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**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 20 July 2020 commencing at 6.00pm**

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**Councillors attendance**

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

**Councillors apologies**

Cr Casey Hiscutt

**Employees attendance**

General Manager (Ms Sandra Ayton)  
Director Infrastructure Services (Mr Paul Breaden)  
Director Organisational Services (Mr Ian Stoneman)  
Strategic Projects and Planning Consultant (Mr Paul West)  
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.

**Prayer**

The meeting opened in prayer.

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## CONFIRMATION OF MINUTES OF THE COUNCIL

### 201/2020 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 22 June 2020 and the special meeting of the Council held on 6 July 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 Overton seconded, “That the minutes of the previous ordinary meeting of the Council held on 22 June 2020 and the special meeting of the Council held on 6 July 2020 be confirmed.”

Carried unanimously

## COUNCIL WORKSHOPS

### 202/2020 Council workshops

The Executive Services Officer reported as follows:

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

- . 29.06.2020 – Dog Management Policy review
- . 06.07.2020 – Dial Range Walking Tracks – Greig Clarke; Central Coast Walking Trails Marketing Plan 2020
- . 13.07.2020 – Monthly Review; Batten Park

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

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

Carried unanimously

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## MAYOR'S COMMUNICATIONS

### 203/2020 Mayor's communications

The Mayor reported as follows:

"I would like to acknowledge the passing of former Councillor, Mrs Beryl Marshall OAM on 25 June 2020. Beryl served as Councillor between March 1993 – August 1998 and after a brief retirement Beryl was re-elected in November 2000 until November 2007.

Beryl was a valued and active member of the community most notably for her involvement as President of the Ulverstone Senior Citizens Club, Treasurer of Ulverstone Repertory Society, Ulverstone Softball Association and Choir Mistress. Beryl was an active volunteer for Lifeline, the Salvation Army, Australian Red Cross, Central Coast Citizen/Police Liaison Group and the Ulverstone Local History Museum Committee. Beryl will be sadly missed by her family and the Central Coast community.

Beryl was also awarded as a Paul Harris Fellow by the Rotary Club of Ulverstone West, I also recognise that Beryl was a Councillor when Cr van Rooyen and I commenced in 2005, we had a couple of years around the table with Beryl and she certainly made a huge contribution to the community."

The meeting resumed at 6.02pm.

### 204/2020 Mayor's diary

The Mayor reported as follows:

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

- . Radio Interview – Perry-Ling Gardens
- . Central Coast Community Safety Partnership Committee
- . Meeting with Minister Roger Jaensch MP – via video conference
- . Central Coast Chamber of Commerce and Industry AGM – Penguin
- . Meeting with Senator Anne Urquhart – Ulverstone
- . Official launch for the commencement of construction of the Ulverstone Cultural Precinct – Ulverstone
- . Fortnightly Radio Segment."

■ Cr Beswick moved and Cr van Rooyen seconded, "That the Mayor's report be received."

Carried unanimously

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## **205/2020      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.”

No interests were declared at this time.

## **COUNCILLOR REPORTS**

## **206/2020      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.”

There were no reports.

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## **APPLICATIONS FOR LEAVE OF ABSENCE**

### **207/2020      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**

### **208/2020      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**

### **209/2020      Petitions**

The Executive Services Officer reported as follows:

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

## **COUNCILLORS' QUESTIONS**

### **210/2020      Councillors' questions without notice**

The Executive Services Officer reported as follows:

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

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

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

- '8 (5) Subject to subregulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.

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- (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.

#### **211/2020 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.”

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## **PUBLIC QUESTION TIME**

### **212/2020      Public question time**

The Mayor reported as follows:

“Due to the current COVID-19 restrictions and guidelines, this meeting will not be open to public attendance. Members of the public who would like to ask questions to the Council, that would normally have been heard during the Public Question Time section of the meeting agenda, are advised to provide their question on notice to the General Manager by 3.00pm Monday, 20 July 2020.

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

### **213/2020      Public questions taken on notice**

The Executive Services Officer reported as follows:

“At the 22 June 2020 Ordinary Council Meeting, Ms Shirley Bloom asked the following questions without notice, which have been responded to by the Mayor.

*Question 1 –*

“Dogs on leads is an issue and so is dog droppings around people’s yards, even if they don’t own a dog. What will the Council be doing about this?”

*Response –*

Council compliance staff are authorised to issue infringement notices where an offending dog can be identified. This usually requires the compliance staff to actually witness the dog defecating or a member of the public providing photographic evidence which can be relied upon in defending an infringement. The Council is intending to be more proactive in the area of dog management following the adoption of its new Dog Management Policy.

*Question 2 –*

“Can a seat be put up at the Youth Centre, on the river side, approximately halfway along where there is some coverage from concrete boulders, so that elderly people can rest out of the weather?”

*Response –*

The suggestion for provision of a seat on the river side of the Ulverstone Sports and Leisure Centre has merit and will be considered for installation. The location would be selected to provide suitable protection from the weather.



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*Question 3 –*

“Can more bins be placed around the beaches at West Ulverstone and other areas but install bins that are more fire retardant.”

*Response –*

The placement and number of waste and recycle bins at all public spaces, including West Ulverstone beaches will be reviewed as part of the Council’s overall waste strategy. In regard to fire resistant bins, the Council will monitor the number of instances and determine the most cost-effective way to deal with bin type and replacements.”

- Cr Beswick moved and Cr Viney seconded, “That the questions from Ms Shirley Bloom and the response from the Mayor be received and noted.”

Carried unanimously

**DEPARTMENTAL BUSINESS**

**GENERAL MANAGEMENT**

**214/2020 Minutes and notes of committees of the Council and other organisations**

The General Manager reported as follows:

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

- . Forth Community Representative Committee – meeting held 7 May 2020
- . Turners Beach Community Representatives Committee – meeting held 28 May 2020
- . Central Coast Audit Panel – meeting held 9 June 2020
- . Central Coast Community Shed Management Committee – meeting held 6 July 2020

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

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

Carried unanimously

**215/2020 Quarterly Performance Report – 2019–2020 Annual Plan progress**

The General Manager reported as follows:

*“PURPOSE*

The purpose of this report is to present the final Quarterly Performance Report for 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 last quarter of the financial year included:

- . Final design and Guaranteed Maximum Price Contract process completed for the Ulverstone Cultural Precinct and report prepared for the Council for adoption early 2020–2021;
- . Analysis for implementation of charging stations in the Ulverstone and Penguin CBD's was completed with a budget allocation provided in the 2020–2021 budget estimate process;
- . Community consultation and review of the Draft Dog Management Policy completed, with the final Policy and report being submitted to the July 2020 Council meeting;
- . A post COVID–19 Central Coast Walking Trails Marketing Plan was developed and presented at a Councillor Workshop for implementation in 2020–2021;
- . Community consultation commenced for the Perry–Ling Gardens, with a community survey was undertaken and the data from this currently being collated;
- . Review of the Kerbside Waste Collection service (Inc. Food Organics and Garden Organics) completed;
- . Engagement of service provider to assist the Council to undertake a full road asset survey. Data assessment, collation and formatting for the surveys has been completed in readiness for optimal conditions to undertake the process;
- . Completion and adoption of the Stormwater Systems Management Plan; and
- . Secured Local Road and Community Infrastructure Program funding of \$451,586 from the Australian Government for Preston Falls/Upper Preston Falls project.

A copy of the Quarterly Performance Report to Council – 30 June 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 30 June 2020.”

The Executive Services Officer reported as follows:

“A copy of the Quarterly Performance Report to Council – 30 June 2020 has been circulated to all Councillors.”

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

Carried unanimously

## **216/2020 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 23 June to 20 July 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 Beswick moved and Cr Fuller 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

#### **217/2020 Common seal**

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 23 June to 20 July 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 Viney moved and Cr Diprose seconded, “That the common seal (a copy of the Schedule of Documents for Affixing of the Common Seal being appended to and forming part of the minutes) be affixed subject to compliance with all conditions of approval in respect of each document, and that the advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities be received.”

Carried unanimously

#### **218/2020 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 23 June to 20 July 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.”

## GENERAL MANAGEMENT

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

Carried unanimously

COMMUNITY SERVICES

**219/2020      Retrospective approvals for Planning and Building applications**

■ Cr Fuller (having given notice) moved and Cr Beswick seconded, “That the General Manager provide information to the planning authority/Council regarding its options in relation to retrospective development/building applications by the end of 2020, with a view to the development of a Policy that reflects the view of the community on these matters.”

Cr Fuller, in support of her motion, submitted as follows:

“The issue of people lodging a planning application or building application retrospectively– either by intention or ignorance by the developer– is an ongoing issue for planning authorities and councils.

For the majority of applications, builders and developers comply with the requirements and accept their responsibility to ensure their development complies with any regulation, thereby minimizing or mitigating any impact that their development has on other residents and / or asset and the environment – the purpose of planning regulation.

This notice of motion requests that the General Manager provides a report to the planning authority with a full range of options about how to reduce the number of retrospective applications and its options for the refusal and determent of such applications.”

The Strategic Projects and Planning Consultant reported as follows:

*“DISCUSSION*

A report can be prepared which addresses the issue of retrospective permits. It is noted that the Council does receive a number of retrospective applications (planning, building and plumbing, etc.) reasonably regularly. In the main, these applications are as a result of people unknowingly undertaking works which should have been subject of some form of application/approval process by the Council. A number of ‘illegal works’ are identified due to impending property sales each year, resulting in retrospective applications being submitted to the Council for approval.

*CONSULTATION*

Consultation was not required in relation to this report.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

There are no financial, resource or risk impacts.

### *CORPORATE COMPLIANCE*

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

#### Improve Service Provision

- Continue program of business unit service and process reviews

### *CONCLUSION*

The motion on notice from Cr Fuller is submitted for consideration.”

Motion

Carried

## **220/2020      Natural burials**

■ Cr Fuller (having given notice) moved and Cr van Rooyen seconded, “That the Council supports in-principle the opportunity for natural burials at the Central Coast Memorial Park and request that a report be provided which outlines the guidelines which could be introduced to ensure the disposal of human remains are conducted in such a manner as to allow for the natural decomposition, including of any container (coffin) or other material in which the remains are placed.”

Cr Fuller, in support of her motion, submitted as follows:

“This notice of motion requests that the Central Coast Council provide in principle support for a natural burial for their loved ones or themselves at the Central Coast Memorial Park.

Correspondence between myself and the Local Government Association of Tasmanian in March 2020, regarding policy and consistency on this issue across the State, advised that they had not had any motions since 2013 regarding natural burials and that a scan of council websites revealed very limited information on natural burials.

There are provisions for Tasmanians to undertaken natural burial processes, an approach desired by some families/ individuals for moral, environmental, financial, or other reasons.



To give respect to these members of our community, information about what is/ is not permissible should be easily accessible and consistent across all local government areas for the state.

In the planning of one's own funeral, or carrying out the wishes of our loved ones, it should be very clear about what is permissible. At a time of grieving and loss, the organisers of a funeral should be afforded clear information, accessible 24 hours a day, 7 days per week, about what the permissions and requirements of a natural burial.

To this end my motion requests that a report be provided to the Council which outlines guidelines which can be introduced to allow natural burials to occur at the Central Coast Memorial Park."

The Strategic Projects and Planning Consultant reported as follows:

*"DISCUSSION*

A natural burial is an arrangement for disposal of human remains by burial conducted in such a manner as to allow natural decomposition, including of any container, coffin or other material in which the remains are placed.

Natural burial requires that the deceased person be prepared for burial without the use of chemicals. This includes the 'container' used for the burial is to be biodegradable or alternatively the remains are wrapped in a shroud of suitable fabric.

The *Burial and Cremation Act 2019* does not specifically refer to natural burials.

The Burnie City Council provide for natural burials at the Burnie Lawn Cemetery providing it is satisfied there is no likely risk to public health and public safety, however they do not have a dedicated area for these types of burials – they can occur in the normal allocation of gravesites. The Council website provides clear details around the conditions which are to apply to any natural burial.

The issue is a decision for the local cemetery manager and it may be opportune for Central Coast Council to introduce similar guidelines ensuring consistency to those which operate at other cemeteries."

*CONSULTATION*

Consultation was not required in relation to this report.

*RESOURCE, FINANCIAL AND RISK IMPACTS*

There are no financial, resource or risk impacts.

### *CORPORATE COMPLIANCE*

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

A Connected Central Coast

- Connect the people with services.

### *CONCLUSION*

The motion on notice from Cr Fuller is submitted for consideration.”

Motion

Carried

## **221/2020 Statutory determinations**

The Director Organisational Services reported as follows:

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

Carried unanimously

## **222/2020 Dog Management Policy (81/2020 – 16.03.2020 and 298/2015 – 19.10.2020)**

The Strategic Projects and Planning Consultant reported as follows:

### *“PURPOSE*

The purpose of this report is to detail the outcomes of the public consultation undertaken by the Council in relation to the Draft Dog Management Policy – March 2020. This report is also provided to assist the Council in finalising the adoption of the revised Dog Management Policy.

*BACKGROUND*

The Council is required under the *Dog Control Act 2000* to maintain a Dog Management Policy. The Act states:

*'7. Dog management policy*

- (1) A council is to develop, make and implement a policy relating to dog management in its municipal area.*
- (2) A dog management policy is to include the following:*
  - (a) a code relating to responsible ownership of dogs;*
  - (b) the policy in relation to declarations made, or to be made, under Division 2 of Part 3 ;*
  - (c) a fee structure;*
  - (d) any other relevant matter.*
- (3) A council is to –*
  - (a) invite public submissions relating to a proposed dog management policy or an amendment of the policy; and*
  - (b) consult with any appropriate body or organisation; and*
  - (c) consider any submissions and results of any consultation before making the policy or the amendment.*
- (4) A council is to review its dog management policy at least once every 5 years.*
- (5) In reviewing its dog management policy, a council is to take the actions referred to in subsection (3) .'*

The Council's current Policy was adopted in October 2015 and in accordance with section 4 of the Act, was due for review.

At its meeting on 16 March 2020, the Council determined to endorse:

"...

- (a) the Draft Dog Management Policy dated March 2020 (a copy being appended to and forming part of the minutes) and that the Draft Policy be released for public consultation for a period of 30 days;*
- (b) on the conclusion of the consultation period, the Council considers any submissions received; and further*

- (c) *that following the consultation and consideration of any submissions received, the finalised Dog Management Policy return to the Council for decision."*

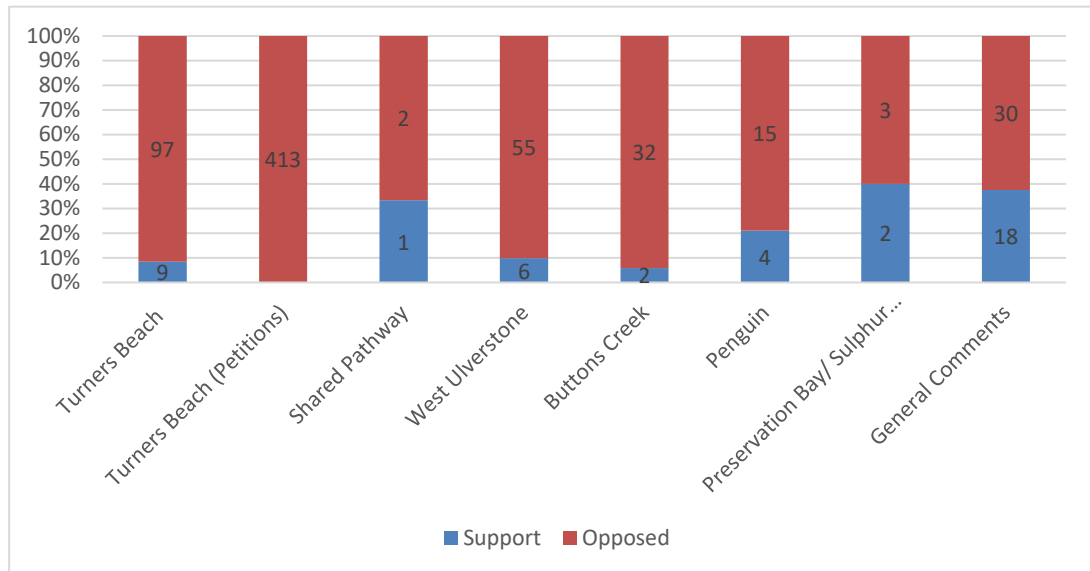
*DISCUSSION*

During the public exhibition of the Draft Dog Management Policy, the Council received:

- 276 written submissions
- 1 Petition (33 signatories) (non-compliant – feedback included as a submission)
- 1 Petition (380 signatories) (compliant)

All 276 written submissions were reviewed and a general observation made of whether the writer supported or was opposed to the changes outlined in the Draft Policy. The result of these observations (based on locations) were:

Location	Support	Opposed	Total
General Comments	18	30	48
Sulphur Creek / Preservation Bay	2	3	5
Penguin	4	15	19
Buttons Creek	2	32	34
West Ulverstone	6	55	61
Shared Pathway	1	2	3
Turners Beach	9	97	106
<b>Total</b>	<b>42</b>	<b>234</b>	<b>276</b>



Most responses related to specific areas and expressed views regarding the proposed 'prohibited', 'restricted', 'exercise', or 'training' areas.

At a Council Workshop on Monday 29 June 2020, submissions received were discussed with Councillors. A document which outlined all submissions was provided to Councillors as background information prior to the Workshop. A copy of this document (excluding names and contact details) is provided as Attachment 2.

A summary of the main themes from the consultation are:

- Existing arrangements should be maintained
- Would like to see better signage installed
- Need more subtle and community focussed solutions
- Preservation Bay should be 'prohibited'
- More policing and enforcement required
- More large 'off-lead' areas required to replace beaches
- Boat Ramp end of Turners Beach is not suitable for 'unrestricted'
- Council process does not comply with the Dog Control Act – requirements for notification
- Picnic Point should be 'prohibited'
- Policy needs to be updated to include exemption for 'assistance dogs'
- Should be room for compromise
- Current 'restricted' on Turners Beach should be reduced not increased
- 'Off-lead' on Buttons Beach instead of 'restricted on-lead'

- Instead of 'prohibited' make West Ulverstone 'restricted'
- Picnic Point is more suited to 'prohibited' rather than West Ulverstone
- All Turners Beach should be 'on-lead'
- Further restrictions required for Johnson Beach, Penguin
- Dog poo bags needed at Midway Beach
- Clearer wording definition is required for 'restricted'
- Concerned that consultation occurred during the pandemic period
- Consultation should have been better promoted
- There needs to be more 'off-leash' areas not less
- Concerns regarding environmental, social and economic impacts of the proposed changes
- Do not implement further restrictions
- Health and wellbeing (people and dogs)
- Draft Policy just penalising responsible dog owners for those who aren't
- Prohibiting dogs in Henry Street not practicable
- Focus on real issue – irresponsible dog owners
- Where is the evidence to support the changes proposed
- Current Policy is working – why change?
- Council should enforce current rules better
- Rather than increase the number of 'prohibited' areas should be looking to reduce them
- Should provide a discount to those people who have had dogs formally trained
- Should offer a 'lifetime' registration
- Policy will not stop straying dogs and feral cats
- Rather than 'on-lead' should be 'under effective control'
- Don't penalise responsible dog owners who do the right thing
- Keep current summer restrictions – November to March
- Will continue to walk dog on beach anyway
- Big issue for penguins is the bank erosion – and Council's inaction dealing with it
- Without a dog to walk – would not exercise at all
- 'Prohibited' areas should be kept to a minimum
- Current Policy is too onerous – should be relaxed not further 'restrictions' imposed
- Horses allowed on the beaches
- Dog poo dispenser at the Park/Tennis Courts area in Westshore Road

- More footpaths are going to be needed – and better maintained
- Health benefits of dog ownership
- ‘Off-lead’ during the winter months
- Questions Council’s authority for area below high water mark
- Dog owners are being discriminated against
- Better education programs required on responsible dog ownership
- There is no sensitive habitat at Turners Beach
- Feral cats and motor vehicles kill more wildlife than dogs
- The current restrictions from November to March are OK
- Conflict with Policy statement ‘a well exercised dog is less likely to create a nuisance’
- Need clarity around ‘environmental significance’
- COVID-19 impacts and mental health and wellbeing
- Community consultation process was a farce
- Will cause isolation especially the elderly and those with mobility issues
- Proposed restrictions will increase non-compliance
- Disappointed in dog services provided by Council after hours
- Why isn’t there a register for cats?
- More beaches should be available – not less
- Why close West Ulverstone and open another smaller area
- Dog owners help to keep beaches clean by picking up rubbish
- Dogs should be allowed on ovals when sport is not being played
- Where is the detailed explanation for the proposed changes
- Availability of the dog catcher
- COVID-19 social distancing and ongoing pandemic control measures
- Impact on people with disabilities
- Current Policy restrictions work and should be maintained
- Parks & Wildlife did not recommend blanket ban – so why is Council?
- Consider a number of changes required to the Policy
- Will impact the strong sense of community
- Proposed Policy is too restrictive
- Dogs need to be able to run on the beach ‘off-lead’
- Council’s proposed Policy has the nakedly clear objective of restricting recreational activities for dog owners and is not supportable by any clearly defined criteria or evidence within that Policy

- It is disingenuous to espouse the mental and social benefits to both the dog and its owner which flow from (unfettered) recreational opportunities in the public arena, only to curtail those opportunities by proposing to expand both Prohibited Areas and Restricted Areas within the Shire
- Council have a public responsibility to fully explain in each instance the facts which led to the conclusion that environmental factors now (suddenly) take precedence over community benefit
- Council has failed in its duty to provide substantiation for its specifically targeted Policy objectives and should:
  - provide adequate substantiation; and/or
  - modify its proposed Policy for further public review and consultation
- Council would be ill-advised to endorse the proposed Policy
- Penguin beach with dog is a special place for reflection
- Should Johnsons Beach be included in the Policy
- Concerns with the complaints process and how Council deals with them
- There is no confusion around current seasonal requirements
- Penguin Beach is more suited to 'off-lead' than Watcombe Beach
- Need clarification around 'off-lead' exercise area and 'training area' in the Policy
- Keep 'off-lead' area from opposite La Mar to Railway Bridge
- Have seen no evidence which justifies banning dogs off the West Ulverstone Beach
- The proposed exercise areas are not enough to cater for the number of dogs
- Proposed Policy is applying a blanket rule to the whole CCC area without adequate assessment of specific user profiles or environmental considerations
- The current Dog Zones should remain as they are (people are used to them)
- What is the wildlife trying to be protected at Turners Beach?
- Consultation during pandemic is 'immoral'
- Seaweed piles up on the proposed 'off-lead' beach at West Ulverstone
- Inadequate car parking at 'off-lead' locations
- The proposed new 'off-lead' area is more likely to have wildlife than current sites

After reviewing the comments and consultation themes, Councillors suggested several amendments be made to the Draft Policy prior to it being submitted to this meeting for adoption.

The descriptions of the designated areas have been updated in the Policy as follows:



Area	Description Consultation Draft	Description Revised Draft Policy
Prohibited	A natural reserve area which contains sensitive habitat for native wildlife or a recreational reserve	An area which contains sensitive habitat for native wildlife therefore dogs are prohibited from entering at any time.
Restricted	Where dogs are restricted from entering. In a restricted area dogs are to be restrained on a lead at all times.	A restricted area is where dogs are allowed, provided they remain restrained on a lead at all times.
Exercise	An area the Council has declared where dogs may be exercised off-lead, providing they remain under effective control.	An area where dogs may be exercised off-lead, provided they remain under effective control.
Training	Where dogs may be trained subject to any specified conditions.	An area where dogs may be trained and exercised subject to any specified conditions.

In considering the designation of specific areas, Councillors were keen to ensure simplicity in the rules and therefore in the signage provided. Rather than the current summer restrictions where dogs are not allowed on 'restricted' beaches during specified times of the day, the Policy has been finalised on the basis there is no time and/or seasonal restrictions being applied. If a beach is classed as 'restricted' it means a dog is allowed on the beach at any time of the day (all year round) but **importantly** it must always be restrained on a lead.

The following table outlines the declared areas in line with Councillors feedback received at the Workshop. The main changes relate to the following areas:

- West Ulverstone Beach (from Three Sisters Goat Island Nature Reserve to Picnic Point Beach) changed from 'prohibited' to 'restricted' (on-lead)
- Turners Beach (between East of Turners Beach Road and Boyes Street) changed from 'prohibited' to 'restricted' (on-lead)
- Turners Beach (West of Turners Beach Road to Claytons Rivulet) changed from 'restricted' to 'exercise' (off-lead)
- Turners Beach (Forth River – Western Side to Boyes Street) from 'exercise' to 'prohibited'

- Recreational Reserves – changed to reflect that the playing surface of Council ovals are prohibited to dogs but the outer area is classed as ‘restricted’ which requires dogs are allowed providing they are ‘on-lead’. Specific rules may apply to particular grounds as sign posted.
- Leith (Forth River – Eastern Side) – removed as a designated area under the Policy.

A ‘traffic light’ colour coding system has been used for the new Dog Management Policy as follows:

<b>Prohibited</b>	<b>Restricted (on-lead)</b>	<b>Exercise / Training (off-lead)</b>
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The changes to the Draft agreed by Councillors at the Workshop are detailed below:

Area Ref. DRAFT Plan	Area Ref. FINAL Plan	Location	Area Declaration DRAFT	Area Declaration FINAL
1	1	Midway Beach, Sulphur Creek (West of Creamery Road through to Howth)	Prohibited	Prohibited
3	2	Buttons Beach, Ulverstone (between Buttons Creek and Victoria Street)	Prohibited	Prohibited
14	3	Turners Beach (Forth River – Western Side) (Boyes Street to Bridge)	Exercise	Prohibited
5	4	All Council Recreational Reserves <i>*Note: this refers to playing areas</i>	Prohibited	Prohibited
6	5	Midway Beach, Sulphur Creek (east of Creamery Road)	Restricted	Restricted
7	6	Penguin Beach	Restricted	Restricted
2	7	West Ulverstone Beach (from Three Sisters Goat Island Nature Reserve to Picnic Point Beach)	Prohibited	Restricted

8	8	Picnic Point Beach, West Ulverstone (between Picnic Point and the Leven River)	Restricted	Restricted
9	9	Buttons Beach, East Ulverstone (from Buttons Creek to Fish Pond)	Restricted	Restricted
4	10	Turners Beach (between East of Turners Beach Road and Boyes Street)	Prohibited	Restricted
10	11	Shared Pathway (Ulverstone to Turners Beach)	Restricted	Restricted
12	12	Watcombe Beach, Penguin	Exercise	Exercise
13	13	Buttons Beach, Ulverstone (from Leven River to Victoria Street)	Exercise	Exercise
11	14	Turners Beach (West of Turners Beach Road to Claytons Rivulet)	Restricted	Exercise
16	15	Penguin Sports Complex, Ironcliffe Road, Penguin (the fenced off area at the south west corner)	Training	Training
17	16	Ulverstone Sports Complex, Flora Street, Ulverstone (the fenced off area at the northern end only)	Training	Training
15	–	Leith (Forth River – Eastern Side): between Logan Street and Bridge (Bass Highway)	Exercise	Not Designated

A minor change was also identified in the Policy relating to the absence of a reference to ‘assistance dogs’.

The *Dog Control Act 2000* specifically refers to ‘guide dogs’ or ‘hearing dogs’ but does not reference ‘assistance dogs’. The Council has determined to be proactive and include reference to ‘assistance dogs’ in its Policy, with these dogs being exempt in the same manner as ‘guide dogs’ or ‘hearing dogs’.

A copy of the revised Dog Management Policy is provided as Attachment 1 to this report. The Declared Area maps included as an appendix to the Policy have been updated to reflect the changes to the designated areas from those which appeared in the Draft Policy adopted at the March 2020 Council meeting. The areas have been renumbered to reflect these changes.

### *CONSULTATION*

The Draft Dog Management Policy – March 2020 was on public exhibition during the period 9 May to 12 June 2020. The Council complied with its statutory obligations by advertising the availability of the Draft Policy in the Advocate Newspaper on two occasions (9 and 30 May 2020).

During the consultation period there were ‘posts’ alternating on Council’s Facebook Page. The review was also mentioned in the Council’s May e-Newsletter and several posters were placed at known beach access points on 29 May to further advise the community of the consultation.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

The Council has an obligation to review its Dog Management Policy every five (5) years. This review has been undertaken in accordance with this requirement.

There will be costs incurred by Council in updating the signage to reflect the new arrangements as outlined in the revised Policy.

There was criticism of the Council’s consultation processes, particularly as it occurred during the COVID-19 pandemic period. The Council received 276 written submission and two (2) petitions within the consultation period, which appears to demonstrate there was a good understanding that the Policy was under review.

There is no doubt that some people will still not be happy with the outcome of this review. The change to ‘restricted’ will not suit some people who previously could take their dogs to designated beaches outside of ‘restricted hours’ and allow them to run ‘off-lead’. Under the revised Policy a ‘restricted’ beach always requires a dog to be ‘on-lead’.

A reoccurring theme of the consultation was the need for the Council to be more responsive in policing and enforcing its Dog Management Policy. An outcome of the adoption of the revised Dog Management Policy will be the review of future policing and enforcement activities.

### *CORPORATE COMPLIANCE*

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

#### The Shape of the Place

- Improve the value and use of open space

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

#### A Connected Central Coast

- Provide for a diverse range of movement patterns
- Improve community well-being.

#### The Environment and Sustainable Infrastructure

- Contribute to a safe and healthy environment
- Contribute to the preservation of the natural environment.

#### CONCLUSION

The review of the Dog Management Policy has now been completed. The revised Policy is reflective of the desire by the Council to provide a consistent and contemporary Dog Management Policy for the community which is easy to understand and interpret.

It is recommended that Council in relation to the review of its Dog Management Policy:

- note the responses received during the consultation period,
- adopt the Dog Management Policy (as attached to this report) which reflects the following definitions for designated areas:

Area	Description Updated Policy
Prohibited	An area which contains sensitive habitat for native wildlife therefore dogs are prohibited from entering at any time.
Restricted	A restricted area where dogs are allowed provided they remain restrained on a lead at all times.
Exercise	An area where dogs may be exercised off-lead, provided they remain under effective control.
Training	An area where dogs may be trained and exercised subject to any specified conditions.

- In adopting the Policy determines the following designated areas:

Area No.	Location	Area Declaration
1	Midway Beach, Sulphur Creek (West of Creamery Road through to Howth)	Prohibited

2	Buttons Beach, Ulverstone (between Buttons Creek and Victoria Street)	Prohibited
3	Turners Beach (Forth River – Western Side) (Boyes Street to Bridge)	Prohibited
4	All Council Recreational Reserves <i>*Note: this refers to playing areas</i>	Prohibited
5	Midway Beach, Sulphur Creek (east of Creamery Road)	Restricted
6	Penguin Beach	Restricted
7	West Ulverstone Beach (from Three Sisters Goat Island Nature Reserve to Picnic Point Beach)	Restricted
8	Picnic Point Beach, West Ulverstone (between Picnic Point and the Leven River)	Restricted
9	Buttons Beach, East Ulverstone (from Buttons Creek to Fish Pond)	Restricted
10	Turners Beach (between East of Turners Beach Road and Boyes Street)	Restricted
11	Shared Pathway (Ulverstone to Turners Beach)	Restricted
12	Watcombe Beach, Penguin	Exercise
13	Buttons Beach, Ulverstone (from Leven River to Victoria Street)	Exercise
14	Turners Beach (West of Turners Beach Road to Claytons Rivulet)	Exercise
15	Penguin Sports Complex, Ironcliffe Road, Penguin (the fenced off area at the south west corner)	Training
16	Ulverstone Sports Complex, Flora Street, Ulverstone (the fenced off area at the northern end only)	Training

- (d) endorses a review of arrangements for the monitoring and enforcement of the Dog Management Policy.”

The Executive Services Officer reported as follows:

“Copies of the revised Policy (inc. Declared Area maps) and submission overview have been circulated to all Councillors.”

■ Cr Beswick moved and Cr Carpenter seconded, “That Council in relation to the review of the Dog Management Policy:

- (a) note the responses received during the consultation period,
- (b) adopt the Dog Management Policy effective from 1 October 2020 (as attached to this report) which reflects the following definitions for designated areas:

Area	Description Updated Policy
Prohibited	An area which contains sensitive habitat for native wildlife therefore dogs are prohibited from entering at any time.
Restricted	A restricted area where dogs are allowed provided they remain restrained on a lead at all times.
Exercise	An area where dogs may be exercised off-lead, provided they remain under effective control.
Training	An area where dogs may be trained and exercised subject to any specified conditions.

- (c) In adopting the Policy determines the following designated areas:

Area No.	Location	Area Declaration
1	Midway Beach, Sulphur Creek (West of Creamery Road through to Howth)	Prohibited
2	Buttons Beach, Ulverstone (between Buttons Creek and Victoria Street)	Prohibited
3	Turners Beach (Forth River – Western Side) (Boyes Street to Bridge)	Prohibited
4	All Council Recreational Reserves <i>*Note: this refers to playing areas</i>	Prohibited
5	Midway Beach, Sulphur Creek (east of Creamery Road)	Restricted
6	Penguin Beach	Restricted
7	West Ulverstone Beach (from Three Sisters Goat Island Nature Reserve to Picnic Point Beach)	Restricted

8	Picnic Point Beach, West Ulverstone (between Picnic Point and the Leven River)	Restricted
9	Buttons Beach, East Ulverstone (from Buttons Creek to Fish Pond)	Restricted
10	Turners Beach (between East of Turners Beach Road and Boyes Street)	Restricted
11	Shared Pathway (Ulverstone to Turners Beach)	Restricted
12	Watcombe Beach, Penguin	Exercise
13	Buttons Beach, Ulverstone (from Leven River to Victoria Street)	Exercise
14	Turners Beach (West of Turners Beach Road to Claytons Rivulet)	Exercise
15	Penguin Sports Complex, Ironcliffe Road, Penguin (the fenced off area at the south west corner)	Training
16	Ulverstone Sports Complex, Flora Street, Ulverstone (the fenced off area at the northern end only)	Training

- (d) endorses a review of arrangements for the monitoring and enforcement of the Dog Management Policy.”

Carried unanimously

## 223/2020 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.s 224/2020 and 225/2020, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Officer reported as follows:



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

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

Carried unanimously

**224/2020 Residential (outbuilding – shed) – variation to the building envelope and proximity to a utility at 4 Shaw Street, Ulverstone – Application No. DA2020127**

The Strategic Projects and Planning Consultant reported as follows:

“The Planning Officer has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2020127
<i>PROPOSAL:</i>	Residential (outbuilding – shed) – variation to the building envelope and proximity to a utility
<i>APPLICANT:</i>	Building Consultancy Services
<i>LOCATION:</i>	4 Shaw Street, Ulverstone
<i>ZONE:</i>	GENERAL RESIDENTIAL
<i>PLANNING INSTRUMENT:</i>	Central Coast Interim Planning Scheme 2013 (the Planning Scheme)
<i>ADVERTISED:</i>	30 May 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	16 June 2020
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	17 July 2020
<i>EXTENSION OF TIME DATE:</i>	20 July 2020
<i>DECISION DUE:</i>	20 July 2020

*PURPOSE*

The purpose of this report is to consider an application for a 12m x 9m x 4.875m high shed at 4 Shaw Street, Ulverstone. The outbuilding would be located in the far south-western corner of the lot and would be positioned 1m from the property’s southern side boundary and western rear boundary.

The outbuilding would be constructed over TasWater sewer infrastructure.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;

- . Annexure 2 – application documentation;
- . Annexure 3 – TasWater’s Submission to Planning Authority Notice;
- . Annexure 4 – representation; and
- . Annexure 5 – photographs.

### *BACKGROUND*

#### *Development description –*

Application is made for a residential shed. The outbuilding would be 12m in length (along the western rear boundary) and 9m wide (along the southern side boundary). The outbuilding would have a solid wall height of 4m along the western rear boundary, being 12m in total length, and a solid wall height of up to 4.8m at the centre apex, along the southern side boundary, being 9m in length.

The proposal includes the demolition of an existing 6m x 4.m outbuilding.

The outbuilding would be constructed over TasWater sewer infrastructure.

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

The subject site is zoned General Residential and contains a single dwelling and outbuilding (garage).

Existing development on the subject site is similar to the existing development within the vicinity, all of which are zoned General Residential and contain primarily single dwellings and outbuildings.

The land is connected to reticulated stormwater, sewer and water systems.

The subject site is restricted due to the proximity of existing TasWater sewer infrastructure.

#### *History –*

No history relevant to this development.

### *DISCUSSION*

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

**General Residential**

CLAUSE	COMMENT
<b>10.3.1 Discretionary Permit Use</b>	
<p>10.3.1–(P1) Discretionary permit use must:</p> <p>(a) be consistent with local area objectives;</p> <p>(b) be consistent with any applicable desired future character statement; and</p> <p>(c) minimise likelihood for adverse impact on amenity for use on adjacent land in the zone.</p>	<p>Not applicable.</p> <p>Residential use is No Permit Required.</p>
<b>10.3.2 Impact of Use</b>	
10.3.2–(A1) Permitted non-residential use must adjoin at least one residential use on the same street frontage.	<p>Not applicable.</p> <p>Residential use is No Permit Required.</p>
10.3.2–(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.	<p>Not applicable.</p> <p>Use is Residential.</p>

## COMMUNITY SERVICES

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10.3.2–(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.	Not applicable.  Use is Residential.
<b>10.4.1 Residential density for multiple dwellings</b>	
10.4.1–(A1) Multiple dwellings must have a site area per dwelling of not less than:  (a) 325m <sup>2</sup> ; or  (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Not applicable.  Not multiple dwelling development.
<b>10.4.2 Setbacks and building envelope for all dwellings</b>	
10.4.2–(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:  (a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or	(a) Compliant. Outbuilding would be setback 40m from the front boundary to Shaw Street.  (b) Not applicable. Satisfied by (a).  (c) Not applicable. Satisfied by (a).  (d) Not applicable. Land does not abut the Bass Highway.

<p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(b) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	<p>(e)</p>
<p>10.4.2–(A2) A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1.0m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1.0m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10.0m from the frontage.</p>	<p>(a) Compliant. Outbuilding would be setback 40m from the front boundary to Shaw Street.</p> <p>(b) Not applicable. Addressed in (a).</p> <p>(c) Not applicable. Addressed in (a).</p>

<p>10.4.2–(A3) A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at the side boundaries and a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</li> </ul> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or</li> </ul>	<p>(a)(i) Compliant. Outbuilding would be setback from frontage boundary as discussed above.</p> <p>(a)(ii) Non-compliant. The outbuilding would be outside the required building envelope as shown on the plans provided. The outbuilding, with a wall height ranging from 4m to 4.8m, would be located 1m from the western rear boundary and 1m from the southern side boundary.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b)(i) Not applicable. Addressed in (b)(ii).</p> <p>(b)(ii) Non-compliant. The outbuilding would have a length of 9m on the southern side boundary. The total length of development, including the existing garage along the southern side boundary, would be 18m.</p> <p>Refer to the “Issues” section of this report.</p>
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<p>(ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser).</p>	
<p><b>10.4.3 Site coverage and private open space for all dwellings</b></p>	
<p>10.4.3-(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60.0m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>(a) Compliant. Site coverage would be 32%.</p> <p>(b) Not applicable. Not multiple dwelling development.</p> <p>(c) Compliant. Approximately 60% of the site area is free from impervious surfaces.</p>
<p>10.4.3-(A2) A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24.0m<sup>2</sup>; or</p>	<p>(a)(i) Compliant. The existing dwelling would have private open space greater than 24m<sup>2</sup> in one location.</p> <p>(a)(ii) Not applicable. Satisfied by (a)(i).</p> <p>(b)(i) Compliant. The existing dwelling would have minimum dimension of private open space greater than 4m.</p>

<p>(ii) 12.0m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4.0m; or</p> <p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p>	<p>(b)(ii) Not applicable. Satisfied by (b)(i).</p> <p>(c) Compliant. The existing dwelling's private open space would be accessible from existing living areas.</p> <p>(d) Compliant. Existing private open space located mainly north and west.</p> <p>(e) Compliant. Existing private open space is not located between the dwelling and the primary frontage.</p> <p>(f) Compliant. Site is reasonably flat.</p> <p>(g) Compliant. Existing private open space areas are clear of vehicle access and parking areas.</p>
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<p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	
<b>10.4.4 Sunlight and overshadowing for all dwellings</b>	
<p>10.4.4-(A1) A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>	<p>Compliant.</p> <p>Existing dwelling.</p>
<p>10.4.4-(A2) A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</p> <p>(i) at a distance of 3.0m from the window; and</p> <p>(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</p>	<p>Not applicable. Not multiple dwelling development.</p>

<p>(b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height no more than 2.4m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.</li> </ul>	
<p>10.4.4–(A3) A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <ul style="list-style-type: none"> <li>(i) at a distance of 3.0m from the northern edge of the private open space; and</li> <li>(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</li> </ul>	<p>Not applicable. Not multiple dwelling development.</p>

<p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height no more than 2.4m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling.</li> </ul>	
<b>10.4.5 Width of openings for garages and carports for all dwellings</b>	
<p>10.4.5-(A1) A garage or carport within 12.0m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6.0m or half the width of the frontage (whichever is the lesser).</p>	<p>Compliant. The proposed outbuilding would be setback 40m from the frontage.</p>
<b>10.4.6 Privacy for all dwellings</b>	
<p>10.4.6-(A1) A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1.0m above natural ground level</p>	<p>Not applicable.</p> <p>Application is for an outbuilding.</p>

<p>must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> <li>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3.0m from the side boundary; and</li> <li>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4.0m from the rear boundary; and</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6.0m: <ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</li> </ul> </li> </ul>	
<p>10.4.6–(A2) A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1.0m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <ul style="list-style-type: none"> <li>(a) The window or glazed door:</li> </ul>	<p>Not applicable.</p> <p>Application is for an outbuilding.</p>

<ul style="list-style-type: none"> <li>(i) is to have a setback of at least 3.0m from a side boundary; and</li> <li>(ii) is to have a setback of at least 4.0m from a rear boundary; and</li> <li>(iii) if the dwelling is a multiple dwelling, is to be at least 6.0m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be at least 6.0m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) The window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</li> <li>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or</li> <li>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a</li> </ul>	
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uniform transparency of not more than 25%.	
<p>10.4.6–(A3) A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <p>(a) 2.5m; or</p> <p>(b) 1.0m if:</p> <p style="padding-left: 40px;">(i) it is separated by a screen of at least 1.7m in height; or</p> <p style="padding-left: 40px;">(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</p>	Not applicable. No shared driveway.
<b>10.4.7 Frontage fences for all dwellings</b>	
<p>10.4.7–(A1) A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:</p> <p>(a) 1.2m if the fence is solid; or</p>	<p>Not applicable.</p> <p>No frontage fence proposed.</p>

<p>(b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).</p>	
<p><b>10.4.8 Waste storage for multiple dwellings</b></p>	
<p>10.4.8–(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a communal storage area with an impervious surface that:</p> <p>(i) has a setback of at least 4.5m from a frontage; and</p> <p>(ii) is at least 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>	<p>Not applicable. No multiple dwelling proposed.</p>
<p><b>10.4.9 Suitability of a site or lot for use or development</b></p>	
<p>10.4.9–(A1) A site or each lot on a plan of subdivision must:</p>	<p>(a) Compliant. Site area is 1,009m<sup>2</sup>.</p>

<p>(a) have an area of not less than 330m<sup>2</sup> excluding any access strip; and</p> <p>(b) if intended for a building, contain a building area of not less than 10.0m x 15.0m:</p> <p>(i) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(ii) clear of any applicable setback from a zone boundary;</p> <p>(iii) clear of any registered easement;</p> <p>(iv) clear of any registered right of way benefiting other land;</p> <p>(v) clear of any restriction imposed by a Utility;</p> <p>(vi) not including an access strip;</p> <p>(vii) accessible from a frontage or access strip; and</p> <p>(viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north.</p>	<p>(b)(i) Non-compliant. The development requires an exercise of discretion in relation to the building envelope standard. These matters are addressed under Clause 10.4.2-(A3) above and in the "Issues" section of this report, against the Performance Criteria for Clause 10.4.2-(P3).</p> <p>Refer to the "Issues" section of this report.</p> <p>(b)(ii) Not applicable. No zone boundary.</p> <p>(b)(iii) Not applicable. No registered easements.</p> <p>(b)(iv) Not applicable. No registered right of way.</p> <p>(b)(v) Non-compliant. The development requires an exercise of discretion as the outbuilding would be constructed over TasWater sewer infrastructure.</p> <p>Refer to the "Issues" section of this report.</p> <p>(b)(vi) Not applicable. No access strip.</p> <p>(b)(vii) Compliant. Land is accessible from Shaw Street.</p> <p>(b)(viii) Not applicable. Not a new residential lot.</p>
<p>10.4.9-(A2) A site or each lot on a subdivision plan must have a</p>	<p>(a) Compliant. Existing access and frontage to Shaw Street.</p>



<p>separate access from a road –</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road –</p> <p style="padding-left: 40px;">(i) over land not required as the means of access to any other land; and</p> <p style="padding-left: 40px;">(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than –</p> <p style="padding-left: 40px;">(i) 3.6m for a single dwelling development; or</p> <p style="padding-left: 40px;">(ii) 6.0m for multiple dwelling development or development for a non-residential use; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate</p>	<p>(b) Not applicable. Satisfied by (a).</p> <p>(c)(i) Not applicable. Satisfied by (a).</p> <p>(c)(ii) Not applicable. Satisfied by (a).</p> <p>(d)(i) Compliant. Width of frontage 25m.</p> <p>(d)(ii) Not applicable. Not multiple dwelling or non-residential development.</p> <p>(e) Compliant. Site has existing legal access to Shaw Street. No changes are proposed to this access. Council, acting as the Road Authority, has no issues.</p>
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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.	
10.4.9–(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i> .	Compliant.  The site is connected to the reticulated water system.
10.4.9–(A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and wastewater to a sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i> .	Compliant.  The site is connected to the reticulated sewerage system.
10.4.9–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i> .	Compliant.  The site is connected to the reticulated stormwater system.
<b>10.4.10 Dwelling density for single dwelling development</b>	
10.4.10–(A1)  (a) The site area per dwelling for a single dwelling must –  (i) be not less than 325m <sup>2</sup> .	(a)(i) Compliant. Site area is 1,009m <sup>2</sup> .

<b>10.4.11 Development other than a single or multiple dwelling</b>	
<b>10.4.11.1 Location and configuration of development</b>	
<p>10.4.11.1-(A1) The wall of a building must be set back from a frontage –</p> <ul style="list-style-type: none"> <li>(a) not less than 4.5m from a primary frontage; and</li> <li>(b) not less than 3.0m from any secondary frontage; or</li> <li>(c) not less than and not more than the setbacks for any existing building on adjoining sites;</li> <li>(d) not less than for any building retained on the site;</li> <li>(e) in accordance with any building area shown on a sealed plan; or</li> <li>(f) not less than 50.0m if the site abuts the Bass Highway.</li> </ul>	<p>Not applicable.</p> <p>Development is residential.</p>
<p>10.4.11.1-(A2) All buildings must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> <li>(a) the applicable frontage setback;</li> </ul>	<p>Not applicable.</p> <p>Development is residential.</p>

<p>(b) a distance of not less than 4.0m from the rear boundary or if an internal lot, a distance of 4.5m from the boundary abutting the rear boundary of the adjoining frontage site;</p> <p>(c) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level if walls are setback –</p> <p>(i) not less than 1.5m from each side boundary; or</p> <p>(ii) less than 1.5m from a side boundary if –</p> <p>a. built against an existing wall of an adjoining building; or</p> <p>b. the wall or walls –</p> <p>i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;</p> <p>ii. there is no door or window in the wall of the building; and</p>	
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<p>iii. overshadowing does not result in 50% of the private open space of an adjoining dwelling receiving less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(d) in accordance with any building envelope shown on a sealed plan of subdivision.</p>	
<p>10.4.11.1–(A3) Site coverage must:</p> <p>(a) not be more than 50%; or</p> <p>(b) not be more than any building area shown on a sealed plan.</p>	<p>Not applicable.</p> <p>Development is residential.</p>
<p>10.4.11.1–(A4) A garage, carport or external parking area and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building.</p>	<p>Not applicable.</p> <p>Development is residential.</p>
<p>10.4.11.1–(A5) Other than for a dwelling, the total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of:</p> <p>(a) 6.0m; or</p> <p>(b) half the width of the frontage.</p>	<p>Not applicable.</p> <p>Development is residential.</p>

10.4.11.2 Visual and acoustic privacy for residential development	
<p>10.4.11.2-(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building must:</p> <p>(a) if the finished floor level is more than 1.0m above natural ground level:</p> <ul style="list-style-type: none"> <li>(i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;</li> <li>(ii) be not less than 3.0m from a side boundary;</li> <li>(iii) be not less than 4.0m from a rear boundary; and</li> <li>(iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or</li> </ul> <p>(b) if less than the setbacks in clause A1(a):</p> <ul style="list-style-type: none"> <li>(i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling;</li> </ul>	<p>Not applicable.</p> <p>Development is residential.</p>

<ul style="list-style-type: none"> <li>(ii) have a window sill height of not less than 1.8m above floor level;</li> <li>(iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or</li> <li>(iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.</li> </ul>	
<p>10.4.11.2–(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Not applicable.</p> <p>Development is residential.</p>
<p><b>10.4.11.3 Frontage fences</b></p>	
<p>10.4.11.3–(A1) The height of a fence, including any supporting retaining wall, on or within a frontage setback must be:</p> <ul style="list-style-type: none"> <li>(a) not more than 1.2m if the fence is solid; or</li> </ul>	<p>Not applicable.</p> <p>Development is residential.</p>

<p>(b) not more than 1.8m provided that part of the fence above 1.2m has openings that provide a uniform transparency of not less than 30%.</p>	
<p><b>10.4.12 Setback of development for sensitive use</b></p>	
<p>10.4.12–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown in the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the required setback distance from the zone boundary.</p>	<p>(a) Not applicable. No zone boundary.</p> <p>(b) Not applicable. No zone boundary.</p>
<p>10.4.12–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) Bass Highway;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p>	<p>(a) Compliant. Development would be approximately 1km from the Bass Highway.</p> <p>(b) Compliant. Development would be approximately 700m from a railway line.</p> <p>(c) Not applicable. No land designated for future road or rail.</p> <p>(d) Not applicable. The nearest proclaimed wharf area is in Devonport approximately 15km to the east.</p>



(d) a proclaimed wharf area.	
<b>10.4.13 Subdivision</b>	
10.4.13–(A1) Each new lot on a plan of subdivision must be – (a) intended for residential use; (b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a Statutory authority.	Not applicable. No subdivision proposed.
10.4.13–(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot	Not applicable. No subdivision proposed.
<b>10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision</b>	
10.4.14–(A1) Electricity reticulation and site connections must be installed underground.	Not applicable. No subdivision proposed.
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Not a subdivision, hazardous or vulnerable use.

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<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in the Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of vegetation.
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level greater than 1m or retaining walls closer than 1m and higher than 0.5m.
<b>E5 Local Heritage Code</b>	Not applicable. No Local Heritage Code in the Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. Not within a hazard mapped area.
<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Code applies to all development.
<b>E9.4 Use or development exempt from this Code</b>	Not exempt. No Local Area Parking Scheme applies to the site.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	

<p>E9.5.1–(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;</p>	<p>(a) Compliant. Table E9A requires two car parking spaces for a residential dwelling. Site has existing provision for two car parking spaces.</p>
<p><b>E9.5.2 Provision for loading and unloading of vehicles</b></p>	
<p>E9.5.2–(A1) There must be provision within a site for:</p> <p>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.</p>	<p>Not applicable for residential use.</p>
<p><b>E9.6 Development Standards</b></p>	
<p><b>E9.6.2 Design of vehicle parking and loading areas</b></p>	
<p>E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p>	<p>Compliant by a Condition to be placed on the Permit.</p>
<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area,</p>	<p>Not applicable for residential use.</p>

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

accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.	
<b>E10 Water and Waterways Code</b>	Not applicable. Subject site is situated more than 30m to a watercourse.
<b>Specific Area Plans</b>	No Specific Area Plans apply to this location.

### *Issues –*

#### *1 Variation to the building envelope and development along a side boundary –*

The Planning Scheme's Acceptable Solution for Clause 10.4.2–(A3)(a)(i)(ii) and (b)(ii) states that a dwelling (which includes an outbuilding) must be 4m from a rear boundary, fit within the prescribed building envelope and, if within 1.5m to a side boundary, have a total wall length no longer than 9m.

The proposed outbuilding would be positioned 1m from the rear boundary and 1m from the southern side boundary, with a wall length of 9m and a wall height of 4.8m at the centre apex, due to the roof pitch. The combined length of development along the southern side boundary, including an existing garage, would exceed 18m. The proposed outbuilding does not satisfy the Acceptable Solution. The development relies upon assessment against the Planning Scheme's relevant Performance Criteria and an exercise of discretion is required.

The Planning Scheme's Performance Criteria 10.4.2–(P3) states that the siting and scale of a dwelling (which includes an outbuilding) must not cause unreasonable loss of amenity by –

- (a)(i) reduction in sunlight to a habitable room of a dwelling on an adjoining lot; or

Compliant. The dwellings located on both adjoining lots to the north and north-west are located more than 20m from the proposed outbuilding. It is unlikely that there would be an unreasonable loss of amenity caused by the proposed outbuilding in terms of overshadow of habitable rooms of dwellings on adjoining lots.

- (a)(ii) overshadowing the private open space of a dwelling on an adjoining lot; or

Compliant. No overshadowing of private open space areas of adjoining dwellings would occur.

- (a)(iii) overshadowing on an adjoining vacant lot; or

Compliant. Shadow plans provided demonstrate that between 9.00am and 11.00am on June 22, the outbuilding would cast a

shadow into the adjoining vacant portion of the lot located at 8 Shaw Street, to the south of the development site. This is not considered to be unreasonable, as the said land would be clear of this shadow by 12 noon, allowing three hours of sunlight to the land between 12 noon and 3.00pm, should this portion of the site be developed in the future.

- (a)(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and

Non-compliant. Currently, 4 Shaw Street, Ulverstone accommodates a 9m long garage with a standard wall height of 3m and a 6m x 3.5m garden shed. Buildings are located within 1.5m of the southern side boundary. Refer to Annexure 5 of this report.

The proposed outbuilding would have a solid wall, 9m long and 4.8m high to the centre apex, resulting in a total 18m long length of development along the sites' southern side boundary. This total length includes the 9m wall length of the existing garage on the site. The development would include the demolition of the existing 6m x 3.5m garden shed, to allow for the construction of the proposed 12m x 9m x 4.8m high outbuilding.

The proposed outbuilding would adjoin the northern side boundary of 8 Shaw Street. There are no buildings on the boundary of this adjoining property.

Performance Criteria 10.4.2-(P3)(a)(iv) of the Planning Scheme requires the siting and scale of the proposed outbuilding to not cause an unreasonable loss of amenity by visual impacts caused by the apparent scale, bulk or proportions of the outbuilding when viewed from an adjoining property. In this case, the adjoining property most impacted by the proposed development would be 8 Shaw Street, Ulverstone.

With regards to the criteria above, "apparent" is defined in the Macquarie Dictionary as "capable of being clearly perceived or understood; plain or clear".

Amenity is defined by the Planning Scheme as "in relation to a locality, place or building, any quality, condition or factor that

makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.”

The lot at 8 Shaw Street, Ulverstone currently has a site area of 2,112m<sup>2</sup> and contains a single dwelling with an outbuilding situated in the south-eastern corner. The location of the existing buildings on the lot allows for future development or subdivision of the lot.

The proposed outbuilding would be positioned in the development sites far south-western corner and, together with the existing garage, would occupy more than a third of the development sites 53m long southern side boundary.

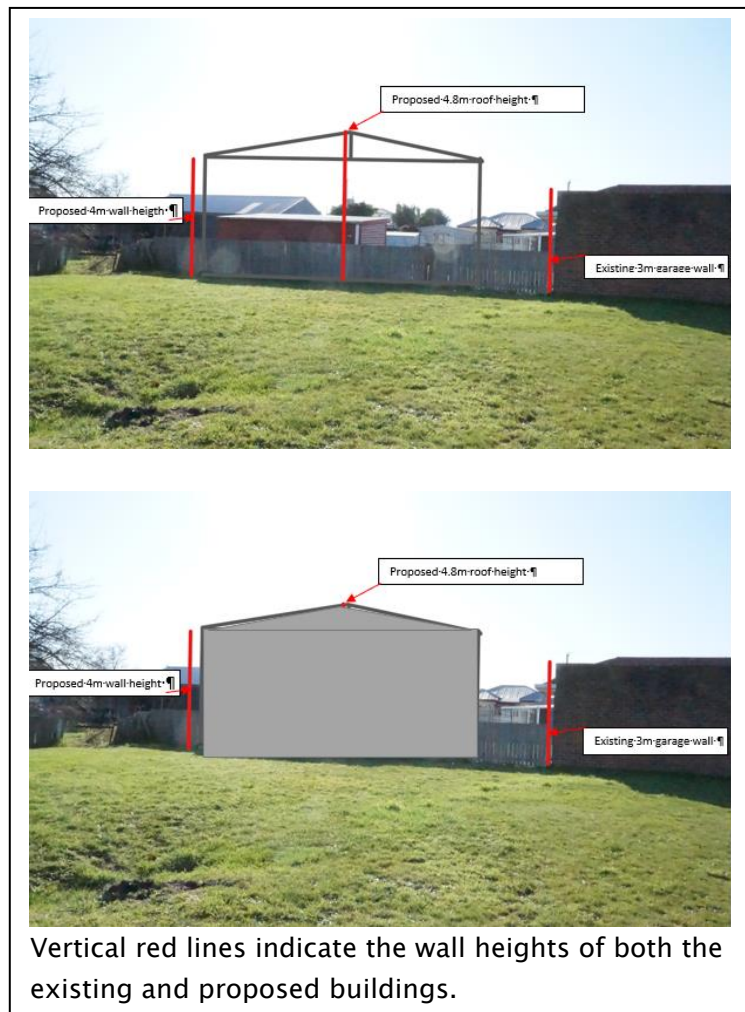
The rear boundary length is 21.6m. The 12m wall length of the proposed outbuilding would occupy more than half (50%) the length of the rear boundary. The aerial photo below shows the approximate building footprint of the proposed outbuilding on the lot.



The proposed outbuilding would be approximately 1.8m higher than the existing outbuilding located on the development site. The proposed outbuilding is substantially higher than most outbuildings in the vicinity.



The proposed outbuilding would have a solid 9m wall length with a height above 4m due to the roof pitch and, together with the existing 3m high garage wall (not including the carport attached to the front of the garage), would have a total length of development of approximately 18m along the southern boundary with a small separation of 4m between the two outbuildings.



The lot to the west of the development site (102 Main Street), does have a shed with a standard wall height and a higher pitched roof (applicants have made reference to this shed in their supporting documentation) however, given the sheds location, it is barely seen from both Shaw and Main Streets and is generally hidden behind the existing garage and garden shed constructed on the development site (see photo below).



The proposed garage would have a solid 4m high wall (because of the roof pitch the wall would extend to 4.8m high at the centre apex) x 9m wall length along with the existing garage along the boundary would increase the visual impact when viewed from 8 Shaw Street, Ulverstone and would appear to be bulky and of a large scale in comparison to what is existing in this area, as demonstrated in the images above.

The amenity when viewed from 8 Shaw Street, Ulverstone would go from being a relative open area along this portion of the boundary, to a large scale outbuilding with a solid, blank façade, with no articulation or modulation.

The proposed outbuilding would be visually prominent along the southern boundary when viewed from the lot at 8 Shaw Street, Ulverstone, and the location, due to the bulk and height, would have a negative impact on future residential development of the lot at 8 Shaw Street.

The Resource Management Planning and Appeals Tribunal state that if there is a loss in amenity to adjoining lots, whether the loss would be so unreasonable as to qualify as “immoderate” or “exorbitant”.

The proposed outbuilding, due to reasons outlined above, would result with an unreasonable loss of amenity in terms of apparent scale, bulk and proportions. The visual impact from the proposed outbuilding would be immoderate for reasons explained above, mainly that the outbuilding would dominate the southern boundary, be more than 1.8m higher than the existing outbuilding located on the development site and would be of scale that is not consistent with residential outbuildings in the area.

- (b) provide separation between dwellings on adjoining lots that is compatible with that of prevailing in the surrounding area.

Non-compliant. The proposed outbuilding would be positioned on the rear boundary for 12m and the southern side boundary for 9m.

An analysis of outbuilding development in the vicinity indicates that most, if not all, properties have outbuildings. In most cases, these outbuildings are located on one or more of the property's boundaries.

There are no other outbuildings in the vicinity of 4 Shaw Street of similar wall height onto a side boundary. It is noted that a majority of outbuildings are constructed to one or more boundaries. However, these buildings have a standard residential wall height, regardless of the overall building footprint.

It is considered that the proposed outbuilding is not compatible with that of prevailing in the surrounding area.

It is further considered that the proposed outbuilding would dominate the rear and side of the development site and would have an unreasonable impact for the adjoining lot being 8 Shaw Street, Ulverstone.

2 *Proximity to a utility – development would be constructed over TasWater sewer infrastructure –*

The Scheme's Acceptable Solution for Clause 10.4.9–(A3)(b)(v) states that a site or each lot on a plan of subdivision must, if intended for building, contain a building area of not less than 10m x 15m clear of any restriction imposed by a utility.

The proposed outbuilding would be positioned over the existing TasWater sewer infrastructure that intersects the property. The proposed outbuilding does not satisfy the Acceptable Solution. The development relies upon assessment against the relevant Performance Criteria and an exercise of discretion is required.

The Planning Scheme's Performance Criteria 10.4.9-(P1) states that a site or each lot on a plan of subdivision must be of sufficient area for the intended use or development without likely constraint or interference for (iv) a utility.

The application was referred to TasWater as part of the development assessment process. TasWater assessed the development and deemed the construction of a building over the sewer infrastructure can be managed in accordance with the relevant conditions. Conditions form part of the Submission to Planning Authority Notice, Reference No. TWDA 2020/00819-CC dated 26 June 2020 (refer to Annexure 3).

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	No comment.
TasWater	As per the Submission to Planning Authority Notice, Reference No. TWDA 2020/00819-CC dated 26 June 2020.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.

Crown Land Services	Referral not required.
Other	Referral not required.

*CONSULTATION*

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

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

*Representations –*

One representation was received within the prescribed time, a copy of which is provided at Annexure 4.

The representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
1 Setbacks and building envelope for all dwellings – bulk and scale.	It is agreed that the visual impact of the proposed outbuilding, as a result of the apparent scale, bulk, lack of fenestrations and proportions of the outbuilding, would cause an unreasonable loss of amenity when viewed from the adjoining lot at 8 Shaw Street.  Refer to comments made in the “Issues” section above in relation to apparent scale, bulk and proportions of the building.
2 Proposed shadow.	As detailed above, and as demonstrated by the shadow pattern plans provided with the application, it is not agreed that the proposed development would result in

	<p>unreasonable overshadowing or subsequent loss of amenity to 8 Shaw Street.</p> <p>The shadow pattern plans indicate that the proposed outbuilding would cast a significant shadow over 8 Shaw Street from 9.00am through to 11.00am. However, from 12 noon through to 3.00pm, the shadow cast would be substantially reduced throughout the afternoon allowing for future development of the site should the lot be subdivided or developed in the future.</p> <p>Please refer to comments made in the “Issues” section above in relation to overshadowing on an adjoining vacant lot.</p>
3 Separation distance not compatible with prevailing in the surrounding area.	<p>It is agreed that the proposed outbuilding, due to the height and scale of the building, would not be compatible with that prevailing in the surrounding area.</p> <p>Please refer to comments made in the “Issues” section above in relation to separation between dwellings.</p>

*RESOURCE, FINANCIAL AND RISK IMPACTS*

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

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

*CONCLUSION*

The Scheme provides two pathways for assessing development. If the development has satisfied the applicable Acceptable Solution, then the development is considered to satisfy the standard and approval is granted. If the development does not satisfy the Acceptable Solution, the development needs to demonstrate compliance with the applicable Performance Criteria. Compliance with the applicable Performance Criteria is mandatory. If this cannot be achieved, then the development must be refused.

As discussed above, the proposed outbuilding cannot satisfy the applicable Performance Criteria, in that the outbuilding would result in a negative visual impact. The apparent scale, bulk, lack of fenestrations and the proportions of the outbuilding would cause an unreasonable loss of amenity when viewed from adjoining land. Further, the building would not provide separation between the outbuilding and adjoining lots that is compatible with that prevailing in the surrounding area.

It is considered the proposal has not satisfied the mandatory Performance Criteria.

The representation contains merit and it is considered appropriate the proposed development be refused.

*Recommendation –*

It is recommended that the application for Residential (outbuilding – shed) – variation to the building envelope and proximity to a utility at 4 Shaw Street, Ulverstone be refused for the following reasons:

- 1 The proposal does not satisfy Performance Criteria 10.4.3–(P3) in that the development would cause an unreasonable loss of amenity by –
  - (a) apparent scale, bulk and proportions when viewed from 8 Shaw Street, Ulverstone; and
  - (b) separation between the proposed outbuilding and adjoining lots is not compatible with that prevailing in the surrounding area.’

The Planning Officers report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr van Rooyen moved and Cr Beswick seconded, “That the application for Residential (outbuilding – shed) – variation to the building envelope and proximity to a utility at 4 Shaw Street, Ulverstone be refused for the following reasons:

- 1 The proposal does not satisfy Performance Criteria 10.4.3–(P3) in that the development would cause an unreasonable loss of amenity by –
  - (a) apparent scale, bulk and proportions when viewed from 8 Shaw Street, Ulverstone; and
  - (b) separation between the proposed outbuilding and adjoining lots is not compatible with that prevailing in the surrounding area.”

Carried unanimously

**225/2020**      **Visitor accommodation (four units and an ancillary covered electric vehicle charging facility) – discretionary use and development (Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes) and location of car parking spaces at 158 South Road, Penguin – Application No. DA2020148**

The Strategic Projects and Planning Consultant reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION No.:</i>	DA2020148
<i>PROPOSAL:</i>	Visitor accommodation (four units and an ancillary covered electric vehicle charging facility) – discretionary use and development (Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes) and location of car parking spaces
<i>APPLICANT:</i>	EnviroPlan
<i>LOCATION:</i>	158 South Road, Penguin
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)



<i>ADVERTISED:</i>	17 June 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	1 July 2020
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	24 July 2020
<i>DECISION DUE:</i>	20 July 2020

*PURPOSE*

The purpose of this report is to consider an application for four units to be used as Visitor accommodation at 158 South Road, Penguin.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – photographs; and
- . Annexure 5 – TasWater Submission to Planning Authority Notice

*BACKGROUND*

*Development description –*

Application is made for Visitor accommodation on land known as 158 South Road, Penguin. The proposal is for four units, which are shipping containers to be transformed into Visitor accommodation units.

Each unit would be two-storey, with the ground level comprising open plan lounge room/dining and kitchen. The upper level would comprise open plan bedroom and living area and a separate bathroom. Each unit would have an upper level north facing deck, ground level masonry deck on the eastern side and up to 1.6m high deck on the western side for Units 2, 3 and 4. Unit 1 would have a ground level masonry deck on both the eastern and western sides.

The proposal includes the construction of a covered electrical vehicle charging facility. This facility would be used ancillary to the Visitor accommodation use. Car parking is proposed at the end of the sites' access strip, with pathways to each unit.

*Site description and surrounding area –*

The subject site is a vacant internal General Residential zoned allotment with access off South Road.

There is a sewer main that intersects the site through the centre in a 'T' shape formation. The units would be placed on the site to be clear of this infrastructure main.

The subject site is surrounded by General Residential zoned properties, all developed for residential purposes.

The land is connected to reticulated stormwater, sewer and water systems.

### *History –*

A previous development application was lodged under DA2019148. This application was withdrawn as there were discrepancies between the description on the application form and what was proposed. One representation was received for the previous application. The representor has requested, via correspondence, that the same representation be considered for this development application.

### *DISCUSSION*

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

**General Residential**

CLAUSE	COMMENT
<b>10.3.1 Discretionary Permit Use</b>	
<p>10.3.1–(P1) Discretionary permit use must:</p> <p>(a) be consistent with local area objectives;</p> <p>(b) be consistent with any applicable desired future character statement; and</p> <p>(c) minimise likelihood for adverse impact on amenity for use on adjacent land in the zone.</p>	<p>Not applicable.</p> <p>Assessed under Planning Directive No. 6. The Directive under Clause 3.1(c) states that Visitor accommodation is ‘Permitted’ with no qualification with the Use Tables for General Residential.</p> <p>Refer to the “Issues” section of this report.</p>
<b>10.3.2 Impact of Use</b>	
<p>10.3.2–(A1) Permitted non-residential use must adjoin at least one residential use on the same street frontage.</p>	<p>Not applicable.</p> <p>Assessed under Planning Directive No. 6. The Directive under Clause 3.1(c) states that Visitor accommodation is ‘Permitted’ with no qualification with the Use Tables for General Residential.</p> <p>Refer to the “Issues” section of this report.</p>

## COMMUNITY SERVICES

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10.3.2–(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.	Not applicable.
10.3.2–(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.	Assessed under Planning Directive No. 6. The Directive under Clause 3.1(c) states that Visitor accommodation is ‘Permitted’ with no qualification with the Use Tables for General Residential.  Refer to the “Issues” section of this report.
<b>10.4.1 Residential density for multiple dwellings</b>	
10.4.1–(A1) Multiple dwellings must have a site area per dwelling of not less than:  (a) 325m <sup>2</sup> ; or  (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Not applicable. Application is not for multiple dwellings.
<b>10.4.2 Setbacks and building envelope for all dwellings</b>	
10.4.2–(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:	Not applicable. Proposal is for Visitor accommodation. Assessed under Clause 10.4.11 “Development other than a single or multiple dwelling” below.

<p>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p> <p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	
<p>10.4.2–(A2) A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1.0m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p>	<p>Not applicable. Proposal is for Visitor accommodation. Assessed under Clause 10.4.11 “Development other than a single or multiple dwelling” below.</p>

<p>(c) 1.0m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10.0m from the frontage.</p>	
<p>10.4.2–(A3) A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at the side boundaries and a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</li> </ul> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p>	<p>Not applicable. Proposal is for Visitor accommodation. Assessed under Clause 10.4.11 “ Development other than a single or multiple dwelling” below.</p>

<ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or</li> <li>(ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser).</li> </ul>	
<b>10.4.3 Site coverage and private open space for all dwellings</b>	
<p>10.4.3–(A1) Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</li> <li>(b) for multiple dwellings, a total area of private open space of not less than 60.0m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</li> <li>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</li> </ul>	<p>Not applicable. Proposal is for Visitor accommodation. Assessed under Clause 10.4.11 “Development other than a single or multiple dwelling” below.</p>
<p>10.4.3–(A2) A dwelling must have an area of private open space that:</p> <ul style="list-style-type: none"> <li>(a) is in one location and is at least:</li> </ul>	<p>Not applicable. Proposal is for Visitor accommodation. Assessed under Clause 10.4.11 “Development other than a single or multiple dwelling” below.</p>

<ul style="list-style-type: none"> <li>(i) 24.0m<sup>2</sup>; or</li> <li>(ii) 12.0m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</li> <li>(b) has a minimum horizontal dimension of: <ul style="list-style-type: none"> <li>(i) 4.0m; or</li> <li>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</li> </ul> </li> <li>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</li> <li>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</li> <li>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and</li> </ul>	
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<p>30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	
<b>10.4.4 Sunlight and overshadowing for all dwellings</b>	
<p>10.4.4–(A1) A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>	<p>Not applicable. Proposal is for Visitor accommodation. Assessed under Clause 10.4.11 “Development other than a single or multiple dwelling” below.</p>
<p>10.4.4–(A2) A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</p> <p>(i) at a distance of 3.0m from the window; and</p>	<p>Not applicable. Proposal is for Visitor accommodation. Assessed under Clause 10.4.11 “Development other than a single or multiple dwelling” below.</p>

<p>(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</p> <p>(b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <p>(i) an outbuilding with a building height no more than 2.4m; or</p> <p>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.</p>	
<p>10.4.4–(A3) A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p>	<p>Not applicable. Proposal is for Visitor accommodation. Assessed under Clause 10.4.11 “Development other than a single or multiple dwelling” below.</p>

<ul style="list-style-type: none"> <li>(iii) at a distance of 3.0m from the northern edge of the private open space; and</li> <li>(iv) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</li> </ul> <p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> <li>(iii) an outbuilding with a building height no more than 2.4m; or</li> <li>(iv) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling.</li> </ul>	
<b>10.4.5 Width of openings for garages and carports for all dwellings</b>	
<p>10.4.5-(A1) A garage or carport within 12.0m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary</p>	<p>Not applicable. Proposal is for Visitor accommodation. Assessed under Clause 10.4.11 "Development other than a single or multiple dwelling" below.</p>

frontage of not more than 6.0m or half the width of the frontage (whichever is the lesser).	
<b>10.4.6 Privacy for all dwellings</b>	
<p>10.4.6–(A1) A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1.0m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> <li>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3.0m from the side boundary; and</li> <li>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4.0m from the rear boundary; and</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6.0m: <ul style="list-style-type: none"> <li>(iii) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> </ul> </li> </ul>	<p>Not applicable. Proposal is for Visitor accommodation. Assessed under Clause 10.4.11 “Development other than a single or multiple dwelling” below.</p>

<p>(iv) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>	
<p>10.4.6-(A2) A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1.0m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <p>(v) is to have a setback of at least 3.0m from a side boundary; and</p> <p>(vi) is to have a setback of at least 4.0m from a rear boundary; and</p> <p>(vii) if the dwelling is a multiple dwelling, is to be at least 6.0m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</p> <p>(viii) if the dwelling is a multiple dwelling, is to be at least 6.0m from the private open space of another dwelling on the same site.</p> <p>(b) The window or glazed door:</p> <p>(iv) is to be offset, in the horizontal plane, at least 1.5m</p>	<p>Not applicable. Proposal is for Visitor accommodation. Assessed under Clause 10.4.11 “Development other than a single or multiple dwelling” below.</p>

<p>from the edge of a window or glazed door, to a habitable room of another dwelling; or</p> <p>(v) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or</p> <p>(vi) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	
<p>10.4.6–(A3) A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <p>(a) 2.5m; or</p> <p>(b) 1.0m if:</p> <p>(iv) it is separated by a screen of at least 1.7m in height; or</p> <p>(v) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</p>	<p>Not applicable. Proposal is for Visitor accommodation. Assessed under Clause 10.4.11 “Development other than a single or multiple dwelling” below.</p>

<b>10.4.7 Frontage fences for all dwellings</b>	
<p>10.4.7-(A1) A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:</p> <ul style="list-style-type: none"> <li>(a) 1.2m if the fence is solid; or</li> <li>(b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).</li> </ul>	<p>Not applicable. Proposal is for Visitor accommodation. Assessed under Clause 10.4.11 “Development other than a single or multiple dwelling” below.</p>
<b>10.4.8 Waste storage for multiple dwellings</b>	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <ul style="list-style-type: none"> <li>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</li> <li>(b) in a communal storage area with an impervious surface that: <ul style="list-style-type: none"> <li>(i) has a setback of at least 4.5m from a frontage; and</li> <li>(ii) is at least 5.5m from any dwelling; and</li> </ul> </li> </ul>	<p>Not applicable. Proposal is for Visitor accommodation. Assessed under Clause 10.4.11 “Development other than a single or multiple dwelling” below.</p>

<p>(vi) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>	
<p><b>10.4.9 Suitability of a site or lot for use or development</b></p>	
<p>10.4.9-(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) have an area of not less than 330m<sup>2</sup> excluding any access strip; and</p> <p>(b) if intended for a building, contain a building area of not less than 10.0m x 15.0m:</p> <p>(i) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(ii) clear of any applicable setback from a zone boundary;</p> <p>(ix) clear of any registered easement;</p> <p>(x) clear of any registered right of way benefiting other land;</p> <p>(xi) clear of any restriction imposed by a Utility;</p> <p>(xii) not including an access strip;</p>	<p>(b) Compliant. Combined site would be 4,534m<sup>2</sup>.</p> <p>(b)(i) Compliant. The proposal would satisfy all setback requirements in the General Residential zone.</p> <p>(b)(ii) Compliant. No zone boundary.</p> <p>(b)(iii) Compliant. Plans show development would be clear of sewer easement.</p> <p>(b)(iv) Not applicable. No registered right of way.</p> <p>(b)(v) Not applicable. No restriction imposed by a Utility.</p> <p>(b)(vi) Compliant. Development would be clear of the access strip. Some vegetation is proposed along the access strip but no buildings.</p> <p>(b)(vii) Compliant. Land is accessible from South Road.</p> <p>(b)(viii) Not applicable. Not a new residential lot.</p>



<p>(xiii) accessible from a frontage or access strip; and</p> <p>(xiv) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north.</p>	
<p>10.4.9–(A2) A site or each lot on a subdivision plan must have a separate access from a road –</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road –</p> <p>(i) over land not required as the means of access to any other land; and</p> <p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than –</p>	<p>(a) Compliant. Existing access to a frontage to South Road.</p> <p>(b) Compliant. Site is an internal lot, with an access strip off South Road.</p> <p>(c)(i) Not applicable. Satisfied by (a) and (b).</p> <p>(c)(ii) Not applicable. Satisfied by (a) and (b).</p> <p>(d)(i) Not applicable. Not a single dwelling.</p> <p>(d)(ii) Compliant. Access strip width is 6m.</p> <p>(e) Compliant. Site has existing legal access to South Road.</p>

<p>(i) 3.6m for a single dwelling development; or</p> <p>(ii) 6.0m for multiple dwelling development or development for a non-residential use; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	
<p>10.4.9-(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated water system.</p> <p>Application was referred to TasWater who have provided a Submission to Planning Authority Notice (refer to Annexure 5).</p>
<p>10.4.9-(A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and wastewater to a sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated sewerage system.</p> <p>Application was referred to TasWater who have provided a Submission to Planning Authority Notice (refer to Annexure 5).</p>

10.4.9–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i> .	Compliant.  The site is connected to the stormwater system.
<b>10.4.10 Dwelling density for single dwelling development</b>	
10.4.10–(A1)  (a) The site area per dwelling for a single dwelling must –  (ii) be not less than 325m <sup>2</sup> .	Not applicable.  Development is for Visitor accommodation.
<b>10.4.11 Development other than a single or multiple dwelling</b>	
<b>10.4.11.1 Location and configuration of development</b>	
10.4.11.1–(A1) The wall of a building must be set back from a frontage –  (a) not less than 4.5m from a primary frontage; and (b) not less than 3.0m from any secondary frontage; or (c) not less than and not more than the setbacks for any existing building on adjoining sites; (d) not less than for any building retained on the site;	(a) Compliant. Covered vehicle electrical charging facility would be setback approximately 62m from the primary frontage.  (b) Not applicable. No secondary frontage.  (c) Not applicable. Satisfied by (a).  (d) Not applicable. No building retained on site.

<p>(e) in accordance with any building area shown on a sealed plan; or</p> <p>(f) not less than 50.0m if the site abuts the Bass Highway.</p>	<p>(e) Not applicable. No building area shown on the sealed plan.</p> <p>(f) Compliant. The site does not abut Bass Highway.</p>
<p>10.4.11.1–(A2) All buildings must be contained within a building envelope determined by –</p> <p>(a) the applicable frontage setback;</p> <p>(b) a distance of not less than 4.0m from the rear boundary or if an internal lot, a distance of 4.5m from the boundary abutting the rear boundary of the adjoining frontage site;</p> <p>(c) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level if walls are setback –</p> <p>(iii) not less than 1.5m from each side boundary; or</p> <p>(iv) less than 1.5m from a side boundary if –</p> <p>c. built against an existing wall of an adjoining building; or</p>	<p>(a) Compliant. Covered vehicle electrical charging facility would be setback approximately 62m from the primary frontage.</p> <p>(b) Compliant. Covered vehicle electrical charging facility would be setback 7m from the internal boundary.</p> <p>(c) Compliant. Plans show that all units would be within required building envelope, including 27m from the rear boundary.</p> <p>(c)(i) Not applicable. No development would be setback less than 1.5m from each side boundary.</p> <p>(c)(ii) Not applicable. Refer to (c)(i).</p> <p>(d) Not applicable. No building envelope on the sealed plan.</p>

<p>d. the wall or walls –</p> <p>iv. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;</p> <p>v. there is no door or window in the wall of the building; and</p> <p>vi. overshadowing does not result in 50% of the private open space of an adjoining dwelling receiving less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(d) in accordance with any building envelope shown on a sealed plan of subdivision.</p>	
<p>10.4.11.1 –(A3) Site coverage must:</p> <p>(a) not be more than 50%; or</p> <p>(b) not be more than any building area shown on a sealed plan.</p>	<p>(a) Compliant. Site coverage would be 6.5%.</p> <p>(b) Not applicable. No building area on the sealed plan.</p>

<p>10.4.11.1–(A4) A garage, carport or external parking area and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building.</p>	<p>Non-compliant. Covered vehicle electrical charging facility (which includes one car parking space) and external car parking spaces would be located in front of all four units.</p> <p>Refer to the “Issues” section of this report.</p>
<p>10.4.11.1–(A5) Other than for a dwelling, the total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of:</p> <p>(a) 6.0m; or</p> <p>(b) half the width of the frontage.</p>	<p>Not applicable. Proposal includes a covered vehicle electrical charging facility which is a cantilever structure.</p>
<p><b>10.4.11.2 Visual and acoustic privacy for residential development</b></p>	
<p>10.4.11.2–(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building must:</p> <p>(a) if the finished floor level is more than 1.0m above natural ground level:</p> <p>(v) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;</p>	<p>(a)(i) Compliant. All units would be setback 10m or greater from another.</p> <p>(a)(ii) Compliant. All units would be setback 3.5m from both side boundaries.</p> <p>(a)(iii) Compliant. All units would be setback 27m or greater to the rear boundary.</p>

<p>(vi) be not less than 3.0m from a side boundary;</p> <p>(vii) be not less than 4.0m from a rear boundary; and</p> <p>(viii) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or</p> <p>(b) if less than the setbacks in clause A1(a):</p> <p>(i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling;</p> <p>(ii) have a window sill height of not less than 1.8m above floor level;</p> <p>(iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or</p> <p>(iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.</p>	<p>(a)(iv) Compliant. All units would be setback 9m or greater to the boundary abutting a rear boundary of an adjacent frontage site.</p> <p>(b) Not applicable. Development satisfies (a).</p>
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<p>10.4.11.2–(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Compliant. All units are separated greater than 1.5m from the shared pathway.</p> <p>Unit 1 would be setback 11m.</p> <p>Unit 2 would be setback 7m.</p> <p>Unit 3 would be setback 5m.</p>
<p><b>10.4.11.3 Frontage fences</b></p>	
<p>10.4.11.3–(A1) The height of a fence, including any supporting retaining wall, on or within a frontage setback must be:</p> <p>(a) not more than 1.2m if the fence is solid; or</p> <p>(b) not more than 1.8m provided that part of the fence above 1.2m has openings that provide a uniform transparency of not less than 30%.</p>	<p>Not applicable.</p> <p>No frontage fence proposed.</p>
<p><b>10.4.12 Setback of development for sensitive use</b></p>	
<p>10.4.12–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown in the Table to this clause; and</p>	<p>(a) Compliant. The site does not adjoin a zone boundary.</p> <p>(b) Compliant. The site does not adjoin a zone boundary.</p>



<p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the required setback distance from the zone boundary.</p>	
<p>10.4.12–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) Bass Highway;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(a) Compliant. Development would be approximately 250m from the Bass Highway.</p> <p>(b) Compliant. Development would be approximately 1.4km from a railway line.</p> <p>(c) Not applicable. No land designated for future road or rail.</p> <p>(d) Not applicable. The nearest proclaimed wharf area is in Devonport approximately 15km to the east.</p>
<p><b>10.4.13 Subdivision</b></p>	
<p>10.4.13–(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) intended for residential use;</p> <p>(b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

## COMMUNITY SERVICES

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of which are held by or on behalf of the State, a Council or by a Statutory authority.	
10.4.13–(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot	Not applicable. No subdivision proposed.
<b>10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision</b>	
10.4.14–(A1) Electricity reticulation and site connections must be installed underground.	Not applicable. No subdivision proposed.
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Not a subdivision, hazardous or vulnerable use.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in the Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. The Clearing and Conversion of Vegetation Code is not applicable to General Residential zoned land.
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level greater than 1m or retaining walls closer than 1m and higher than 0.5m.
<b>E5 Local Heritage Code</b>	Not applicable. No Local Heritage Code in the Scheme.

<b>E6 Hazard Management Code</b>	Not applicable. Not within a hazard mapped area.
<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Code applies to all development.
<b>E9.4 Use or development exempt from this Code</b>	Not exempt.  No Local Area Parking Scheme applies to the site.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
<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>Compliant. Table E9A requires for Visitor accommodation, one car parking space per unit and one additional car parking space per three units (or part thereof).</p> <p>Proposal is for four dwellings. Proposal would therefore require six car parking spaces (two for each dwelling) plus an additional four car parking spaces for visitor/overflow car parking spaces.</p>

	<p>A total of six car parking spaces would be required. The proposal shows the provisions for six car parking spaces, this includes one designated under the covered vehicle charging facility and five external car parking spaces.</p> <p>The proposal satisfies the Planning Scheme requirements for car parking.</p>
<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
<p>E9.5.2-(A1) There must be provision within a site for:</p> <p>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.</p>	<p>(a) Compliant. Plans show a small rigid truck area as required for Visitor accommodation.</p> <p>(b) Not applicable. Proposal is for Visitor accommodation.</p>
<b>E9.6 Development Standards</b>	
<b>E9.6.2 Design of vehicle parking and loading areas</b>	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by a Condition to be placed on the Permit.

<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <ul style="list-style-type: none"> <li>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</li> <li>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</li> <li>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</li> <li>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</li> <li>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</li> <li>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</li> <li>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</li> </ul>	<p>Compliant by a Condition to be placed on the Permit.</p>
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E9.6.2–(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.	Not applicable.  Land is zoned General Residential.
<b>E10 Water and Waterways Code</b>	Compliant. Development would be setback 30m from Myrtle Creek to the east of the site.
<b>Specific Area Plans</b>	No Specific Area Plans apply to this location.

*Issues –*

*1 Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes –*

On 1 August 2018, Planning Directive No. 6 “Exemption and Standards for Visitor Accommodation in Planning Schemes” came into effect.

The Planning Directive No. 6 replaced the Central Coast Interim Planning Scheme 2013 Visitor accommodation use and standards with a set of Acceptable Solutions or Performance Criteria.

The application for Visitor accommodation cannot comply with the Acceptable Solution A1 that states that Visitor Accommodation must accommodate guests in existing habitable buildings and have a gross floor area of 200m<sup>2</sup> per lot.

The proposal is for four new units which would have a combined floor area of 333.78m<sup>2</sup>. The proposal therefore does not satisfy the Acceptable Solution A1 and relies on assessment against the Performance Criteria (P1) and is a discretionary element.

The Planning Directive No. 6 Performance Criteria (P1) states that Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:

- (a) the privacy of adjoining properties;

Compliant. The proposal satisfies the setback requirements regarding privacy as outlined in Clause 10.4.11.2 above. Units 2, 3 and 4 would be all setback 3.5m from the common boundary to the adjoining eastern property. It is noted on the plans, a ground level masonry deck to 1.5m to the eastern side boundary. However, the actual units are setback 3.5m to the western side boundary. The units would be separated approximately 14m (or greater) to the adjoining eastern dwelling which has an existing outbuilding located between the proposed unit (No. 2 being the closest) and the adjoining western dwelling. The closest unit to the northern adjoining property would be setback 9m to the common boundary and setback approximately 31m to the dwelling. Again, there is an outbuilding that would be between the proposed unit (No. 2 being the closest) and the adjoining dwelling. Unit 1

would be setback 3.5m to the adjoining western boundary and approximately 50m to the closest adjoining western dwelling. Each adjoining property has ample area for private open space. It is considered the location of each proposed unit results with sufficient separation to each adjoining dwelling and therefore would not cause an unreasonable loss of residential amenity in terms of privacy.

- (b) any likely increase in noise to adjoining properties;

Compliant. The layout of the proposal would minimise any likely increase in noise to adjoining properties. Each unit has a pathway for access from the external car parking area. The external car parking area would be positioned closest to Unit 3 at 156A South Road which would be cushioned by some proposed landscaping.

- (c) the scale of the use and its compatibility with the surrounding character and uses within the area;

Compliant. The proposal is consistent with the existing established residential area, which contains a mixture of single and multiple dwellings.

- (d) retaining the primary residential function of an area;

Compliant. As mentioned above, the proposal is consistent with the existing established residential area, which contains a mixture of single and multiple dwellings.

- (e) the impact on the safety and efficiency of the local road network; and

Compliant. No issues have been raised by the Council acting as the Road Authority. No changes are proposed to the existing access to the development site.

- (f) any impact on the owners and users rights of way.

Not applicable. No registered right of way.

The proposal satisfies the Planning Directive No. 6 Acceptable Solution (A2) which states that Visitor Accommodation is not for a lot, as defined in the *Strata Titles Act 1998*, that is part of a strata scheme where



another lot within that strata scheme is used for a residential use. The units are not stratum, nor proposed to be.

2 *Location of car parking spaces –*

The Planning Scheme's Clause 10.4.11.1–(A4) states that a garage, carport or external parking area and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building.

The covered electric vehicle charging facility (which includes one car parking space) and external car parking spaces would be located in front of all four units. The proposal therefore does not satisfy the Acceptable Solution and relies on assessment against the Performance Criteria for this Clause and is a discretionary element.

The Planning Scheme's Clause 10.4.11.1–(P4) states that a garage, carport or external car parking area and any area for the display, handling, or storage of goods, materials or waste, must –

- (a) be consistent with streetscape;

Compliant. The external car parking area will not be clearly visible from the road frontage as the development site is an internal allotment with an approximately 133m long access strip.

- (b) be required by a constraint imposed by size, shape, slope, orientation, and topography on development of the site; and

Compliant. The development site is an internal allotment and is constrained by a sewer easement that intersects the site in a 'T' shape formation. The external car parking area has been positioned on the site to allow the units to be constructed and share a pathway to each and be clear of the sewer infrastructure.

- (c) provide durable physical screening to attenuate appearance of the parking or loading area from a frontage and adjacent land.

Compliant. As mentioned, the development site is an internal allotment with an approximately 133m long access strip from the road frontage. The external car parking area would not be clearly visible from the frontage. Furthermore, there is some

landscaping proposed within this access strip which will also minimise the visibility of the external car parking area.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Referral not required.
Infrastructure Services	No issues. The existing stormwater discharge point is to be utilised for the purposes of this development.
Building Services	Building Note to be included as a note on the Permit.
TasWater	Submission to Planning Authority Notice TWDA 2020/00912-CC (refer to Annexure 5).
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Other	Referral not required.

*CONSULTATION*

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

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

*Representations –*

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

The representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
REPRESENTATION	
1 Eradication of privacy.	<p>The proposal satisfies the setback requirements regarding privacy as outlined in Clause 10.4.11.2 above. The units would be setback 3.5m from the common boundary to 160 South Road. The adjoining dwelling would be separated approximately 14m from the closest unit, with an existing outbuilding located between the proposed unit and the dwelling at 160 South Road. Each unit would have a ground level masonry deck on the eastern side.</p> <p>It is considered that the separation is sufficient between the proposed units and the adjoining western property. This is further evident by the proposal satisfying the Acceptable Solution in relation to privacy between dwellings.</p>
2 Eradication of native trees.	<p>Some removal of vegetation would be required to enable the construction of the Visitor accommodation units. The Clearing and Conversion of Vegetation Code is not applicable to General Residential zoned land. Therefore, this is not a planning consideration.</p>

3 Eradication of view.	<p>It is accepted that the view west from 160 South Road would change as the development site is currently vacant.</p> <p>However, the site is zoned General Residential. The proposal for Visitor accommodation has satisfied the majority of the Acceptable Solutions under the Planning Scheme. Where the Acceptable Solution has been not satisfied, the proposal has satisfied the Performance Criteria as discussed in the “Issues” section above.</p>
4 Reduction in property value.	This is not a planning matter.

*RESOURCE, FINANCIAL AND RISK IMPACTS*

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

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

*CONCLUSION*

The representation does not contain sufficient merit to justify the addition of any restrictive conditions to a Permit issued, or refusal of the development. The application was discretionary due to requiring assessment under the Planning Directive No. 6 “Exemption and Standards for Visitor Accommodation in Planning Schemes” and the location of car parking spaces. The proposed development, as discussed in the “Issues” section of this report, is considered to have satisfied the applicable Planning Scheme’s Performance Criteria.

The proposed development is considered to be a reasonable development in the General Residential zoned land and would be in keeping with the

characteristics of the surrounding area. It is considered appropriate that the proposed Visitor accommodation unit development be approved, subject to conditions.

*Recommendation –*

It is recommended that the application for Visitor accommodation (four units and an ancillary covered electric vehicle charging facility) – discretionary use and development (Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes) and location of car parking spaces at 158 South Road, Penguin be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by EnviroPlan, Project No. 219131, Revision No. 3, Drawing Nos. a01, a02, a03, a04, a05 and a06 dated 12 June 2020.
- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2020/00912-CC dated 3 July 2020.
- 3 A minimum of six car parking spaces must be provided on-site and enable the forward movement of vehicles entering and egressing the site. In this regard, the car parking spaces must be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking.
- 4 The existing stormwater discharge point is to be utilised for the purposes of this development.
- 5 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and all-weather surface.
- 6 The covered vehicle electrical charging facility is approved ancillary to the Visitor accommodation use. No separate commercial use is allowed regarding the vehicle electrical charging facility.

Please note:

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

- 2      “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3      The proposed development fits within the criteria of Category 4 – Building Permit Work and Category 3 – Notifiable Plumbing Work when assessed against the Director’s Determinations issued under the *Building Act 2016*. Accordingly, an application for a Building Permit is to be made to the Council’s Building Permit Authority, and an application for a Certificate of Likely Compliance – Plumbing Work is to be made to the Council’s Plumbing Permit Authority.’

The Town Planner’s report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr Beswick moved and Cr Carpenter seconded, “It is recommended that the application for Visitor accommodation (four units and an ancillary covered electric vehicle charging facility) – discretionary use and development (Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes) and location of car parking spaces at 158 South Road, Penguin be approved subject to the following conditions and notes:

- 1      The development must be substantially in accordance with the plans by EnviroPlan, Project No. 219131, Revision No. 3, Drawing Nos. a01, a02, a03, a04, a05 and a06 dated 12 June 2020.
- 2      The development must be in accordance with the conditions of TasWater’s Submission to Planning Authority Notice, Reference No. TWDA 2020/00912–CC dated 3 July 2020.
- 3      A minimum of six car parking spaces must be provided on-site and enable the forward movement of vehicles entering and egressing the site. In this regard, the car parking spaces must be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking.
- 4      The existing stormwater discharge point is to be utilised for the purposes of this development.
- 5      Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and all-weather surface.

- 6 The covered vehicle electrical charging facility is approved ancillary to the Visitor accommodation use. No separate commercial use of the vehicle electrical charging facility is permitted.

Please note:

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

Carried unanimously

### INFRASTRUCTURE SERVICES

#### **226/2020     Infrastructure Services determinations**

The Director Infrastructure Services reported as follows:

“A Schedule of Infrastructure Services Determinations made during the month of June 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 Fuller moved and Cr Carpenter seconded, “That the Schedule of Infrastructure Services Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

#### **227/2020     Tenders for 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 make recommendation on tenders received for the construction of the Penguin Foreshore Remediation and Upgrade Project.

##### *BACKGROUND*

Both coastal communities and Council assets are becoming increasingly impacted by natural events increasing the cost to live along the coast. The Council recognises the importance of committing to long-term and strategic considerations of climate change.

“Erosion” of the beach and adjoining greenbelt/coastal dune is a major concern in the foreshore area.

In the severe weather events of 2016 and 2018 large amounts of sand were transported away from the beach and into Bass Strait. Sections of the existing



seawall were either undermined or severely damaged creating stability issues and beach access difficulties.

Damage to the concrete retaining wall on the western end of the beach has been temporarily repaired.

The erosion of the natural earth escarpment/dune from west of the beach ramp near the “Big Penguin” eastwards to the access road to Lions Park at the end of the beach is continuing.

On the eastern end of Penguin beach where the former Surf Club was located, remediation of both the escarpment and the beach proper is necessary. This needs to be incorporated into any beach protection works.

In order to improve the amenity of the area and to allow both residents and tourists visiting Penguin to safely walk along the foreshore and beachfront when the tide is in, a shared boardwalk/pathway is required above and behind the retaining structures. This would then link to the North West Coastal Pathway which will eventually traverse the coast from Latrobe to Wynyard.

In early 2018, after monitoring the erosion and damage to the beach infrastructure for two years, the Council determined that work was required to protect both the beach and foreshore areas for future generations.

Engineering consultants were engaged to investigate the appropriate protection systems needed to meet the objectives of the project and then to prepare the designs and documentation sufficient to allow tenders to be invited for these long-term works.

Community consultation was conducted in February 2019 to present the proposed designs with an estimated cost of \$6.2million.

During the consultation period, community feedback was received and incorporated by the consultants which resulted in changes to the original design including the removal of the proposed wave shield wall and inclusion of a tiered bench seating and stairway access section.

Australian Government Funding of \$6.5million was confirmed in a media release on 24 March 2019.

#### *DISCUSSION*

The project involves the remediation and protection of the beach and escarpment at the Penguin foreshore. The final designs and construction works include a combination of:

- improved and additional rock revetments;
- new Verti-Block retaining walls; and
- modifications to the top of existing retaining walls

between the mouth of Penguin Creek at the north-west, and Lions Park headland at the south-east.

The works also include:

- reconstructed beach access stairs and ramp;
- new terraced bench seating and beach access stairway;
- new beach access ramp, from Lions Park, suitable for emergency vehicle and wheelchair/disability access;
- extension of the foreshore escarpment beside the access to Lions Park to allow widening of Lions Park access road, to provide two-way vehicle movement; and
- new shared pathway, separated from road, for safe pedestrian and bicycle movement to Lions Park.

Tenders were invited via Tenderlink on 30 May 2020 and originally advertised to close at 2.00pm on the 16 June 2020. The closing date was extended to 30 June 2020 following feedback from tenderers and confirmation with the Director Infrastructure Services.

Submissions from six tenderers were received as follows (excluding GST):

TENDERER	PRICE \$
Fairbrother Pty Ltd	3,056,413.00
RT & NJ Construction Services Pty Ltd	3,369,457.13
Gradco Pty Ltd TA Gradall Constructions	3,984,942.06
Stubbs Constructions Pty Ltd	4,172,369.00
Batchelor Construction Group	4,647,473.00
The Trustee for the Ritson Family Trust T/A AJR Construct Pty Ltd	4,659,919.66
<i>BUDGET</i> <i>(INCLUSIVE OF DESIGN, CONSTRUCTION, PROJECT AND CONTRACT</i> <i>MANAGEMENT AND ON-COSTS)</i>	<i>\$6,500,000.00</i>

Each of the tenderers submitted a conforming tender.

The tenderers offer construction programs in compliance with the specified completion construction date of 31 March 2021.

The Council uses a weighted tender assessment method based on:

Compliance with tender documents	5%
Previous Experience	20%
Management/Supervisory Personnel	10%
Proposed Construction Program	15%
WHS Policy, Procedures and Records	10%
Tender Price	40%

For evaluation purposes the prices were considered 'as tendered' and 'as adjusted' to reflect tender clarifications in order to ensure like prices were compared. There was a large difference of approximately \$1.6million between the lowest and highest Tender, however there is no one element identified which contributed to this variation.

Based on the evaluation, Fairbrother Pty Ltd was assessed as the preferred tenderer (copies of the Confidential Tender Assessments are appended to this report).

It should be noted that there are other costs for this project in addition to the construction contract. This includes the consultant fees for design and project management, Council on-costs and the inclusion of tender clarifications and associated variations. The estimated total cost for this section of the project now that a construction tender price is known is in the order of \$4 million.

The initial estimate for this project prior to community consultation and without a design was \$5.5million. This was revised to \$6.2million following receipt of preliminary designs for the consultation process.

As a result of the consultation and feedback several changes were made to the design which changed the scope of the project. Quantities of components of the project were also able to be accurately determined. The major differences include approximately \$1million for an additional length of wall allowed in the preliminary estimates and another \$1million when the wavewall component was removed following consultation.

Taking the \$2million difference from the \$6.2million estimate this provides a revised estimate of \$4.2million comparing favourably with the lowest tender price and within the range of tender prices.

With construction prices now known the reduced scope can be considered as Stage 1 with the remaining funding available for a Stage 2 subject to approval of the Australian Government.

Further erosion has been identified east of the current project at Lions Park (Surf Club Point headland) and is threatening foreshore areas and Council maintained gardens. There is an increased risk to public safety due to the developing steep cliff faces. The Shared Pathway could also be developed further to the east. This would provide a natural extension of the existing project as the works would fit into the existing funded activities. Investigations into potential extension of this project will be conducted and approval sought for Stage 2 subject to the support and approval of the Council.

### *CONSULTATION*

This project has been supported by the local community of Penguin. A community meeting to provide initial design information and seek community feedback was held in February 2019 and was well attended. Many ideas were discussed and several ideas incorporated into the final designs.

The Development Application process also provided opportunity for further feedback on the project. An independent assessment of the application was also conducted by PlanPlace. Five representations from the community/stakeholders were received. The Planning Permit was found to satisfy the Scheme's planning performance criteria and in conclusion was recommended for approval. The Council approved the Development Application on 25 May 2020.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

This project is included in the 2020–2021 capital budget.

Australian Government funding has been secured for \$6.5 million to deliver the outputs of the project. The project design, project and contract management, Council on-costs and this construction contract can be accommodated within the allocated budget.

### *CORPORATE COMPLIANCE*

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

The Shape of the Place

- Improve the value and use of open space

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

A Connected Central Coast

- Connect the people with services
- Improve community well-being.

The Environment and Sustainable Infrastructure

- Invest in and leverage opportunities from our natural environment
- Contribute to a safe and healthy environment
- Develop and manage sustainable built infrastructure
- Contribute to the preservation of the natural environment

Council Sustainability and Governance

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

*CONCLUSION*

It is recommended that the Council in relation to the Penguin Foreshore Remediation and Upgrade Project:

- 1 accept and approve the tender from Fairbrother Pty Ltd in the amount of \$3,056,413.00 (excluding GST) [\$3,362,054.30 (including GST)] for this stage of the project;
- 2 seek the approval of the Australian Government to amend the grant deed allowing for a further stage of the project to proceed; and
- 3 following confirmation from the Australian Government of its approval immediately commence investigations and designs for Stage 2.

The Assets Group Leader's report is supported."

The Executive Services Officer reported as follows:

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

■ Cr Carpenter moved and Cr Diprose seconded, "That the Council in relation to the Penguin Foreshore Remediation and Upgrade Project:

## INFRASTRUCTURE SERVICES

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- 1 accept and approve the tender from Fairbrother Pty Ltd in the amount of \$3,056,413.00 (excluding GST) [\$3,362,054.30 (including GST)] for this stage of the project;
- 2 seek the approval of the Australian Government to amend the grant deed allowing for a further stage of the project to proceed; and
- 3 following confirmation from the Australian Government of its approval immediately commence investigations and designs for Stage 2.”

Carried unanimously

ORGANISATIONAL SERVICES

**228/2020      Organisational Services**

The Director Organisational Services reported as follows:

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

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## CLOSURE OF MEETING TO THE PUBLIC

### 229/2020 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
Minutes and notes of other organisations and committees of the Council  · Central Coast Council Audit Panel – Comments and Chair Evaluation on 2019 Performance – meeting held 9 June 2020  · Dulverton Waste Management Representatives – meeting held 25 June 2020	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Management Services – River Road Consulting	15(2)(d) Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.”



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

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council  . Central Coast Council Audit Panel – Comments and Chair Evaluation on 2019 Performance – meeting held 9 June 2020  . Dulverton Waste Management Representatives – meeting held 25 June 2020	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.
Management Services – River Road Consulting	15(2)(d) Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.”

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 Strategic Projects and Planning Consultant left the meeting at 7.00pm*

The meeting moved in to Closed session at 7.00pm.

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**230/2020 Confirmation of Closed session minutes**

The Executive Services Officer reported as follows:

“The Closed session minutes of the previous ordinary meeting of the Council held on 22 June 2020 and the special meeting of the Council held 6 July 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

#### **231/2020      Minutes and notes of other organisations and committees of the Council**

The General Manager reported as follows:

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

- .        Central Coast Council Audit Panel – Comments and Chair Evaluation on 2019 Performance – meeting held 9 June 2020
- .        Dulverton Waste Management Representatives – meeting held 25 June 2020

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

...

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

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

- (i)       the fact that the matter was discussed at the closed meeting; and
- (ii)      a brief description of the matter so discussed –

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

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

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

**232/2020      Management Services – River Road Consulting**

The General Manager reported as follows:

*“PURPOSE*

The purpose of the report was to allow the Council to formalise an agreement with River Road Consulting to provide contract management services to the Council for a period of 12 months commencing 1 August 2020.

...

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

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

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

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

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

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

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

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## **Closure**

There being no further business, the Mayor declared the meeting closed at 7.35pm.

CONFIRMED THIS 17TH DAY OF AUGUST, 2020.

## **Chairperson**

(lb:lc)

## **Appendices**

- Minute No. 216/2020 – Schedule of Correspondence addressed to Mayor and Councillors
- Minute No. 217/2020 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 218/2020 – Schedule of Contracts & Agreements
- Minute No. 221/2020 – Schedule of Statutory Determinations
- Minute No. 222/2020 – Dog Management Policy – October 2020
- Minute No. 226/2020 – Schedule of Infrastructure Services Determinations

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*QUALIFIED PERSON'S ADVICE*

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

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

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

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

  
Sandra Ayton  
GENERAL MANAGER

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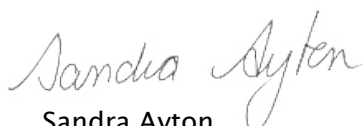
# Associated Reports And Documents



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

Period: 23 June to 20 July 2020

- . Letter requesting the Council to consider hosting a civic reception for Amy Cure
- . Information regarding – *Thriving Tasmania – Emerging Stronger* – a virtual conversation to reflect on what COVID-19 has shown Tasmanians and what is important for all Tasmanians to emerge and thrive
- . Letter to Council seeking to host the Tasmanian State Show Jumping Championships at the Ulverstone Showgrounds in 2020 and 2021, and request sponsorship of the event
- . Email providing the Local Roads and Community Infrastructure Program – Guidelines and Work Schedule template
- . Email inviting the Council to join the movement to eliminate nuclear weapons
- . Letter regarding concerns with footpaths and Council related works, concern in relation to dog droppings being a significant issue and speeding in the Turners Beach area
- . Email requesting the Council to consider supporting a request to the Federal Government to restrict access to helium to prevent balloon releases
- . Email in relation to the appointment of a Town Crier in Penguin to assist with the town's promotion
- . Letter to the Council requesting to establish a Management Plan for the Marion Street and Riverside Avenue riparian areas
- . Letter regarding the Minister for Infrastructure Developments recent Order in regard to the North-West Tasmania Transmission Upgrades Project with the letter also inviting Councillors to attend the July meeting of Nietta Action Group.



Sandra Ayton  
GENERAL MANAGER

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

Period: 23 June to 20 July 2020

*Documents for affixing of the common seal under delegation*

- . Plan of Survey  
159 Top Gawler Road Gawler – land acquisition  
ENG1655
- . Final Plan of Survey and Schedule of Easements  
2 and 5 Miami Place, West Ulverstone  
Application No. DA2020067
- . Final Plan of Survey and Schedule of Easements  
390 Braddons Lookout Road, Forth  
Application No. DA217211
- . Adhesion Order  
CT 118265/1 & CT6488/2  
3 Hopkins Street, Leith
- . Final Plan of Survey  
Stage 2 (Lots 2, 3, 4, 5, 6, 7, 8, 34, 35 and Road lot 95)  
of approved 36 lot subdivision  
Southwood Avenue, Penguin  
Application No. DA2018017
- . Final Plan of Survey and Schedule of Easements  
47 Alice Street, West Ulverstone  
Application No. DA2019132



Sandra Ayton  
GENERAL MANAGER

## **SCHEDULE OF CONTRACTS AND AGREEMENTS**

(Other than those approved under the Common Seal)

Period: 23 June to 20 July 2020

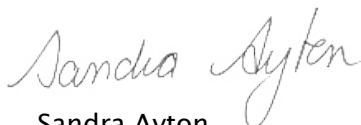
### *Contracts*

- . Contract 27/2019–2020  
BridgePro Engineering Pty Ltd  
Rectification works on Leven River bridge, South Riana Road,  
Gunns Plains in accordance with request for Quotation documents  
dated March 2020 and submitted as quotation dated 3 April 2020.  
Contract Amount: \$32,100

### *Agreements*

- . Lease Agreement  
Buttons Brewing Company Pty Ltd and Central Coast Council  
Restaurant, Kitchen and Leven River Room at Wharf Precinct, Ulverstone.  
Terms of agreement: 3 years  
Commencement date: 1 March 2020  
End Date: 28 February 2023
- . Loan Agreement  
Tasmanian Public Finance Corporation and Central Coast Council  
Loan amount: \$635,000.000 (Principal and Interest)  
Settlement Date: 30 June 2020  
Maturity Date: 30 June 2030
- . Grant Agreement  
Department of Education (Commonwealth) and Central Coast Council  
Community Child Care Fund (CCCF) – Special Circumstances  
Transition Payment  
Grant amount: \$83,803.59 (Exc. GST)
- . Licence Agreement and Software Subscription  
C A Technology Pty Ltd (trading as CAM Management Solutions)  
and Central Coast Council  
Agreement term: 3 years commencing 1 July 2020  
Subscription and Licence fee: \$59,900

- 
- . Deed of Variation  
The Crown in Right of Tasmania (Department of State Growth)  
and Central Coast Council  
To provide new bus stop, existing bus stop upgrades and  
nominated removals as part of bus stop infrastructure in Central Coast  
Replacing of date in Item 6 Date for Completion of the  
Approved Purpose from 1 April 2020 to 28 February 2021
  - . Development Service Application  
Certificate for certifiable work (building) and/or (plumbing)  
56W Consent (for any works located within a TasWater easement  
or within 2m of TasWater infrastructure)  
109 Reibey Street Ulverstone – Ulverstone Cultural Precinct  
Title reference (Vol/Folio): 156859/1  
Property ID: 7520949
  - . Amendment to Lease Agreement  
244 Braddons Lookout  
Daniel, Daniel, Daniel and Heier and Central Coast Council  
Amendment to Clause 3(i) Payment of Outgoings  
Date of amendment: 16 July 2020
  - . Memorandum of Understanding  
Launceston City Council (trading as City of Launceston) and  
Central Coast Council  
Utilisation of the City of Launceston's organics processing facility for  
the delivery of the Council's FOGO was by nominated contractor  
Term of MOU: Twenty months – commencing on 29 October 2019 –  
30 June 2021



Sandra Ayton  
GENERAL MANAGER

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 June 2020 to 30 June 2020**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2018017 – 1	6 Southwood Avenue PENGUIN,TAS,7316	Minor amendment of a Permit.	Residential (subdivision – 36 lots)	3/06/2020	23/06/2020	14	\$100,000.00
DA2020047	5 Fysh Street FORTH,TAS,7310	Discretionary	Residential (dwelling and outbuilding – shed)	25/02/2020	22/06/2020	35	\$300,000.00
DA2020049	84 Clara Street WEST ULVERSTONE,TAS,7315	Discretionary	Residential (subdivision to create two lots – Lot 1 to accommodate the existing dwelling and outbuilding)	25/02/2020	9/06/2020	41	\$15,000.00
DA2020057	1135 Pine Road RIANA,TAS,7316	Discretionary	Visitor accommodation ("glamping"), Tourist operation (gardens) and Community meeting and entertainment (weddings)	28/02/2020	30/06/2020	28	\$80,000.00
DA2020096	18 Hales Street PENGUIN,TAS,7316	Discretionary	Residential (multiple dwellings x two)	7/04/2020	29/06/2020	38	\$400,000.00
DA2020102 – 1	1058 Preston Road NORTH MOTTON,TAS,7315	Permitted	Resource development (farm shed)	27/05/2020	4/06/2020	6	\$0.00
DA2020113	56 Chellis Road RIANA,TAS,7316	Discretionary	Resource development (subdivision – reconfiguration of lots)	28/04/2020	3/06/2020	26	\$10,000.00
DA2020114	CT174636/5 Forth Road FORTH,TAS,7310	Discretionary	Residential (outbuilding – shed and building envelope for a non-required dwelling)	30/04/2020	29/06/2020	38	\$50,000.00
DA2020121	4 Turners Beach Road TURNERS BEACH,TAS,7315	Discretionary	Local Business zone (demolition of all buildings and materials and removal of underground petroleum storage tanks and associated infrastructure)	1/05/2020	12/06/2020	11	\$20,000.00

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 June 2020 to 30 June 2020**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2020123	CT178471/1 Explorer Drive & CT169264/1 Stubbs Road TURNERS BEACH,TAS,7315	Discretionary	Resource development and Residential (subdivision – three new lots from CT169264/1 including consolidation of a residential access strip for bushfire management from CT178471/1 to CT169264/1)	6/05/2020	12/06/2020	23	\$10,000.00
DA2020124	7B Overall Street SULPHUR CREEK,TAS,7316	Discretionary	Residential (dwelling and outbuilding – shed) – access via a right of way	6/05/2020	12/06/2020	28	\$550,000.00
DA2020126	3 Park Avenue PENGUIN,TAS,7316	Discretionary	Residential (outbuilding – garage and carport)	7/05/2020	18/06/2020	22	\$23,995.00
DA2020128	14 Walker Street FORTH,TAS,7310	Discretionary	Residential (dwelling)	12/05/2020	26/06/2020	29	\$475,000.00
DA2020130	4 Crawford Road PENGUIN,TAS,7316	Permitted	Residential (outbuilding – shed)	15/05/2020	16/06/2020	1	\$8,670.00
DA2020133	15 Braids Road GAWLER,TAS,7315	Permitted	Residential – (home-based business) – Beauty Salon	18/05/2020	3/06/2020	9	\$0.00
DA2020137	4 Waterford Drive SULPHUR CREEK,TAS,7316	Discretionary	Residential (outbuilding – shed)	26/05/2020	24/06/2020	21	\$20,000.00
DA2020143	638 Cuprona Road CUPRONA,TAS,7316	Permitted	Resource development (cool shed)	1/06/2020	11/06/2020	6	\$125,000.00
DA2020144	45 Wilmot Road FORTH,TAS,7310	Permitted	Education and occasional care (covered walkway awnings)	2/06/2020	12/06/2020	7	\$15,000.00
DA2020146	59 West Gawler Road GAWLER,TAS,7315	Permitted	Resource development (farm shed & 20,000L stormwater tank)	2/06/2020	16/06/2020	1	\$65,000.00

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 June 2020 to 30 June 2020**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2020160	85 Main Road PENGUIN,TAS,7316	Permitted	Change of Use – Restaurant & Craft Beer Bar	15/06/2020	29/06/2020	11	\$180,000.00
DA217130 – 1	26 Allegra Drive HEYBRIDGE,TAS,7316	Other Development – Permitted Use Area >250m2	Dwelling & shed – inclusion of dog enclosure	14/05/2020	29/06/2020	3	\$0.00
SUB2007.29-1	Stubbs Road TURNERS BEACH,TAS,7315	Minor amendment of a Permit.	Residential (64 lot subdivision)	11/05/2020	2/06/2020	18	\$10,000.00

## SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION

Period: 1 June 2020 to 30 June 2020

### Building Permits – 6

·	New dwellings	4	\$1,569,000
·	Outbuildings	0	\$0.00
·	Additions/Alterations	1	\$75,000
·	Other	0	\$0.00
·	Units	1	\$236,000

### Demolition Permit – 1

### Permit of Substantial Compliance – Building – 1

### Notifiable Work – Building – 13

·	New dwellings	1	\$530,000
·	Outbuildings	3	\$181,000
·	Additions/Alterations	8	\$414,067
·	Other	1	\$15,000

### Building Low Risk Work – 3

### Certificate of Likely Compliance – Plumbing – 12

### No Permit Required – Plumbing – 7

### Food Business registrations (renewals) – 164

### Food Business registrations – 2

### Temporary Food Business registrations – 0

### Temporary 12 month Statewide Food Business Registrations – 0

### Public Health Risk Activity Premises Registration – 1

### Public Health Risk Activity Operator Licences – 2

### Temporary Place of Assembly licences – 0



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

Period: 1 June 2020 to 30 June 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 June to 30 June 2020

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

	<b>1-30 June 2020</b>
Claimed	0
Burnie Dogs Home	3
Destroyed	0
Heldover	0
Devonport Dogs Home	0

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

1 - 30 June 2020	0
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### **Traffic Infringement Notices for Parking Offences**

1 - 30 June 2020	34	
Alexandra Road	3	9 %
Bannons Car Park	6	18%
King Edward Street	8	25%
North Reibey	12	35%
Reibey Street	5	13%



Ian Stoneman  
DIRECTOR ORGANISATIONAL SERVICES



# Central Coast Council

## Dog Management Policy

October 2020

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*Note:* If this document is a printed copy always check the electronic version to ensure it is up to date.

## PURPOSE

The Council acknowledges the health, social and economic benefits of dog ownership.

The Council is committed:

- to promoting responsible dog ownership within the Central Coast area;
- managing its responsibilities in accordance with the provisions of the *Dog Control Act 2000* and in a manner, which is in the best interests of the community and the environment.

## SCOPE

The Council is responsible for implementing the requirements of the *Dog Control Act 2000* within its municipal area.

This Dog Management Policy is designed to provide information on responsible dog ownership, identify areas within Central Coast which are available for exercising dogs and those which are restricted or prohibited.

This Policy applies to any owner or person who has control of a dog/s, either residing in Central Coast or visiting the area.

This Policy supersedes any other document relating to dog management within Central Coast.

## STANDARDS (INCLUDING RELEVANT LEGISLATION)

The *Dog Control Act 2000* requires the Council to have a Dog Management Policy, which as a minimum is to include:

- (a) a code relating to responsible ownership of dogs;
- (b) the provision of declared areas;
- (c) a fee structure; and
- (d) any other relevant matter.

The following principles underpin this Dog Management Policy:

- (a) recognition – the contribution that dog ownership can provide to community health and wellbeing;
- (b) balance – the need for a balanced approach to achieve a compatible relationship between dogs, dog owners, neighbours and the general public; and
- (c) compliance – there is a legislative requirement for both the Council to enforce, and for dog owners to comply, with the provisions of the *Dog Control Act 2000*.

This Dog Management Policy does not set out to reproduce all the details contained within the *Dog Control Act 2000*. Therefore, the Council will manage its responsibilities in relation to dogs in accordance with this Policy and the provisions of the Act.

## POLICY STATEMENT

Dog ownership has proven benefits to the community through better health, well-being, companionship and social interaction. Conversely, irresponsible dog ownership can have a negative impact on the health and well-being of those affected and can result in poor inter-community relationship.

Irrespective of how much positive education on responsible dog ownership the community is exposed to, there will always be an element of society who are unresponsive and uncooperative. Such people either fail or simply refuse to conform or comply with acceptable codes of behaviour and reasonable community expectations. It is with this background in mind that the Council has developed its *Code for Responsible Dog Ownership*.

### The Code:

As a responsible dog owner, it is expected that:

- your property, budget and lifestyle are suited to the specific needs of your breed of dog;
- your dog is appropriately housed and contained within a secure yard;
- you ensure your dog is not a nuisance to others;
- you register and microchip your dog once it is six (6) months of age;
- you ensure that your dog wears its Council identification tag;
- when you are in a public place, you ensure your dog is under effective control; and
- you clean up after your dog.

### Prohibited Public Places

There are some public places that are defined as prohibited to dogs under the *Dog Control Act 2000*.

The *Dog Control Act 2000* specifies that a person must not take a dog into the following areas:

- (a) any ground of a school, preschool, kindergarten, creche or other place for the reception of children without the permission of a person in charge of the place; or
- (b) any shopping centre (defined under the Act as a collection of shops in an enclosed area covered by a roof or forming a courtyard or square) or any shop; or
- (c) the grounds of a public swimming pool; or
- (d) any playing area of a sportsground on which sport is being played; or
- (e) any area within 10 metres of a children's playground.

This section does not apply to:

- (a) a guide dog that is accompanying a wholly or partially blind person or is in training for that purpose; or

- (b) a hearing dog that is accompanying a wholly or partially deaf person or is in training for that purpose; or
- (c) a pet shop; or
- (d) the premises of a veterinary surgery; or
- (e) a pet grooming shop; or
- (f) any other premises related to the care and management of dogs.

Note: Under the provisions of the *Food Act 2003*, the proprietor of a food premises may allow dogs in the outdoor dining area of that food business.

### Declared Areas

The *Dog Control Act 2000* provides Council with the authority to declare and regulate areas within its municipal boundary to be either:

- (a) a prohibited area indicated in red;
- (b) a restricted area indicated in amber;
- (c) a dog exercise area – unrestricted – indicated in green; or
- (d) a dog training area – unrestricted – indicated in green.

An amendment to the Act in 2017 provided the authority for the Council to declare areas of land under its jurisdiction as being restricted to dogs on a permanent basis.

The Council acknowledges that a well exercised dog is less likely to create a nuisance. A combination of off-lead and on-lead areas have been provided throughout the municipal area. Some areas have been designated as prohibited to dogs due to their location or environmental significance.

Maps of the declared areas are included at Appendix 1. The following tables set out each of the declared areas, with numbers referenced on the corresponding area map.

The declared areas are defined as:

### Prohibited Areas

A prohibited area contains sensitive habitat for native wildlife therefore dogs are prohibited from entering at any time (guide dogs, hearing dogs and assistance dogs exempt). The following areas have been declared as prohibited areas pursuant to section 22 of the *Dog Control Act 2000*:

AREA	
1.	Midway Beach, Sulphur Creek: West of Creamery Road through to Howth
2.	Buttons Beach, Ulverstone: Between Buttons Creek and Victoria Street
3.	Turners Beach Forth River – Western Side – Boyes Street to Bridge

- |    |  |
|----|--|
| 4. | All Council Sportsgrounds:<br>No access permitted on the playing surface of any sportsground |
|----|--|

### Restricted Areas

A restricted area is where dogs are allowed provided they remain restrained on a lead at all times.

The following areas have been declared as restricted areas pursuant to section 23 of the *Dog Control Act 2000*:

AREA
5. Midway Beach, Sulphur Creek: east of Creamery Road
6. Penguin Beach
7. West Ulverstone Beach: from Three Sisters Goat Island Nature Reserve to Picnic Point Beach
8. Picnic Point Beach, West Ulverstone: between Picnic Point and the Leven River.
9. Buttons Beach, East Ulverstone: from Buttons Creek to Fish Pond
10. Turners Beach: between east of Turners Beach Road and Boyes Street
11. Shared Pathway: Ulverstone to Turners Beach

In addition, although all Council owned and managed sportsground playing surfaces are declared as prohibited, dogs may be walked around the outer areas of a sportsground provided they remain restrained on a lead.

### Exercise Areas – Unrestricted

A dog exercise area is an area where dogs may be exercised off-lead, providing they remain under effective control.

The following areas have been declared as dog exercise areas pursuant to section 20 of the *Dog Control Act 2000*:

AREA
12. Watcombe Beach, Penguin
13. Buttons Beach, Ulverstone: From Leven River to Victoria Street
14. Turners Beach: between west of Turners Beach Road to Claytons Rivulet

### Training Areas – Unrestricted

A dog training area is where dogs may be trained subject to any specified conditions. Access to a dog training area is only to occur where the dog remains under effective control. The



following areas have been declared as a dog training area pursuant to section 21 of the *Dog Control Act 2000*:

AREA
15. Penguin Sports Complex, Ironcliffe Road, Penguin: The fenced off area at the south west corner
16. Ulverstone Sports Complex, Flora Street, Ulverstone: the fenced off area at the northern end only

### Review of Declared Areas

The Council reserves the right to review current or to declare additional areas of the municipal area to be a declared area pursuant to section 24 of the *Dog Control Act 2000*. The Council is not required to review the entire Dog Management Policy when considering declaring or reviewing an area under the Act.

### Dog Registration Fee Structure

The fee structure and all fees payable under the *Dog Control Act 2000* are set annually by the Council as part of its budget process.

### After Hours Service Provision

The Council will provide an emergency after-hours service for the following:

- Dog Attack – provided the offending dog has been secured or remains in the immediate area.

If you have secured a stray dog outside of the Council's normal working hours you are encouraged to take the dog to the Council's dog pound (located at the Council's Works Depot, Short Street, Ulverstone) on the next working day between the hours of 8:00am and 4:30pm. Alternatively, you can secure the dog and contact the Council to arrange collection.

Enquiries regarding sick and/or injured dogs should in the first instance be directed to the RSPCA or you should take the animal to a veterinarian.

### Complaints

The Council has developed a procedure it uses in investigating nuisance dog complaints. This procedure is underpinned by the provisions of the *Dog Control Act 2000*.

A nuisance dog is described at s.46(3) of the Act as follows:

- (a) it behaves in a manner that is injurious or dangerous to the health of any person; or
- (b) it creates a noise, by barking or otherwise, that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premise or public place.

In the case of a nuisance dog, the Council encourages residents to see if they can solve neighbourhood dog complaints without resorting to complaints and legal proceedings which can damage community relationships.

Where possible, residents should consider if they can work together to achieve a resolution.

Where resolution is difficult, the parties may be asked by the Council to agree to participate in a mediation process. Mediation will not be offered by the Council in every case and involves an exercise of discretion by the General Manager or her delegated staff.

Mediation is entirely voluntary and may not be for everyone, however community mediators can often assist in identifying the common ground between the parties and opportunities for improved outcomes.

If mediation is agreed, parties will be asked to sign a mediation agreement, this sets the boundaries for the mediation process such as keeping all information that is revealed confidential and directing parties towards a settled outcome which will be recorded in writing and may result in an enforceable agreement being drawn up between the dog owner and the Council.

If the dispute remains unsolved following the above, the aggrieved party may proceed to make a formal complaint to the Council, which then proceeds under the exercise of statutory provisions of the *Dog Control Act 2000*.

Details on how to make a complaint can be found on the Council's website [www.centralcoast.tas.gov.au](http://www.centralcoast.tas.gov.au) or by contacting Customer Services at the Council Offices.

## DEFINITIONS OR EXEMPTIONS

The *Dog Control Act 2000* contains the following definitions:

### **Dog Under Effective Control**

- (1) A dog, other than a greyhound, a dangerous dog or a restricted breed dog, is under the effective control of a person in a public place if the dog is –
  - (a) on a road or road-related area in a built-up area, or any other public place declared under Division 2 of Part 3 to be an area where a dog must be on a lead, and the dog is secured and restrained by means of a lead not more than 2 metres long held by hand by a person able to control the dog; or
  - (b) tethered to a fixed object by a lead not more than 2 metres long for a period not more than 30 minutes.
- (2) A dog, other than a greyhound, a dangerous dog or a restricted breed dog, is under the effective control of a person while not on a lead if the dog is –
  - (a) a working dog engaged in working; or

- (b) a hunting dog engaged in hunting; or
  - (c) engaged in racing or showing; or
  - (d) engaged in trialling; or
  - (e) engaged in training for any activity referred to in paragraph (a) (b) (c) or (d); or
  - (f) engaged in training in a training area.
- (3) In an area where a dog is not required to be on a lead, a dog, other than a greyhound, a dangerous dog or a restricted breed dog, is under the effective control of a person if –
- (a) it is in close proximity to the person; and
  - (b) it is in sight of the person; and
  - (c) the person is able to demonstrate to the satisfaction of an authorised person that the dog is immediately responsive to the person's commands.
- (4) A dog, other than a greyhound, a dangerous dog or a restricted breed dog, is under the effective control of a person on private premises if the dog is securely confined to those premises.
- (5) A person, at any one time, must not have in his or her charge more than –
- (a) 2 dogs, that are not greyhounds, dangerous dogs or restricted breed dogs, on a lead on a footpath; or
  - (b) 4 dogs, that are not greyhounds, dangerous dogs or restricted breed dogs, in a public place.

### **Dog at Large**

A dog is at large if it is –

- (a) in a public place and it is not under the effective control of a person; or
- (b) without the consent of the occupier, in or on a public place that is occupied or private premises that are occupied.

### **Owner of Dog**

The person who is the owner of a dog is –

- (a) in the case of a registered dog, the person in whose name the dog is registered; or

- (b) in the case of an unregistered dog, the person who ordinarily keeps the dog;  
or
- (c) in the case of a child's pet, the child's parent or guardian.

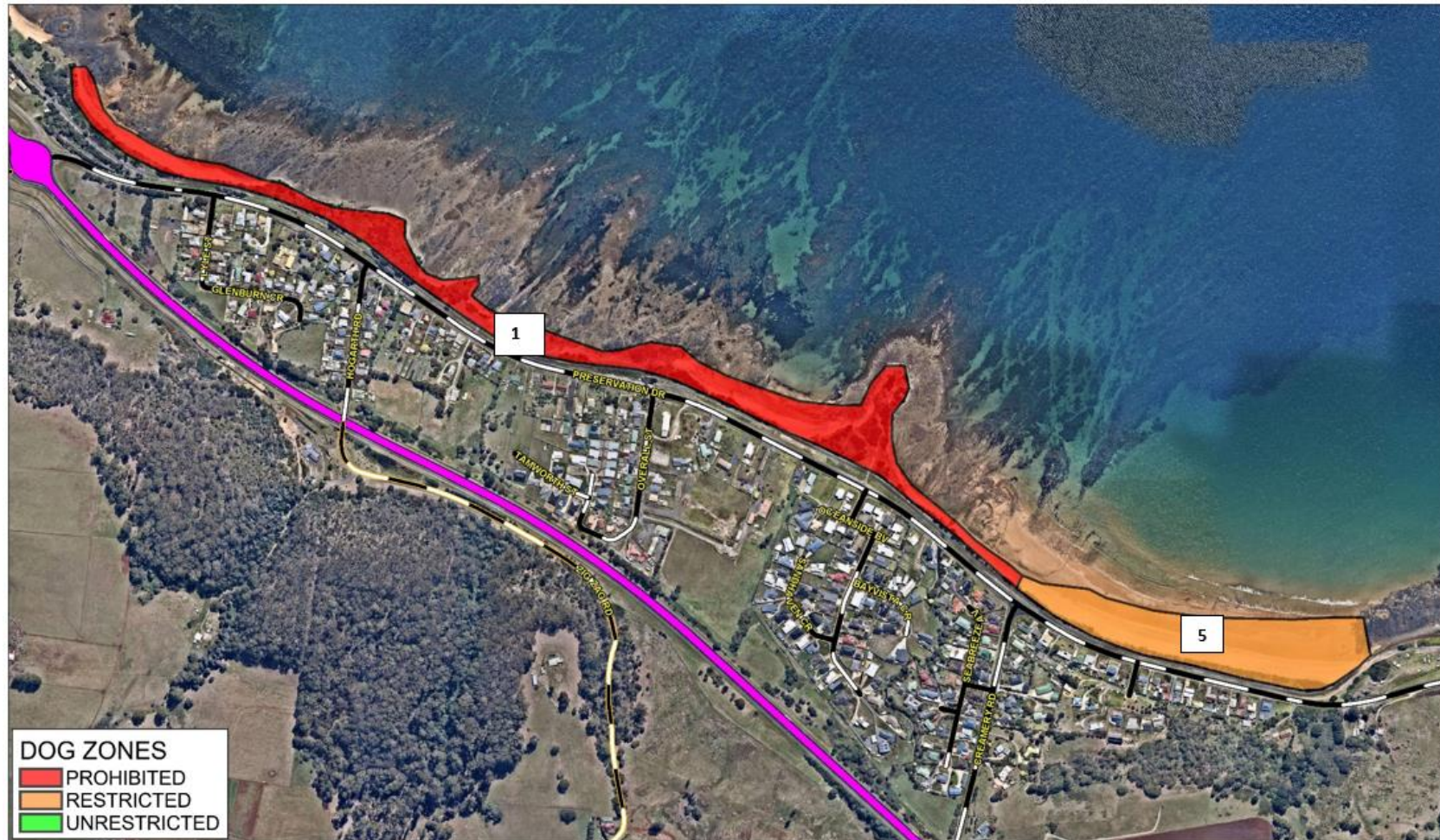
SANDRA AYTON  
GENERAL MANAGER

Date of approval: 20/ 07/ 2020

Approved by:



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### Important

This map was produced on the GEOID2019 DATUM OF AUSTRALIA 1984 (GDA84), which has superseded the Australian Geodetic Datum of 1984 (AGD84). Heights are referenced to the Australian Height Datum (AHD). For most practical purposes (CADastre, and similar) datum (GDA84) coordinates based on the World Geodetic Datum 1984 (WGS84), are the same.

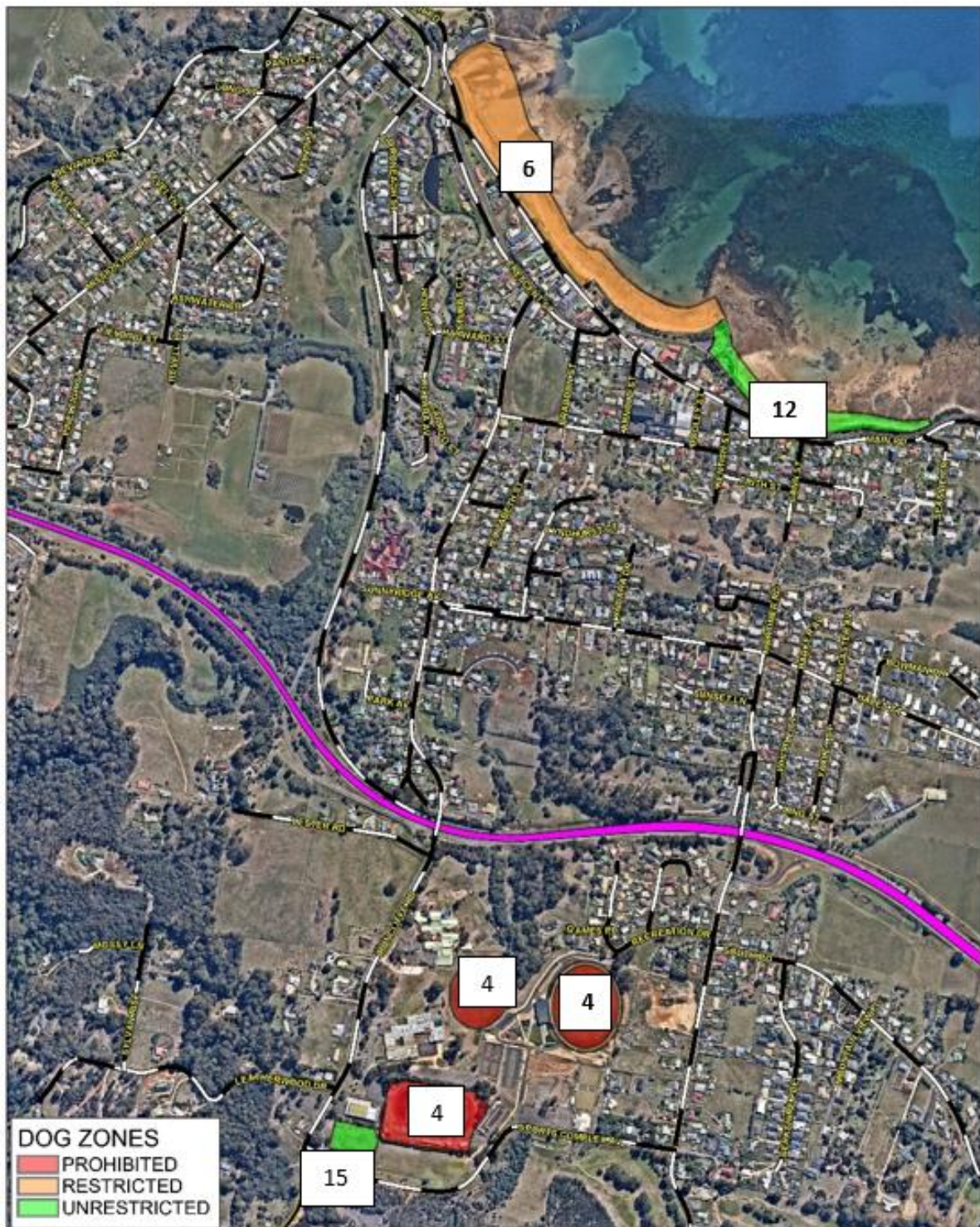


Contour Interval:  
Projection: GDA84  
Date: 07/07/2020  
Drawn By: GAB

## SULPHUR CREEK DOG ZONES

Scale 1: 6,000  
0 200 m





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Projection: GDA84  
Date: 01/07/2020  
Drawn By: CDS

**PENGUIN  
DOG ZONES**

Scale 1: 7,000  
0 200m

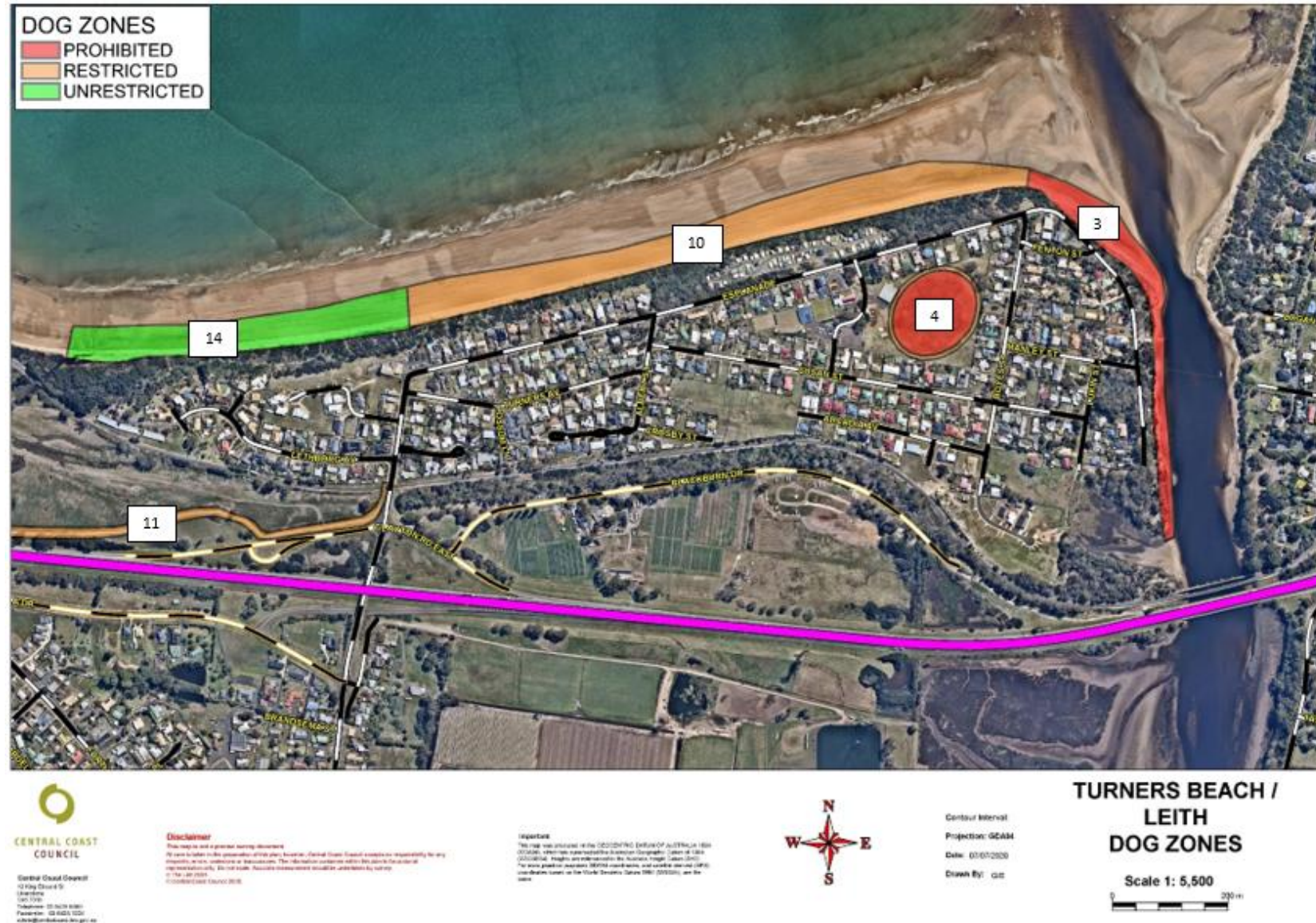




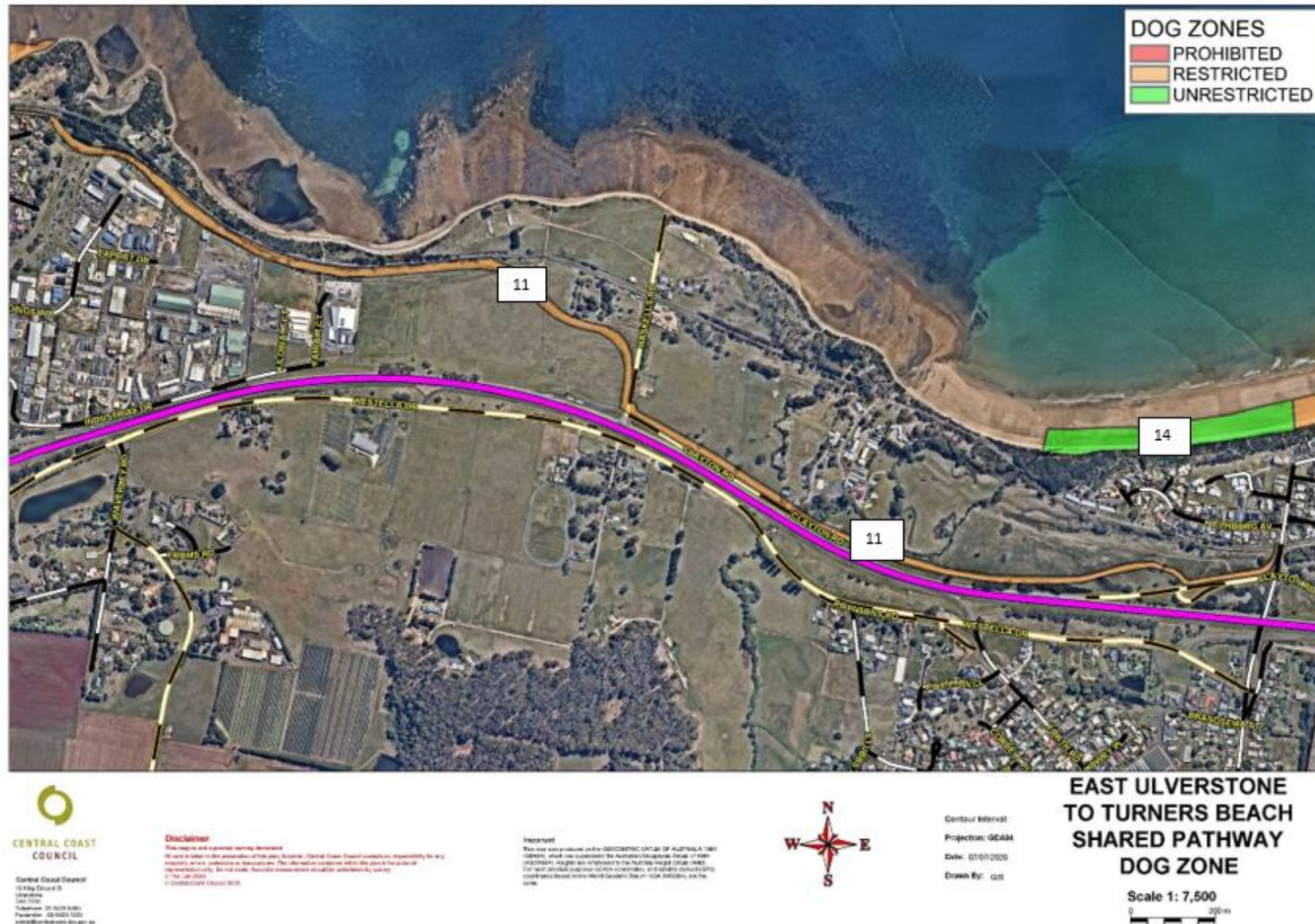
















HEYBRIDGE  
RECREATION GROUND



DIAL PARK  
SPORTING COMPLEX



WEST ULVERSTONE  
RECREATION GROUND



ULVERSTONE  
SHOWGROUND



RIVER ROAD  
RECREATION GROUND



ULVERSTONE  
RECREATION GROUND



HAYWOODS RESERVE  
RECREATION GROUND



TURNERS BEACH  
RECREATION GROUND



FORTH  
RECREATION GROUND



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Contour Interval:  
Projection: GDA94  
Date: 03/01/2020  
Drawn By: GSC

**RECREATION GROUNDS  
PROHIBITED ZONES**

## SCHEDULE OF INFRASTRUCTURE SERVICES DETERMINATIONS

Period: 1 June 2020 to 30 June 2020

### *Approval of Roadworks and Services*

Developer: A & B Stubbs Pty Ltd  
Location: Stubbs Road (Explorer Drive)  
No. of Lots: 13 – Stage 4 (Final Stage)  
Engineer: Dean Panton / Chris Walker  
(PDA Surveyors)

Developer: Landscape Now Civil Pty Ltd  
Location: 4 & 6 Southwood Avenue, Penguin  
No. of Lots: 36 as Stages I–III (20 lots), Stage IV (7 lots) and Stage V (9 lots)  
Engineer: Chris Martin (CSE Tasmania Pty Ltd)



Paul Breaden  
DIRECTOR INFRASTRUCTURE SERVICES