetation of these areas with native plants as per the application documents is considered sufficient to attenuate these visual impacts, given the minimal impact and minimal opportunities for viewing of these areas to people other than the pathway users.

The proposal is considered to comply with 29.4.3 P1.

7 Location and configuration of development – proximity to watercourse

The 'utility structure' will be within 30m of the water. As such, the performance criteria are considered to apply.

CI 29.4.3 P3

(a) A building or structure must –

- (i) not be visually apparent on a skyline;*
- (ii) not be visually apparent above the adjacent vegetation canopy;*
- (iii) not be visually apparent on the shoreline or a marine or aquatic water body, water course, or wetland where possible;*
- (iv) not be visually apparent as a result of the reflection of light from an external surface; or*

(b) The location of a visually apparent building or structure must –

- (i) be essential and unavoidable in order to provide an overriding community benefit; or*
- (ii) incapable of change due to an exceptional circumstance.*

The walkway will be located on an existing structure within this 30m area, with the exception of the entry and exit points. These will be subject to revegetation as per the application documents, to reduce the impact on the area.

The skyline will not be impacted, the development will not be visually apparent above the vegetation canopy. The development will be minimally apparent on the shoreline. This has been minimised as far as is practicable by the locating of the proposal along or over existing infrastructure and walkways. Reflection will not be a concern due to the materials, degree of revegetation and the utilisation of existing structures.

It can be argued that the walkway will create an overriding community benefit, if the minimal visual impact is a concern to the community.

The proposal is considered to comply with cl.29.4.3 P3.

8 *Location and configuration of development – Clearing of vegetation*

The development is subject to assessment under the performance criteria.

Cl 29.4.3 P4 Clearing and conversion of native vegetation, and any change in natural ground level –

- (a) Must be consistent with the objective for any conservation management regulation or reserve management plan applying for the land; and*
- (b) Must –*
 - (i) retained [sic] sufficient vegetation to maintain an intact tree canopy and provide screening to cleared and converted areas;*
 - (ii) minimise impact on the visual qualities of a shoreline, skyline, ridge and other prominent landform feature;*
 - (iii) minimise exposure to view from a road, public place, or settlement area; or*
- (c) Must –*
 - (i) provide an overriding community benefit; or*
 - (ii) be required by an exceptional circumstance.*

There is no formal reserve management plan for the site. (a) is not applicable.

The supporting documentation details that the majority of the vegetation will be retained. Given that the pathway is to utilise existing paths, the majority of the tree canopy will be retained. Revegetation will address what little impact there will be on the visual qualities of the shoreline.

The proposal is considered to comply with cl.29.4.3 P4.

CODES

9 E3 Clearing and Conversion of Vegetation Code

The works will be within 30m of the river and will disturb vegetation in this area. We turn to the performance criteria to determine whether there is compliance with the scheme. This Code does *not* apply to development within the Utilities zone.

Cl.E3.6.1 P1 The harvesting of timber or the clearing and conversion of native vegetation must –

- (a) Be justified by exceptional circumstance; or*
- (b) Be necessary to deliver an overriding environmental benefit for the region; and*
- (c) Be unlikely to have adverse effect on –*
 - (i) value of the habitat for a species managed under the Threatened Species Protection Act 1995 or the Nature Conservation Act 2002;*
 - (ii) ability to contribute to the Tasmanian comprehensive, adequate and representative vegetation conservation reserve system; or*
 - (iii) value of shoreline vegetation for water quality management; and*
- (d) Have regard to any advice or decision of the relevant entity for applicable native vegetation or wildlife protection and conservation for –*

- (i) *impact of the use or development on the objectives and outcomes for protection and conservation of native vegetation and wildlife; and*
- (ii) *any condition or requirement for protection or conservation of a threatened native vegetation community or of vegetation providing threatened species habitat.*

Firstly, we determine whether the clearing and conversion proposed is justified by exceptional circumstance or necessary to deliver an overriding environmental benefit. We can dismiss the second option (b) immediately.

This leaves us with consideration of whether the clearing and conversion proposed is justified by exceptional circumstance. It is a matter of balancing the scale of the proposed clearing and the impact of that clearing. The scale of the clearing is minor, and is over land which has been previously cleared and is highly modified. One small shrub is to be removed within the 30m area. The proposal includes significant recommendations to rehabilitate the area, remove exotic vegetation and improve erosion. The walkway cannot cross the river any other way than over this bridge. As such, the proposed clearing is considered to be justified, due to the minimal scale, highly modified environment, and lack of alternatives.

We then move on to (c). The natural values report states that no threatened species will be adversely affected by the proposal. This takes into consideration the fact that no night monitoring was undertaken, and that the vegetation communities present in the development area are important to the local ecosystem and likely provide habitat for threatened species. This is further reinforced by local observations in the representations received. Our reading of the natural values report is that the values and potential habitat for threatened species has been accounted for, and the conclusion reached is that these species will not be adversely affected by the

proposal, but that there is potential for the habitat to be improved.

The site is not within an existing conservation reserve. The walkway may indeed increase the likelihood that the site is able to contribute to this reserve system, albeit informally. The natural values report also provides recommendations to improve the shoreline vegetation and water quality management.

It is concluded that in compliance with the documentation submitted for the application, the proposal will meet (c).

Outside the supporting report provided by Natural State, no bodies as referenced in (d) made comment. The proposal is considered to comply with E3.6.1 P1.

10 *E4 Change in Ground Level Code*

Cut and fill within the Environmental Management zone results in this proposal being subject to assessment under the performance criteria.

Note that this applies to the *entire* proposal, not simply that within the Environmental Management zone due to the way the performance criteria function.

Cl.E4.6.1 P1 Cut or fill must –

- (a) Make arrangements for the drainage and disposal of stormwater;*
- (b) Make arrangements to stabilise any existing building or to increase the requirements for construction of any potential building on adjacent land;*
- (c) Manage drainage and disposal of intersected ground water;*
- (d) Safeguard the quality of receiving waters;*
- (e) Not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land unless the owner of adjacent land has provided written consent to enter into an agreement under Part 5 Land Use Planning and*

Approvals Act 1993 registered on the title of adjacent land providing for the level of constraint; and

(f) Not encroach upon or expose, disturb or reduce cover over an underground utility to less than 1m unless the relevant regulatory entity has advised –

(i) it is satisfied the cut or fill will not result in harm to the utility; and

(ii) any condition or requirement it determines are appropriate to protect the utility.

The report by CSE Engineering provides a detailed response to these provisions.

In summary:

- Arrangements for drainage and disposal of stormwater are to be provided (including intersecting ground water).
- Buildings will not be affected / do not require stabilising.
- Site management practices and revegetation will protect the receiving waters.
- Retaining structures are not required within the boundary of adjacent land.

Standard referrals and Council conditions are able to address (f).

As such, the proposal is determined to comply with cl. E4.6.1 P1.

11 E10 Water and Waterways Code

The works will be within 30m of the river. We turn to the performance criteria to determine whether there is compliance with the scheme.

Cl.E10.6.1 P1 Development must –

- (a) Minimise risk to the function and values of a water body watercourse or wetland, including for –*
 - (i) hydraulic performance;*
 - (ii) economic value;*
 - (iii) water based activity;*
 - (iv) Disturbance and change in natural ground level;*
 - (v) control of sediment and contaminants;*
 - (vi) public access and use;*
 - (vii) aesthetic or scenic quality;*
 - (viii) water quality management arrangements for stormwater and sewage disposal;*
 - (ix) modification of a natural drainage channel;*
 - (x) biodiversity and ecological function;*
 - (xi) level of risk from exposure to natural hazards of flooding and inundation; and*
 - (xii) community risk and public safety; and*
- (b) Be consistent with any advice or decision of a relevant entity administering or enforcing compliance with an applicable protection and conservation regulation for –*
 - (i) impact of the development on the objectives and outcomes for protection of the water body, watercourse or wetland; and*
 - (ii) any condition or requirement for protection of the water body, water course or wetland.*

The supporting documentation addresses these matters in detail. All risk to the function and values of the water bodies are addressed in the application. No

relevant entities or other bodies have provided comment relevant to this issue.

The major issues are that the site will be sufficiently managed for impacts on the waterway(s), biodiversity and function and access, as well as safety. The level of exposure from natural hazards is addressed in detail by CSE. This report states “there is a tolerable level of risk” for the proposal.

In addition, the Turners Beach Leith Coastal Adaptation Pathways Project discusses the risk associated with infrastructure in this area. Some areas of the development site are identified as at risk of inundation; however this is not seen as a large concern for minor infrastructure, rather these services are listed as resulting in a loss of recreational values.

The proposal is considered to comply with E10.6.1 P1.

10 *E10.6.2 P1 Development in a shoreline area*

Development will be within the shoreline area. We turn to the performance criteria to determine whether there is compliance with the scheme.

Cl.E10.6.2 P1 Development must –

- (a) Be required to locate in, over on or under the shoreline, sea or tidal waters for operational efficiency;*
- (b) Avoid unreasonably or unnecessarily impact on existing or potential access by the public to shoreline land or waters;*
- (c) Minimise impact on scenic quality of the sea–shore area;*
- (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;*
 - (ii) location;*

- (iii) bulk, size and overall built form of any building or work;*
- (iv) Overshadowing; or*
- (v) obstruction of views from a public place; and*
- (e) Minimise immediate or cumulative adverse effect for –*
 - (i) tidal, wave, current or sediment movement or processes;*
 - (ii) coastal landforms, seabed and other geomorphic features, including sand dunes and mobile landforms;*
 - (iii) vulnerability to erosion and recession;*
 - (iv) natural cycles of deposition and erosion;*
 - (v) conservation of biodiversity and marine habitat, including during critical lifecycle stages of individual and migratory species;*
 - (vi) drainage from a water course, wetland, ground water, flood, stormwater, or tidal water;*
 - (vii) coastal water quality;*
 - (viii) likely interference or constraint on use of public areas;*
 - (ix) 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;*
 - (xi) coastal protection and rehabilitation works required to address erosion, instability, regression or inundation;*
 - (xii) collection, treatment and disposal of waste, including bilge waters and excavated or dredged sediment;*
 - (xiii) economic activity dependent for operational efficiency on a sea shore location;*

- (xiv) *public safety and emergency services;*
- (xv) *marine navigation and communication systems;*
- (xvi) *safety of recreational boating; and*
- (xvii) *be consistent with the current edition of Tasmanian Coastal works Manual DPIPWE 2011.*

There is no alternative location to cross the river. Proposal is compliant with (a).

No unnecessary impact is occurring. Access to the shoreline land or waters is not being modified. Proposal is compliant with (b).

The visual impact will be minimal and will be utilising or sitting adjacent to existing pathways and infra-structure. Proposal is compliant with (c).

The proposal will be low profile, located in areas with existing informal pathways and by its very nature, will minimise impact on amenity and aesthetic appearance of the shoreline area. Proposal is compliant with (d). No overshadowing will occur within the shoreline area.

CSE Engineering provides detailed information on the impact on natural and coastal processes and waterways. Natural State provide significant detail to the effect that biodiversity will not be negatively impacted. No public areas will be constrained. There are no significant architectural or historic special cultural values recognised for this area.

There are aesthetics to be taken into account. The proposal will minimise the impacts on aesthetics through utilising existing tracks and infrastructure and providing revegetation, as well as providing a low profile development.

No waste disposal is to be affected, nor economic activity. Public safety is only at risk (in the context of this provision) in the event that someone decides to walk through the pathway if it is flooded. This is considered

to be relevant only to Council as a community body, and their insurers, rather than to the planning process. Development will be required to be consistent with the Tasmanian Coastal Works Manual.

The proposal is considered to comply with E10.6.2P1.

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Nil.
Infrastructure Services	Nil.
NRM	<p>Main comments:</p> <ul style="list-style-type: none"> · Protection of vegetation; · Protection of biodiversity values and strengthening the ecosystem; · Potential elevation of the pathway; · Vegetation buffers between the track and the adjoining residences within Turners Beach; · Concern re roots of trees. <p>It is not appropriate to condition the proposal to be modified to elevate the walkway as this would be considered a significant modification.</p> <p>The remaining concerns have been addressed in as much detail as possible in the applicable sections of the planning scheme assessment,</p>

	where the Scheme provides for consideration.
TasWater	Taswater advised that the proposal did not require referral to Taswater.
Department of State Growth	Not applicable.
Environment Protection Authority	Not applicable.
TasRail	The proposal was referred to TasRail. Their response centres around gaining the necessary license agreements, and retaining the safe operation of the rail line.
Heritage Tasmania	The old bridge is heritage listed. The Tasmanian Heritage Council granted a Certificate of Exemption.
Crown Land Services	Application form signed, letter of consent provided.
Other	Nil.

CONSULTATION

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

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

Representations –

Fourteen representations were received within the prescribed time, a copy of which are provided at Annexure 3.

The representations are summarised and responded to in the following table. Where appropriate and practicable, where the same issue has been raised multiple times, it has been discussed once.

MATTER RAISED	RESPONSE
1 Praise, support in various forms.	Noted.
2 Proposals for alternative developments, including: <ul style="list-style-type: none"> · Alternative locations for the pathway (multiple); · Logan Street Bollards should be reinstated 	<p>Noted.</p> <p>Alternatives that are raised many times are those of:</p> <ul style="list-style-type: none"> · the pathway from the heritage bridge to Bridge Street, with an informal path from there; and · the logic of aligning the pathway with the Bass Highway, rather than weaving through Leith first. <p>Whilst alternative pathways are noted, and may indeed have merit, this assessment must deal with the application which has been submitted. There is no barrier to the applicant lodging an application into the future adjusting or changing the proposal in response to community input, if in fact a permit is issued for this application.</p> <p>It is noted that this route is that which is identified on the Central Coast website for the Cradle Coast Pathway.</p>
3 The same application has been resubmitted	<p>The pathway route is indeed the same as the previous application, submitted in 2019.</p> <p>This assessment must deal with the application which is currently before the planning authority.</p>
4 The meeting on the 18th of February was inadequate:	<p>Noted.</p> <p>The meeting on the 18th of February was not part of the formal planning</p>

<ul style="list-style-type: none"> · and did not adequately consult people of Leith; · that discussions raised in that meeting have been ignored; · was an attempt to 'tick off' the community consultation process. No formal survey of views or opinions has been undertaken with regard to this route; · Decision is already a foregone conclusion 	<p>process as required by LUPAA. It is up to the applicant to determine if additional community input is required, outside that required by LUPAA.</p> <p>The decision can never be a foregone conclusion however. An application is required to be assessed as per the LUPAA requirements, regardless of what additional consultation or discussion may have occurred.</p> <p>Is it noted that this proposal has certainly raised many issues and alternatives, and that the community has significant concerns.</p>
<p>5 Cyclists will continue to use the original location, regardless of this proposal</p>	<p>Noted. This is considered to be a traffic management issue for Council, rather than a part of this application.</p>
<p>6 The natural values report is insufficient, with particular attention drawn to:</p> <ul style="list-style-type: none"> · Only two days was spent in observation; · No nocturnal survey; · Residents observe a number of native species not listed in the natural values report; · Birds nesting in hollows have not been accounted for. 	<p>The consultants who completed the natural values report are suitably qualified and experienced for the provision of these services.</p> <p>The report recognises that night surveys would likely have recorded "additional nocturnal species". Multiple community members have provided anecdotal evidence for this statement.</p> <p>Pages 17 through 19 of the report conclude that the impact will be minimal, will comply with the relevant legislation, and provides protection for species which were not observed, but which are likely present, including protecting existing tree hollows.</p>

7	<p>Leith is a unique environment. The village lifestyle is highly valued.</p> <p>The majority of representations cite the change in the character to Leith as a leading concern.</p>	<p>Representations speak of the semi-rural nature, as well as the 'village feel' and the soft road edges. These are all relevant to the character of the area. Where the scheme provides for consideration of the character is has been addressed above.</p> <p>It is recognised that the scheme provides minimal consideration of these aspects.</p>
8	Representor(s) do not support the proposal.	Noted.
9	Representors add support to the letter by D Keen of the 13th of March.	<p>Noted.</p> <p>All issues raised in that representation are included in this table.</p>
10	Raising concerns to animal safety due to speeding cyclists.	The direct danger to animals from speeding cyclists is not directly addressed in the application documentation. The only mechanism for consideration of this risk through the planning scheme is that within the zone and code considerations, addressed in detail above.
11	Cyclists are inconsiderate when it comes to sharing a pathway.	This concern is noted.
12	Leith foreshore should remain a natural habitat.	<p>In regard to the Leith foreshore, the Natural Values Report states "The route then crosses the Forth River over the old railway bridge and enters the remnant <i>E.viminalis</i> - <i>E. globulus</i> coastal forest and woodland which is highly modified and reduced to a tree canopy layer. Swamp paperbark is growing in small areas as the dominant understory but is restricted to the</p>

	<p>waters edge. Impacts to this native vegetation community will be negligible as the proposed pathway route covers only introduced pasture and annual grasses which are currently mowed by local residents to encourage a parkland lawn.”</p> <p>Site inspections and supporting documentation record that the Leith foreshore is already modified, to some extent. Most notably, there is an existing and informal walkway.</p>
13 The Pathway from Ulverstone to Turners Beach ends at the entry to Turners Beach. After that existing services are utilised. That would also be appropriate for Leith.	Noted.
14 Proposal conflicts with the Leith development blueprint, developed 20 years ago in consultation with the community. This blueprint specifically mentions the soft edges and lack of footpaths.	<p>Noted.</p> <p>The Leith blueprint is not a document which has been integrated into the existing planning scheme.</p>
15 The pathway runs to a dead end.	Noted.
16 The application documentation refers to the previous DA number.	<p>Noted. The application has an updated DA number due to the previous application being withdrawn and a new application submitted.</p> <p>The letter dated 2 March 2020 is part of this application. The letter from PDA dated the 2 December 2019 does not form part of this application. The statements of the relevant letter have been considered and assessed in the detailed</p>

	assessment against the Scheme and Code provisions.
17 The statements in the supporting report by PDA Surveyors do not relate to the reality of the situation in Leith.	As above.
18 In regards to 10.6.1, the representor questions: <ul style="list-style-type: none"> · whether a full cost benefit analysis was completed for this proposal to determine economic value to the community; and · whether Leith has the infrastructure to support larger recreational users 	<p>It is understood that this refers to E10.6.1 P1.</p> <p>Each situation is different, and requires a varying level of information. This pathway, whilst being of great community interest, is a relatively minor project. A full cost benefit analysis was not required for this project. Full assessment against E10.6.1 P1 is provided above.</p> <p>Infrastructure considered in the Scheme includes water, sewer and similar services. This pathway may require additional services from Council, such as bins suitable to the intended use of the land. Public toilets are available in the Turners Beach section of this path.</p>
19 States that Allport Street West is often 'clogged with parked vehicles and Logan Street provides informal access to the reserve for vehicles	This existing situation is noted.
20 Rubbish is an issue	This is a repeating issue in the representations. This pathway may require additional services from Council, such as bins suitable to the intended use of the land.
21 In regard to E10.6.1 P1(a)(iii), the representor comments:	A number of the representations recognise that the development area and the wider Leith area are already

<ul style="list-style-type: none"> · The proposal does not consider the impact of the existing usage on the river; · Erosion of the riverbank between Allport Street and Logan Street. Remedial action is necessary. · No toilet facilities leading to people fouling the local environment 	<p>impacted by existing users, including erosion, rubbish and other impacts.</p>
<p>22 Submission contradicts itself, claiming that public access and use of the water course is likely to increase and a watch and act approach taken.</p>	<p>Page 2 of the PDA submission dated 2 March 2020 makes this statement. It appears that this is in order to interact with the Natural State recommendations. It is understood that this allows for implementation of the recommendations already proposed, then determining their effectiveness, and making additional adjustments as required.</p>
<p>23 A pathway will increase stressors on native species, both physically and due to the increased presence of dogs.</p>	<p>The Coastal Pathway is a pathway designed for dogs to be walked whilst on the lead. Outside of this, the Natural State report, and the assessment against the Scheme requirements are the mechanisms to determine the relevance of this issue.</p>
<p>24 CSE Tasmania's report is questioned on the following matters:</p> <ul style="list-style-type: none"> · Erosion on the north side of the rail line is undervalued; · Bank is liable to collapse; · People deviating off the pathway are at risk; and · Floods make the pathway untenable 	<p><i>Erosion:</i></p> <p>The area is a coastal area, with active waterways. Erosion, to some extent is a natural occurrence. The matter to be determined is whether the erosion is to be exacerbated by the proposed development, or whether the erosion places the users of the proposed development at risk. Where the scheme provides for this consideration, it has been addressed in detail above.</p>

	<p>The CSE report recommends the following:</p> <ul style="list-style-type: none"> - Larger rock protection along the northern side of the railway bridge – east bank. - Greater clearing of log jams to prevent erosion. <p><i>Deviation off pathway:</i></p> <p>All infrastructure comes with some risk of misuse. Currently the pathway is already utilised, without clear delineation. There is potential for the proposal to clarify the location of the pathway, with clearly defined areas to then be maintained and protected.</p> <p><i>Flood impact:</i></p> <p>The CSE report states that “clearly riders and walkers on a pathway will choose not to enter a flooded path and emergency personnel have no need to utilise it”.</p>
<p>25 Proposal does not include a ‘Road Safety assessment’, with points of concern raised:</p> <ul style="list-style-type: none"> · The roads in Leith are too narrow to facilitate this pathway safely; · Blind spot between 1 and 8 Allport Street; · Concerns re the safety of the junction at Allport Street West roundabout; · Clerke St – Short Street corner · Proximity of the rail line 	<p>The proposal was referred to Infrastructure Services for comment. No concerns with the safety impacts of this walkway were raised.</p>
<p>26 Proposal is contrary to the Bicycle Pathway proposal</p>	<p>Noted.</p>

submitted by Leith residents to Council a few years ago.	
27 The proposal affects every residence it passes	There will of course be some impact on many people. The Scheme is specific about which impacts are able to be considered and these are addressed in detail above.
28 Security and privacy concerns: <ul style="list-style-type: none"> · Residences along the eastern riverbank were high investments, primarily due to their high level of privacy; · Proposed route opens access to the front and back yards of the residences affected; · Concerns raised re path users and safety during the night; · Concerns re the 1.5m road rule separating cyclists from road users; · Parking on the roadside throughout Leith. 	The Scheme is specific about which privacy and security impacts are able to be considered, and in which zones and these are addressed in detail above.
29 Drainage will be insufficient	No data has been provided to contradict the report provided by the qualified engineer. Council's Infrastructure Services has reviewed the provided engineering report and have no additional concerns re drainage.
30 Certain weather events will result in inundation of the pathway in sections	This is likely correct.

<p>31 Proposal converts natural riverbank and wetland to developed land</p>	<p>The Natural State report provided assesses the land to be developed as “highly modified and in a degraded condition a small amount of vegetation will need to be cleared consisting of mostly introduced species.”</p> <p>Observations identify the majority of the pathway particularly on the Leith side, to be covered by introduced grasses.</p>
<p>32 Questions whether the retaining wall proposed for the Clerke / Short Street corner – does it come under the Code E4 – Change in Ground level</p>	<p>It does. Assessment against the Code is included above.</p>
<p>33 Loss of driveway for 39 Short Street</p>	<p>It is unclear which driveway is claimed to be being lost by this proposal. Plan 4806–32 C10 details this corner, and is marked with a driveway for this property and annotated with “Existing asphalt driveway to be reinstated”.</p>
<p>34 Overshadowing of 39 Short Street</p>	<p>39 Short Street, and the section of the pathway referred to in this representation are within the Rural Living zone. The Rural Living zone provides some limited protections for amenity and from overshadowing, within the following clauses:</p> <ul style="list-style-type: none"> · 13.3.1 Discretionary use; · 13.4.2 (in the performance criteria P1); · 13.4.3 (in the performance criteria P2); and · 13.4.4 (overlooking and noise only).

	<p>13.3.1 is not applicable as it is not a discretionary use.</p> <p>13.4.2 P1 and 13.4.3 P2 are not applicable, as the proposal complies with the provisions within the acceptable solution.</p> <p>13.4.4 P2 is applicable, and is addressed in the detailed assessment against the scheme requirements. Notably, this clause provides protection for overlooking and noise only, not solar access.</p>
35 Loss of property value for 39 Short Street and that this comes under 'community good'.	Whilst amenity and access to sunlight are protected in the scheme, individual material wealth is generally not considered in community good.
36 Already completed sections of the path have a privacy barricade protecting the adjoining properties. None appear to be proposed here.	The design of the pathway, including the use of bollards or not, is being guided to Austroads standards, as per the North West Coastal Pathway Plan, available on the Council website.
<p>37 Threats to current vegetation communities and flora and fauna:</p> <ul style="list-style-type: none"> · Multiple high conservation value vegetation communities will be compromised · All vegetation communities should be considered as a sound, visual and ecological barrier to the highway; · Recent progress will in these areas will be negatively impacted 	The Specialist report by Natural State recognises that there are high conservation value communities within the vicinity of the proposed pathway. This specialist report also advises that the pathway provides an opportunity to facilitate these communities, through the removal of competing exotic species.

<p>38 Impacts to the saltmarsh and mature trees must be properly assessed including specialist comments from an arborist and a saltmarsh specialist.</p>	<p>Planning authorities have some, if limited, capacity to determine what specialist reports are appropriate for a development, if they relate directly to the provisions of the Scheme. In this proposal, the provisions of the Environmental Management Zone and the E3 Clearing and Conversion of Vegetation Code.</p> <p>29.4.3 A4 / P4 of the Environmental Management zone provides specific consideration for clearing and conversion of vegetation and rehabilitation of that area and is addressed in detail above.</p> <p>The E3 Clearing and Conversion of Vegetation Code does not apply within the Utilities zone. The applicable clauses, particularly the performance criteria, do not necessarily require the input of an arborist or saltmarsh specialist, given the experience of the specialist who provided the supporting natural values report.</p>
<p>39 Compromises to the natural scenic values, particularly against the western boundary between private land and the wetland.</p>	<p>This representation refers to the values between the properties along the waterfront in Leith, where the pathway will run between them and the waterfront.</p> <p>This land is currently covered with exotic grasses and some tree cover.</p> <p>A pathway will be a formalisation of the existing informal walkway. Where scenic values are protected within the scheme, they are addressed above.</p>
<p>40 Stage 2 of the pathway is not included. Stage 2 will have</p>	<p>Stage 2 is not included. This proposal must assess the application</p>

considerable impact on the native vegetation.	currently before the planning authority.
41 Lack of community consultation.	The community consultation as required by LUPAA has been satisfied (site notices, adjoining landowner notification, advertisement in the newspaper and a two week commentary period). Whilst the Council may undertake additional consultation where it chooses, the consultation undertaken meets the requirements of LUPAA for the purposes of the planning authority.
42 Danger posed by overhanging branches over the walkway	Any walkway through areas covered with trees includes this risk – this includes footpaths in urban areas. The Council will need to add the maintenance of this pathway to the regular maintenance schedule, and likely insurances as well.
43 Leith community met with Anita Dow and Shane Broad re the route chosen.	Noted. This is not part of the statutory assessment process, but a separate right of community members within our democratic arrangements.
44 Why has Council not disclosed the requirements of TasRail, the Department of State Growth and design restrictions?	The representations received are publicly available.
45 Identifies two threatened native vegetation communities (As detailed in the supporting report). Objects that no further degradation of these communities be allowed to occur. Where it does, it must be remediated at high priority, at the contractors' expense.	The Specialist report by Natural State recognises that there are threatened vegetation communities within the vicinity of the proposed pathway. This specialist report also advises that the pathway provides an opportunity to facilitate and rehabilitate these communities,

	through the removal of competing exotic species.
46 Recommends low growing plants native to the local area rather than grasslands as proposed.	The report by Natural State recommends “ <i>Remediation works post construction adjacent to the pathway should encourage natural regeneration of native vegetation wherever possible. Revegetation works may be required to speed up the remediation process using the Central Coast DRAFT 341–5 Native Bushland/dunal revegetation guidelines</i> ”.
47 A rubbish trap could also be considered where the route borders the western edge of the wetland to the south of Gables Park.	This is an infrastructure investment that would likely be beneficial regardless of the walkway.
48 Construction of the pathway provides an excellent opportunity for rehabilitation of the area.	Agreed.
49 The proposed future route of the pathway along the Esplanade in Turners Beach, and the relationship of this proposal with that section.	The planning authority must assess the proposal before it.
50 Objection to the claim that TasRail will not allow any new crossings.	Difference of opinion is noted. TasRail have provided a representation which provides detail.
51 Intention of the entire pathway was to minimise the impact of the pathway of the residents of the communities it might pass through. This proposal does not abide with that desire.	The ability to assess the impact on the adjoining residents is bound by the provisions of the scheme. These are addressed in detail above.

<p>52 Questioning the use class. Alternatives given includes:</p> <ul style="list-style-type: none"> · Road; · Sport and recreation. 	<p>The use classification has varied across Councils along the length of the Coastal Pathway. It has included Sport and Recreation and Utilities.</p> <p>Minor Utilities is defined as “use of land for utilities for local distribution or reticulation of services and associated infrastructure such as a footpath, cycle path.....”.</p> <p>Given that this proposal is for a combined foot and cycle path, this use class was deemed to be most appropriate.</p>
<p>53 Questions compliance with cl.29.1(g)</p>	<p>It is not clear which clause is being referred to.</p> <p>It may relate to 29.1.2 Local Area Objective (g) which states “<i>minimise against intrusion and impact of conflicting use such as settlement and intensive primary production</i>”.</p> <p>The Local Area Objective need only be referred to directly where a clause (Acceptable solution or performance criteria) specifically refers to it. These are addressed as required above.</p>
<p>54 Rural Living Zone: 13.1.2 – does not satisfy the requirement not to adversely impact on residential amenity.</p>	<p>Again, the scheme specifies when the Local Area Objectives (eg 13.1.2) must be assessed specifically. This has been answered in detail in the above assessment.</p>
<p>55 Rural Living zone – The traffic created will be in close proximity to dwellings whilst also reducing the access currently available for street parking.</p>	<p>The traffic created in the Rural Living zone will be foot and cycle traffic. The chosen pathway is already an informal pathway, as evidenced by on site observations and the supporting documentation. Council's Infrastructure Services has</p>

	not requested a traffic impact assessment for this proposal.
<p>56 Rural Living zone – Proposal significantly modifies the streetscape, and is not in keeping with the village environment.</p> <p>PDA surveyors statements identifies a likely adverse change in the character of the area.</p> <p>Additional mentions of this previous application were received.</p>	<p>Some of these comments relate to the original cover letter, dated 2 December 2019. That letter related to the previous application, and is not part of the documentation forming the current application. It was not advertised with this application.</p> <p>Those that relate to this application include the statement:</p> <p>“10.6.1P1(a)(vii) “Introduction of additional human made forms to the riparian areas would result in a change to the aesthetic and scenic qualities of the watercourse. The linear nature of the path and the regular textures and colours would stand in contrast with the irregular forms and colours of the riparian environment. However, if managed properly with complementary measures to control access to the river edge, the pathway should enable sustainable and community wide appreciation of the extrinsic aesthetic and scenic qualities of the Forth River”.</p> <p>This is the only mention of character in the PDA document, and does not relate to the land within the Rural Living zone.</p>
<p>57 Rejects position of PDA in response to E10.6.1 that the development will serve to improve the social and economic value to the Community.</p>	<p>The supporting statements in the application assert that the proposal will result in:</p> <ul style="list-style-type: none"> · Reduction in introduced species; · Additional recreational opportunities for the wider

	<p>community (walking, cycling and water based);</p> <ul style="list-style-type: none"> · formalisation of the management of sediment, runoff and erosion; · ability to control public access to the watercourse (in as much as such control is possible over public land); · changes to the forms and colours of the environment. <p>There is clearly a reckoning to be had between the various changes. To the extent that the Scheme allows, this is addressed in detail above.</p>
58 Human activity along the Forth river bank between Allport Street and Logan Street has already caused significant bank erosion. There are no identified measures to minimise this risk.	It is clear that human impact is already occurring. The proposal provides an opportunity to integrate the area into a management plan which can actively manage, minimise and rehabilitate this area, rather than living with the status quo.
<p>59 Requests for conditions to be placed on any permit issued:</p> <ul style="list-style-type: none"> · Works require formal approval from TasRail; · Formal approval will require specific steps to be fulfilled; · Regarding management of water run off; · Regarding licensing agreement(s) 	<p>TasRail have requested a number of conditions on the permit.</p> <p>A number of these are outside the scope of planning conditions and would be necessary to include as notes on any permit issued, consistent with the approach taken by multiple municipalities.</p>
60 Questions whether the plans for the Short Street crossing were included in the Crown Land Owner Consent.	The Crown Land representative has signed the application form, which states "From: southern end of Esplanade (Turners Beach) to the Bass Highway underpass (Leith).

	Council are satisfied that this, together with the accompanying letter is sufficient to satisfy the requirements – the application form has been signed and a letter giving consent to the making of the application has been provided, regardless of discrepancies in the documentation.
61 Specifies TasRail requirements for works in and near rail land	Noted. These are to be included as notes in any permit issued.
62 Requests standard TasRail notes to be included with any permit issued	Noted. These are to be included as notes in any permit issued.
63 Stress the need to adhere to all necessary guidelines and precautions during the construction of the pathway in order to preserve and protect the natural environment.	These needs are recognised. The relevant guidelines for this proposal are particularly important, given the sensitive nature of this development.

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposal has the standard likely impacts on Council resources including those usually required for assessment and reporting, and possibly costs associated with an appeal against the Council's determination should one be instituted. In this scenario, the costs associated with the development also apply. It is important to separate the impacts on Council acting as Planning Authority from those potential impacts in Council's other roles.

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 application relies on the application of discretion for a number of factors. The Scheme is very specific about which of these apply, and in which zones they are applicable. It could be argued that these are insufficient to protect unique factors, however the Scheme is the statutory mechanism by which the planning authority must assess a proposal.

It is considered that the proposal satisfies the relevant performance criteria, and the proposal is recommended for conditional approval.

Recommendation –

It is recommended that the application for Utilities (Minor – shared pathway from Turners Beach to Leith) be approved subject to the following conditions and notes:

General

- 1 The development must be substantially in accordance with the endorsed plans and documents unless modified by a condition of this permit.
- 2 Works must comply with the Tasmanian Coastal Works Manual DPIWE 2011.
- 3 The developer is responsible for all costs associated with the works and replacement of the fence and any other damage caused to 39 Short Street.

Notes:

- 1 A Planning Permit remains valid for two years. If the use or development has not been substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If a Permit lapses, a new application must be made.
- 2 “Substantial commencement” is 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 This permit does not imply that any other approval required under any other by-law or legislation has been granted.

All enquiries should be directed to Council's Permit Authority on 6429 8900.

TasRail notes

- 1 No works to create a crossing over the railway at Short Street can proceed without formal, written approval from TasRail. Such approval will not be considered until:
 - (a) TasRail has received appropriate engineering designs for the proposed crossing for its review and approval;
 - (b) TasRail has received a formal request for a new crossing over the railway (to support the pathway at Short Street);
 - (c) A joint ALCAM risk assessment is completed by an independent consultant to determine risks and to recommend appropriate safety controls required. The cost of the ALCAM to be met by the project/road owner.
 - (d) TasRail completes an engineering assessment to determine if the existing rail track is suitable to support the a new sealed crossing over the railway or if this section of the track will need replacement – noting that the cost associated with any upgrade and/or maintenance works must be met by the applicant/road owner.
 - (e) No third parties will be permitted to undertake any works on the railway assets.
 - (f) All access to rail land/inside the rail corridor can only be undertaken with the approval of TasRail and in accordance with the terms and conditions of a TasRail Permit. Track Protection Costs may apply.
- 2 TasRail will not permit the discharge, or increase in discharge of water run-off into the rail corridor.
- 3 Central Coast Council is required to enter into a Licence Agreement with TasRail to use the part of the rail corridor that is required for the entry/exit to/from the redundant Forth River Rail Bridge.
- 4 TasRail also requests the attached TasRail Standard Notes (as at 24 October 2019) be included with the Permit. Please find these enclosed.'

The report is supported.”

The Executive Services Officer reported as follows:

“A copy of the Annexures referred to in the report by Theresia Williams of PlanPlace Pty Ltd report has been circulated to all Councillors.”

■ Cr Fuller moved and Cr Viney seconded “That the application for Utilities (Minor – shared pathway from Turners Beach to Leith) be approved subject to the following conditions and notes:

General

- 1 The development must be substantially in accordance with the endorsed plans and documents unless modified by a condition of this permit.
- 2 Works must comply with the Tasmanian Coastal Works Manual DPIPWE 2011.
- 3 The developer is responsible for all costs associated with the works and replacement of the fence and any other damage caused to 39 Short Street.

Notes:

- 1 A Planning Permit remains valid for two years. If the use or development has not been substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If a Permit lapses, a new application must be made.
- 2 “Substantial commencement” is 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 This permit does not imply that any other approval required under any other by-law or legislation has been granted.

All enquiries should be directed to Council’s Permit Authority on 6429 8900.

Tasrail notes

- 1 No works to create a crossing over the railway at Short Street can proceed without formal, written approval from TasRail. Such approval will not be considered until:
 - (a) TasRail has received appropriate engineering designs for the proposed crossing for its review and approval;

- (b) TasRail has received a formal request for a new crossing over the railway (to support the pathway at Short Street);
 - (c) A joint ALCAM risk assessment is completed by an independent consultant to determine risks and to recommend appropriate safety controls required. The cost of the ALCAM to be met by the project/road owner.
 - (d) TasRail completes an engineering assessment to determine if the existing rail track is suitable to support the a new sealed crossing over the railway or if this section of the track will need replacement – noting that the cost associated with any upgrade and/or maintenance works must be met by the applicant/road owner.
 - (e) No third parties will be permitted to undertake any works on the railway assets.
 - (f) All access to rail land/inside the rail corridor can only be undertaken with the approval of TasRail and in accordance with the terms and conditions of a TasRail Permit. Track Protection Costs may apply.
- 2 TasRail will not permit the discharge, or increase in discharge of water run-off into the rail corridor.
- 3 Central Coast Council is required to enter into a Licence Agreement with TasRail to use the part of the rail corridor that is required for the entry/exit to/from the redundant Forth River Rail Bridge.
- 4 TasRail also requests the attached TasRail Standard Notes (as at 24 October 2019) be included with the Permit. Please find these enclosed."

Voting for the motion

(7)

Cr Bonde

Cr Carpenter

Cr Diprose

Cr Fuller

Cr Hiscutt

Cr Overton

Cr Viney

Voting against the motion

(2)

Cr Beswick

Cr van Rooyen

Motion Carried

INFRASTRUCTURE SERVICES

121/2020 Penguin Foreshore Remediation and Upgrade Project

The Director Infrastructure Services reported as follows:

“The Assets Group Leader has prepared the following report

‘PURPOSE

The purpose of this report is to provide an update to the Council on the project management arrangement for the implementation of the Penguin Foreshore Remediation and Upgrade Project.

BACKGROUND

The Council’s Code for Tendering and Contracts 2019 requires that written quotations are required for procurement between \$10,000 and \$100,000 and Public Tenders are required for purchases greater than \$100,000.

The Local Government (General) Regulations 2015 require that Councils must publicly invite tenders for the purchase of goods and services with a value in excess of \$250,000 (excluding GST).

In August 2018, on the assumption that the initial engagement for design and assistance with community consultation would be less than \$100,000, a consultant brief was developed for the Penguin Foreshore Remediation and Upgrade Project. A submission was sought from selected businesses with suitable qualification, relevant experience and capability to develop a concept design, prepare detailed drawings and tender documents and provisionally provide costs for contract management.

Only one submission was received. Tasmanian Consulting Service (TCS), was appointed to deliver Stages 1 and 2 of the Project at a tendered price of \$99,520 with Stage 3 to be negotiated at a later time/date.

The actual cost through variation to scope for Stages 1 and 2 was \$96,508.

DISCUSSION

During 2019, \$6.5m. funding was secured by the Local Minister under the Community Development Grants Program for the delivery of the Project. Stage 3 now includes preparation of the development application including provision of various reports, tendering and reporting.

Stage 4 is for construction management and certification to complete the Project. As TCS were the only consultant to provide a submission, and due to the detailed design work and project knowledge obtained in Stages 1 and 2, negotiations on the remaining Stages, as per the first submission, were undertaken with TCS to secure these additional services to expedite the process.

The cost for Stages 3 and 4 is an additional \$215,850. Total consultancy cost \$312,358.

As this value is over the \$250,000 threshold for Public Tendering required under the *Local Government (General) Regulations 2015*, an exemption is required for this process.

In accordance with Part 6 Exemptions of the regulations a Council may not issue a tender or quotation process for several reasons. The applicable reason for this project is:

“a contract for goods or services if the council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of –

(i) extenuating circumstances;”

The regulations further state that Point (i) above may be applied for the following reasons:

- . where it can be established that there is only one supplier of a particular product or service and there is no appropriate substitute available, or where alternative options are not viable or do not provide value for money;*
- . where the original product or service has been selected through an open tender process and the request for exemption relates to the proposed purchase of an upgrade or addition to the existing system, and there are limited supply options.”*

Tasmanian Consulting Service were re-engaged in early 2020 to continue the delivery of the Project after the Council signed the grant deed with the Federal Government to commence the Project.

To date Tasmanian Consulting Service has completed the first stage of the Project, been involved with the local community in developing this Project and engaged relevant subject matter experts. They have developed the supporting

information for the development application, submitted to Council on 26 March 2020 and are close to completing design and construction documentation.

For the above reasons :

- it can be established that there is only one supplier of this service and there is no appropriate substitute available, or where alternative options are not viable or do not provide value for money; and
- the original service has been selected through an open tender process and the request for exemption relates to the proposed purchase of an upgrade or addition to the existing system, and there are limited supply options.

This Project will also support the Actions of the recently adopted Central Coast Council Climate Action Plan and protect the sea level rise and climate impact for our coastal community in Penguin.

CONSULTATION

This Project has been supported by the local community of Penguin and the Council to find a solution to protect the community assets of Main Road and the foreshore area in Penguin.

RESOURCE, FINANCIAL AND RISK IMPACTS

Federal Government funding has been secured for \$6.5m. to deliver the outputs of the Project for social, economic and environmental outcomes for the Penguin community and their local assets.

The final estimated project value for the consultant engagement has exceeded the \$250,000 threshold and requires the Council to resolve by absolute majority that due to the extenuating circumstances a satisfactory result would not have been achieved by inviting tenders.

CORPORATE COMPLIANCE

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

The Shape of the Place

- Conserve the physical environment in a way that ensures we have a healthy and attractive community

The Environment and Sustainable Infrastructure

- Invest in and leverage opportunities from our natural environment
- Contribute to the preservation of the natural environment.

Council Sustainability and Governance

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

Contribute to the preservation of the natural environment

- Develop a strategy to mitigate the impacts of climate change on the Council's assets;
- Investigate and plan for the effects of climate change on our local areas.

CONCLUSION

It is recommended that the Council:

- resolve that due to the extenuating circumstances a satisfactory result would not have been achieved by inviting tenders; and
- endorses the continued engagement of Tasmanian Consulting Service, who currently have significant corporate knowledge of the Penguin Foreshore Remediation and Upgrade Project to ensure the successful completion of the Project within the terms of the funding grant deed.'

The Assets Group Leader's report is supported."

The Executive Services Officer reported as follows:

■ Cr Beswick moved and Cr Hiscutt seconded "That the Council

- resolve that due to the extenuating circumstances a satisfactory result would not have been achieved by inviting tenders; and
- endorses the continued engagement of Tasmanian Consulting Service, who currently have significant corporate knowledge of the Penguin Foreshore Remediation and Upgrade Project to ensure the successful completion of the Project within the terms of the funding grant deed."

Carried unanimously

122/2020 Heavy Vehicle National Law and National Heavy Vehicle Regulator (176/2014 – 16.06.2014)

The Director Infrastructure Services reported as follows:

“The Road Engineer has prepared the following report:

‘PURPOSE

The purpose of this report is to update the Council’s practices regarding permission for heavy vehicles to access Council roads in accordance with the *Heavy Vehicle National Law (Tasmania) Act 2013* and the requirements of the National Heavy Vehicle Regulator.

BACKGROUND

The National Heavy Vehicle Regulator (NHVR) administers one set of laws Heavy Vehicle National Law (HVNL) for heavy vehicles over 4.5 tonnes gross vehicle mass. The HVNL consists of the Heavy Vehicle National Law and five sets of regulations.

The HVNL commenced on 10 February 2014 in the Australian Capital Territory, New South Wales, Queensland, South Australia, Tasmania and Victoria. Each State passed a law that either adopts or duplicates the HVNL (with some modifications) as a law of that State or Territory.

On 16 June 2014 (Minute No. 176/2014) the Council considered a report to update the previous resolution, Minute No. 159/2004 – Mass Limits Review and B-Double access to local roads, to reflect changes to the heavy vehicle access permit process. These changes removed the prohibition of B-doubles on Council roads and allowed B-doubles up to 21m on Council roads.

DISCUSSION

As a road manager, Local Government is recognised in legislation as being responsible for consenting to access to restricted access vehicles on their road networks, and the conditions under which they will operate. The HVNL requires Local Government to formally consent to operation on their roads before a permit can be issued. This is intended to empower Local Government to ensure safety for all road users, protect and efficiently manage access to important Council infrastructure, such as roads and bridges, and to preserve and manage public amenity.

The HVNL provides that a road manager may decide not to give consent if satisfied that the mass or dimension of a vehicle will, or is likely to:

- 1 cause damage to road infrastructure; or
- 2 impose adverse effects on the community from noise, emissions or traffic congestion; or
- 3 pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.

However, before deciding not to give consent the road manager must satisfy itself that it is not possible to grant access subject to road or travel conditions that will avoid or significantly mitigate these relevant risks.

The HVNL provides for three classes of heavy vehicle as a means of managing access for different types of heavy vehicles.

A Class 1 heavy vehicle is a vehicle that, together with its load, does not comply with a prescribed mass requirement or prescribed dimension requirement applying to it, and it is a special purpose vehicle or it is an agricultural vehicle other than an agricultural trailer or it is a heavy vehicle carrying, or designed for the purpose of carrying, a large indivisible item, including, for example, a combination including a low loader. Common Class 1 heavy vehicles include: agricultural vehicles, oversize overmass vehicles and special purpose vehicles.

A Class 2 heavy vehicle is a vehicle that complies with the prescribed mass requirements and prescribed dimension requirements applying to it and is a B-double or a road train or a bus, other than an articulated bus, that is longer than 12.5m or a combination designed and built to carry vehicles on more than one deck that, together with its load is longer than 19m or higher than 4.3m or a motor vehicle, or a combination, that is higher than 4.3m and is built to carry cattle, sheep, pigs or horses or it is a Performance-Based Standards (PBS) vehicle.

A Class 3 heavy vehicle is a vehicle that, together with its load, does not comply with a prescribed mass requirement or prescribed dimension requirement applying to it and is not a Class 1 heavy vehicle.

A significant challenge for councils in assessing these networks relates to their understanding of their road infrastructure and in particular the load bearing capacity of bridges on heavy vehicle routes. The Department of State Growth has led an initiative to assess major council roads and bridges in Tasmania to create Tasmanian pre-approved heavy vehicle route networks. With a pre-

approved route there is no need for the NHVR to contact the Council for approval or conditions as they will already be on record. The permit will be issued, and the Council will be notified. This process is a national leader.

Currently the pre-approved network system caters for approximately 70–75% of vehicle combinations available in Tasmania. The Department of State Growth is in the process of engaging consultant services to add more vehicle combinations to the existing system. It is expected that the future system will cater for around 95% of vehicle combinations reducing the workload on road managers.

The PBS Scheme offers the heavy vehicle industry the potential to achieve higher productivity and safety through innovative and optimised vehicle design. These new designs come with productivity increase per trip which means fewer trips, lower pavement wear, less fuel used and fewer vehicle emissions.

Fig.1

Truck impact chart – 2.2 edition, March 2018

Table 4: Truck impact chart - summary



	Comparison of key road freight delivery configurations	
	Semi Trailer	B-double
		
GCM (tonne) GML	43.0	63.0
Maximum Combination Length (metres)	19.0	26.0
Payload (tonne)	24.0	38.8
Trips per 1,000 tonnes of payload moved	42	26
ESA's per 1,000 tonnes of payload moved	304	224
Fuel required per 1,000 km lead	100%	82%
Driver requirement	100%	62%

Figure 1 shows the comparison of a 19m semi-trailer with a 26m B-double. The B-double has less impact (about 74% than a semi) on the road, uses 82% of fuel for 62% of the number trips to move the same amount of payload (1,000 tonnes) compared to a semi-trailer.

As per NHVR Guidelines a route assessment is an assessment of the impacts, or likely impacts, of relevant restricted access vehicle use on road infrastructure in the areas or on the routes requested in the application for access. This can include structural assessments on bridges, pavements,

culverts, tunnels and the like, as well as geometrical assessments such as swept paths at intersections, stacking distances and overtaking provision. It does not include assessment of non-road infrastructure elements including amenity issues or public consultation processes.

At present vehicles up to 19m are allowed on public roads as general access vehicles. The Council's current practice allows 21m "mini" B-doubles on Council roads. The information provided in this discussion is provided to show that it can be difficult to refuse an access application for longer vehicles such as B-doubles over 21m based on technical reasons.

CONSULTATION

A Councillors' Workshop was conducted on 24 February 2020 to explain the NHVR and how it applies to Council roads and Council's management of the application process.

RESOURCE, FINANCIAL AND RISK IMPACT

The cost is currently estimated to be \$100 – \$150 per application. This is part of the Road Engineer's duties and is therefore included in our staff costs. The work in association with State Growth on bridge assessments and pre-approved access conditions has reduced this over the last two years and with further work this year is expected to reduce even further.

CORPORATE COMPLIANCE

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

A Connected Central Coast

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

The Environment and Sustainable Infrastructure

- Contribute to a safe and healthy environment
- Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- Improve corporate governance
- Improve service provision
- Effective communication and engagement.

CONCLUSION

The Council must comply with the requirements of the HVNL and work with the NHVR on heavy vehicle access to our roads. In order to do this the earlier decisions of the Council relating to heavy vehicle access requires updating. It is recommended that the previous decisions relating to heavy vehicle access to Council roads (Minute No. 176/2014) be updated to:

- 1 Permit the use of higher mass limit vehicles, with approved road friendly suspension, subject to consideration by the Director Infrastructure Services and compliance with the *Heavy Vehicle National Law (Tasmania) Act 2013* and the requirements of the National Heavy Vehicle Regulator; and
- 2 Not permit Class 2 heavy vehicles (length over 21m) on local roads, apart from those routes previously included on the Tasmanian pre-approved networks. Short links required to the Bass Highway may be considered by the Director Infrastructure Services subject to compliance with the *Heavy Vehicle National Law (Tasmania) Act 2013*, and the requirements of the National Heavy Vehicle Regulator; and
- 3 Assess Class 3 heavy vehicles on a case by case basis on their technical merit under the discretion of the Director Infrastructure Services subject to compliance with the *Heavy Vehicle National Law (Tasmania) Act 2013*, and the requirements of the National Heavy Vehicle Regulator.'

The Road Engineer's report is supported."

The Executive Services Officer reported as follows:

■ Cr van Rooyen moved and Cr Beswick seconded "That the previous decisions relating to heavy vehicle access to Council roads (Minute No. 176/2014) be updated to:

- 1 Permit the use of higher mass limit vehicles, with approved road friendly suspension, subject to consideration by the Director Infrastructure Services and compliance with the *Heavy Vehicle National Law (Tasmania) Act 2013* and the requirements of the National Heavy Vehicle Regulator; and
- 2 Not permit Class 2 heavy vehicles (length over 21m) on local roads, apart from those routes previously included on the Tasmanian pre-approved networks. Short links required to the Bass Highway may be considered by the Director Infrastructure Services subject to compliance with the *Heavy Vehicle National Law (Tasmania) Act 2013*, and the requirements of the National Heavy Vehicle Regulator; and

- 3 Assess Class 3 heavy vehicles on a case by case basis on their technical merit under the discretion of the Director Infrastructure Services subject to compliance with the *Heavy Vehicle National Law (Tasmania) Act 2013*, and the requirements of the National Heavy Vehicle Regulator.”

Carried unanimously

123/2020 Tenders for bridge barrier upgrades – Buttons Creek, Castra Road, Ulverstone and Buttons Creek, Picketts Road, Gawler

The Director of Infrastructure Services reported as follows:

“The Graduate Stormwater Engineer has prepared the following report:

‘PURPOSE

The purpose of this report is to make recommendation on tenders received for construction of Picketts Road bridge barrier and Castra Road bridge barrier upgrades.

BACKGROUND

Bridge No. 2528 – Buttons Creek, Castra Road, Ulverstone.

This bridge currently has timber post and rail fence on both sides. It is proposed to replace these with new barriers to comply with current standards. The terminations are to be TL-3 compliant energy absorbing type.

Bridge No. 2987 – Buttons Creek, Picketts Road, Gawler.

The downstream barrier was damaged by a vehicle in November 2019 and currently has temporary traffic control in place. It is proposed to install new barriers on both downstream and upstream sides to comply with current standards. Barrier terminals are to be TL-3 compliant energy absorbing type.

DISCUSSION

The original budget included in the 2019–2020 capital works funding program included the bridge in Castra Road. In November 2019 a crash occurred resulting in damage to the Picketts Road bridge barriers.

As it was known that the tender for the Rodmans Road, Clayton Rivulet bridge replacement project was significantly less than the budget, it was determined

to tender for both bridges in the interests of safety in both locations. The assessment of cost could then be made when tenders were received.

Tenders were called for the replacement of the bridge barriers on 3 March 2020 and closed at 2.00pm on 19 March 2020.

A conforming standard was outlined in the design brief for the structures. The on-structure post attachment detail was based on the Department of State Growth standard drawing 3402-4/P73-1 and was attached along with the specification documents.

It is expected that a minimum of one lane will remain open at all times during construction with appropriate traffic management in place.

Submissions from three tenderers were received as follows (including GST):

TENDERER	PRICE \$
TasSpan Civil Contracting P/L	115,479.00
BridgePro Engineering P/L	131,340.00
VEC Civil Engineering P/L	153,698.00
<i>ESTIMATE (EXCLUDING GST)</i>	67,000.00

Each of the tenderers submitted a conforming tender.

The three tenderers offer construction programs in compliance with the specified completion date of 31 May 2020.

These tenderers have previously carried out work successfully for the Council and are recognised as being competent to perform the works with their structures conforming to relevant standards.

The Council uses a weighted tender assessment method based on:

Compliance with tender documents	5%
Experience	5%
Personnel	5%
Construction period	10%
Local business	5%
Design	30%

WHS system and record	10%
Tender price/value for money	30%

TasSpan Civil Contracting P/L achieved the highest rating based on this method (a copy of the confidential tender assessment is appended).

CONSULTATION

Local consultation and public notice will be provided at the time of construction.

RESOURCE, FINANCIAL AND RISK IMPACTS

This project is included in the 2019–2020 capital funding program with a budget of \$67,000.00 (excl. GST).

All tenders received are higher than the budget. There is a budget shortfall between the contract budget \$67,000.00 (excl. GST) and the tender price \$104,980.90 (excl. GST) of \$37,980.90 which will be funded from the Claytons Rivulet bridge replacement project. This project has a budget of \$352,000.00 (excl. GST) and tendered price of \$188,929.82 (excl. GST), resulting in a saving of \$163,070.18.

CORPORATE COMPLIANCE

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

A Connected Central Coast

- Provide for a diverse range of movement patterns.

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

Council Sustainability and Governance

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

CONCLUSION

It is recommended that:

- 1 the conforming tender from TasSpan Civil Contracting P/L for the sum of \$104,980.91 (exc. GST) [\$115,479.00 (incl. GST)] for the construction of Picketts Road bridge barrier (Bridge No.2987) and Castra Road bridge barrier (Bridge No.2528) upgrades be accepted and approved by the Council; and
- 2 the reallocation of funding from the Rodmans Road, Clayton Rivulet bridge replacement to cover the shortfall in project funding of \$48,479.'

The Graduate Stormwater Engineer's report is supported."

The Executive Services Officer reported as follows:

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

■ Cr Beswick moved and Cr Viney seconded "That:

- 1 the conforming tender from TasSpan Civil Contracting P/L for the sum of \$104,980.91 (exc. GST) [\$115,479.00 (incl. GST)] for the construction of Picketts Road bridge barrier (Bridge No.2987) and Castra Road bridge barrier (Bridge No.2528) upgrades be accepted and approved by the Council; and
- 2 the reallocation of funding from the Rodmans Road, Clayton Rivulet bridge replacement to cover the shortfall in project funding of \$48,479."

Carried unanimously

ORGANISATIONAL SERVICES

124/2020 Dog control – Fixing of registration fees for the 2020–2021 financial year and other fees under the *Dog Control Act 2000*

The Director Organisational Services reported as follows:

“PURPOSE

This report considers the fixing of dog registration fees for the 2020–2021 financial year and other fees as required under the *Dog Control Act 2000* (the Act).

BACKGROUND

The *Dog Control Amendment Act 2009* provides for the Council to set dog registration fees and other associated animal fees such as kennel licences, dangerous dog licences and so on. This report enables the registration fees to be set and the registration forms and tags to be issued to dog owners before the commencement of the registration period, and other associated animal fees to be set for the 2020–2021 financial year.

DISCUSSION

The dog control legislation requires that all dogs over the age of six months be registered with a local council and it provides for councils to set fees for the purpose of registration and management of the Act. All dogs over six months of age must be registered with a local council; the period of registration being 1 July to 30 June each year.

The dog registration system enables the Animal Control Officer to identify a dog's owner and records information to enforce the regulations and provisions of the dog control legislation.

The Council will continue to offer a discounted fee in the following instances:

- . should the dog registration be paid prior to 1 July 2020 for the 2020–2021 financial year – as an incentive to maximise dog registrations as at 1 July 2020;
- . should the dog be sterilised – to encourage the reduction in the instances of unwanted or abandoned dogs;
- . should the dog be obedience trained – to promote the value of obedience training;

- . should the dog be a registered working, pure bred, greyhound or hunting dog;
- . should the dog be owned and registered by a pensioner; and
- . newly registered dogs that have either recently been purchased or are up to six months of age.

The Council will continue to provide the registration services free of charge in the following instances:

- . should the dog be a registered and appropriately trained guide, hearing or companion dog (limited to one per person); and
- . should the dog registration be transferred from another Tasmanian council.

The proposed fees continue to reflect the cost of providing the service through the cost of transporting dogs safely (and with a minimum of stress on the animal), together with the demand for out of hours services.

In setting the community service obligation component the Council has considered five rationales which include the following questions:

- . is it considered a public good?;
- . is it a private good that has public benefits?;
- . the relative need for the service;
- . the ability to pay for the service; and
- . the essential nature of the service.

The Council considers that while the ownership of dogs is a private good it does have some public benefits, such as companionship, social, therapy, security and recreational benefits. The Council believes that there is a need for the service and that the community sees a high need for the policing of dogs in public areas such as beaches, streets and through legislative requirements. The Council recognises the essential nature of the service in that the community expects that dog control should be provided to ensure quality of life for residents within the municipal area.

The Council also provides a discount period as an incentive to responsible dog owners who endeavour to meet the relevant legislative requirement to register their dog at the start of the financial year. Under the Act dogs are required to be registered as at 1 July each year and while the Council sends out registration renewals at in May each year to facilitate timely registration, the Council also offers a discount for the payment of registration prior to 1 July. The Council offers discounted fees to persons who acquire a dog part way through the year and refunds part of the registration cost of deceased dogs where it is appropriate to do so.

Dog registrations are due for renewal on June 30 and the owner of any dog not registered as at 1 July is in breach of the Dog Control Act and could be liable for a fine. To assist responsible dog owners in meeting their registration obligation the Council will ensure that reminders are sent out as early as possible in May thereby allowing a period of up to two months for responsible dog owners to register their dogs at a discount rate.

The Council will investigate ways to receive contactless registrations and payments in the current environment in order to reduce front of house traffic.

The Council has previously investigated the introduction of a life-long registration fee for any de-sexed, microchipped dog and considered that this was not a viable option.

The Council has purchased one-off lifetime registration discs to assist in identifying dogs as well as reducing the cost of annual registration tag replacements.

CONSULTATION

The Central Coast Council falls within the upper range of the mid-sized councils and the proposed dog registration and associated fees fall within the upper range of fees charged by those councils.

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposed fee structure is based on retention of the current dog control procedures and is calculated to meet the projected cost of dog control in 2020–2021 with the exception of the community service obligation to be met from rates.

A copy of the fee structure for the 2019–2020 financial year is appended to this report.

In light of the current pandemic environment it is not considered appropriate to increase the fixing of registration fees for the 2020–2021 financial year and other fees under the *Dog Control Act 2000*.

CORPORATE COMPLIANCE

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

The Shape of the Place

- Conserve the physical environment in a way that ensures we have a healthy and attractive community.

A Connected Central Coast

- Improve community well-being.

Council Sustainability and Governance

- Improve corporate governance
- Improve service provision.

CONCLUSION

It is recommended that dog registration fees be fixed for the financial year 1 July 2020 to 30 June 2021 in respect of all dogs over the age of six months, at the following rates:

DESCRIPTION	INCENTIVE RATE (IF PAID ON OR BEFORE 1 JULY 2020)	FULL RATE (IF PAID AFTER 1 JULY 2020)
Unsterilised dog	\$65.00	\$110.00
Sterilised dog*	\$36.00	\$45.00
Greyhound registered with the Tasmanian Greyhound Racing Board*	\$36.00	\$65.00
Pure Bred dog* (kept for breeding whose owner is the holder of a current stud prefix recognised by the Tasmanian Canine Association)	\$36.00	\$65.00
Working dog kept for the purpose of working farm stock*	\$36.00	\$65.00
Hunting dog*	\$36.00	\$65.00
Guide, Hearing or Companion dog	Nil	Nil
Newly registered dog (purchased through the year) – first year of registration only	**Pro-rata registration rate	**Pro-rata registration rate

Newly registered dog (up to six months of age)* for the first year of registration only	**Pro-rata registration rate	**Pro-rata registration rate
Registration fee for each Declared Dangerous Dog	\$265.00	\$320.00
Pensioners rate***	\$28.00	\$35.00
Transfer of dog registration from another Tasmanian Council for the same registration period (evidence must be provided)	Nil	Nil
Discount for Obedience Certificate****	\$1.00	\$1.00

- *Proof of evidence must be provided at the time of registration (such as a veterinarian certificate, Tasmanian Canine Association certificate, Greyhound Racing Board certificate, current membership of a recognised hunting dog organisation).
- **Pro rata registration rate – The rate is calculated as the Full Rate divisible by 12 and multiplied by the number of months or part thereof remaining in the financial year 1 July 2020 to 30 June 2021, or taken to be the Incentive Rate, whichever is the lesser. Note: the pro-rata registration rate does not apply where the owner has neglected to register a dog prior to being impounded.
- ***Pensioners rate – The pensioner's rate applies to ONE dog only (owned by a pensioner at the one property). Evidence such as the Pension Concession Card must be sighted at the time of payment.
- ****Discount for Obedience Certificate – Proof of evidence must be provided at the time of registration – a current certificate of obedience proficiency has been provided from an approved dog training organisation which has been accepted as a provider of an appropriate obedience certificate.

And that the following fees for the management of the *Dog Control Act 2000* also be fixed:

DETAILS	AMOUNT (\$)
Impounding fee (1 st impoundment)*	\$31.00
Impounding fee (subsequent)*	\$85.00
Daily pound fee (per week day or any part thereof)**	\$51.00
Out of hours release fee (additional charge). Note: available in special circumstances only and if an appropriate authorised person is available.	\$90.00
Investigation of nuisance complaint (non-refundable)	\$25.00
Kennel Licence Application (initial) (not including dog registration)	\$130.00
Kennel Licence renewal (per year)	\$60.00
Replacement tag (each)	\$5.00
Dangerous dog collar (each)	Purchase price (plus 5% admin. fee and GST)
Dangerous dog sign (each)	Purchase price (Plus 5% admin. fee and GST)

- . *Charged for the collection and short-term (less than 12 hours) impoundment.
- . **Charged for long-term (12 hours or more) impoundment and in addition to the Impounding fee."

The Executive Services Officer reported as follows:

"A schedule of fees fixed for the 2019–2020 financial year have been circulated to all Councillors."

■ Cr van Rooyen moved and Cr Fuller seconded "That dog registration fees be and are hereby fixed for the financial year 1 July 2020 to 30 June 2021 in respect of all dogs over the age of six months, at the following rates:

ORGANISATIONAL SERVICES

DESCRIPTION	INCENTIVE RATE (IF PAID ON OR BEFORE 1 JULY 2020)	FULL RATE (IF PAID AFTER 1 JULY 2020)
Unsterilised dog	\$65.00	\$110.00
Sterilised dog*	\$36.00	\$46.00
Greyhound registered with the Tasmanian Greyhound Racing Board*	\$36.00	\$65.00
Pure Bred dog* (kept for breeding whose owner is the holder of a current stud prefix recognised by the Tasmanian Canine Association)	\$36.00	\$65.00
Working dog kept for the purpose of working farm stock*	\$36.00	\$65.00
Hunting dog*	\$36.00	\$65.00
Guide, Hearing or Companion dog	Nil	Nil
Newly registered dog (purchased through the year) – first year of registration only	**Pro-rata registration rate	**Pro-rata registration rate
Newly registered dog (up to six months of age)* for the first year of registration only	**Pro-rata registration rate	**Pro-rata registration rate
Registration fee for each Declared Dangerous Dog	\$265.00	\$320.00
Pensioners rate***	\$28.00	\$35.00
Transfer of dog registration from another Tasmanian Council for the same registration period (evidence must be provided)	Nil	Nil
Discount for Obedience Certificate****	\$1.00	\$1.00

- . *Proof of evidence must be provided at the time of registration (such as a veterinarian certificate, Tasmanian Canine Association certificate, Greyhound Racing Board certificate, current membership of a recognised hunting dog organisation).

- . **Pro rata registration rate – The rate is calculated as the Full Rate divisible by 12 and multiplied by the number of months or part thereof remaining in the financial year 1 July 2020 to 30 June 2021, or taken to be the Incentive Rate, whichever is the lesser. Note: the pro-rata registration rate does not apply where the owner has neglected to register a dog prior to being impounded.
- . ***Pensioners rate – The pensioner's rate applies to ONE dog only (owned by a pensioner at the one property). Evidence such as the Pension Concession Card must be sighted at the time of payment.
- . ****Discount for Obedience Certificate – Proof of evidence must be provided at the time of registration – a current certificate of obedience proficiency has been provided from an approved dog training organisation which has been accepted as a provider of an appropriate obedience certificate.

And that the following fees for the management of the *Dog Control Act 2000* also be fixed:

DETAILS	AMOUNT (\$)
Impounding fee (1 st impoundment)*	\$31.00
Impounding fee (subsequent)*	\$85.00
Daily pound fee (per week day or any part thereof)**	\$51.00
Out of hours release fee (additional charge). Note: available in special circumstances only and if an appropriate authorised person is available.	\$90.00
Investigation of nuisance complaint (non-refundable)	\$25.00
Kennel Licence Application (initial) (not including dog registration)	\$130.00
Kennel Licence renewal (per year)	\$60.00
Replacement tag (each)	\$5.00
Dangerous dog collar (each)	Purchase price (plus 5% admin. fee and GST)
Dangerous dog sign (each)	Purchase price (Plus 5% admin. fee and GST)

- . *Charged for the collection and short-term (less than 12 hours) impoundment.
- . **Charged for long-term (12 hours or more) impoundment and in addition to the Impounding fee."

Carried unanimously

125/2020 Financial statements

The Director Organisational Services reported as follows:

"The following principal financial statements of the Council for the period ended 31 March 2020 are submitted for consideration:

- . Summary of Rates and Fire Service Levies
- . Statement of Comprehensive Income
- . Financial Statement
- . Management Operating Budgets
- . Capital Works Schedule and Progress Report.

Relevant commentary has been provided within the Operating Budget balances and Capital Works Progress reports. The Management Operating Budget balance report explains variations between year to date actuals and budget allocations. Some variations will exist in all reports where the phasing of the budget has not been in line with actual expenditure. Variations will also occur in operating areas, and specifically the outdoor areas where the work carried out is often dictated to by the environmental conditions."

The Executive Services Officer reported as follows:

"Copies of the financial statements having been circulated to all Councillors."

- Cr Hiscutt moved and Cr Beswick seconded "That the financial statements (copies being appended to and forming part of the minutes) be received."

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

126/2020 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
General Management	There were no matters for decision.”

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

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
General Management	There were no matters for decision.”

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 7.08pm.

127/2019 Confirmation of Closed session minutes

The Executive Services Officer reported as follows:

“The Closed session minutes of the previous ordinary meeting of the Council held on 16 March 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

128/2020 General Management

The General Manager reported as follows:

“There were no Closed session departmental matters for decision at this meeting.”

Closure

There being no further business, the Mayor declared the meeting closed at 7.13pm.

CONFIRMED THIS 18TH DAY OF MAY 2020.

Chairperson

(lc:lb)

Appendices

- Minute No. 112/2020 – Financial Hardship Assistance Policy – April 2020
- Minute No. 114/2020 – Schedule of Correspondence Addressed to Mayor and Councillors
- Minute No. 115/2020 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 116/2020 – Schedule of Contracts & Agreements
- Minute No. 117/2020 – Schedule of Statutory Determinations
- Minute No. 125/2020 – Financial Statements


QUALIFIED PERSON'S ADVICE

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

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

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

- (i) that the reports within the Council minutes contain advice, information and recommendations given by persons who have the qualifications and experience necessary to give such advice, information or recommendation;
- (ii) where any advice is directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account another person's general advice who is appropriately qualified or experienced; and
- (iii) that copies of advice received from an appropriately qualified or experienced professional have been provided to the Council.


Sandra Ayton
GENERAL MANAGER

Associated Reports And Documents



Financial Hardship Assistance Model

Policy

April 2020

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PURPOSE

The purpose of this Policy is to enable the Council to provide assistance to community members who are suffering financial hardship by providing an appropriate level of relief from Local Government rates.

SCOPE

This Policy applies to ratepayers experiencing genuine and serious financial hardship and needing assistance to meet both their basic needs and their rate payment obligations to the Council. It is not intended to be used to maintain financial positions for those who do not need it and are not genuinely impacted by serious financial hardship.

This Policy applies only to Council rates and charges levied in accordance with Part 9 – Rates and Charges of the *Local Government Act 1993*. This Policy does not apply to rates or fees collected on behalf of other authorities in accordance with section 88 of the *Local Government Act 1993*, such as fire service contributions collected pursuant to section 79B of the *Fire Service Act 1973*.

BACKGROUND

This Policy was developed and implemented during the 2020 COVID-19 coronavirus pandemic that is spreading across the world. To respond to the disease, governments around the world are shutting down social activities and interaction to prevent transmission, which is necessarily causing significant impacts on many economic activities and transactions. As a result, many people have lost jobs, their clients or their business, destroying incomes and spending. The Council is determined to assist those most critically impacted by the economic slowdown caused by the pandemic with a robust and fair hardship Policy.

Despite this, serious financial hardship can occur at any time, so this Policy is designed to address a range of circumstances.

PRINCIPLES

This Policy will be applied in accordance with the following principles:

- . Consistent, equitable and respectful treatment of all residents and ratepayers that is sensitive to their specific circumstances;
- . Maintaining Council's ability to provide essential services to our community through appropriately applied rating;
- . Assisting ratepayers who are suffering serious financial hardship, so that they may overcome these circumstances and return to financial stability and contributing equitably to local services;
- . Ensuring that those able to contribute to local services, continue to do so;
- . Minimising the opportunity for misuse, exploitation or fraud by ensuring decisions made to provide special relief or assistance are supported by

sufficient evidence.

- Maintaining confidentiality and privacy of applicants and ratepayers, their applications and any information provided.

RELATED POLICIES AND LEGISLATION

This Policy relates to and depends on other Council policies, as well as Tasmanian Government legislation, including:

- *Local Government Act 1993* Part 9 – Rates and Charges, particularly
 - Section 86A – General principles in relation to making or varying rates
 - Sections 125–127 – Postponement of payment
 - Section 128 – Late payments
 - Section 129 – Remission of rates
- *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*
- Rates and Charges Policy (pursuant to section 86B of *the Local Government Act 1993*)

POLICY

GENUINE FINANCIAL HARDSHIP

According to the Australian Taxation Office's information relating to financial difficulty and serious hardship, individuals are considered to be in serious hardship when they are unable to provide the following for themselves, their family or other dependants:

- Food;
- Accommodation;
- Clothing;
- Medical treatment;
- Education;
- Other basic necessities.

A number of factors can contribute to or trigger serious financial hardship, including:

- Loss of employment of the property owner, family member or household primary income earner;
- Serious illness, including physical incapacity, hospitalization, or mental illness of the property owner or family member;
- A natural disaster;
- A public health emergency or declared state of emergency;
- Family tragedy;

- . Family breakdown;
- . Financial misfortune;
- . Other serious or complicating circumstances.

Community wide issues and circumstances, such as the COVID-19 pandemic, may impact financial hardship, but hardship is always assessed at an individual level, and requires reviewing personal circumstances.

Serious financial hardship involves both low income/cash flow and a low asset base. Personal property portfolios beyond a primary residence or a business's primary operating space can be employed to improve an applicant's cash flow and financial sustainability. Applications for assistance on residential investment properties will not be considered.

EVIDENCE OF FINANCIAL HARDSHIP

Applicants will need to provide evidence of their circumstances of financial hardship to justify the Council's special consideration of their case. The type of evidence required will depend on your circumstances and may include, for example, one or more of the following:

- . Assessment by an independent accredited financial counsellor demonstrating an inability to both pay rates and to rearrange asset portfolios to facilitate payment;
- . A statutory declaration from an appropriate and independent professional, familiar with the applicant's circumstances (e.g. a family doctor for health-related evidence, a bank official, insurance Policy manager, etc.);
- . Pending disconnection of essential services, like water, electricity, gas (does not include mobile phone or internet bills);
- . Notice of impending legal action;
- . Letter from charitable organisation regarding loss of employment or inability to provide for basic necessities;
- . Bank notice for example, overdraft call or mortgaged property repossession;
- . Employer notice of redundancy or termination of employment;
- . Overdue medical bills;
- . Letter from doctor verifying the inability to earn an income due to illness or caring for a sick family member;
- . Final notice from school regarding payment of mandatory fees;
- . Funeral expenses;
- . Repossession notice of essential items, like a car or motorcycle.

HOW THE COUNCIL CAN HELP

The *Local Government Act 1993* provides Council with three methods of rate relief:

- . Postponing rate payments (sections 125–127)
- . Remission of late payment penalties or interest (section 128)
- . Remission of rates (section 129)

POSTPONING RATE PAYMENTS – DEFERRAL ARRANGEMENTS

In confirmed cases of financial hardship, the Council may choose deferral of individual rates payments within a defined period, in whole or in part, to be paid back at a later date, subject to any conditions the Council determines. The deferral arrangement applies to specified payments and other rate payments are not affected and continue to accrue as normal.

The terms of rate deferral arrangements will be proportionate to the applicant's demonstrated financial hardship circumstances, so supplying sufficient evidence of these circumstances is important for developing the appropriate terms.

Rate payment deferrals approved under this section are typically deferred by 3 months. However, rate deferral arrangements can only defer individual payments up to a maximum of two (2) years and only in the most serious circumstances.

In response to the COVID-19 pandemic, the Council will approve deferral arrangements for 6 months for ratepayers meeting hardship requirements.

All deferred payments must be repaid as specified in accordance with the deferral arrangement, otherwise regular late payment penalties and/or interest will apply.

Ratepayers who are subject to a deferral arrangement who overcome their financial hardship circumstances are encouraged to begin repaying their deferred rates payments as early as they are able.

Note that the Council may revoke any postponement of rates payments at any time, in accordance with section 127 of the *Local Government Act 1993*, by giving 60 days notice in writing to the ratepayer.

REMITTING LATE PAYMENT PENALTIES AND INTEREST

For typical circumstances that are not of financial hardship, rates must be paid by the due date and Councils may charge a penalty or daily interest or both for each late payment. However, for confirmed cases of financial hardship, the Council may waive either the applicable late payment penalties, or the interest accumulated, or both, for a specified period that relates to the period of financial hardship.

REMITTING RATES

Remission of any rates, late payment penalties or interest, in part or in full, is reserved only for the most serious and exceptional of financial hardship cases. Even in these cases, deferral of rate payments must be applied for and granted first, before an application for rates remission can be considered.

After the applicant has entered into a deferral arrangement with the Council, the applicant may apply for remission of rates. The application must demonstrate:

- . Financial hardship;
- . Exceptional and serious circumstances;
- . How the applicant's exceptional financial hardship circumstances make the maximum term deferral arrangement under section 2.3.1 unfeasible and unreasonable to fulfil; and
- . How enforcing fulfilment of the maximum term deferral arrangement would only deepen the seriousness of applicant's financial hardship and critically impact their ability to provide for the basic living necessities (food, accommodation, clothing, medical treatment) of the applicant and dependents.

In the interests of community fairness and equity, wherever possible and appropriate in determining rates remission applications:

- . Deferral arrangements are preferable to rates remission;
- . Amounts or proportions of rates to be remitted are to be minimised, for example, below \$1000 or 50%; the remainder subject to payment arrangements;
- . Instances of rates remission are to be minimised to no more than one rates remission per applicant.

APPLICATIONS

APPLYING FOR FINANCIAL HARDSHIP ASSISTANCE

To seek financial hardship assistance from the Council, an application must be made in writing, addressed to the General Manager, and submitted as follows:

- . Emailed to admin@centralcoast.tas.gov.au ; or
- . Mailed to Central Coast Council
PO Box 220,
Ulverstone TAS 7315.

Applications must:

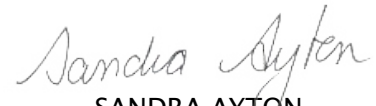
- . Demonstrate and provide evidence for financial hardship and circumstances (see section 2.2 – Evidence of Financial Hardship);
- . Describe the type of assistance sought, being:
 - o Postponing rate payments (a deferral arrangement);
 - o Postponing or waiving late payment penalties or interest;
 - o Remitting rates, late payment penalties or interest, in part or in full;
- . Address the requirements of the relevant subsections of section 2.3 – How Council can Help

ASSESSING APPLICATIONS

Applications for deferral arrangements must be decided by:

- . For amounts less than \$2,500 – the Director Organisational Services; or
- . For amounts of \$2,500 or greater – the General Manager.

Applications for remission of any rates or late payment penalties or interest charges must be decided by Council and require absolute majority to be approved.



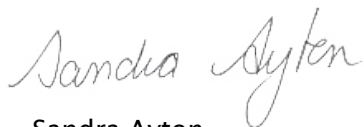
SANDRA AYTON
GENERAL MANAGER

20 April 2020
Minute Ref No.112/2020

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

Period: 17 March to 20 April 2020

- . An email questioning why the footpaths in Penguin are not the same standard as those in Ulverstone, when the remedial work will commence on the Penguin beachfront and the timeline on the redevelopment of the old Penguin Recreation Ground
- . Letter in relation to the Forth Community Representatives Committee.



Sandra Ayton
GENERAL MANAGER

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

Period 17 March to 20 April 2020

Documents for affixing of the common seal under delegation

- . Final Plan of Survey
261 & 275 Top Gawler Road, Gawler
Boundary adjustment to accommodate dam
Application No. DA2019096
- . Adhesion Order
Request of TasWater the combining of four Titles together to comprise
the Girdlestone Reservoir infrastructure located at George Street, Forth.
CT14749/1, CT14749/2, CT 14749/3 & CT14749/4
OA20200001
- . Transfer of Road Lot to Council
CT178147/2 – Corner of Risby Street & Stanley Street, Ulverstone
OA2020002
- . Part 5 Agreement
491 Forth Road, Forth
Volume 49011 Folio 1
Application No. DA2018251
- . Instrument of Certification – Draft Amendment PSA2020002
Draft Amendment of the *Central Coast Interim Planning Scheme 2013*
insertion of the Tasmania Fire Service Bushfire-Prone Area Overlay maps
made applicable by the Bushfire-Prone Areas Code E1.0
- . Strata Plan
17 Bowman Drive, Penguin
Strata Plan Ref No. 176637
Application No. DA2018291



Sandra Ayton
GENERAL MANAGER

SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

Period: 17 March to 20 April 2020

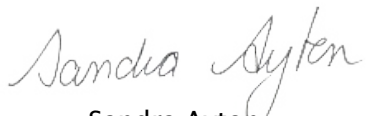
Contracts

- . Contract 22/2019–2020
Civilscape Contracting Tasmania Pty Ltd
Constructions of Kings Parade Upgrade (Revised Scope) in accordance with the General Conditions of Tendering, Specification and Schedule dated November 2019 and submitted as tender 17 December 2019
Contract Amount: \$949,037.39 (inc. GST)
- . Contract 17/2019–2020
Treloar Transport Pty Ltd
Construction of subdivision roads and services at Dial Road, Penguin in accordance with General Conditions of Tendering dated October 2019 and submitted as tender dated 22 November 2019
Contract Amount: \$557,880.30 (inc. GST)
- . Contract 23/2019–2020
PDA Surveyors
Provision of contract administration and supervision including monthly claim certifications, site inspections, quality assurance, hold point inspections and technical advice to contractor as per email dated 7 October 2019
Contract Amount: \$14,300.00 (inc. GST)
- . Contract – Walsh Day James Mihal
Particulars and Conditions of Sale by Auction –
4 Turners Beach Road, Turners Beach
Contract Amount: \$140,000.00 (inc. GST)

Agreements

- . Grazing Lease Agreement
Lions Club of Ulverstone Inc. and Central Coast Council
21 Maskells Road, Ulverstone
Expires 5 March 2023

- . Agreement – Progress update
Department of Infrastructure Transport Regional Development and
Communications and Central Coast Council
Penguin Foreshore Remediation and Upgrade Project
Milestone 1 achieved 25 March 2020
Committed expenditure: \$96,508



Sandra Ayton
GENERAL MANAGER

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

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2019055 – 1	2 Barleen Place WEST ULVERSTONE,TAS,7315	Discretionary	Residential (multiple dwellings x two)	12/03/2020	30/03/2020	13	\$0.00
DA2019118	13 Top Gawler Road GAWLER,TAS,7315	Discretionary	Residential (outbuildings – sheds and deck)	21/10/2019	10/03/2020	29	\$0.00
DA2019127	228 Westella Drive TURNERS BEACH,TAS,7315	Discretionary	Residential (subdivision to create five lots and demolition of existing dwelling and associated outbuildings)	7/11/2019	6/03/2020	29	\$150,000.00
DA2019153	165 Dial Road PENGUIN,TAS,7316	Permitted	Residential (outbuilding – shed)	3/12/2019	19/03/2020	7	\$12,700.00
DA2020002	198 Allport Street East LEITH,TAS,7315	Discretionary	Residential (dwelling, deck, outbuildings (shed & carport), retaining walls and retrospective approval for ancillary dwelling)	6/01/2020	24/03/2020	22	\$0.00
DA2020012	35–37 Main Street ULVERSTONE,TAS,7315	Permitted	Residential (porch)	23/01/2020	12/03/2020	15	\$5,000.00
DA2020020	42 Boyes Street TURNERS BEACH,TAS,7315	Discretionary	Residential (dwelling and outbuilding – garage)	4/02/2020	11/03/2020	28	\$290,000.00
DA2020022	16 Bowman Drive PENGUIN,TAS,7316	Discretionary	Residential (dwelling)	5/02/2020	27/03/2020	28	\$250,000.00
DA2020023	274 Ironcliffe Road PENGUIN,TAS,7316	Discretionary	Residential (outbuilding – carport x two)	4/02/2020	16/03/2020	24	\$8,500.00
DA2020025	31 Josephine Street WEST ULVERSTONE,TAS,7315	Discretionary	Residential (outbuilding – garage addition)	6/02/2020	16/03/2020	33	\$5,000.00
DA2020027	1140 Kindred Road KINDRED,TAS,7310	Discretionary	Residential (dwelling and outbuilding – shed)	7/02/2020	3/03/2020	21	\$528,000.00

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

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2020031	3 Sunnyridge Avenue PENGUIN,TAS,7316	Discretionary	Residential (demolition of dwelling)	13/02/2020	13/03/2020	23	\$5,000.00
DA2020034	108 Main Road PENGUIN,TAS,7316	Discretionary	Residential (dwelling extension)	14/02/2020	17/03/2020	26	\$200,000.00
DA2020035	3 Lyndara Drive PENGUIN,TAS,7316	Permitted	Residential (dwelling)	18/02/2020	5/03/2020	9	\$465,000.00
DA2020038	10 Esplanade TURNERS BEACH,TAS,7315	Permitted	Change of Use – Visitor Accommodation	18/02/2020	6/03/2020	8	\$0.00
DA2020041	121 Cullens Road SOUTH PRESTON,TAS,7315	Discretionary	Residential (demolition and additions to required dwelling including outbuildings – garage and storeroom)	20/02/2020	20/03/2020	18	\$400,000.00
DA2020050	43 Dial Road PENGUIN,TAS,7316	Discretionary	Residential (outbuildings – carport and awning)	25/02/2020	30/03/2020	27	\$11,000.00
DA2020060	272 Dial Road PENGUIN,TAS,7316	Discretionary	Residential (outbuilding – shed)	2/03/2020	31/03/2020	20	\$6,000.00
DA2020064	20 Bowman Drive PENGUIN,TAS,7316	Permitted	Residential (dwelling)	11/03/2020	27/03/2020	10	\$250,000.00
DA2020069	17 Bowman Drive PENGUIN,TAS,7316	Permitted	Residential (retaining wall)	16/03/2020	20/03/2020	2	\$5,000.00

SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION

Period: 1 March 2020 to 31 March 2020

Building Permits – 6

·	New dwellings	5	\$1,805,651
·	Outbuildings	0	\$0.00
·	Additions/Alterations	1	\$48,000
·	Other	0	\$0.00
·	Units	0	\$0.00

Demolition Permit – 2

Permit of Substantial Compliance – Building – 0

Notifiable Work – Building – 12

·	New dwellings	3	\$910,000
·	Outbuildings	3	\$108,315
·	Additions/Alterations	6	\$58,800
·	Other	0	\$0.00

Building Low Risk Work – 4

Certificate of Likely Compliance – Plumbing – 14

No Permit Required – Plumbing – 6

Food Business registrations (renewals) – 10

Food Business registrations – 0

Temporary Food Business registrations – 2

Temporary 12 month Statewide Food Business Registrations – 1

Public Health Risk Activity Premises Registration – 0

Public Health Risk Activity Operator Licences – 0

Temporary Place of Assembly licences – 0

SCHEDULE OF COMMUNITY SERVICES DETERMINATIONS MADE UNDER DELEGATION

Period: 1 March 2020 to 31 March 2020

Abatement notices issued

ADDRESS

PROPERTY ID

Nil

Kennel Licence issued

ADDRESS

OWNER

Nil

Permits issued under Animal By-Law 1 – 2018

ADDRESS

PERMIT ISSUED FOR

Nil

SCHEDULE OF OTHER STATUTORY RESPONSIBILITIES OF COMMUNITY SERVICES

Period: 1 March 2020 to 31 March 2020

Infringement notices issued for Dog Offenses

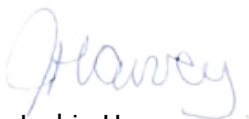
	1-31 Mar 2020
Claimed	5
Burnie Dogs Home	2
Destroyed	0
Heldover	0
Devonport Dogs Home	1

Infringements for dogs and impoundments etc.

1 - 31 March 2020	6
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Traffic Infringement Notices for Parking Offences

1 - 31 March 2020	21	
King Edward Street	4	19%
Reibey Street	12	57%
Bannons Car Park	4	19%
North Reibey	1	5%



Jackie Harvey

DIRECTOR COMMUNITY SERVICES

Central Coast Council
Statement of Comprehensive Income for the period ended 31 March 2019

Note		Budget Annual \$	YTD Budget \$	Actual YTD \$	Variance \$
Income					
Recurrent Income					
1	Rates and charges	16,364,182	16,364,182	16,487,483	123,301
2	Fees and charges	4,236,862	3,177,647	2,688,822	(488,825)
3	Government grants	4,013,000	2,000,000	1,702,506	(297,494)
4	Contributions - cash	781,669	586,252	1,321,870	735,619
5	Share of net profits/(losses) of associates	650,000	-	-	-
6	Interest	301,500	226,125	204,157	(21,968)
7	Other income	274,113	205,585	1,318,321	1,112,736
8	Investment revenue	1,200,000	620,628	620,628	-
		27,821,326	23,180,419	24,343,787	1,163,368
Capital income					
9	Capital grants	770,000	577,500	730,576	153,076
10	Capital contributions	10,297,038	100,000	100,000	-
11	Net gain/(loss) on disposal of assets	2,930,000	115,000	110,682	(4,318)
		13,997,038	792,500	941,258	148,758
	Total Income	41,818,364	23,972,919	25,285,045	1,312,126
Expenses					
12	Employee benefits	10,571,553	7,928,665	8,259,905	(331,239)
13	Materials and services	9,803,241	7,352,431	7,317,883	34,549
14	Depreciation and amortisation	6,247,603	4,685,702	4,650,462	35,240
15	Finance costs	361,298	270,974	289,478	(18,505)
16	Other expenses	373,000	250,000	241,690	8,310
	Total expenses	27,356,695	20,487,772	20,759,418	(271,645)
	Operating result	14,461,669	3,485,147	4,525,627	(1,040,480)
Other comprehensive income					
Items that will not be reclassified to surplus or deficit					
	Net asset revaluation increment/(decrement) Council	-	-		
	Net asset revaluation increment/(decrement) Associates	-	-		
	Fair Value adjustment on equity investment	-	-		
	Total Other Comprehensive Income	-	-	-	-
	Comprehensive Income	14,461,669	3,485,147	4,525,627	(1,040,480)
Notes					
Recurrent Income					
1	Is within budget expectations.				
2	Below budget expectations due to the offset by the increase in child care subsidy receipts (note 4).				
3	Is within budget expectations.				
4	Is above budget expectations due to higher than estimated child care subsidy receipts. Due to the nature of the child care subsidy it is difficult to estimate this item.				
5	This revenue is only recognised at the end of the financial year.				
6	Below budget expectation due to the impact of reduced interest rates.				
7	This is significantly above budget expectations due to the receipt of the final reimbursement for works relating to the 2016 Flood Recovery Program.				
8	Is within budget expectations.				
Capital income					
9	Is within budget expectations.				
10	Is within budget expectations.				
11	Is within budget expectations.				
Expenses					
12	Is within budget expectations. Budget did not account for increased casual labour over summer period.				
13	Is within budget expectations.				
14	Is within budget expectations.				
15	Interest bearing liabilities variances relate to the timing of interest payments.				
16	Is within budget expectations.				

Central Coast Council
Statement of Financial Position
as at 31 March 2020

Note	30 June 2019	31 March 2020	Movement
	\$	\$	\$
Assets			
Current assets			
1 Cash and cash equivalents	11,409,067	13,836,369	2,427,302
2 Trade and other receivables	627,057	1,336,858	709,801
3 Assets held for sale	395,500	203,000	(192,500)
4 Other assets	469,134	135,301	(333,833)
Total current assets	12,900,758	15,511,528	2,610,770
Non-current assets			
5 Investment in Regional Waste Management Authority	6,130,257	6,130,257	-
6 Investment in Water Corporation	87,013,228	87,013,228	-
7 Property, infrastructure, plant and equipment (PPE)	457,605,030	452,954,577	(4,650,453)
8 Capital work in Progress	2,053,930	7,114,534	5,060,604
Total non-current assets	552,802,445	553,212,596	410,151
Total assets	565,703,203	568,724,124	3,020,921
Liabilities			
Current liabilities			
9 Trade and other payables	1,953,970	427,901	1,526,069
10 Trust funds and deposits	275,161	326,241	(51,080)
11 Provisions	4,215,771	3,886,328	329,443
12 Interest bearing liabilities	180,688	80,414	100,274
Total current liabilities	6,625,590	4,720,884	1,904,706
Non-current liabilities			
13 Provisions	2,118,486	2,118,485	-
14 Interest bearing liabilities	10,009,709	10,409,710	400,001
Total non-current liabilities	12,128,195	12,528,195	-
Total liabilities	18,753,785	17,249,079	(1,504,706)
Net Assets	546,949,418	551,475,045	4,525,627
Equity			
15 Accumulated surplus	# 255,697,348	258,459,860	2,762,512
16 Reserves	291,252,070	293,015,185	1,763,115
Total Equity	546,949,418	551,475,045	4,525,627

Notes

Current Assets

- 1 Receipt of a new loan has maintained a strong cash balance.
- 2 Movement primarily relates to the movement of outstanding rate debtors.
- 3 Movement reflects the disposal of 2 parcels of Council land.
- 4 Movement reflects accrued income for this period.

Non Current Assets

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

Current Liabilities

- 9 This is the amount of accounts payable at 31 March 2020.
- 10 This is the amount of trust funds payable at 31 March 2020.
- 11 This is the amount of provisions at 31 March 2020.
- 12 This amount relates to the payments made on loans due during this period.

Non Current Liabilities

- 13 This account is recognised at year end.
- 14 This movement reflects the draw down of the FOGO Loan.

Equity

- 15 Movement reflects Comprehensive Income Statement surplus as at 31 March 2020.
- 16 Movements reflect movements in general reserves.

Central Coast Council
Operating budgets as at 31 March 2020

	Adopted Budget 2020 \$	Current Budget 2020 \$	YTD Budget 31 March 2020 \$	YTD Actuals 31 March 2020 \$	Variation \$	% Variation	Note
GENERAL MANAGEMENT							
Office of General Manager							
Strategic Projects	- 9,742,500	- 9,742,500	-	- 79,361	- 79,361		
Property Management	- 13,500	- 13,500	-	- 107,517	- 107,517		
Elected Members	596,373	596,373	447,282	434,478	- 12,804		
General Managers Office	1,027,926	1,027,926	770,940	728,251	- 42,689		
	- 8,131,701	- 8,131,701	1,218,222	975,851	- 242,371	-20%	1
Total GENERAL MANAGEMENT	- 8,131,701	- 8,131,701	1,218,222	975,851	- 242,371		
INFRASTRUCTURE SERVICES							
Engineering Services							
Engineering	-	-	-	246,537	246,537		
Plant	-	-	-	314,677	314,677		
	-	-	-	561,214	561,214		2
Works							
Private Works	- 20,000	- 20,000	- 15,000	- 24,170	- 9,170		
Roads - Urban Sealed	1,342,000	1,342,000	1,066,494	1,062,706	- 3,788		
Roads - Rural Sealed	1,996,500	1,996,500	1,522,113	1,325,670	- 196,443		
Roads - Rural Unsealed	409,500	409,500	307,101	349,731	42,630		
Footpaths	707,000	707,000	582,735	605,468	22,733		
Bridges	300,000	300,000	224,997	272,596	47,599		
Carparks	96,000	96,000	72,000	62,819	- 9,181		
Street Lighting	440,000	347,000	329,999	300,165	- 29,834		
Drainage	700,000	700,000	524,974	417,863	- 107,111		
Parks	1,790,000	1,790,000	1,342,433	1,409,525	67,092		
Public Amenities	440,400	440,400	264,284	271,844	7,560		
Cemeteries	257,500	257,500	193,114	178,106	- 15,008		
	8,458,900	8,365,900	6,415,244	6,232,323	- 182,921	-3%	3
Depot							
Works Depot and Store	-	-	-	97,397	97,397		
Emergency Services	161,000	161,000	120,743	- 570,580	- 691,323		
Household Garbage	3,432,500	3,432,500	2,574,368	2,036,289	- 538,079		
Non-Household Garbage	362,500	362,500	130,874	170,765	39,891		
	3,956,000	3,956,000	2,825,985	1,733,871	- 1,092,114	-39%	4
Total INFRASTRUCTURE SERVICES	12,414,900	12,321,900	9,241,229	8,527,408	- 713,821		
COMMUNITY SERVICES							
Community Services							
Community Development	739,677	739,677	554,754	424,416	- 130,338		
Housing	- 34,320	- 34,320	- 25,734	6,342	32,076		
Cultural Amenities	330,750	330,750	248,061	342,255	94,194		
Public Halls and Buildings	175,750	175,750	131,378	129,496	- 1,882		
Swimming Pool and Waterslide	4,000	4,000	2,992	19,728	16,736		
Active Recreation	1,053,262	1,033,262	774,911	760,715	- 14,196		
Recreation Centres	440,522	440,522	330,383	308,963	- 21,420		
Cultural Activities	154,500	154,500	115,869	134,195	18,326		
Community Contribs & Supt	47,100	47,100	35,325	18,609	- 16,716		
Visitor Information Services	189,500	189,500	142,118	136,782	- 5,336		
	3,100,741	3,080,741	2,310,057	2,281,501	- 28,556	-1%	5
Childrens Services							
Child Care	- 26,620	- 26,620	- 19,607	- 256,103	- 236,496		
	- 26,620	- 26,620	- 19,607	- 256,103	- 236,496	1206%	6
Regulatory Services							
Building and Plumbing	258,066	258,066	198,551	182,806	- 15,745		
Environment and Health	238,334	238,334	183,757	188,493	4,736		
Parking Control	52,950	52,950	42,208	62,744	20,536		
Animal Control	44,962	44,962	36,224	59,290	23,066		
	594,312	594,312	460,740	493,333	32,593	7%	7
Land Use Planning							
Land Use Planning	346,809	346,809	260,109	213,230	- 46,879		
	346,809	346,809	260,109	213,230	- 46,879	-18%	8
Total COMMUNITY SERVICES	4,015,242	3,995,242	3,011,299	2,731,961	- 279,338		
ORGANISATIONAL SERVICES							
Corporate Services							
Administration	429,400	429,400	293,549	340,860	47,311		
Administration Centre	231,400	231,400	173,539	182,753	9,214		
Caravan Parks	- 48,700	- 48,700	- 36,526	16,837	53,363		
Corporate Support Services	785,500	785,500	571,129	736,025	164,896		
	1,397,600	1,397,600	1,001,691	1,276,475	274,784	27%	9
Finance							
Finance	- 1,715,800	- 1,715,800	- 1,196,857	- 688,023	508,834		
Rates	- 16,364,182	- 16,364,182	- 16,364,182	- 16,487,483	- 123,301		
Government Contributions	- 3,188,000	- 3,188,000	- 1,940,999	- 1,079,220	861,779		
Labour Oncosts	-	-	-	124,410	124,410		
	- 21,267,982	- 21,267,982	- 19,502,038	- 18,130,316	1,371,722	-7%	10
Organisational Services Director							
Organisational Services Director	234,887	234,887	132,664	92,994	- 39,670		
	234,887	234,887	132,664	92,994	- 39,670	-30%	11
Total ORGANISATIONAL SERVICES	- 19,635,495	- 19,635,495	- 18,367,683	- 16,760,847	1,606,836		
TOTAL OPERATING BUDGETS	- 11,337,054	- 11,450,054	- 4,896,933	- 4,525,627	371,306	-8%	

Central Coast Council
Notes for Operating Budgets @ 31 March 2020

Note		Area	Comment
1	-20%	Office of General Manager	The Office of the General Manager has a favourable budget variance due to the sale of land at Sulphur Creek.
2	0%	Engineering Services	Due to the relationship between on-costs recovery and completed works it is anticipated that the YTD actuals for Engineering Services will not match budget until the completion of the reporting period 2019-2020.
3	-3%	Works	Is within budget expectations.
4	-39%	Depot	Favourable variance due to the timing of the implementation of the changed kerbside collection services (Household Garbage) and reimbursement receipt for 2016 Flood Recovery works (Emergency Services)
5	-1%	Community Services	Is within budget expectations.
6	-1206%	Children's Services	Children's Services has a favourable budget variance due to strong utilisation rates.
7	7%	Regulatory Services	Is within budget expectations.
8	-18%	Land Use Planning	Land Use Planning has a favourable budget variance due to planning applications and advertising fees being above estimates.
9	27%	Corporate Service	Corporate Service has an unfavourable budget variance mainly due to the timing of annual software licence subscriptions.
10	9%	Finance	Finance is below budget expectations due to the timing of grant funding.
11	-30%	Organisational Services Director	The Organisational Services Director budget is below budget expectation due to the timing of the commencement of the new Director Organisational Services.

**A SUMMARY OF RATES & FIRE SERVICE LEVIES
FOR THE PERIOD ENDED 31 MARCH 2020**

	2018/2019		2019/2020	
	\$	%	\$	%
Rates paid in Advance	- 1,087,032.00	-7.07	- 1,202,988.01	-7.45
Rates Receivable	226,686.72	1.47	198,235.42	1.23
Rates Demanded	16,167,949.24	105.08	17,102,786.24	105.85
Supplementary Rates	77,997.32	0.51	59,999.96	0.37
	15,385,601.28	99.99	16,158,033.61	100.00
Collected	13,958,687.59	90.73	14,755,231.37	91.32
Add Pensioners – Government	933,872.57	6.07	952,755.10	5.90
Pensioners – Council	36,120.00	0.23	36,260.00	0.22
	14,928,680.16	97.03	15,744,246.47	97.44
Discount Allowed	636,196.82	4.14	673,088.86	4.16
Paid in advance	- 864,375.96	-5.62	- 919,570.22	-5.69
Outstanding	685,100.26	4.45	660,268.50	4.09
	15,385,601.28	100.00	16,158,033.61	100.00



Andrea O'Rourke
ASSISTANT ACCOUNTANT

2-Apr-2020

Works Program 2019-2020																			(Schedule indicates site construction only)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
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Date: Wed 15/04/20 + Task Progress

(Schedule indicates site construction only)

Date: Wed 15/04/20 + Task Progress

Works Program 2019-2020

(Schedule indicates site construction only)

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