
Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 21 September 2020 commencing at 6.00pm

Councillors attendance

Cr Jan Bonde (Mayor)	Cr John Beswick
Cr Garry Carpenter (Deputy Mayor)	Cr Amanda Diprose
Cr Cheryl Fuller	Cr Casey Hiscutt (6.07pm)
Cr Annette Overton	Cr Tony van Rooyen
Cr Philip Viney	

Councillors apologies

Nil

Employees attendance

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

CONFIRMATION OF MINUTES OF THE COUNCIL

266/2020 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 17 August 2020 and the Special Council meeting held 31 August 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 17 August 2020 and the Special Council meeting held 31 August 2020 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

267/2020 Council workshops

The Executive Services Officer reported as follows:

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

- 24.08.2020 – Private Works review; Ulverstone and Penguin town centres – Complete Streets report
- 31.08.2020 – Batten Park; Penguin Foreshore – Stage 2; Riverside Rivercare
- 07.09.20 – TasNetworks; Natural Burials; Monthly update
- 14.09.2020 – Dulverton Waste Management CEO and Chair; Retrospective Applications process

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

268/2020 Mayor's communications

The Mayor to report:

“I have no communications at this time.”

269/2020 Mayor's diary

The Mayor reported as follows:

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

- . TasWater Owners' Representatives Quarterly Briefing – via video conference
- . Cradle Coast Authority Representatives meeting
- . Meeting with Felix Ellis MP – Ulverstone
- . Connecting Care Community Feedback Forum – Ulverstone
- . Switch Board Meeting – Ulverstone
- . Caves to Canyon Annual General Meeting – Ulverstone
- . Opening Day, Leven Yacht Club – Ulverstone
- . West Ulverstone Child and Family Learning Centre (CFLC) Information Session – Ulverstone
- . Central Coast Community Safety Partnership Committee Meeting – Ulverstone
- . Finding Their Place, Hellyer Regional Collective live stream with Burnie City Council and other Mayors – via video conference
- . Fortnightly radio interview.”

The Executive Services Officer reported as follows:

- Cr Beswick moved and Cr Fuller seconded, “That the Mayor's report be received.”

Carried unanimously

270/2020 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

271/2020 Councillor reports

The Executive Services Officer reported as follows:

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

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

Cr Overton reported on a recent meeting of the Central Coast Chamber of Commerce and Industry, advising of the Chamber's current promotion which aims to support local businesses and retailers.

APPLICATIONS FOR LEAVE OF ABSENCE

272/2020 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

273/2020 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

274/2020 Petition – Revert the Buttons Beach to Fishpond stretch of beach in Ulverstone to a ‘Dog Exercise Area’

The General Manager reported as follows:

“The following petition has been received:

‘SUBJECT MATTER	Council to revert the Buttons Creek to Fishpond stretch of beach in Ulverstone to a 'Dog Exercise Area'.
STATEMENT OF SUBJECT MATTER AND ACTION REQUESTED	<p>Petitioners ask the Council to revert the stretch of beach from Buttons Creek to Fishpond in Ulverstone to a Dog Exercise Area. This stretch of beach has been used by locals for exercising their dogs effectively for 20 years or more and is the only significantly sized open space in the East Ulverstone area where dogs can be off lead to run, swim and socialise with other dogs whilst under their owner's effective control.</p> <p>This open space is ideal for this purpose as it is away from residential development, picnic areas and other fulltime community facilities and a dog exercise area in this location poses no environmental or civil problems for the</p>

community. It is imperative that owners who care about the welfare of their dogs have local facilities such as this and it is hereby requested that Council consider this petition favourably as the care of pets by dedicated owners should be supported and encouraged.

SIGNATORIES	Total No. Entries:	52
	Duplicates:	–
	Invalid:	–
	TOTAL	52.’

The petition is in compliance with s.57 of the *Local Government Act 1993* and accordingly is able to be tabled. In reviewing the petition, it should be noted that the compliant signatory count is 52.

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

A report in relation to the subject matter has been provided at Minute Ref No. 283/2020. A copy of the petition is appended to this report.”

The Executive Services Officer reported as follows:

- Cr van Rooyen moved and Cr Viney seconded, “That the petition be received.”

Carried unanimously

COUNCILLORS’ QUESTIONS

275/2020 Councillors’ questions without notice

The Executive Services Officer reported as follows:

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

’29 (1) A councillor at a meeting may ask a question without notice –

(a) of the chairperson; or

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

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

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

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

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 ensured.

276/2020 Councillors' questions on notice

The Executive Services Officer reported as follows:

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

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

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

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

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

No questions on notice have been received."

PUBLIC QUESTION TIME

277/2020 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, 21 September 2020.

Any questions received will be read out by the General Manager at the meeting and a response provided following the meeting.

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

DEPARTMENTAL BUSINESS

GENERAL MANAGEMENT

278/2020 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:

- . Central Coast Community Safety Partnership Committee – meeting held 24 June 2020
- . Central Coast Community Shed Management Committee Annual General Meeting – meeting held 3 August 2020
- . Central Coast Community Shed Management Committee – meeting held 3 August 2020
- . Cradle Coast Authority Representatives – meeting held 20 August 2020
- . Central Coast Community Safety Partnership Committee – meeting held 26 August 2020
- . Turners Beach Community Representatives Committee – meeting held 27 August 2020
- . Central Coast Youth Council – meeting held 27 August 2020
- . Central Coast Community Shed Management Committee – meeting held 7 September 2020

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

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

Carried unanimously

279/2020 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 18 August to 21 September 2020 and which was addressed to the ‘Mayor and Councillors’ is appended. Reporting of this correspondence is required in accordance with Council policy.

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

The Executive Services Officer reported as follows:

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

■ Cr Viney moved and Cr Beswick 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

280/2020 Common seal

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 18 August to 21 September 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 Hiscutt moved and Cr Fuller 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

281/2020 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 18 August to 21 September 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 Beswick moved and Cr Viney 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

282/2020 Statutory determinations

The Director Organisational Services reported as follows:

“A Schedule of Statutory Determinations made during the month of August 2020 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

In order to move a motion, the Mayor vacated the Chair in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

The Deputy Mayor assumed the Chair, vacated by the Mayor.

283/2020 Petition – Revert the Buttons Beach to Fishpond stretch of beach in Ulverstone to a ‘Dog Exercise Area’

The Strategic Projects and Planning Consultant reported as follows:

“PURPOSE

The purpose of this report is to provide the Council with an opportunity to consider the petition submitted requesting that the Council *“revert the Buttons Creek to Fishpond stretch of beach in Ulverstone to a ‘Dog Exercise Area’*.”

BACKGROUND

The Council at its meeting on 20 July 2020 adopted its new Dog Management Policy to take effect from 1 October 2020. This new Policy will replace the 2015 Dog Management Policy.

There has been some opposition to the new Policy and the changes which have been made, in particular the restricting of a number of beaches to ‘on-lead’ only. As a

result, a petition was provided to the Council on 14 September 2020 (copy appended at Agenda item 7.1) which states:

Subject Matter: The subject matter of this petition is for Council to revert the Buttons Creek to Fishpond stretch of beach in Ulverstone to a 'Dog Exercise Area'.

Statement of subject matter and action requested: The following petitioners ask the Council to revert the stretch of beach from Buttons Creek to Fishpond in Ulverstone to a Dog Exercise Area. This stretch of beach has been used by locals for exercising their dogs effectively for 20 years or more and is the only significantly sized open space in the East Ulverstone area where dogs can be off lead to run, swim and socialise with other dogs whilst under their owner's effective control. This open space is ideal for this purpose as it is away from residential development, picnic areas and other fulltime community facilities and a dog exercise area in this location poses no environmental or civil problems for the community. It is imperative that owners who care about the welfare of their dogs have local facilities such as this and it is hereby requested that Council consider this petition favourably as the care of pets by dedicated owners should be supported and encouraged.

DISCUSSION

The description of the 'designated areas' under the 2020 Dog Management Policy are:

Area	Description Consultation Draft	Description Updated 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	An area where dogs may be exercised off-lead, provided

	they remain under effective control.	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.

The petition (containing 52 signatories) is requesting that the Council reclassify the area of beach from Buttons Creek to the Fishpond from 'restricted' to 'exercise'.

Under the 2015 Policy the following is noted in relation to the Buttons Beach area:

Prohibited	Restricted	Exercise
Buttons Beach – between Buttons Creek and Victoria Street	Buttons Beach – from Buttons Creek to the Fishpond	Buttons Beach – from the Leven River to Victoria Street

Buttons Beach, East Ulverstone, from Buttons Creek to the Fish Pond.

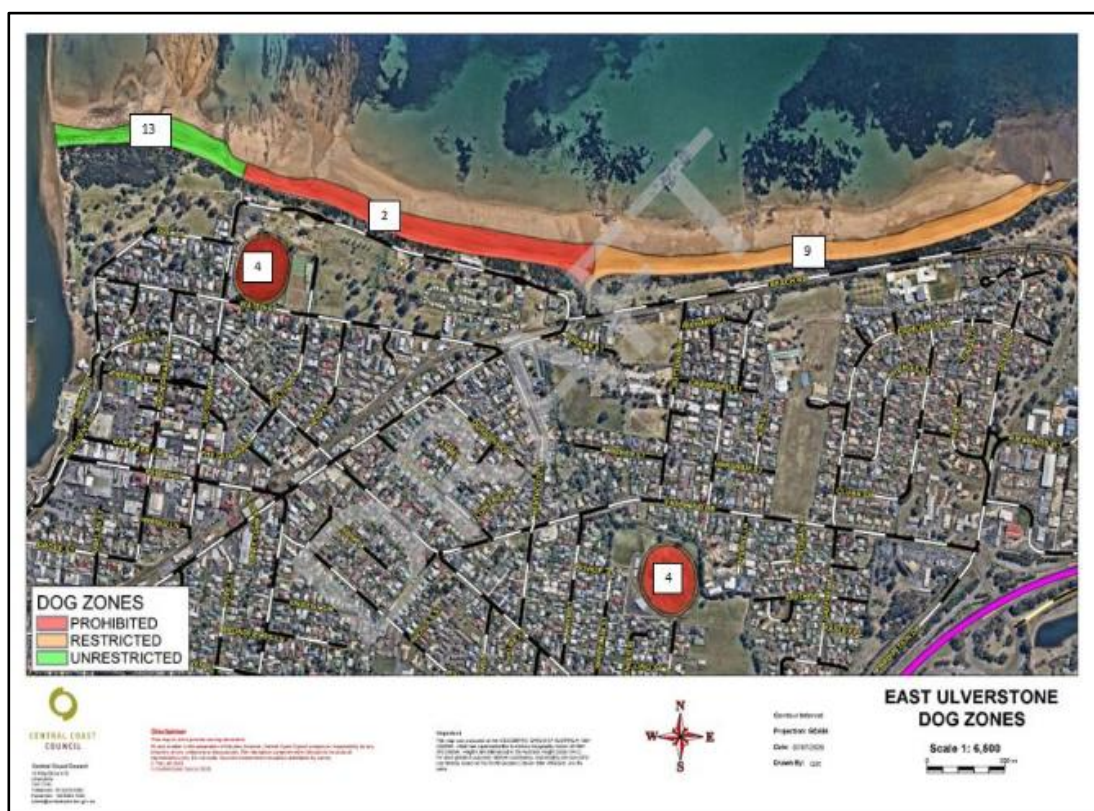


NOTE: In December/January/February dogs can only be exercised on the beach after 7.00pm and prior to 9.00am.

No restrictions for the rest of the year.

In the 2020 Dog Management Policy the following is noted:

Prohibited	Restricted	Exercise
Buttons Beach – between Buttons Creek and Victoria Street	Buttons Beach – from Buttons Creek to the Fishpond	Buttons Beach – from the Leven River to Victoria Street



The designation of this section of beach has not changed. Under the 2015 policy it was 'restricted' and in the 2020 Policy it has remained 'restricted'.

The change which has occurred is in relation to the definition of 'restricted'. Under the 2015 Policy the section of Buttons Beach was restricted during December/January/February, whereby dogs could be exercised on the beach after 7:00pm and prior to 9:00am. No restrictions applied for the rest of the year, which essentially meant dogs could be exercised on the beach 'off-lead' at any time of the day during March/April/May/June/July/August/September/October/November.

The Council in considering the 2020 Dog Management Policy was inclined to make all 'restricted' beaches accessible 24/7 providing that dogs remained 'on-lead at all times'.

It appears that the Council has several options which it could consider in responding to this petition. The following are four possible options:

1. Restricted – determine to take no action, maintaining the position as outlined in the 2020 Dog Management Policy that Buttons Beach (from Buttons Creek to the Fish Pond) remain a 'restricted area' whereby dogs can only be taken onto the beach provided they remain restrained on a lead at all times.
2. Restricted – determine to relax the 2020 Dog Management Policy and make this section of beach 'restricted' during the months of December/January/February only. The beach would then be designated as 'exercise' for the balance of the year.
3. Restricted – determine to relax the 2020 Dog Management Policy to reflect a similar position to that which applied under the 2015 Dog Management Policy whereby this section of beach is a 'restricted area' from say 1 December to 28 February each year (or another variation) with dogs to remain restrained on a lead either between the hours of 9:00am and 7:00pm (as allowed under the 2015 Policy) or at all times. The beach could then be designated as an 'exercise area' at all other times (say from March to November).
4. Exercise – determine to change the designation of this section of beach from 'restricted' to 'exercise'. This would in effect provide an area where dogs may be exercised off-lead at all times, provided they remain under effective control.

CONSULTATION

In accordance with the provisions of the *Dog Control Act 2000*, the Council has followed the statutory requirements in relation to consultation on the introduction of a new Dog Management Policy.

It is fair to say that the majority of responses received by the Council during the consultation period were not supportive of the proposed changes. The Council made a number of concessions in the final Policy approved in an attempt to appease some of the opposition.

Since the Policy was adopted in July 2020, there has been a number of newspaper articles published, letters to the editor and email/correspondence to the Council, with the majority voicing opposition to the new Policy.

If the Council determines to change the designation which relates to Buttons Beach (from Buttons Creek to the Fishpond) it could potentially result in further requests being provided for similar outcomes at other locations covered under the new Policy.

RESOURCE, FINANCIAL AND RISK IMPACTS

The Council had an obligation to review its Dog Management Policy. The Council will incur costs in the updating of the signage required to reflect the new arrangements under the 2020 Policy.

There has been, and there is likely to be continued criticism of the Council's consultation processes during the upcoming implementation phase.

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 new Dog Management Policy is the need for a greater focus on enhanced patrol and enforcement, which does come at an increased cost. Any change to the patrol/enforcement arrangements will be met through the reallocation of existing Council resources if necessary.

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

In the discussion section of this report four possible options Council could consider have been outlined. There are potentially several variations to any of the options as outlined.

Ultimately, the response to the petition is a matter for the Council. The two most viable options which the Council could consider are:

1. determine to take no action, maintaining the position as outlined in the 2020 Dog Management Policy that Buttons Beach (from Buttons Creek to the Fishpond) remain a 'restricted area' whereby dogs can only be taken onto the beach provided they remain restrained on a lead at all times.
2. determine to change the designation of this section of beach from 'restricted' to 'exercise'. This would in effect provide an area where dogs may be exercised off-lead at all times, provided they remain under effective control."

The Executive Services Officer reported as follows:

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

■ Cr Bonde moved and Cr Beswick seconded, "That the Council in relation to the 2020 Dog Management Policy, which is to come into effect on 1 October 2020 determine to modify the Policy to reflect the following in relation to designated areas at Buttons Beach:

- (a) Buttons Beach (between Buttons Creek to the eastern end of the overflow caravan park) be designated as a 'restricted' area;
- (b) Buttons Beach (from the eastern end of the overflow caravan park to the most eastern beach access) be designated as an 'exercise' area;
- (c) Buttons Beach (from the most eastern beach access to the Fishpond) be designated as a 'prohibited' area;

and further, that in relation to the 2020 Dog Management Policy, which is to come into effect on 1 October 2020 determine to modify the Policy to reflect the following in relation to the designated area at Turners Beach:

- (a) Turners Beach (Forth River – Western Side – from Boyes Street to Bridge [Bass Highway]) be designated as a 'restricted' area."

Carried unanimously

The Mayor resumed the Chair.

284/2020 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 General Manager has submitted the following report:

‘If any such actions arise out of Minute Ref No.s: 285/2020, 286/2020, 287/2020 and 288/2020, 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 Diprose moved and Cr van Rooyen seconded, “That the Mayor’s report be received.”

Carried unanimously

285/2020 Draft Amendment PSA2020003 to the *Central Coast Interim Planning Scheme 2013*

The Strategic Projects and Planning Consultant reported as follows:

“The Town Planner has prepared the following report:

<i>DRAFT AMENDMENT NUMBER:</i>	PSA2020003
<i>PROPOSED AMENDMENT:</i>	Rezone land from General Residential to Local Business
<i>LOCATION:</i>	10a Alice Street, West Ulverstone (CT83570/4)
<i>PLANNING INSTRUMENTS:</i>	<i>Land Use Planning and Approvals Act 1993</i> (the Act) & <i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)

PURPOSE

The purpose of this report is for the Planning Authority to consider a draft amendment to the Planning Scheme. The draft amendment is placed before the Planning Authority following a request from GHD Pty Ltd on behalf of the

Goodstone Group. The draft amendment is to rezone land known as 10a Alice Street, West Ulverstone from General Residential to Local Business.

Accompanying the report are the following documents:

- . Annexure 1 – location map, aerial view, zone map and photographs;
- . Annexure 2 – application documentation;
- . Annexure 3 – owners' consent form; and
- . Annexure 4 – Instrument of Certification.

BACKGROUND

1 Proposed draft amendment to the Planning Scheme –

The applicant has requested the Council initiate a draft amendment to rezone 10a Alice Street, West Ulverstone from General Residential to Local Business.

The proposed amendment is to enable opportunities for the site to be utilised for business and commercial uses and/or development in conjunction with adjoining Local Business zone properties, particularly in association with the bottle shop that is located on the adjoining western property at 48 Queen Street.

No development is proposed as part of the draft amendment application.

Refer to Annexure 1 for the location map, aerial view, zone map and photographs of the site. Refer to Annexure 2 for the application documentation.

2 Site description and surrounding area –

The land subject to the draft amendment is known as 10a Alice Street, West Ulverstone as identified in CT83570/4. The site is 480.52m², reasonably flat and contains an existing building (dwelling) and outbuilding.

The site is zoned General Residential under the Planning Scheme and is located on the fringe of the West Ulverstone Local Business precinct. The site's western side and northern rear boundary abuts the Local Business zone. The site to the immediate east is zoned General Residential.

The site has a low coastal inundation and is situated approximately 25m from the Western Rail Line.

3 *Infrastructure provision –*

The site is connected to water, sewer, and stormwater reticulated systems. The site has frontage to Alice Street. The Road Authority and Stormwater Authority has indicated no issues with the proposed draft amendment (including any modifications).

4 *History –*

The site, as mentioned, is on the fringe of the West Ulverstone Local Business precinct and is one of three properties that appear, through oversight, not to have been included with the slight expansion of the Local Business zone during the transition from the Central Coast Planning Scheme 2005 to the Central Coast Interim Planning Scheme 2013. During this transition, the Local Business zone was expanded slightly south to include 42 Queen Street and 44 Queen Street. This resulted with 10a Alice Street, 10 Alice Street and 1 Alice Street remaining General Residential zone in amongst a Local Business zone precinct. The Local Business zone precinct is separated from the General Residential zone to the east by the railway line. The zone anomaly was also not identified during the formation of the draft Central Coast Local Provisions Schedule mapping.

The image below shows the differing zones.

- Red presents General Residential zone;
- Blue represents Local Business;
- Yellow represents Utilities (railway line); and
- Green represents Recreation zone.

The image clearly shows the three aforementioned properties that are not included in the Local Business zone.



Both 10 Alice Street and 1 Alice Street are connected to water, sewer, and stormwater reticulated systems and have frontage to Alice Street and contain a single dwelling and outbuildings.

When the Council received the initial request from GHD Pty Ltd the following was not provided:

- . Commission's owner's consent form;
- . Current copy of the title documentation;
- . Particulars in relation to potential conflict of uses;
- . Assessment against State Policies; and
- . Schedule 1 of the Act.

This information was requested by the Council. A complete request made by GHD Pty Ltd was received 14 August 2020 with all required documentation.

DISCUSSIONS

1 Draft amendment process –

The Planning Authority may, in response to a request or by its own motion, initiate an amendment to a Planning Scheme that is administered by the Planning Authority. If this is done through a request, then the Planning Authority must decide whether to initiate

the draft amendment within 42 days from the day it received the request. The request for this draft amendment was received 14 August 2020. The 42-day period concludes on 25 September 2020.

Note – In 2015, the Tasmanian Parliament passed legislation amending the *Land Use Planning and Approvals Act 1993* to allow for the development of a Statewide Planning Scheme that is to replace all existing Planning Schemes. In February 2017, the State Government ratified the new Tasmanian Planning Scheme (TPS).

This draft amendment is to be processed under the “previous” Act (prior to amendments).

The key steps in the amendment process are:

- . The Planning Authority certifies that the draft amendment meets the requirements of s.32 of the Act and, within 7 days, the Instrument of Certification is forwarded to the Tasmanian Planning Commission (TPC).
- . The TPC decides whether to approve the amendment under s.37 of the Act, whereby it may dispense with certain requirements, or proceed in accordance with the processes required under sections 38, 39, 40, 41 and 42 of the Act.
- . The Planning Authority must publicly exhibit the draft amendment for a period of not less than 28 days and not greater than two months, including at least two notices in the local newspaper.
- . Under s.39 of the Act, any public representations received in response to the public exhibition are to be reported on by the Planning Authority to the TPC as to their merits and may include recommendations on the draft amendment.
- . The TPC will conduct a hearing to consider issues raised by the draft amendment and through representations.
- . The TPC will determine the application for the draft amendment within three months unless a later date is approved by the Minister.

2 *Modification of the draft amendment to the Planning Scheme –*

As part of an amendment, the Planning Authority can determine to initiate the amendment as presented or with modification.

As discussed above, it appears, through an oversight, that not only was 10a Alice Street not included within the slight expansion of the Local Business zone during the transition from the *Central Coast Planning Scheme 2005* to the *Central Coast Interim Planning Scheme 2013* and the draft Central Coast LPS, properties at 10 Alice Street and 1 Alice Street were also not included.

As part of this draft amendment, it is recommended that the Planning Authority initiate the amendment, subject to modification to include 10 Alice Street and 1 Alice Street.

A letter was sent to the owners of 10 Alice Street and 1 Alice Street seeking whether they would consent to their properties to be included with the draft amendment. Both owners have agreed that they would not oppose their property's being rezoned to Local Business.

Therefore, if the modification is accepted, this proposed draft amendment would be initiated through s.34(1)(a) of the Act which is in response to a request made under s.33 of the Act (GHD obo Goodstone Group), as well as through s.34(1)(b) which is by the Council's own motion to include the modification to rezone 10 Alice Street and 1 Alice Street in conjunction with 10a Alice Street.

Note – If rezoned, both dwellings can still be used for residential purpose as both dwellings on 10 Alice Street and 1 Alice Street would be entitled to pre-existing use rights. Pre-existing use rights remain providing the dwelling is not vacant for two years or more.

3 *Legislative requirements –*

The Act provides that a Planning Authority may initiate a process to amend a Planning Scheme either of its own motion or in response to a third party request.

The Act requires that a Planning Authority must be satisfied that the draft amendment will further the objectives of the Resource Management and Planning System and is in accordance with applicable State Policies.

The key steps in the amendment process have been discussed.

The final decision on whether to approve, reject, or modify the amendment is made by the Commission.

There is no appeal process available to an applicant for rezoning if the Planning Authority refuses the request. The applicant may ask the Commission to review the process leading to the decision, but not the merits of that decision.

If a Planning Authority refuses to initiate a scheme amendment, it is excluded from considering a similar request for period of two years.

4 Assessment against the legislative requirements –

When considering a draft amendment, assessment must be undertaken to determine whether requirements of s.32 of the Act have been met. This includes:

- . Avoiding potential land use conflict with use and development permissible under the planning scheme;
- . Being, where practicable, consistent with the relevant regional land use strategy; and
- . Have regard to the impact on the region in environmental, economic and social outcomes.

Central Coast Interim Planning Scheme 2013 –

The site(s) are subject to the provisions of the Planning Scheme and are zoned General Residential. The Planning Scheme provides a list of permissible use classes in the zone, some with qualifications.

The draft amendment would reduce any existing potential conflict as the draft amendment would rezone three parcels of land to Local Business as is existing in the surrounding area. The railway line would serve as a buffer to the General Residential zone to the east.

Below is an analysis Table outlining the permissibility for use in both the General Residential zone and the Local Business zone. It outlines whether the use is permitted or discretionary in the respective zone and outlines any qualifications applicable. The Table also includes the Tasmanian Planning Scheme's permissible uses for the Local Business zone.

The analysis outlines several non-permissible uses in the General Residential zone that would be permissible in the Local Business zone (some with qualifications).

The draft amendment would allow the site(s) to have a wider variety of use classes, subject to separate planning application and approval. The Tasmanian Planning Scheme will further the possibilities, with the introduction of greater uses falling within the No Permit Required status for Local Business zone.

The draft amendment would allow for future use and or development for the site(s) to be more compatible with the surrounded established Local Business precinct.

COMMUNITY SERVICES

USE CLASS	GENERAL RESIDENTIAL <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Tasmanian Planning Scheme 2017</i>
No Permit Required		Qualifications	
Business and Professional Services	Refer to permitted and discretionary section	Refer to permitted and discretionary section	No qualification
Food Services	Refer to permitted and discretionary section	Refer to permitted and discretionary section	No qualification
General Retail and Hire	Refer to permitted and discretionary section	Refer to permitted and discretionary section	No qualification
Natural and cultural value management	If for conservation, rehabilitation, or protection against degradation, but must not include a building or any outdoor area for information, interpretation, or display of items of for any other use	If for conservation, rehabilitation, or protection against degradation, but must not include a building or any outdoor area for information, interpretation, or display of items of for any other use	No qualification
Passive recreation	If a public park or reserve for the local community	If be a public park, reserve, or garden or a building or structure for use by the local, community	No qualification

USE CLASS	GENERAL RESIDENTIAL <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Tasmanian Planning Scheme 2017</i>
Residential	If a single dwelling or home based business	Refer to permitted and discretionary section	If for a home-based business
Utilities			If for minor utilities
Permitted		Qualifications	
Bulky goods sales	Not permissible in this zone	If – (a) a garden centre for the retail sale of plants, landscaping, and gardening supplies and equipment (b) floor coverings, furniture, or white goods; (c) building supplies and hardware; (d) office and hospitality supplies; and (e) gross floor area of not more than 300m ²	No qualification

COMMUNITY SERVICES

USE CLASS	GENERAL RESIDENTIAL <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Tasmanian Planning Scheme 2017</i>
Business and professional service	<p>If a medical centre –</p> <p>(a) involving not more than 3 health care professionals at any one time; and</p> <p>(b) a gross floor area of not more than 300m²</p>	<p>If –</p> <p>(a) office for administration, clerical, technical, professional, or similar activity that does not include direct and regular dealings with members of the public;</p> <p>(b) medical centre;</p> <p>(c) veterinary centre; and</p> <p>(d) gross floor area of not more than 300m²</p>	Refer to No Permit Required section
Community meeting and entertainment	<p>If –</p> <p>(a) not an art gallery, cinema, concert hall, convention centre, dance hall, exhibition centre, function or reception centre, library, museum, music hall, or theatre; and</p>	If gross floor area of not more than 300m ²	No qualification

USE CLASS	GENERAL RESIDENTIAL <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Tasmanian Planning Scheme 2017</i>
	(b) a gross floor area of not more than 300m ²		
Education and occasional care	If – (a) long day care, before or after school care, occasional care, or out-of-school hours care; (b) a day respite centre; (c) pre-school, primary or secondary education to Year 10; or (d) an employment training centre	If – (a) day care facilities for children; (b) day respite centre; or (c) pre-school and primary school education	No qualification
Emergency services	If not intended for deployment beyond the local area, or as a facility for training, maintenance, storage, command or administration	If not intended for deployment beyond the local area, or as a facility for training, maintenance, storage, command or administration	No qualification

COMMUNITY SERVICES

USE CLASS	GENERAL RESIDENTIAL <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Tasmanian Planning Scheme 2017</i>
Food services	If – (a) no licensed premises; (b) not including a drive-through facility; and (c) seating capacity for not more than 20 people	If not a take-away food premises with a drive-through facility	No qualification
General retail and hire	If a local shop	If – (a) grocery and convenience goods; or (b) personal services; and (c) an occasional market retaining goods by independent stall holders	Refer to No Permit Required section
Hotel Industry	Not permissible in this zone	If no drive-through sales	

USE CLASS	GENERAL RESIDENTIAL <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Tasmanian Planning Scheme 2017</i>
Pleasure boat facility	Not permissible in this zone	If a boat launch and recovery ramp primarily for trailer borne recreation vessels	If for a boat ramp
Research and Development	Not permissible in this zone	Not permissible in this zone	
Residential	No qualification	If located on a floor above or pedestrian level of to the rear of active frontage premises	If – (a) located above ground floor level (excluding pedestrian or vehicular access) or to the rear of premises; and (b) not listed as No Permit Required
Resource development	If a community garden for production or ornamental purposes to serve the local community; and not involving the keeping of animals	Not permissible in this zone	Not permissible in this zone
Service Industry	Not permissible in this zone	If not motor repairs and panel beating	Refer to discretionary section

COMMUNITY SERVICES

USE CLASS	GENERAL RESIDENTIAL <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Tasmanian Planning Scheme 2017</i>
Sport and recreation	If outdoor recreation facilities comprising a single playing field or a single surface for the local community	If – (a) an indoor facility; and (b) a gross floor area of not more than 300m ²	Refer to discretionary section
Tourist operation	If – (a) based on a building, area or place of regulated scientific, aesthetic, architectural or historic interest or otherwise of special cultural value; (b) not a visitor's information centre	If – (a) based on a building, area or place of regulated scientific, aesthetic, architectural or historic interest or otherwise of special cultural value; (b) a visitors information centre; or (c) gross floor area of not more than 300m ²	Refer to discretionary section
Utilities	If minor utilities	If minor utilities	Refer to no permit required and discretionary section

USE CLASS	GENERAL RESIDENTIAL <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Tasmanian Planning Scheme 2017</i>
Visitor accommodation	If – (a) in a building; and (b) guest accommodation for not more than 16 people	If – (a) in a building; and (b) located on a floor above road or pedestrian level or to the rear of active frontage premises; and (c) guest accommodation for not more than 16 people	If located above ground floor level (excluding pedestrian or vehicular access) or to the rear of premises;
Discretionary		Qualifications	
Bulky goods sales	Not permissible in this zone	No qualification	Refer to permitted section
Business and professional service	If a medical centre	No qualification	Refer to no permit required section
Community meeting and entertainment	If not an art gallery, cinema, concert hall, convention centre, dance hall, exhibition centre, function or reception centre, library, museum, music hall, or theatre	No qualification	Refer to permitted section

COMMUNITY SERVICES

USE CLASS	GENERAL RESIDENTIAL <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Tasmanian Planning Scheme 2017</i>
Education and occasional care	No qualification	No qualification	No qualification
Equipment and Machinery Sales and Hire	Not permissible in this zone	Not permissible in this zone	No qualification
Food services	If not including a drive through in take away food premises	No qualification	Refer to no permit required section
General retail and hire	Refer to permitted section	No qualification	Refer to no permit required section
Hotel industry	Not permissible in this zone	No qualification	Refer to permitted section
Natural and cultural values management	No qualification	Refer to no permit required section	Refer to no permit required section
Passive recreation	No qualification	No qualification	Refer to no permit required section
Pleasure boat facility	Not permissible in this zone	No qualification	Refer to permitted section
Residential	Refer to Permitted section	No qualification	If not listed as No Permit Required or Permitted

USE CLASS	GENERAL RESIDENTIAL <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Tasmanian Planning Scheme 2017</i>
Service industry	Not permissible in this zone	No qualification	No qualification
Sports and recreation	Refer to Permitted section	No qualification	No qualification
Storage	Not permissible in this zone	No qualification	No qualification
Transport depot and distribution	Not permissible in this zone	If – (a) loading or unloading of goods and passengers by bus, rail, ferry or taxi; and (b) courier and cartage of goods produced or sold from land within the applicable Local Business zone	If for: (a) a public transport facility; or (b) distribution of goods to or from land within the zone
Tourist operation	Refer to Permitted section	No qualification	No qualification
Utilities	No qualification	No qualification	If not listed as No Permit Required
Vehicle fuel sales and service	Not permissible in this zone	If a service station	No qualification

COMMUNITY SERVICES

USE CLASS	GENERAL RESIDENTIAL <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Central Coast interim, Planning Scheme 2013</i>	LOCAL BUSINESS <i>Tasmanian Planning Scheme 2017</i>
Vehicle Parking	Not permissible in this zone	Not permissible in this zone	No qualification
Visitor accommodation	No qualification	No qualification	No qualification

Schedule 1, Part 1 of the Act (objectives of the Resource Management and Planning System of Tasmania) –

- (a) *“to promote the sustainable development of natural and physical resources and the maintenance of the ecological processes and genetic diversity”*

The site(s) do not contain any characteristics that would be impacted by the draft amendment in terms of ecological or natural processes. All the site(s) are developed and controlled under the provisions of the Planning Scheme and within an established Local Business precinct.

- (b) *“to provide for the fair, orderly and sustainable use and development of air land and water”*

The draft amendment would allow for infill of the Local Business zone at West Ulverstone. The draft amendment is not considered likely to lead to any issues relating to the fair, orderly or sustainable use of development of air, land or water.

- (c) *“encourage public involvement in resource management and planning”*

This would be achieved through the statutory public notification process of the draft amendment and opportunity for formal submission of representation under the Act. This process is consistent with this objective.

- (d) *“to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c) “*

The draft amendment would allow for infill of the Local Business zone at West Ulverstone. In this regard, the infill would allow for greater permissible Local Business use classes within an established Local Business zone precinct which would be considered to facilitate economic development.

- (e) *“to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State”*

This objective can be achieved through the public notification process and the Local government involvement through the

certification of the draft amendment. The State government process can be achieved through the Tasmanian Planning Commission.

Schedule 1, Part 2 (objectives of the planning process established by the Act) –

- (a) *“to require sound strategic planning and co-ordinated action by State and local government”*

The draft amendment recognises a more appropriate zoning for the site(s) and permissible use classes that would be compatible with the surrounding area. The draft amendment process is coordinated through local and State governments.

- (b) *“to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land”*

The draft amendment proposes to rezone three parcels of land. This draft amendment is a relatively minor change under the Planning Scheme, with no alteration to the general purpose of the Planning Scheme or with the standard of development control intended by the Planning Scheme.

- (c) *“to ensure that the effects on the environment are considered and provide for the explicit consideration of social and economic effects when decisions are made about the use and development of land”*

The draft amendment has been considered against other Policies and Planning Instruments. The specific issues in relation to social and economic benefit have been addressed throughout this report.

- (d) *“to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels”*

Consideration has been given in relation to environmental, social and economic outcomes. No environmental concerns have been raised with the draft amendment. Review of social and economic matters results with the draft amendment having

no adverse impacts. The draft amendment is considered to be consistent with State Policies and the Cradle Coast Regional Land Use Strategy 2010 – 2030.

- (e) *“to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals”*

The draft amendment is for the rezoning of land under s.33 of the Act. Any future development of the land would require separate planning approvals and/or other applicable approvals.

- (f) *“to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania”*

The draft amendment would allow for the future application of use and/or development on the site(s) to be in a manner more compatible with the surrounding area. Any future planning application would be assessed under the Planning Scheme to ensure ongoing outcomes for a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania.

- (g) *“to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value”*

The site(s) have no known scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

- (h) *“to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community”*

The draft amendment is not considered to have a negative impact on public infrastructure and other assets. Council, acting as a Road Authority and Stormwater Authority, have raised no issues with the draft amendment. The draft amendment will be referred to TasWater, if initiated.

- (i) *“to provide a planning framework which fully considers land capability”*

The draft amendment process and Planning Scheme provisions allow for examination of land characteristics and capability.

Section 32(1)(f) of the Act –

Issues regarding s.32 of the Act are addressed in this report under Schedule 1, Part 1, objective (d) above.

5 *State Policies –*

State Coastal Policy 1996 –

The site(s) are within 1km of the coast (approximately 170m). Therefore, the State Coastal Policy applies. The site(s) are developed and within an established Local Business precinct in West Ulverstone. The site(s) are in an area identified as low coastal inundation. Furthermore, the site(s) are separated from the shoreline by recreation, residential and utilities zones and development. There are no ecosystems or natural processes of significance identified on the site(s). Although located within the prescribed coastal zone, the site(s) are considered to have sufficient elevation and separation from the shoreline to not be at risk from an increase in sea level and storm activity as may result from climate change.

State Policy on Water Quality Management 1997 –

There are no records that indicate existing problems with the management of stormwater or sewage in this location. This Policy relates to the planning and design of stormwater and sewage infrastructure and protection of surface and groundwater resources from pollution. All stormwater and wastewater management would be controlled by the Council through any future development approval process.

State Policy on the Protection of Agricultural Land 2009 –

The site(s) are not within an area identified as Agricultural land. This Policy does not apply to the draft amendment.

National Environment Protection Measures –

All listed National Environment Protection Measures under this Policy are not applicable to the site(s). This Policy does not apply to the draft amendment.

6 *Cradle Coast Regional Land Use Strategy 2010-2030 –*

This Strategy “promotes wise use of natural and cultural resources, a prosperous regional economy, liveable and sustainable communities, and planned provision for infrastructure and services”. Furthermore, the Strategy “assumes there is limited immediate need or benefit in wholesale change to the shape and appearance of regional towns, rural environments or conservation places. It proposes that settlement centres remain separate, compact, contained and individual, and that growth and development for housing, business and community purposes be achieved through a careful mix of intensification within established urban boundaries and considered expansion”.

The Strategy classifies towns and small settlements into various activity categories. Ulverstone is identified as a District Activity Centre.

The Strategy identifies that “land is to be used in the manner best matched to its highest capability to support social, cultural and economic endeavour while always protecting health of the environment”. The draft amendment would facilitate optimal capability to support social, cultural and economic endeavour by allowing the three lots, currently zoned General Residential, to form part of the overall West Ulverstone Local Business precinct.

The Strategy identifies opportunities to allow infill development and to rationalise boundaries. The draft amendment would result in infill of the Local Business Zone and to allow the eastern side Local Business zone boundary be rationalised.

7 *Transition to the Tasmanian Planning Scheme –*

The Central Coast LPS is still before the Commission.

Tasmanian Planning Commission has issued an Information Sheet 1 /2019 in relation to the transition of a draft amendment to an existing planning scheme, where a draft LPS has not yet been approved or come into effect.

The savings and transitional provisions under Schedule 6 of the Act allow for some draft amendments, that have been initiated by the Planning Authority but not approved before a LPS comes into effect, to be considered as a draft amendment to the LPS. This transition has limitations but includes altering the designation of a zone to an area of land.

CONSULTATION

In accordance with s.38 of the Act, the draft amendment is to be placed on public exhibition for a period not less than 28 days and not greater than two months and is to comprise:

- two advertisements placed in the Public Notices section of The Advocate newspaper, one of which is to be a Saturday.

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, as well as costs associated with a hearing on the matter.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 (reviewed 2019) includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- Contribute to a safe and healthy environment;
- Develop and manage sustainable built infrastructure; and
- Contribute to the preservation of the natural environment.

CONCLUSION

This report contains planning considerations relevant to the rezoning of the land that must be addressed in any submission to the Commission. The proposed draft amendment would enable the infill of the Local Business zone at West Ulverstone and would allow for the subject site(s) to be utilised for a variety of business uses, whilst still allowing the dwellings to be used for residential use under pre-existing use rights. The draft amendment would rectify what appears to have been an oversight with the introduction of the current Planning Scheme.

Recommendation –

It is recommended that the Planning Authority:

- 1 Agree to initiate the process for a draft amendment to the *Central Coast Interim Planning Scheme 2013* to rezone 10a Alice Street, West Ulverstone from General Residential to Local Business.

- 2 Modify the draft amendment to the *Central Coast Interim Planning Scheme 2013* to include 10 Alice Street and 1 Alice Street to be rezoned from General Residential to Local Business.
- 3 Authorise the General Manager to act on behalf of the Planning Authority during the draft amendment process with the Tasmanian Planning Commission.
- 4 Certify that the draft amendment meets the requirements of s.32 of the *Land Use Planning and Approvals Act 1993*.
- 5 Forward a copy of the draft amendment with the Instrument of Certification to the Tasmanian Planning Commission.
- 6 Proceed with public exhibition of the proposed draft amendment in accordance with s.38 of the *Land Use Planning and Approvals Act 1993* for a period of four weeks.'

The Town Planner's report is supported."

The Executive Services Officer reported as follows:

"A copy of the Annexures referred to in the Town Planners report have been circulated to all Councillors."

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

- 1 Agree to initiate the process for a draft amendment to the *Central Coast Interim Planning Scheme 2013* to rezone 10a Alice Street, West Ulverstone from General Residential to Local Business.
- 2 Modify the draft amendment to the *Central Coast Interim Planning Scheme 2013* to include 10 Alice Street and 1 Alice Street to be rezoned from General Residential to Local Business.
- 3 Authorise the General Manager to act on behalf of the Planning Authority during the draft amendment process with the Tasmanian Planning Commission.
- 4 Certify that the draft amendment meets the requirements of s.32 of the *Land Use Planning and Approvals Act 1993*.
- 5 Forward a copy of the draft amendment with the Instrument of Certification to the Tasmanian Planning Commission.

- 6 Proceed with public exhibition of the proposed draft amendment in accordance with s.38 of the *Land Use Planning and Approvals Act 1993* for a period of four weeks.”

Carried unanimously

286/2020 Draft Amendment PSA2020004 to the *Central Coast Interim Planning Scheme 2013*

The Strategic Projects and Planning Consultant reported as follows:

“The Town Planner has prepared the following report:

<i>DRAFT AMENDMENT NUMBER:</i>	PSA2020004
<i>PROPOSED AMENDMENT:</i>	Rezone land from Local Business to Low Density and include land in the Forth Specific Area Plan
<i>LOCATION:</i>	640 Forth Road, Forth (CT252652/1)
<i>PLANNING INSTRUMENTS:</i>	<i>Land Use Planning and Approvals Act 1993</i> (the Act) & <i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)

PURPOSE

The purpose of this report is for the Planning Authority to consider a draft amendment to the Planning Scheme. The draft amendment is placed before the Planning Authority following a request from Veris Australia Pty Ltd. The draft amendment is to rezone land known as 640 Forth Road, Forth from Local Business to Low Density Residential. The draft amendment is to also include this land within the Forth Specific Area Plan.

Accompanying the report are the following documents:

- . Annexure 1 – location map, aerial view, zone map and photographs;
- . Annexure 2 – application documentation; and
- . Annexure 3 – Instrument of Certification;

BACKGROUND

1 Proposed draft amendment to the Planning Scheme –

The applicant has requested the Council to initiate a draft amendment, which has two aspects:

- . to rezone 640 Forth Road, Forth from Local Business to Low Density Residential; and
- . to include the land within the Forth Specific Area Plan (minimum site area of 2,000m²).

The proposed draft amendment is to enable the site to be used for residential purpose. No development is proposed as part of the draft amendment application.

Refer to Annexure 1 for the location map, aerial view, zone map and photographs of the site. Refer to Annexure 2 for the application documentation.

2 Site description and surrounding area –

The land subject to the draft amendment is known as 640 Forth Road, Forth identified in CT252652/1. The site has an area of 759m² and contains an existing building, previously known as the ‘Purple House’.

The site is zoned Local Business under the Planning Scheme and is located on the eastern side of the Forth River. The site abuts Low Density Residential zoned land to the north, east and south and a Local Business zone to the east. The Bridge Hotel Forth abuts the site’s eastern boundary. No known planning overlays apply to the land. The Forth Specific Area Plan applies to land on the northern and eastern boundaries.

The subject site adjoins two Heritage listed properties; being the Bridge Hotel Forth that is along the site’s western boundary, and 10 William Street that adjoins the site’s north-eastern corner.

Due to the extensive history of the site and the architectural design of the building, the Council, separate to this draft amendment process, will consult with both the owners of the land and the Tasmanian Heritage Council to determine whether an assessment should be undertaken to have the site Heritage listed.

3 Infrastructure provision –

The site is connected to water, sewer, and stormwater reticulated systems. The site has frontage to Forth Road. Forth Road is owned and maintained by Department of State Growth. This draft amendment will be referred to Department of State Growth, if initiated.

4 History –

The site is located on the eastern side of Forth River within the long established village of Forth. The site was the former Forth Post Office and in 1856 was known as the Hamilton On Forth. After the Post Office closed, the land was transferred into private ownership and the existing building on site was used for residential purposes. In 2000, new owners renovated the building and established a business on the site known as the ‘Purple House’.

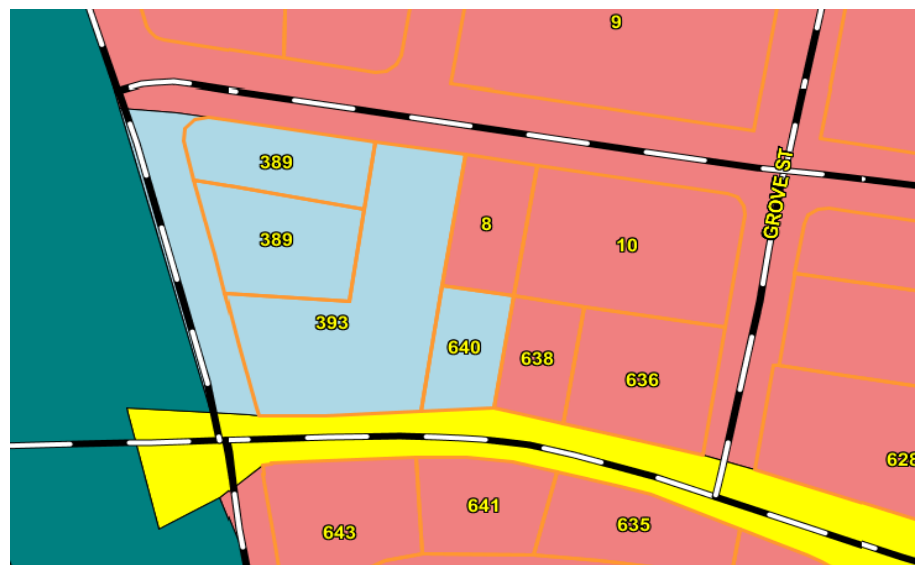
With the transition between the *Central Coast Planning Scheme 2005* and the *Central Coast Interim Planning Scheme 2013*, the site was rezoned from Low Density Residential to Local Business. The zone was applied to reflect the operations/activities of the Purple House at that time.

The land applicable to the draft amendment, as stated in the application was “originally granted to the Commonwealth of Australia. The Tasmanian Government reserved all rights to the ownership of gold, silver, copper, tin and other metals or minerals and other substances containing metals and all coal and mineral oil and all gems and precious stones as well as rights to use the land for service infrastructure and public utilities”. Such rights, as per the Certificate of Title, were carried over through private ownership and the said rights in the name of the Crown. Therefore, consent from Crown Land Services to the draft amendment is required and was received 10 August 2020. All other documentation relating to the application was received 29 July 2020.

The image below shows the current zones in this location. Pink represents the Low Density Residential zone, blue represents Local Business zone, yellow represents Utilities zone (Forth Road) and green represents Environmental Management zone (the Forth River).



The second image, below, depicts the Forth Specific Area Plan overlay and where it currently applies – shown in red. The overlay does not apply to the Local Business zone.



DISCUSSIONS

1 Draft amendment process –

The Planning Authority may, in response to a request or by its own motion, initiate an amendment to a Planning Scheme that is administered by the Planning Authority. If this is done through a

request, then the Planning Authority must decide whether to initiate the draft amendment within 42 days from the day it received the request. The request for this draft amendment was received 10 August 2020. The 42 day period would conclude on 21 September 2020.

Note – In 2015, the Tasmanian Parliament passed legislation amending the *Land Use Planning and Approvals Act 1993* to allow for the development of a Statewide Planning Scheme that is to replace all existing Planning Schemes. In February 2017, the State Government ratified the new Tasmanian Planning Scheme (TPS).

This draft amendment is to be processed under the “previous” Act (prior to amendments).

The key steps in the amendment process are:

- . The Planning Authority certifies that the draft amendment meets the requirements of s.32 of the Act and, within 7 days, the Instrument of Certification is forwarded to the Tasmanian Planning Commission (TPC).
- . The TPC decides whether to approve the amendment under s.37 of the Act, whereby it may dispense with certain requirements, or proceed in accordance with the processes required under sections 38, 39, 40, 41 and 42 of the Act.
- . The Planning Authority must publicly exhibit the draft amendment for a period of not less than 28 days and not greater than two months, including at least two notices in the local newspaper.
- . Under s.39 of the Act, any public representations received in response to the public exhibition are to be reported on by the Planning Authority to the TPC as to their merits and may include recommendations on the draft amendment.
- . The TPC will conduct a hearing to consider issues raised by the draft amendment and through representations.
- . The TPC will determine the application for the draft amendment within three months unless a later date is approved by the Minister.

2 *Legislative requirements –*

The *Land Use Planning and Approvals Act* (the Act) provides that a Planning Authority may initiate a process to amend a Planning Scheme either of its own motion or in response to a third-party request.

The Act requires that a Planning Authority must be satisfied that the draft amendment will further the objectives of the Resource Management and Planning System and is in accordance with applicable State Policies.

The key steps in the amendment process have been discussed. The final decision on whether to approve, reject, or modify the amendment is made by the Commission.

There is no appeal process available to an applicant for rezoning if the Planning Authority refuses the request. The applicant may ask the Commission to review the process leading to the decision, but not the merits of that decision.

If a Planning Authority refuses to initiate a scheme amendment, it is excluded from considering a similar request for period of two years.

3 *Assessment against the legislative requirements –*

When considering a draft amendment, assessment must be undertaken to determine whether requirements of s.32 of the Act have been met. This includes:

- . Avoiding potential land use conflict with use and development permissible under the planning scheme;
- . Being, where practicable, consistent with the relevant regional land use strategy; and
- . Have regard to the impact on the region in environmental, economic and social outcomes.

Central Coast Interim Planning Scheme 2013 –

The land is subject to the provisions of the Planning Scheme and is zoned Local Business. The Planning Scheme provides a list of permissible use classes in the zone, some with qualifications.

The draft amendment would allow the site to be used for residential purposes and some other compatible uses. Currently, a permitted

residential use would need to be “located on a floor above a road or pedestrian level or to the rear of an active frontage.”

Under previous planning schemes, the site has been used for residential purposes. The land would be compatible with the surrounding land to the north, east and south.

Forth Specific Area Plan –

The draft amendment would include a provision for the land to be included within the Forth Specific Area Plan (Forth SAP). The intention of the Forth SAP is to provide overarching strategic guidance to Council decision making for land within the overlay. The Forth SAP has specific use and development standards that would apply to any land within the overlay, as considered relevant to the area.

The Forth SAP has two applicable land sizes. The draft amendment would apply the 2,000m² standard for land size. The inclusion of the land within the Forth SAP would result with this SAP overlay encroaching further to the west.

The application documentation prepared by Veris Australia Pty Ltd includes an analysis in relation to this overlay, which is considered valid.

Potential land use conflict –

It is noted that the land subject to the draft amendment is located within a mixed established use area. The site adjoins the Bridge Hotel Forth to the west, Telstra Compound Building to the immediate east and residential dwellings located to the north, further east and south. There may be the potential for land use conflict with the Bridge Hotel Forth (zoned Local Business) if the Low Density zone encroaches closer through application of the draft amendment. There have been some noise issues associated with the activities of the Bridge Hotel Forth, however the surrounding established residential area are aware of these intermittent activities.

The Regulatory Services Group Leader has mentioned that the Council has not received, to date, a formal complaint regarding noise issues.

The draft amendment would result with residential use closer to the Bridge Hotel Forth. However, it is noted that there would be separation

between the two sites, and there are other existing residential areas within similar proximity to the Hotel.

Analysis of use table –

Below is an analysis table outlining the permissibility for use in both the Local Business zone and the Low Density Residential zone. It outlines whether the use is permitted or discretionary in the respective zone and outlines any qualifications applicable. The table also includes the Tasmanian Planning Scheme's permissible uses for the Low Density Residential zone.

The analysis shows that the draft amendment would allow residential use on the site with less qualifications. It would restrict the use of business type activities; however, some uses would still be permissible subject to qualifications. The Tasmanian Planning Scheme 2017 would further restrict particular business type uses applicable to the site but would allow even less qualifications for residential use.

COMMUNITY SERVICES

USE CLASS	LOCAL BUSINESS <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Tasmanian Planning Scheme 2017</i>
No Permit Required			
Business and Professional Services	Refer to permitted and discretionary section	Refer to permitted and discretionary section	Refer to discretionary section
Food Services	Refer to permitted and discretionary section	Refer to permitted and discretionary section	Refer to discretionary section
General Retail and Hire	Refer to permitted and discretionary section	Refer to permitted section	Refer to discretionary section
Natural and cultural value management	If for conservation, rehabilitation, or protection against degradation, but must not include a building or any outdoor area for information, interpretation, or display of items of for any other use	If for conservation, rehabilitation, or protection against degradation, but must not include a building or any outdoor area for information, interpretation, or display of items of for any other use	No qualification
Passive recreation	If be a public park, reserve, or garden or a building or structure for use by the local, community	If a public park or reserve for the local community	No qualification

USE CLASS	LOCAL BUSINESS <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Tasmanian Planning Scheme 2017</i>
Residential	Refer to permitted and discretionary section	Refer to permitted section	If for a single dwelling
Utilities	Refer to permitted and discretionary section	Refer to permitted and discretionary section	If for minor utilities
Permitted			
Bulky goods sales	If – (a) a garden centre for the retail sale of plants, landscaping, and gardening supplies and equipment (b) floor coverings, furniture, or white goods; (c) building supplies and hardware; (d) office and hospitality supplies; and	Not permissible in this zone	Not permissible in this zone

COMMUNITY SERVICES

USE CLASS	LOCAL BUSINESS <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Tasmanian Planning Scheme 2017</i>
	(e) gross floor area of not more than 300m ²		
Business and professional service	<p>If –</p> <ul style="list-style-type: none"> (a) office for administration, clerical, technical, professional, or similar activity that does not include direct and regular dealings with members of the public; (b) medical centre; (c) veterinary centre; and (d) gross floor area of not more than 300m² 	<p>If a medical centre–</p> <ul style="list-style-type: none"> (a) involving not more than 3 health care professionals at any one time; and (b) a gross floor area of not more than 300m² 	Refer to discretionary section
Community meeting and entertainment	If gross floor area of not more than 300m ²	<p>If –</p> <ul style="list-style-type: none"> (a) not an art gallery, cinema, concert hall, convention centre, dance hall, exhibition centre, function or reception 	Refer to discretionary section

USE CLASS	LOCAL BUSINESS <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Tasmanian Planning Scheme 2017</i>
		centre, library, museum, music hall, or theatre; and (b) a gross floor area of not more than 300m ²	
Education and occasional care	If – (a) day care facilities for children; (b) day respite centre; or (c) pre-school and primary school education	If – (a) long day care, before or after school care, occasional care, or out-of-school hours care; (b) a day respite centre; (c) pre-school, primary or secondary education to Year 10; or an employment training centre	Refer to discretionary section
Emergency services	If not intended for deployment beyond the local area, or as a facility for training, maintenance, storage, command or administration function	If not intended for deployment beyond the local area, or as a facility for training, maintenance, storage, command or administration function	Refer to discretionary section

COMMUNITY SERVICES

USE CLASS	LOCAL BUSINESS <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Tasmanian Planning Scheme 2017</i>
Food services	If not a take-away food premises with a drive-through facility	If – (a) no licensed premises; (b) not including a drive-through facility; and (c) seating capacity for not more than 20 people	Refer to discretionary section
General retail and hire	If – (a) grocery and convenience goods; or (b) personal services; and (c) an occasional market retaining goods by independent stall holders	If a local shop	Refer to discretionary section
Hotel Industry	If no drive-through sales	Not permissible in this zone	

USE CLASS	LOCAL BUSINESS <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Tasmanian Planning Scheme 2017</i>
Pleasure boat facility	If a boat launch and recovery ramp primarily for trailer borne recreation vessels	Not permissible in this zone	Not permissible in this zone
Research and Development	Not permissible in this zone	Not permissible in this zone	Not permissible in this zone
Residential	If located on a floor above or pedestrian level of to the rear of active frontage premises	No qualifications	If for a home-based business
Resource development	Not permissible in this zone	If a community garden for production or ornamental purposes to serve the local community; and not involving the keeping of animals	Not permissible in this zone
Service Industry	If not motor repairs and panel beating	Not permissible in this zone	Not permissible in this zone
Sport and recreation	If – (a) an indoor facility; and	If outdoor recreation facilities comprising a single playing field or	Refer to discretionary section

COMMUNITY SERVICES

USE CLASS	LOCAL BUSINESS <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Tasmanian Planning Scheme 2017</i>
	(b) a gross floor area of not more than 300m ²	a single surface for the local community	
Tourist operation	If – (a) based on a building, area or place of regulated scientific, aesthetic, architectural or historic interest or otherwise of special cultural value; (b) a visitors information centre; or (c) gross floor area of not more than 300m ²	If – (a) based on a building, area or place of regulated scientific, aesthetic, architectural or historic interest or otherwise of special cultural value; and (b) not a visitor's information centre	Not permissible in this zone
Utilities	If minor utilities	If minor utilities	Refer to no permit required and discretionary section
Visitor accommodation	If – (a) in a building; and (b) located on a floor above road or pedestrian level or to the	If – (a) in a building; and	No qualifications

USE CLASS	LOCAL BUSINESS <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Tasmanian Planning Scheme 2017</i>
	rear of active frontage premises; and (c) guest accommodation for not more than 16 people	guest accommodation for not more than 16 people	
Discretionary			
Bulky goods sales	No qualification	Not permissible in this zone	Not permissible in this zone
Business and professional service	No qualification	If a medical centre	If for a consulting room, medical centre, veterinary centre, child health clinic or for the provision of residential support services
Community meeting and entertainment	No qualification	If not an art gallery, cinema, concert hall, convention centre, dance hall, exhibition centre, function or reception centre, library, museum, music hall, or theatre	If for a place of worship, art and craft centre or public hall
Education and occasional care	No qualification	No qualification	If not for a tertiary institution

COMMUNITY SERVICES

USE CLASS	LOCAL BUSINESS <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Tasmanian Planning Scheme 2017</i>
Equipment and Machinery Sales and Hire	Not permissible in this zone	Not permissible in this zone	Not permissible in this zone
Food services	No qualification	No qualification	If not for a takeaway food premises with a drive through facility
General retail and hire	No qualification	Refer to permitted section	If for a local shop
Hotel industry	No qualification	Not permissible in this zone	Refer to permitted section
Natural and cultural values management	Refer to no permit required section	No qualification	Refer to no permit required section
Passive recreation	No qualification	No qualification	Refer to no permit required section
Pleasure boat facility	No qualification	Not permissible in this zone	Not permissible in this zone
Residential	No qualification	Refer to permitted section	If not listed as No Permit Required or Permitted
Service industry	No qualification	Not permissible in this zone	Not permissible in this zone

USE CLASS	LOCAL BUSINESS <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Tasmanian Planning Scheme 2017</i>
Sports and recreation	No qualification	Refer to permitted section	If for a fitness centre gymnasium, public swimming pool or sports ground
Storage	No qualification	Not permissible in this zone	Not permissible in this zone
Transport depot and distribution	If – (a) loading or unloading of goods and passengers by bus, rail, ferry or taxi; and (b) courier and cartage of goods produced or sold from land within the applicable Local Business zone	Not permissible in this zone	Not permissible in this zone
Tourist operation	No qualification	Refer to permitted section	Not permissible in this zone
Utilities	No qualification	No qualification	If not listed as No Permit Required
Vehicle fuel sales and service	If a service station	Not permissible in this zone	Not permissible in this zone

COMMUNITY SERVICES

USE CLASS	LOCAL BUSINESS <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Central Coast interim Planning Scheme 2013</i>	LOW DENSITY RESIDENTIAL <i>Tasmanian Planning Scheme 2017</i>
Vehicle Parking	Not permissible in this zone	Not permissible in this zone	Not permissible in this zone
Visitor accommodation	No qualification	No qualification	Refer to permitted section

Schedule 1, Part 1 of the Act (objectives of the Resource Management and Planning System of Tasmania) –

- (a) *“to promote the sustainable development of natural and physical resources and the maintenance of the ecological processes and genetic diversity”*

The land does not contain any characteristics that would be impacted by the draft amendment in terms of ecological or natural processes. The draft amendment would allow for the existing building on site to be used for residential purpose and established as a dwelling, as under previous planning schemes.

- (b) *“to provide for the fair, orderly and sustainable use and development of air land and water”*

The draft amendment would allow for infill of the Low Density Residential zone and land to be included in the Forth Specific Area Plan. The draft amendment is not considered likely to lead to any issues relating to the fair, orderly or sustainable use or development of air, land or water.

- (c) *“encourage public involvement in resource management and planning”*

This would be achieved through the statutory public notification process of the draft amendment and opportunity for formal submission of representation under the Act. This process is consistent with this objective.

- (d) *“to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c) “*

The draft amendment would allow for infill of the Low Density Residential zone and land to be included in the Forth Specific Area Plan. The draft amendment would allow for the establishment of residential use in an existing building.

- (e) *“to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State”*

This objective can be achieved through the public notification process and the local government involvement through the certification of the draft amendment.

The State Government process can be achieved through the Tasmanian Planning Commission.

Schedule 1, Part 2 (objectives of the planning process established by the Act) –

- (a) *“to require sound strategic planning and co-ordinated action by State and local government”*

The draft amendment recognises a zoning for the subject land that would be compatible with the surrounding area to the north, east and south and allow the existing building to be used for residential purposes, as it was used under previous planning schemes. The draft amendment process is coordinated through Local and State Governments.

- (b) *“to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land”*

The draft amendment proposes to rezone the land from Local Business to Low Density Residential and for the land to be included in the Forth Specific Area Plan. This draft amendment is a relatively minor change under the Planning Scheme, with no alteration to the general purpose of the Planning Scheme or with the standard of development control intended by the Planning Scheme.

- (c) *“to ensure that the effects on the environment are considered and provide for the explicit consideration of social and economic effects when decisions are made about the use and development of land”*

The draft amendment has been considered against other Policies and Planning Instruments. The specific issues in relation to social and economic benefit have been addressed throughout this report.

- (d) *“to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels”*

Consideration has been given in relation to environmental, social and economic outcomes. No environmental concerns have been raised with the draft amendment. Review of social and economic matters results with the draft amendment having

no adverse impacts. The draft amendment is considered to be consistent with State Policies and the Cradle Coast Regional Land Use Strategy 2010 – 2030.

It has been noted that the site may have some heritage significance. This would be addressed under a separate process to the draft amendment.

- (e) *“to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals”*

The draft amendment is for the rezoning of land under s.33 of the Act. Any future development of the land would require separate planning approvals and/or other applicable approvals.

- (f) *“to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania”*

The draft amendment would allow for the future application of use and/or development on the land to be consistent with the surrounding established residential areas to the north, east and south. Any future planning application would be assessed under the Planning Scheme to ensure ongoing outcomes for a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania.

- (g) *“to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value”*

The land has no known scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value applicable for consideration under the draft amendment.

It has been noted that the site may have some heritage significance. This will be addressed under a separate process to the draft amendment.

- (h) *“to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community”*

The draft amendment is not considered to have a negative impact on public infrastructure and other assets. The draft

amendment would be referred to Department of State Growth and TasWater, if initiated.

- (i) *“to provide a planning framework which fully considers land capability”*

The draft amendment process and Planning Scheme provisions allow for examination of land characteristics and capability.

Section 32(1)(f) of the Act –

Issues regarding s.32 of the Act are addressed in this report under Schedule 1, Part 1, objective (d) above.

4 *State Policies –*

State Coastal Policy 1996 –

The land is located more than 1km from the coast. This Policy does not apply to the draft amendment.

State Policy on Water Quality Management 1997 –

There are no records that indicate existing problems with the management of stormwater or sewage in this location. This Policy relates to the planning and design of stormwater and sewage infrastructure and the protection of surface and groundwater resources from pollution. All stormwater and wastewater management would be controlled by the Council through any future development approval process.

State Policy on the Protection of Agricultural Land 2009 –

The site is not within an area identified as agricultural land. This Policy does not apply to the draft amendment.

National Environment Protection Measures –

All listed National Environment Protection Measures under this Policy are not applicable to the site. This Policy does not apply to the draft amendment.

5 *Cradle Coast Regional Land Use Strategy 2010–2030 –*

The Cradle Coast Regional Land Use Strategy “promotes wise use of natural and cultural resources, a prosperous regional economy, liveable and sustainable communities, and planned provision for infrastructure and services”. Furthermore, the Strategy “assumes there is limited immediate need or benefit in wholesale change to the shape and appearance of regional towns, rural environments or conservation places”. It proposes that “settlement centres remain separate, compact, contained and individual, and that growth and development for housing, business and community purposes be achieved through a careful mix of intensification within established urban boundaries and considered expansion”.

The Strategy classifies towns and small settlements into various activity categories. Forth is identified as a Local Service Centre.

The Strategy identifies that “land is to be used in the manner best matched to its highest capability to support social, cultural and economic endeavour while always protecting health of the environment”. The draft amendment would facilitate optimal capability to support social, cultural and economic endeavour by allowing the land at 640 Forth Road to be rezoned from Local Business to Low Density Residential, which would be compatible with the surrounding residential areas to the north, east and south.

The Strategy identifies opportunities to allow infill development and to rationalise boundaries. The draft amendment would result in infill of the Low Density Residential Zone and allow the western, Low Density Residential side boundary line, to be “straightened”. Furthermore, the draft amendment promotes a zone for the land that would be compatible with surrounding areas to the north, east and south, and would allow the existing building to be used for “Permitted” residential purpose.

Forth is an established village catering for the immediate needs to the local community. The application documentation prepared by Veris Australia Pty Ltd includes an analysis in relation to the Cradle Coast Regional Land Use Strategy 2010–2030, which is considered valid.

6 *Transition to the Tasmanian Planning Scheme –*

The Central Coast LPS is still before the Commission.

The Tasmanian Planning Commission has issued an Information Sheet 1 /2019 in relation to the transition of a draft amendment to an existing planning scheme, where a draft LPS has not yet been approved or come into effect.

The savings and transitional provisions under Schedule 6 of the Act allow for some draft amendments, that have been initiated by the Planning Authority but not approved before an LPS comes into effect, to be considered as a draft amendment to the LPS. This transition has limitations but includes altering the designation of a zone to an area of land.

CONSULTATION

In accordance with s.38 of the Act, the draft amendment is to be placed on public exhibition for a period not less than 28 days and not greater than two months and is to comprise:

- . two advertisements placed in the Public Notices section of The Advocate newspaper, one of which is to be a Saturday.

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, as well as costs associated with a hearing on the matter.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 (reviewed 2019) includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment;
- . Develop and manage sustainable built infrastructure; and
- . Contribute to the preservation of the natural environment.

CONCLUSION

This report contains planning considerations relevant to the rezoning of the land that must be addressed in any submission to the Commission. The proposed draft amendment would enable infill of the Low Density Residential zone and the inclusion of the land with the Forth Specific Area Plan.

The draft amendment recognises a zone for the land that would be compatible with the surrounding areas to the north, east and south and would allow the existing building to be used for residential purpose, as it has been used under previous planning schemes.

Recommendation –

It is recommended that the Planning Authority:

- 1 Agree to initiate the process for an amendment to the *Central Coast Interim Planning Scheme 2013* to rezone 640 Forth Road, Forth (CT252652/1) from Local Business to Low Density Residential.
- 2 Agree to initiate the process for an amendment to the *Central Coast Interim Planning Scheme 2013* to include 640 Forth Road, Forth (CT252652/1) within the Forth Specific Area Plan (land size area of 2,000m²).
- 3 Authorise the General Manager to act on behalf of the Planning Authority during the draft amendment process with the Tasmanian Planning Commission.
- 4 Certify that the draft amendment meets the requirements of s.32 of the *Land Use Planning and Approvals Act 1993*.
- 5 Forward a copy of the draft amendment with the Instrument of Certification to the Tasmanian Planning Commission.
- 6 Proceed to public exhibition of the proposed amendment in accordance with s.38 of the *Land Use Planning and Approvals Act 1993* for a period of four weeks.'

The Town Planner's report is supported."

The Executive Services Officer reported as follows:

"A copy of the Annexures referred to in the Town Planners report have been circulated to all Councillors."

■ Cr Beswick moved and Cr Hiscutt seconded, "That the Planning Authority:

- 1 Agree to initiate the process for an amendment to the *Central Coast Interim Planning Scheme 2013* to rezone 640 Forth Road, Forth (CT252652/1) from Local Business to Low Density Residential.

- 2 Agree to initiate the process for an amendment to the *Central Coast Interim Planning Scheme 2013* to include 640 Forth Road, Forth (CT252652/1) within the Forth Specific Area Plan (land size area of 2,000m²).
- 3 Authorise the General Manager to act on behalf of the Planning Authority during the draft amendment process with the Tasmanian Planning Commission.
- 4 Certify that the draft amendment meets the requirements of s.32 of the *Land Use Planning and Approvals Act 1993*.
- 5 Forward a copy of the draft amendment with the Instrument of Certification to the Tasmanian Planning Commission.
- 6 Proceed to public exhibition of the proposed amendment in accordance with s.38 of the *Land Use Planning and Approvals Act 1993* for a period of four weeks."

Carried unanimously

287/2020 Residential (dwelling extensions – garage and second storey addition) – proximity to the railway line – 2 Hogarth Road, Sulphur Creek – Application No. DA2020157

The Strategic Projects and Planning Consultant reported as follows:

"The Town Planner has prepared the following report:

<i>'DEVELOPMENT APPLICATION NO.:</i>	DA2020157
<i>PROPOSAL:</i>	Residential (dwelling extensions – garage and second storey addition) – proximity to the railway line
<i>APPLICANT:</i>	Chloe Overton Eclo Designs
<i>LOCATION:</i>	2 Hogarth Road, Sulphur Creek
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)
<i>ADVERTISED:</i>	5 August 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	19 August 2020
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	11 September 2020 – extension of time granted until 21 September 2020
<i>DECISION DUE:</i>	21 September 2020

PURPOSE

The purpose of this report is to consider an application for dwelling extensions which include a garage and second storey additions on land at 2 Hogarth Road, Sulphur Creek.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – photographs;
- . Annexure 5 – Statement of Compliance; and
- . Annexure 6 – TasRail standard notes.

BACKGROUND

Development description –

An application has been made for dwelling extensions at 2 Hogarth Road, Sulphur Creek. The extensions include a two-car garage off the south-eastern elevation of the dwelling. This extension incorporates modification of the existing ground floor section of the dwelling to incorporate a portion of the garage, with the building line extending east by approximately 1.4m. The garage would be setback 3.3m from Hogarth Road.

The extensions also include a second storey addition to the existing dwelling. The second storey extension would comprise of a master bedroom (with ensuite), open plan kitchen/dining/living area and a covered north facing balcony. The second storey extension has been designed so that it steps in along the southern elevation to provide a recession, or modulation, when viewed from the southern adjoining property at 4 Hogarth Road, Sulphur Creek. A privacy screen would be provided for the balcony along the western elevation.

Site description and surrounding area –

The 702m² site is located on the north-western side of Hogarth Road. The site has a small frontage (0.43m) that abuts Preservation Drive with Hogarth Road wrapping around the property's north-eastern and eastern side boundaries. Preservation Drive is considered the primary frontage, as defined under the Planning Scheme "where there are two or more frontages, the frontage with the shortest dimensions measured parallel to the road irrespective of minor deviations and corner truncations".

Surrounding land to the west, east and south are also zoned General Residential and accommodates single and double storey dwellings and associated outbuildings. The site adjoins a Utilities zone to the north that accommodates Preservation Drive and the Western Rail Line.

History –

A previous application for this site (DA2020045) was lodged with the Council and refused due to the proposal resulting in an unreasonable overshadowing of habitable rooms at 4 Hogarth Road, the apparent scale, bulk and proportions of the building when viewed from 4 Hogarth Road, Sulphur Creek as well as the proposal not being compatible with that prevailing in the surrounding area.

The proposal was subsequently redesigned to fit within the required building envelope (refer to discussion below in the General Residential Table assessment). Therefore, there is no longer the necessity for the application to address and satisfy the applicable Performance Criteria in relation to shadow, bulk and scale.

The only discretion for this new application is in relation to the proximity of the dwelling to the railway line, which is discussed in the “Issues” section of this report.

DISCUSSION

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

General Residential

CLAUSE	COMMENT
10.3.1 Discretionary Permit Use	
10.3.1–(P1) Discretionary permit use must:	Not applicable.
(a) be consistent with local area objectives;	Residential use is Permitted.
(b) be consistent with any applicable desired future character statement; and	
(c) minimise likelihood for adverse impact on amenity for use on adjacent land in the zone.	
10.3.2 Impact of Use	
10.3.2–(A1) Permitted non-residential use must adjoin at least one residential use on the same street frontage.	Not applicable. Use is residential.
10.3.2–(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.	Not applicable. Use is residential.

COMMUNITY SERVICES

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.
10.4.1 Residential density for multiple dwellings	
<p>10.4.1–(A1) Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 325m²; or</p> <p>(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.</p>	<p>Not applicable.</p> <p>Not an application for multiple dwellings.</p>
10.4.2 Setbacks and building envelope for all dwellings	
<p>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:</p> <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>(a) Compliant. The dwelling extension (second storey addition) would be setback 17m from the primary frontage (Preservation Drive). The garage would be setback 25m from the primary frontage.</p> <p>(b) Compliant. The dwelling extension (second storey addition) would be setback 7m from the secondary frontage (Hogarth Road). The garage would be setback 3.3m from the secondary frontage.</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>(c) Not applicable. Satisfied by (a) and (b).</p> <p>(d) Compliant. The development is not on land that abuts Bass Highway.</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. The garage would be setback 25m from the primary frontage (Preservation Drive).</p> <p>(b) Not applicable. Refer to (a) above.</p> <p>(c) Not applicable. Refer to (a) above.</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"> (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 (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 <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or 	<p>(a)(i) Compliant. The proposal satisfies the frontage setbacks as discussed above.</p> <p>(a)(ii) Compliant. Plans provided show that the proposed extensions would fit within the required building envelope. This clause allows for limited protrusion outside the building envelope. The Planning Scheme identifies protrusions “such as eaves, steps, porches, and awnings that extend not more than 0.6m horizontally beyond the building envelope”. The plans provided show that there is a protrusion outside the building envelope on the north elevation that satisfies this exemption. This protrusion is the roof (eave) of the proposed balcony which protrudes 0.564m.</p> <p>(b)(i) Compliant. The dwelling extension would be located more than 1.5m from both side boundaries.</p> <p>(b)(ii) Compliant. The dwelling extension would be located more than 1.5m from both side boundaries.</p>
---	---

(ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser).	
10.4.3 Site coverage and private open space for all dwellings	
<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 60.0m² 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. The land area is 702m². The existing dwelling and shed have a building area of 289m². The total site coverage would be 34%.</p> <p>(b) Not applicable. The proposed development is not for multiple dwellings.</p> <p>(c) Compliant. The site has an area of 65% 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) 24.0m²; or</p>	<p>(a)(i) Compliant. The existing private open space has an area greater than 24m².</p> <p>(a)(ii) Not applicable. Development satisfied by (a)(i).</p> <p>(b)(i) Compliant. The dwelling has private open space with a minimum 14m horizontal dimension.</p>

<p>(ii) 12.0m², 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>(c) Compliant. The proposed rumpus room area on the ground floor would have direct access to the private open space.</p> <p>(d) Compliant. The private open space is located to the north-west, north-east and south of the dwelling.</p> <p>(e) Compliant. The existing private open space is not primarily located between the dwelling and the frontage. The site has numerous locations of private open space on-site.</p> <p>(f) Compliant. The existing private open space is reasonably flat.</p> <p>(g) Compliant. The area for private open space would not be used for vehicle access or parking.</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>	
10.4.4 Sunlight and overshadowing for all dwellings	
<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>The dwelling has existing windows that face north. The proposed upper level extension accommodates north facing windows.</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> <ul style="list-style-type: none"> (i) at a distance of 3.0m from the window; and (ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal. 	<p>Not applicable.</p> <p>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"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling. 	
<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"> (i) at a distance of 3.0m from the northern edge of the private open space; and 	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

<ul style="list-style-type: none"> (ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal. (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. (c) That part, of a multiple dwelling, consisting of: <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling. 	
10.4.5 Width of openings for garages and carports for all dwellings	
<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.</p> <p>The proposed garage forming part of the extension does not face the primary frontage (Preservation Drive) and would be setback 25m from this frontage.</p>

10.4.6 Privacy for all dwellings	
<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"> (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 (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 (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"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site. 	<ul style="list-style-type: none"> (a) Compliant. The development would have a second storey deck within 2.8m of the western side boundary. The proposed deck would have a 1.7m privacy screen along the western side of the deck that wraps around the portion of the norther side of the deck that is within 3m from the side boundary. (b) Compliant. The proposed deck would be setback more than 15m from the rear boundary. (c) Not applicable. There is no additional dwelling on the site.

<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> <ul style="list-style-type: none"> (i) is to have a setback of at least 3.0m from a side boundary; and (ii) is to have a setback of at least 4.0m from a rear boundary; and (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 (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. <p>(b) The window or glazed door:</p> <ul style="list-style-type: none"> (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 (ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to 	<ul style="list-style-type: none"> (a)(i) Compliant. Development relies upon (b)(ii). (a)(ii) Compliant. Development relies upon (b)(ii). (a)(iii) Compliant. Development relies upon (b)(ii). (a)(iv) Compliant. Development relies upon (b)(ii). (b)(i) Compliant. Development relies upon (b)(ii). (b)(ii) Compliant. The proposed dwelling would have a bedroom window located on the southern elevation with a sill height of 1.7m. (b)(iii) Compliant. Development relies upon (b)(ii).
--	--

<p>a height of at least 1.7 m above the floor level; or</p> <p>(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 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>(i) it is separated by a screen of at least 1.7m in height; or</p> <p>(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>	<p>Not applicable.</p> <p>No shared driveway or parking spaces.</p>

10.4.7 Frontage fences for all dwellings	
<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"> (a) 1.2m if the fence is solid; or (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>Not applicable.</p> <p>No front fence proposed.</p>
10.4.8 Waste storage for multiple dwellings	
<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 1.5m² per dwelling and is within one of the following locations:</p> <ul style="list-style-type: none"> (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: <ul style="list-style-type: none"> (i) has a setback of at least 4.5m from a frontage; and 	<p>Not applicable.</p> <p>Not multiple dwelling development.</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>10.4.9 Suitability of a site or lot for use or development</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 330m² 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</p> <p>(v) clear of any restriction imposed by a Utility;</p>	<p>(a) Compliant. The site has an area of 702m².</p> <p>(b)(i) Compliant. The proposed extensions satisfies all setback requirements as discussed above.</p> <p>(b)(ii) Compliant. The proposed extension would be setback 15m from the Utilities zone.</p> <p>(b)(iii) Not applicable. No registered easements.</p> <p>(b)(iv) Not applicable. No registered right of way.</p> <p>(b)(v) Compliant. As per agreed with TasNetworks the existing power pole will be relocated.</p> <p>(b)(vi) Not applicable. No access strip.</p> <p>(b)(vii) Compliant. Land is accessible from Hogarth Road (secondary frontage).</p>

<ul style="list-style-type: none"> (vi) not including an access strip; (vii) accessible from a frontage or access strip; and (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>(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 separate access from a road –</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has a right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or (c) by a right of way connecting to a road – <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; and (ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and (d) with a width of frontage and any access strip or right of 	<ul style="list-style-type: none"> (a) Compliant. Main access and frontage is to Hogarth Road (secondary frontage). (b) Not applicable. Not an internal lot. (c)(i) Not applicable. Satisfied by (a). (c)(ii) Not applicable. Satisfied by (a). (d)(i) Compliant. Site has a 28m wide frontage to Hogarth Road (secondary frontage) and a 0.43m wide frontage to Preservation Drive (primary frontage). (d)(ii) Not applicable. Not multiple dwelling or non-residential development. (e) Compliant. A Statement of Compliance from the Council, acting in its capacity as the Road Authority is required for access (See Annexure 5).

<p>way of not less than –</p> <ul style="list-style-type: none"> (i) 3.6m for a single dwelling development; or (ii) 6.0m for multiple dwelling development or development for a non-residential use; and <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>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>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>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated stormwater system.</p>

10.4.10 Dwelling density for single dwelling development	
10.4.10-(A1) (a) The site area per dwelling for a single dwelling must – (i) be not less than 325m ² .	(a)(i) Compliant. Site area is 702m ² .
10.4.11 Development other than a single or multiple dwelling.	
10.4.11.1 Location and configuration of development	
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; (e) in accordance with any building area shown on a sealed plan; or	Not applicable. Proposed development is residential.

(f) not less than 50.0m if the site abuts the Bass Highway.	
<p>10.4.11.1 –(A2) All buildings must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> (a) the applicable frontage setback; (b) a 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; (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 – <ul style="list-style-type: none"> (i) not less than 1.5m from each side boundary; or (ii) less than 1.5m from a side boundary if – <ul style="list-style-type: none"> a. built against an existing wall of an adjoining building; or b. the wall or walls – 	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<ul style="list-style-type: none"> i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land; ii. there is no door or window in the wall of the building; and 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>(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> <ul style="list-style-type: none"> (a) not be more than 50%; or (b) not be more than any building area shown on a sealed plan. 	<p>Not applicable.</p> <p>Proposed 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</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>

or waste, must be located behind the primary frontage of a building.	
<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>Proposed 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> <p>(i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;</p> <p>(ii) be not less than 3.0m from a side boundary;</p> <p>(iii) be not less than 4.0m from a rear boundary; and</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<p>(iv) 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>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</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>

from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.	
10.4.11.3 Frontage fences	
<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>Proposed development is residential.</p>
10.4.12 Setback of development for sensitive use	
<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) Compliant. The dwelling extension would be setback more than 15m from the Utilities zone.</p> <p>(b) Compliant. The dwelling extension would be setback more than 15m from the Utilities zone.</p>

<p>10.4.12–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <ul style="list-style-type: none"> (a) Bass Highway; (b) a railway; (c) land designated in the planning scheme for future road or rail purposes; or (d) a proclaimed wharf area. 	<ul style="list-style-type: none"> (a) Compliant. Development would be greater than 1.5km from the Bass Highway. (b) Non-compliant. Development would be setback approximately 45m from a railway line. Refer to the “Issues” section of this report. (c) Not applicable. No land designated for future road or rail. (d) Not applicable. The nearest proclaimed wharf area is in Burnie approximately 20km to the west.
<p>10.4.13 Subdivision</p>	
<p>10.4.13–(A1) Each new lot on a plan of subdivision must be –</p> <ul style="list-style-type: none"> (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. 	<p>Not applicable. No subdivision proposed.</p>
<p>10.4.13–(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot</p>	<p>Not applicable. No subdivision proposed.</p>

10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision	
10.4.14–(A1) Electricity reticulation and site connections must be installed underground.	Not applicable. No subdivision proposed.
CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Not a subdivision, hazardous or vulnerable use.
E2 Airport Impact Management Code	Not applicable. No Code in the Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of vegetation.
E\$ Change in Ground Level Code	Not applicable. No change in ground level.
E5 Local Heritage Code	Not applicable. No Local Heritage Code in the Scheme.
E6 Hazard Management Code	Not applicable. The site is shown on the coastal inundation maps as having a low risk of coastal inundation.
E7 Sign Code	Not applicable. No signage proposed.
E8 Telecommunication Code	Not applicable. No telecommunications proposed.

E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Code applies to all development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme applies to the site.
E9.5 Use Standards	
E9.5.1 Provision for parking	
<p>E9.5.1–(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;</p>	<p>(a) Compliant. Table E9A requires two car parking spaces for a residential dwelling. The proposed garage forming part of the development would accommodate two car parking spaces.</p> <p>The requirement for two car parking spaces has been satisfied.</p>
E9.5.2 Provision for loading and unloading of vehicles	
<p>E9.5.2–(A1) There must be provision within a site for:</p> <p>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</p>	Not applicable for the development of a single dwelling.

(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.	
E9.6 Development Standards	
E9.6.2 Design of vehicle parking and loading areas	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by a Condition 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> <p>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</p> <p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</p>	Not applicable for the development of a single dwelling.

<p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	
E9.6.2-(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.	<p>Not applicable.</p> <p>Land is zoned General Residential.</p>
E10 Water and Waterways Code	Not applicable. The development is not within 30m of a waterway, watercourse or shoreline.
Specific Area Plans	No Specific Area Plans apply to this location.

Issues –

1 *Proximity to the railway line –*

The Scheme's Acceptable Solution 10.4.12–(A2) requires that the development of a sensitive use must be not less than 50m from a major road or a railway.

The proposed dwelling extensions would be 45m from the railway line located to the north of Preservation Drive. The application seeks a variation to this standard and an exercise of discretion is required for the proposal to proceed.

Performance Criteria 10.4.12–(P2) requires that development of a sensitive use must have a minimal impact for safety and the efficient operation of the transport infrastructure and incorporate appropriate measures to mitigate likely impact of light, noise, odour particulate, radiation or vibration emissions.

The proposed dwelling extension would be setback approximately 45m from the railway line, which is intersected by Preservation Drive. Due to the existing residential precinct that has established along Preservation Drive, the proposed extension is unlikely to cause any constraints or interference to the continued operation or upgrades to the railway line. Notes have been recommended as part of this Permit regarding TasRail safety management. Another note of this Permit is that double glazing of windows be considered at the building stage to mitigate and minimise the noise impacts on the residential amenity due to the operations of the railway line.

The proposed development is considered to have satisfied Performance Criteria 10.4.12–(P2).

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	Statement of Compliance dated 4 September 2020.

Building	Building note to be applied to Permit.
TasWater	Referral not required.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Standard TasRail notes to be applied to Permit. Refer to Annexure 6.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Tas Networks	Correspondence from TasNetworks state that they have no objections to the proposal proceeding, however notes that the application includes the relocation of a power pole. The applicant is to be directed to TasNetworks connections area to discuss the relocation of this pole. Network.Connections@tasnetworks.com.au

CONSULTATION

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

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

Representations –

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

The representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
<p>1 Concerned the bulk and scale as the proposed dwelling extension still exceeds the building envelope and the shadow implications to 4 Hogarth Road.</p>	<p>The proposed development has been redesigned to satisfy all the required Acceptable Solutions in the Planning Scheme, except the proximity of the dwelling to the railway line.</p> <p>The plans provided included the building envelope shown on the Elevations. The Elevations show that the proposed extensions fit within the required building envelope for Clause 10.4.2–(A3) of the Planning Scheme.</p> <p>There is a small protrusion outside the building envelope, as shown on the north elevation. Clause 10.4.2–(A3) of the Planning Scheme allows for minor protrusions “such as eaves, steps, porches, and awnings that extend not more than 0.6m horizontally beyond the building envelope”. The protrusion for the proposed upper level dwelling extension is the roof (eave) of the proposed balcony, which protrudes 0.564m.</p> <p>The proposed dwelling extension satisfies the Acceptable Solution for Clause 10.4.2–(A3) of the Planning Scheme. The test regarding unreasonable impacts, in terms of bulk, scale and shadow, is only triggered if the proposal relies on the assessment against the Performance Criteria for this Clause. The proposal has satisfied the Acceptable Solution for Clause 10.4.3–(A3), which means it is deemed to satisfy any test regarding bulk, scale and separation, including shadow impacts.</p>

<p>2 Bulk and scale positioning of the garage and separation distance from 4 Hogarth Road.</p>	<p>The site has two road frontages. The proposed garage would be setback 3.3m from the secondary frontage being Hogarth Road.</p> <p>As discussed above relating to Clause 10.4.2 of the Planning Scheme, the proposed garage satisfies the Acceptable Solutions in relation to setbacks and building envelopes. This was discussed under Clause 10.4.2-(A1), (A2) and (A3).</p> <p>As the proposed garage satisfies all the Acceptable Solutions under Clause 10.4.2 of the Planning Scheme, it is deemed to satisfy any test regarding bulk, scale and separation distances between adjoining dwellings.</p>
<p>3 Questions the primary frontage as Preservation Drive. The property is addressed as 2 Hogarth Road which is a significantly larger frontage.</p>	<p>The site has a small frontage (0.43m) that abuts Preservation Drive with Hogarth Road wrapping around the sites' north-eastern and eastern side boundaries. Preservation Drive is considered the primary frontage, as defined under the Planning Scheme "where there are 2 or more frontages, the frontage with the shortest dimensions measure parallel to the road irrespective of minor deviations and corner truncations".</p> <p>It is acknowledged that the site is accessed off Hogarth Road which is a larger frontage. However, the Planning Scheme is very specific regarding primary and secondary frontages and does not take into consideration the road frontage used to access the site.</p>

<p>4 Representor believes the decision regarding this proposal should be extended until all matters are addressed and complied with, including the provision of shadow plans.</p>	<p>As discussed in matter No. 1 above, no shadow plans are required as the proposal does not rely on the Performance Criteria 10.4.3–(P3). There is no scope for the Planning Authority to seek shadow plans for this application. The proposal has satisfied the Acceptable Solution, which means it is deemed to satisfy any test regarding bulk, scale, separation and shadow.</p>
---	---

RESOURCE, FINANCIAL AND RISK IMPACTS

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

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

CONCLUSION

The representation does not contain sufficient merit to justify the addition of any restrictive condition to a Permit issued, or refusal of the development.

The proposed development is Permitted in the General Residential zone. The application was discretionary due to the proximity of the dwelling to the railway line. 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 reasonable development in the General Residential zone and would be in keeping within the characteristics of the surrounding area. It is considered appropriate that the proposed development be approved, subject to conditions.

Recommendation –

It is recommended that the application for Residential (dwelling extensions – garage and second storey addition) – proximity to the railway line at 2 Hogarth Road, Sulphur Creek – Application No. DA2020157 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by Eclo Designs, Project No. 19023, Drawing Nos. A00, A01, A02, A03, A04, A05, A06, A07, A08, A09, A10, A11 and A12 dated 29 October 2019.
- 2 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 4 September 2020, issued by the Council, acting in its capacity as the Road Authority and the Stormwater Authority.
- 3 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 4 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.

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 may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 The proposed development fits within the criteria of Category 4 – Building Permit Work and Category 3 – Notifiable Plumbing Work when assessed against the Director’s Determinations issued under the *Building Act 2016*.

Accordingly, an application for a Building Permit is to be made to the Council's Building Permit Authority, and an application for a Certificate of Likely Compliance – Plumbing Work is to be made to the Council's Plumbing Permit Authority.

- 4 The developer must contact TasNetworks connections area to discuss the relocation of the power pole at Network.Connections@tasnetworks.com.au.
- 5 The development must be in accordance with the TasRail standard notes attached.
- 6 Double glazing of windows should be considered at the building stage to mitigate and minimise the noise impacts on the residential amenity due to the operations of the railway line.'

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 Viney seconded, "It is recommended that the application for Residential (dwelling extensions – garage and second storey addition) – proximity to the railway line at 2 Hogarth Road, Sulphur Creek – Application No. DA2020157 be approved subject to the following conditions and notes.

- 1 The development must be substantially in accordance with the plans by Eclo Designs, Project No. 19023, Drawing Nos. A00, A01, A02, A03, A04, A05, A06, A07, A08, A09, A10, A11 and A12 dated 29 October 2019.
- 2 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 4 September 2020, issued by the Council, acting in its capacity as the Road Authority and the Stormwater Authority.
- 3 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 4 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.

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 may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 The proposed development fits within the criteria of Category 4 – Building Permit Work and Category 3 – Notifiable Plumbing Work when assessed against the Director’s Determinations issued under the *Building Act 2016*. Accordingly, an application for a Building Permit is to be made to the Council’s Building Permit Authority, and an application for a Certificate of Likely Compliance – Plumbing Work is to be made to the Council’s Plumbing Permit Authority.
- 4 The developer must contact TasNetworks connections area to discuss the relocation of the power pole at Network.Connections@tasnetworks.com.au.
- 5 The development must be in accordance with the TasRail standard notes attached.
- 6 Double glazing of windows should be considered at the building stage to mitigate and minimise the noise impacts on the residential amenity due to the operations of the railway line.”

Carried unanimously

288/2020 Residential (dwelling extension) – variation to the building envelope, side setback standard and proximity to the railway line – 110 Main Road, Penguin – Application No. DA2020215

The Strategic Projects and Planning Consultant reported as follows:

“The Town Planner has prepared the following report:

‘*DEVELOPMENT APPLICATION NO.:*
PROPOSAL:

DA2020215
Residential (dwelling extension) –
variation to the building envelope, side
setback standard and proximity to the
railway line

<i>APPLICANT:</i>	Liam Jarvis CMK Architects
<i>LOCATION:</i>	110 Main 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>	19 August 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	2 September 2020
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	25 September 2020
<i>DECISION DUE:</i>	21 September 2020

PURPOSE

The purpose of this report is to consider an application for a dwelling extension on land at 110 Main Road, Penguin. The proposal is for an upper level extension comprising a bedroom and an enclosed north facing sunroom. The proposal would result with a covered carport on the ground level.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – photographs; and
- . Annexure 5 – TasRail standard notes

BACKGROUND

Development description –

An application has been made for dwelling extension at 110 Main Road, Penguin. The proposal is for an upper level extension to comprise of a bedroom and an enclosed north facing sunroom. The proposal would result with a covered carport on the ground level.

The extension would be 17m in length and setback 559mm, tapering to 805mm, from the western side boundary.

The western elevation view would be a combination of an open carport on the ground level and dwelling extension with no windows on the upper level. The upper level extension section would be 11.9m in length, whereas the carport section would be 17m in length. The final height of the dwelling extension would be 6m, with the carport section approximately 2.5m high.

Site description and surrounding area –

The 1,084m² site is located on the southern side of Penguin Road. The site is a rectangular shape (long axis being north to south) which widens at the rear of the site. The site accommodates an existing dwelling located to the front eastern side. Access is from an existing crossover off Main Road.

There is a sewer easement that intersects the centre of the site in a 'T-shape' formation. Stormwater easement is located approximately 5m from the rear boundary running east to west.

Surrounding land to the west, east and south are also zoned General Residential and accommodates single and double storey dwellings and associated outbuildings. The Western Rail Line is located to the north of the site with Main Road located between the site and this railway line.

History –

An application (DA216190) was lodged and approved in 2017 for dwelling extensions which included upper and ground level extensions.

DISCUSSION

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

General Residential

CLAUSE	COMMENT
10.3.1 Discretionary Permit Use	
10.3.1–(P1) Discretionary permit use must:	Not applicable.
(a) be consistent with local area objectives;	Residential use is Permitted.
(b) be consistent with any applicable desired future character statement; and	
(c) minimise likelihood for adverse impact on amenity for use on adjacent land in the zone.	
10.3.2 Impact of Use	
10.3.2–(A1) Permitted non-residential use must adjoin at least one residential use on the same street frontage.	Not applicable. Use is residential.
10.3.2–(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.	Not applicable. Use is residential.

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.
10.4.1 Residential density for multiple dwellings	
10.4.1–(A1) Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; 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 an application for multiple dwellings.
10.4.2 Setbacks and building envelope for all dwellings	
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. Dwelling extension would be setback 17.4m from Main Road (frontage). (b) Not applicable. No secondary frontage. (c) Not applicable. Satisfied by (a). (d) Compliant. The development is not on land that abuts 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>(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>(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. Dwelling extension (including carport) would be setback 17.4m from the frontage.</p> <p>(b) Not applicable. Refer to (a) above.</p> <p>(c) Not applicable. Refer to (a) above.</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,</p>	<p>(a)(i) Compliant. The proposal satisfies the frontage setback as discussed above.</p>

<p>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"> (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 (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 <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or (ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser). 	<p>(a)(ii) Non-compliant. Plans provided show that the dwelling extension would be outside the required building envelope at the north-eastern corner. Dwelling extension is compliant in relation to rear boundary setback which would be greater than 4m.</p> <p>(b)(i) Non-compliant. Refer to (b)(ii).</p> <p>(b)(ii) Non-compliant. Dwelling extension would have a total wall length of 17.4m (11.9m would be the upper level extension) and would be setback 559mm tapering to 805mm from the western side boundary.</p> <p>Refer to the “Issues” section of this report.</p>
--	--

10.4.3 Site coverage and private open space for all dwellings	
<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 60.0m² 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. The land area is 1,084m². The total site coverage including the dwelling extension would be 34%.</p> <p>(b) Not applicable. The proposed development is not for multiple dwellings.</p> <p>(c) Compliant. The site would have an area of 75% 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) 24.0m²; or</p> <p>(ii) 12.0m², 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>(a)(i) Compliant. The existing private open space has an area greater than 24m².</p> <p>(a)(ii) Not applicable. Development satisfied by (a)(i).</p> <p>(b)(i) Compliant. The dwelling has private open space with a minimum 16m horizontal dimension.</p> <p>(c) Compliant. The existing private open space area would be directly accessible from ground level habitable rooms.</p>

<p>(b) has a minimum horizontal dimension of:</p> <ul style="list-style-type: none"> (i) 4.0m; or (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>(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>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	<p>(d) Compliant. The private open space is located to the south of the dwelling and would receive at least three hours of sunlight in various locations.</p> <p>(e) Compliant. The existing private open space is not located between the dwelling and the frontage.</p> <p>(f) Compliant. The existing private open space is reasonably flat.</p> <p>(g) Compliant. The area for private open space would not be used for vehicle access or parking.</p>
---	--

10.4.4 Sunlight and overshadowing for all dwellings	
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>Compliant.</p> <p>The dwelling has existing windows that face north. The proposed upper level extension accommodates north facing windows.</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> <ul style="list-style-type: none"> (i) at a distance of 3.0m from the window; and (ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal. <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>Not applicable.</p> <p>Not multiple dwelling development.</p>

<ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling. 	
<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> <ul style="list-style-type: none"> (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): <ul style="list-style-type: none"> (iii) at a distance of 3.0m from the northern edge of the private open space; and (iv) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal. (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. (c) That part, of a multiple dwelling, consisting of: 	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

<p>(iii) an outbuilding with a building height no more than 2.4m; or</p> <p>(iv) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling.</p>	
10.4.5 Width of openings for garages and carports for all dwellings	
<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.</p> <p>The proposal includes a carport which would be setback 17.4m from the primary frontage.</p>
10.4.6 Privacy for all dwellings	
<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>	<p>(a) Compliant. The dwelling extension would be greater than 1m above natural ground level and would be located within 3m to the western side boundary. The proposal incorporates an enclosed sunroom which has a solid wall along the western elevation.</p> <p>(b) Compliant. The dwelling extension would be setback greater than 4m from the rear boundary.</p>

<p>(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</p> <p>(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</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6.0m:</p> <p style="padding-left: 40px;">(iii) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p style="padding-left: 40px;">(iv) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>	<p>(c) Not applicable. There is no additional dwelling on the 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 style="padding-left: 40px;">(v) is to have a setback of at least 3.0m from a side boundary; and</p>	<p>Not applicable. Even though the proposal is for an upper level dwelling extension that would be greater than 1m above natural ground level and closer than 3m to the western side boundary, no windows are proposed along the western elevation.</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 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 style="padding-left: 40px;">(iii) it is separated by a screen of at least 1.7m in height; or</p> <p style="padding-left: 40px;">(iv) 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.</p> <p>No shared driveway or parking spaces.</p>
<p>10.4.7 Frontage fences for all dwellings</p>	
<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 front 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>10.4.8 Waste storage for multiple dwellings</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 1.5m² 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.</p> <p>Not multiple dwelling development.</p>

10.4.9 Suitability of a site or lot for use or development	
<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 330m² 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</p> <p>(xi) clear of any restriction imposed by a Utility;</p> <p>(xii) not including an access strip;</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</p>	<p>(a) Compliant. The site has an area of 1,084m².</p> <p>(b)(i) Non-compliant. Variation to side boundary as discussed in Clause 10.4.2.</p> <p>(b)(ii) Compliant. The proposed extension would be setback approximately 37.4m from the Utilities zone.</p> <p>(b)(iii) Not applicable. No registered easements.</p> <p>(b)(iv) Not applicable. No registered right of way.</p> <p>(b)(v) Compliant. Dwelling extension would be clear of both sewer and stormwater infrastructure.</p> <p>(b)(vi) Not applicable. No access strip.</p> <p>(b)(vii) Compliant. Land is accessible from Main Road.</p> <p>(b)(viii) Not applicable. Not a new residential lot.</p>

range 30 degrees east of north and 20 degrees west of north.	
<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 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</p>	<p>(a) Compliant. Existing access to Main Road.</p> <p>(b) Not applicable. Not an internal lot.</p> <p>(c)(i) Not applicable. Satisfied by (a).</p> <p>(c)(ii) Not applicable. Satisfied by (a).</p> <p>(d)(i) Compliant. Site has a 23m frontage width to Main Road.</p> <p>(d)(ii) Not applicable. Not multiple dwelling or non-residential development.</p> <p>(e) Compliant. Road Authority has stated no issues with the existing access.</p>

<p>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>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>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>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated stormwater system.</p>

10.4.10 Dwelling density for single dwelling development	
<p>10.4.10-(A1)</p> <p>(a) The site area per dwelling for a single dwelling must –</p> <p>(ii) be not less than 325m².</p>	<p>(a)(i) Compliant. Site area is 1,084m².</p>
10.4.11 Development other than a single or multiple dwelling	
10.4.11.1 Location and configuration of development	
<p>10.4.11.1-(A1) The wall of a building must be set back from a frontage –</p> <p>(a) not less than 4.5m from a primary frontage; and</p> <p>(b) not less than 3.0m from any secondary frontage; or</p> <p>(c) not less than and not more than the setbacks for any existing building on adjoining sites;</p> <p>(d) not less than for any building retained on the site;</p> <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>Not applicable.</p> <p>Proposed 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"> (a) the applicable frontage setback; (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; (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 – <ul style="list-style-type: none"> (i) not less than 1.5m from each side boundary; or (ii) less than 1.5m from a side boundary if – <ul style="list-style-type: none"> a. built against an existing wall of an adjoining building; or b. the wall or walls – <ul style="list-style-type: none"> i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land; 	<p>Not applicable.</p> <p>Proposed development is residential.</p>
---	--

COMMUNITY SERVICES

<p>ii. there is no door or window in the wall of the building; and</p> <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>Proposed 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>Proposed 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>Not applicable.</p> <p>Proposed development is residential.</p>

(b) half the width of the frontage.	
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"> (v) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site; (vi) be not less than 3.0m from a side boundary; (vii) be not less than 4.0m from a rear boundary; and (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>(b) if less than the setbacks in clause A1(a):</p> <ul style="list-style-type: none"> (v) be off-set by not less than 1.5m from the edge of any door or window of another dwelling; 	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<ul style="list-style-type: none"> (vi) have a window sill height of not less than 1.8m above floor level; (vii) 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 (viii) 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>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>Proposed development is residential.</p>
<p>10.4.11.3 Frontage fences</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"> (a) not more than 1.2m if the fence is solid; or (b) not more than 1.8m provided that part of the fence 	<p>Not applicable.</p> <p>Proposed development is residential.</p>

above 1.2m has openings that provide a uniform transparency of not less than 30%.	
10.4.12 Setback of development for sensitive use	
<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) Compliant. The dwelling extension would be setback approximately 37.4m from the Utilities zone.</p> <p>(b) Compliant. The dwelling extension would be setback approximately 37.4m from the Utilities zone.</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. Dwelling extension would be setback approximately 1km from Bass Highway.</p> <p>(b) Non-compliant. Dwelling extension would be setback approximately 40m from a railway line. Refer to the “Issues” section of this report.</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 Burnie approximately 20km to the west.</p>

10.4.13 Subdivision	
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.
10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision	
10.4.14–(A1) Electricity reticulation and site connections must be installed underground.	Not applicable. No subdivision proposed.
CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Not a subdivision, hazardous or vulnerable use.
E2 Airport Impact Management Code	Not applicable. No Code in the Scheme.

E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of vegetation.
E4 Change in Ground Level Code	Not applicable. No change in ground level.
E5 Local Heritage Code	Not applicable. No Local Heritage Code in the Scheme.
E6 Hazard Management Code	Not applicable. The site is shown on the coastal inundation maps as having a low risk of coastal inundation.
E7 Sign Code	Not applicable. No signage proposed.
E8 Telecommunication Code	Not applicable. No telecommunications proposed.
E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Code applies to all development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme applies to the site.
E9.5 Use Standards	
E9.5.1 Provision for parking	
E9.5.1–(A1) Provision for parking must be:	(a) Compliant. Table E9A requires two car parking spaces for a residential dwelling. The proposed carport would accommodate more than two car parking spaces.
(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;	The requirement for two car parking spaces has been satisfied.
E9.5.2 Provision for loading and unloading of vehicles	
<p>E9.5.2-(A1) There must be provision within a site for:</p> <p>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.</p>	Not applicable for the development of a single dwelling.
E9.6 Development Standards	
E9.6.2 Design of vehicle parking and loading areas	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by a Condition to be placed on the Permit.
E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –	Not applicable for the development of a single dwelling.

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

COMMUNITY SERVICES

edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.	
E10 Water and Waterways Code	Not applicable. The development is not within 30m of a waterway, watercourse or shoreline.
Specific Area Plans	No Specific Area Plans apply to this location.

Issues –

1 Variation to the building envelope and side setback standard –

The Planning Scheme's Acceptable Solution 10.4.2–(A3)(a)(ii) states that a dwelling must be within the required building envelope. Furthermore, the Planning Scheme's Acceptable Solution 10.4.2–(A3)(b) states that a dwelling closer than 1.5m from a side boundary can only have a total wall length of 9m.

The proposed dwelling extension would be outside this building envelope on the north-eastern elevation which is the enclosed sunroom. Additionally, the dwelling extension would be 17m in total length with 11.9m being the upper level section. The application seeks a variation to this standard and an exercise of discretion is required for the proposal to proceed.

The Planning Scheme's Performance Criteria 10.4.2–(P3) states that the siting and scale of a dwelling must:

(a) Not cause unreasonable loss of amenity by –

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

Compliant. There will be some shadow cast into adjoining properties throughout the day (as shown on the shadow plans). However, the shadow will move across three properties throughout the day including the development site. Plans provided with the application demonstrate that the proposed dwelling extension will not have an unreasonable impact on adjoining properties with shadow.

(ii) Overshadowing the private open space of a dwelling on an adjoining lot;

Compliant. As discussed above, there will be some shadow cast into adjoining properties throughout the day (as shown on the shadow plans) which would include areas of private open space. However, the shadow will move across three properties throughout the day including the development site. Plans provided with the application demonstrate that the proposed dwelling

extension will not have an unreasonable impact on adjoining properties with shadow.

- (iii) Overshadowing on an adjoining vacant lot; or

Not applicable. The development site does not adjoin vacant land.

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

Compliant. The proposed dwelling extension would result with an open carport (total length of 17m) and an upper floor extension (total length of 11.9) close to the western side boundary. The design of the dwelling extensions with the open carport on the ground level would reduce apparent bulk and scale when viewed from adjoining lots. Furthermore, the dwelling extension has been designed so that the roof line would not be higher than the existing dwelling on the site. As discussed in (b) the dwelling extension is similar to established development along Main Road.

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

Compliant. Established residential properties within the vicinity of the development site, along Main Road, are predominantly single and double storey dwellings. Most are developed close to the side of their respective side boundaries. The proposed dwelling extension would be setback to the western side boundary similar to the established residential properties within this area and of similar height. The proposed dwelling through the design results with an open section being the carport on the ground level. It is therefore considered that the proposed dwelling extension is compatible with that prevailing in the surrounding area.

2 *Proximity to the railway line –*

The Planning Scheme's Acceptable Solution 10.4.12-(A2) requires that the development of a sensitive use must be not less than 50m from a major road or a railway.

The proposed dwelling extension would be approximately 40m from the railway line. The application seeks a variation to this standard and an exercise of discretion is required for the proposal to proceed.

Performance Criteria 10.4.12-(P2) requires that development of a sensitive use must have a minimal impact for safety and the efficient operation of the transport infrastructure and incorporate appropriate measures to mitigate likely impact of light, noise, odour particulate, radiation or vibration emissions.

The proposed dwelling extension would be setback approximately 40m from the railway line, which is intersected by Main Road. Due to the existing residential precinct that is established along Main Road, the proposed extension is unlikely to cause any constraints or interference to the continued operation or upgrades to the railway line. Notes have been recommended as part of this Permit regarding TasRail safety management. Another note of this Permit is that double glazing of windows be considered at the building stage to mitigate and minimise the noise impacts on the residential amenity due to the operations of the railway line.

The proposed development is considered to have satisfied Performance Criteria 10.4.12-(P2).

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.
Building	Building note to be applied to Permit.
TasRail	TasRail standard notes to apply. Refer to Annexure 5.
Department of State Growth	Referral not required.

Environment Protection Authority	Referral not required.
TasWater	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Tas Networks	Referral not required.

CONSULTATION

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


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

Representations –

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

The representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
1 Purchased property (1/1 Kentish Street, Penguin) based on location with a view of the ocean.	<p>The unit at 1/1 Kentish Street, Penguin is situated behind a row of developed residential dwellings that front Main Road and overlook Bass Strait.</p> <p>This unit complex technically adjoins the development site (next to Unit 2) however, the boundary of Unit 1 does not physically adjoin the development site as it is separated</p>

	<p>by 108A Main Road, Penguin (refer to image below).</p>  <p>The occupants of this unit have limited ocean views which is across two developed properties. This limited ocean view has been acquired due to the placements of building on adjoining properties.</p>
<p>2 Dwelling extension would create loss of enjoyment due to restricting ocean views.</p>	<p>As mentioned, the occupants of Unit 1 have limited ocean views due to the location of the unit behind developed residential properties along Main Road.</p> <p>The occupants would have a small north-eastern and northern outlook to the ocean predominately from the units' deck. This is seen in the photos provided by the representor (refer to Annexure 3).</p> <p>It is acknowledged that the occupants' ocean view from the deck</p>

	<p>would be reduced somewhat with the proposed dwelling extension.</p> <p>However, the occupants would still have some northern outlook to the ocean. Some view may also be maintained through the open carport.</p> <p>Unfortunately, with the location of Unit 1 in relation to the developed residential properties along Main Road, and the units proximity to Bass Strait, it is likely and reasonable that the ocean view from Unit 1 would change over time in a built up residential area.</p>
3 Dwelling extension would impact on property value.	This is not a matter considered under the Planning Scheme.
4 Dwelling extension exceeds height requirement and will impact on the adjoining property being 1/1 Kentish Street, Penguin.	<p>Refer to comments made in the "Issues" section above regarding the height of the proposed dwelling extension in terms of shadow, scale, bulk or proportions when viewed from adjoining properties and compatibility with the surrounding area.</p> <p>After thorough deliberation it is not considered that the proposed dwelling extension would create an unreasonable impact in terms of shadow, bulk, scale and proportions when viewed from adjoining properties.</p>

RESOURCE, FINANCIAL AND RISK IMPACTS

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

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

CONCLUSION

The representation does not contain sufficient merit to justify the addition of any restrictive condition to a Permit issued, or refusal of the development.

The proposed development is Permitted in the General Residential zone. The application was discretionary due to variation to the building envelope, side setback standard and the proximity of the dwelling to the railway line. The proposed development as discussed in the “Issues” section of this report is considered to have satisfied the applicable Planning Scheme’s Performance Criteria. After thorough deliberation, it is considered that the proposed dwelling extension would not create an unreasonable impact in terms of shadow, bulk, scale and proportions when viewed from adjoining properties.

The proposed development is considered to be reasonable development in the General Residential zone and would be in keeping within the characteristics of the surrounding area. It is considered appropriate that the proposed development be approved, subject to conditions.

Recommendation –

It is recommended that the application for Residential (dwelling extension) – variation to building envelope, side setback standard and proximity to the railway line at 110 Main Road, Penguin – Application No. DA2020215 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by CMK Architects, Project No. 20.08, Sheet Nos. AP06, AP01, AP02, AP03, AP04 and AP05 dated July 2020.
- 2 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.

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 may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Prior to the commencement of work the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority, or a Building Surveyor be contacted should clarification be required.
- 4 The development must be in accordance with the attached TasRail standard notes.
- 5 Double glazing of windows should be considered at the building stage to mitigate and minimise the noise impacts on the residential amenity due to the operations of the railway line.’

The Town Planner’s report is supported.”

The Executive Services Officer 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 van Rooyen seconded, “It is recommended that the application for Residential (dwelling extension) – variation to the building envelope, side setback standard and proximity to the railway line at 110 Main Road, Penguin– Application No. DA2020215 be approved subject to the following conditions and notes.

- 1 The development must be substantially in accordance with the plans by CMK Architects, Project No. 20.08, Sheet Nos. AP06, AP01, AP02, AP03, AP04 and AP05 dated July 2020.

- 2 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.

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 may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Prior to the commencement of work the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority, or a Building Surveyor be contacted should clarification be required.
- 4 The development must be in accordance with the attached TasRail standard notes.
- 5 Double glazing of windows should be considered at the building stage to mitigate and minimise the noise impacts on the residential amenity due to the operations of the railway line.”

Carried unanimously

INFRASTRUCTURE SERVICES

289/2020 Roads and street nomenclature – Naming of new road within a private subdivision off White Hills Road, Penguin to be known as Lily Lane, Penguin

The Strategic Projects and Planning Consultant reported as follows:

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

‘PURPOSE

The purpose of this report is to consider a request from the developer of the subdivision off White Hills Road, Penguin for the naming of a short, new road required to access Lots 4, 5 & 6 of the subdivision.

Accompanying the report are the following documents:

- . Annexure 1 – aerial view of the subdivision area; and
- . Annexure 2 – approved plan of subdivision and new roadway.

BACKGROUND

In July 2020, new Tasmanian legislation titled the *Place Names Act 2020 (the Act)* came into effect. The Act, along with associated “Tasmanian Place Naming Guidelines” (the Guidelines), sets out the process for the naming of places in Tasmania.

In summary, the Nomenclature Board has been replaced with the Place Names Advisory Panel and Councils are the responsible authority to propose names through Placenames Tasmania.

The primary considerations to be given to place names are:

- . the “specific” name (for example Henslowes or Risby) cannot be applied if already used in the North West region;
- . a “specific” name, coupled with a road or street type (such as Road, Close or Avenue) cannot be used if it is used elsewhere in Tasmania;
- . to be in keeping with the character and tradition of the area;
- . to be of historical or local significance;
- . to be suggestive of a peculiarity of a topographical feature; or
- . a name of Aboriginal derivation that has an appropriate meaning.

DISCUSSION

The Council has received a request from the developers to approve the naming of a new road. The road will service three lots of a six-lot subdivision approved under DA2018143 on 12 March 2019. The new road will be accessed via White Hills Road, Penguin. Refer to Annexure 2 – plan of subdivision.

The following names have been offered for consideration:

- . Peppermint Lane;
- . Lesden Lane; or
- . Lily Lane.

A search on Placename Tasmania reveals that the name “Peppermint” cannot be assigned, due to an existing “Peppermint Drive” in Penguin.

“Lesden Lane” can be used as Tasmania does not have a road name of “Lesden”; and “Lily Lane” can be used as, whilst there is Mount Lily on the West Coast and Lily Street at White Beach, the road name of “Lily” is not assigned in the North West region.

It is suggested that Lily Lane be assigned, although Lesden Lane could equally be allocated to the short roadway.

In referring to the Council’s policy for the naming of local roads and streets (Minute No. 472/95 – 18.09.1995) it reads as follows:

“That ... the Council promote road and street names that:

- (i) are in keeping with the character of the area in which they are located;
- (ii) assist in developing the identity of the area in which they are located;
- (iii) reflect the history of the area in which they are located;
- (iv) do not duplicate other road/street names;
- (v) are not offensive/insulting/irreverent;
- (vi) are not misleading.”

The policy is generally in accordance with rules defined by the Place Names Advisory Panel, and the suggested name of ‘Lily Lane’, is also in accordance

with the Guidelines. The road name will be referred to Placenames Tasmania, who may object to or validate the proposed name.

CONSULTATION

The development is a private subdivision. The Council has traditionally worked with developers to agree upon suitable names for any roads or streets created by the subdivision of the land. If the Council has a preferred name for this area, other than Lily Lane or Lesden Lane, then it can be referred to the developer for consideration.

RESOURCE, FINANCIAL AND RISK IMPACTS

There are no additional costs, apart from some minor administration costs, incurred by this decision.

CORPORATE COMPLIANCE

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

The Shape of the Place

- Encourage a creative approach to new development.

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

CONCLUSION

It is recommended that the name Lily Lane be assigned to the new roadway off White Hills Road, Penguin and that the Council notify Placenames Tasmania of the assignment.'

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

The Executive Services Officer reported as follows:

"A plan of the proposed new road has been circulated to all Councillors."

■ Cr Viney moved and Cr Fuller seconded, "That the name Lily Lane be assigned to the new roadway off White Hills Road, Penguin and that the Council notify Placenames Tasmania of the assignment."

Carried unanimously

290/2020 Roads and street nomenclature – Naming of new road within a private subdivision off Hearps Road, West Ulverstone to be known as Tower Place, West Ulverstone

The Strategic Projects and Planning Consultant reported as follows:

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

‘PURPOSE

The purpose of this report is to consider a request from the developer of the subdivision off Hearps Road, West Ulverstone for the naming of a new road with a cul-de-sac within the subdivision.

Accompanying the report are the following documents:

- . Annexure 1 – Aerial view of the subdivision area; and
- . Annexure 2 – Approved plan of subdivision and new roadway.

BACKGROUND

New Tasmanian legislation titled the *Place Names Act 2020 (the Act)* came into effect on 1 July 2020. The Act, along with associated “Tasmanian Place Naming Guidelines” (the Guidelines), sets out the process for the naming of places in Tasmania.

In summary, the Nomenclature Board has been replaced with the Place Names Advisory Panel and Councils are the responsible authority to propose names through Placenames Tasmania.

The primary considerations to be given to place names are:

- . the “specific” name (for example Henslowes or Risby) cannot be applied if already used in the North West region;
- . a “specific” name, coupled with a road or street type (such as Road, Close or Avenue) cannot be used if it is used elsewhere in Tasmania;
- . to be in keeping with the character and tradition of the area;
- . to be of historical or local significance;
- . to be suggestive of a peculiarity of a topographical feature; or
- . a name of Aboriginal derivation that has an appropriate meaning.

DISCUSSION

The Council has received a request from developer, Saltspray Investments Pty Ltd, to approve the naming of a new road.

The road will service a 23 lot subdivision approved under DA2018234 on 12 June 2019. The new road will be accessed via Hearps Road, West Ulverstone. Refer to plan of subdivision – Annexure 2.

The following names have been offered by the Developer for consideration:

- . Reservoir Rise or Reservoir Place;
- . Tower Place or Tower Court; or
- . Dover Rise or Dover Court.

A search on Placename Tasmania reveals that the name “Reservoir” cannot be assigned, due to an existing “Reservoir Drive” in Waratah/Wynyard.

“Tower Place” can be used, but not “Tower Court” (located in Taroona); and

“Dover Rise” can be used, but not “Dover Court” (located in Howrah).

Given the roadway will also provide TasWater access to the water reservoir that is located in this area, it seems appropriate the road be named “Tower Place”.

In referring to the Council’s policy for the naming of local roads and streets (Minute No. 472/95 – 18.09.1995) it reads as follows:

“That ... the Council promote road and street names that:

- (vii) are in keeping with the character of the area in which they are located;
- (viii) assist in developing the identity of the area in which they are located;
- (ix) reflect the history of the area in which they are located;
- (x) do not duplicate other road/street names;
- (xi) are not offensive/insulting/irreverent;
- (xii) are not misleading.”

The policy is generally in accordance with rules defined by the Place Names Advisory Panel, and the suggested name of ‘Tower Place’, is also in accordance with the Guidelines. The road name will be referred to Placenames Tasmania, who may object to or validate the proposed name.

CONSULTATION

The development is a private subdivision. The Council has traditionally worked with developers to agree upon suitable names for any roads or streets created by the subdivision of the land. If the Council has a preferred name for this area, other than Tower Place, then it can be referred to the developer for consideration.

RESOURCE, FINANCIAL AND RISK IMPACTS

There are no additional costs, apart from some minor administration costs, incurred by this decision.

CORPORATE COMPLIANCE

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

The Shape of the Place

- Encourage a creative approach to new development.

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

CONCLUSION

It is recommended that the name Tower Place be assigned to the new roadway off Hearps Road, West Ulverstone and that the Council notify Placenames Tasmania of the assignment.'

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

The Executive Services Officer reported as follows:

"A plan of the proposed new road has been circulated to all Councillors."

■ Cr Hiscutt moved and Cr Diprose seconded, "That the name Tower Place be assigned to the new roadway off Hearps Road, West Ulverstone and that the Council notify Placenames Tasmania of the assignment."

Carried unanimously

291/2020 Tenders for resealing of urban and rural roads 2020–2021

The Director Infrastructure Services reported as follows:

“The Engineering Group Leader has prepared the following report:

‘PURPOSE

The purpose of this report is to make recommendation on tenders received for the 2020–2021 urban and rural roads resealing program.

BACKGROUND

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

Expressions of interest for sprayed bituminous surfacing were invited on 22 June 2018 as part of the Council’s Standing Tenders for 2018–2021. Submissions were received from:

- Hardings Hotmix;
- Roadways Pty Ltd; and
- Venarchie (Venarchie has since merged with Fulton Hogan Industries Pty Ltd).

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

They were invited to provide tenders for the resealing of urban and rural roads during 2020–2021 on 17 August 2020, via the Council’s on-line e-tendering portal, Tenderlink. Tenders closed at 2.00pm on Wednesday, 2 September 2020.

At approximately 2.00pm, the Council was contacted by phone by the Project & IMS Administration Officer of Hardings Hotmix Pty Ltd and informed that due to a technical issue (inability to log in to the TenderLink Portal), they were not able to upload the tender submission to the TenderLink tender box. They were advised to deliver a hard copy of the tender submission to the Council Administration Centre as soon as possible. Their tender was received at 2.20pm. Hardings Hotmix Pty Ltd was also asked to send a pdf version of the tender submission document. The properties of the pdf version of the tender submission document sent by Hardings Hotmix Pty Ltd were checked and they showed that the document was last modified at 10:27:45am on 02/09/2020.

(explanation given by Hardings Hotmix Pty Ltd and document properties obtained are attached to this report).

The tender submissions from Fulton Hogan and Roadways were downloaded from the Tenderlink portal at 2.10pm.

Considering the facts that Hardings Hotmix Pty Ltd completed their tender submission before 2.00pm as evidenced by the properties of the pdf version of the tender submission document and that they contacted the Council around 2.00pm to advise of the technical problem, it was determined that the tender submission from Hardings Hotmix Pty Ltd would be accepted as legitimate and included for assessment with the other two tender submissions received.

DISCUSSION

The Contract for which this Tender is required is a Schedule of Rates Contract.

Based on the Schedule of Quantities provided to the tenderers, Tenders were received and compared as follows (excluding GST):

TENDERER	PRICE \$ (EXC. GST)
Hardings Hotmix Pty Ltd	\$522,753.85
Fulton Hogan Industries Pty Ltd (formerly Venarchie)	\$532,465.01
Roadways Pty Ltd	\$626,851.67
<i>ESTIMATE (EXC. GST)</i>	<i>\$685,000.00</i>

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

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

TENDERER	PRICE \$ (EXC. GST)
Hardings Hotmix Pty Ltd	\$522,754.60
Fulton Hogan Industries Pty Ltd (formerly Venarchie)	\$532,459.58
Roadways Pty Ltd	\$626,950.10

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

Compliance with tender documents	10%
WHS policy, procedures and records	10%
Proposed construction period	20%
Previous work for Council	30%
Tender price/value for money	30%

Based on the evaluation, Hardings Hotmix Pty Ltd was assessed as the preferred tender.

CONSULTATION

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

RESOURCE, FINANCIAL AND RISK IMPACT

The total budget for urban and rural resealing for 2020–2021 is \$1,000,000. The tender from Hardings Hotmix Pty Ltd can be accommodated within the budget.

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

Under this urban and rural road reseal 2020–2021 tender, 2.28km of urban roads and 20.60km of rural roads will be resealed, 6.28km of road sections affected by resealing will be re-linemarked.

This year's successful tender rates are comparable with last year's rates.

CORPORATE COMPLIANCE

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

A Connected Central Coast

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure

Council Sustainability and Governance
. Improve service provision.

CONCLUSION

It is recommended that the Schedule of Rates tender from Hardings Hotmix Pty Ltd be accepted and approved by the Council.'

The Engineering Group Leader's report is supported."

The Executive Services Officer reported as follows:

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

■ Cr Fuller moved and Cr van Rooyen seconded, "That the Schedule of Rates tender from Hardings Hotmix Pty Ltd for urban and rural road resealing 2020–2021, be accepted and approved by the Council."

Carried unanimously

ORGANISATIONAL SERVICES

ORGANISATIONAL SERVICES

292/2020 Organisational Services

The Director Organisational Services reported as follows:

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

CLOSURE OF MEETING TO THE PUBLIC

293/2020 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 · Dulverton Waste Management Audit and Risk Committee – meeting held 12 August 2020 · Dulverton Waste Management Board – meeting held 12 August 2020	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Planning Appeal – 225 Penguin Road, West Ulverstone	15(2)(i) Matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council.

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

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council <ul style="list-style-type: none"> • Dulverton Waste Management Audit and Risk Committee – meeting held 12 August 2020 • Dulverton Waste Management Board – meeting held 12 August 2020 	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Planning Appeal – 225 Penguin Road, West Ulverstone	15(2)(i) Matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council.”

Carried unanimously and by absolute majority

The Executive Services Officer further reported as follows:

- “1 The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, the fact that the matter was discussed and a brief description of the matter so discussed, and is not to record in the minutes of the open meeting the details of the outcome unless the council determines otherwise.
- 2 While in a closed meeting, the council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.
- 3 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

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

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

The meeting moved in to Closed session at 6.50pm.

294/2020 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 17 August 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

295/2020 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:

- . Dulverton Waste Management Audit and Risk Committee – meeting held 12 August 2020
- . Dulverton Waste Management Board – meeting held 12 August 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.”

296/2020 Planning Appeal – 225 Penguin Road, West Ulverstone

The General Manager reported as follows:

“PURPOSE

A report was provided to assist in determining whether the Council wished to make a formal appeal to the Supreme Court in relation to the decision of the Resource Management Planning and Appeals Tribunal regarding 225 Penguin Road, West Ulverstone.

...

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.”

■ Cr Hiscutt moved and Cr Carpenter seconded, “That the Council not appeal the Resource Management Planning and Appeals Tribunal decision made on 4 September 2020 in relation to 225 Penguin Road, Ulverstone, and that, in accordance with Section 15(9) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council authorises the release of the decision to the public.”

Carried unanimously

Closure

There being no further business, the Mayor declared the meeting closed at 7.15pm.

CONFIRMED THIS 19TH DAY OF OCTOBER, 2020.

Chairperson

(lb:lc)

Appendices

- Minute No. 274/2020 – Petition – Revert the Buttons Beach to Fishpond stretch of beach in Ulverstone to a ‘Dog Exercise Area’
- Minute No. 279/2020 – Schedule of Correspondence addressed to the Mayor and Councillors
- Minute No. 280/2020 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 281/2020 – Schedule of Contracts & Agreements
- Minute No. 282/2020 – Schedule of Statutory Determinations

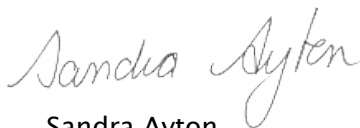
QUALIFIED PERSON'S ADVICE

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

Associated Reports And Documents

PETITION TO CENTRAL COAST COUNCIL

Subject Matter: The subject matter of this petition is for Council to revert the Buttons Creek to Fishpond stretch of beach in Ulverstone to a 'Dog Exercise Area'.

Statement of subject matter and action requested: The following petitioners ask the Council to revert the stretch of beach from Buttons Creek to Fishpond in Ulverstone to a Dog Exercise Area. This stretch of beach has been used by locals for exercising their dogs effectively for 20 years or more and is the only significantly sized open space in the East Ulverstone area where dogs can be off lead to run, swim and socialise with other dogs whilst under their owner's effective control. This open space is ideal for this purpose as it is away from residential development, picnic areas and other fulltime community facilities and a dog exercise area in this location poses no environmental or civil problems for the community. It is imperative that owners who care about the welfare of their dogs have local facilities such as this and it is hereby requested that Council consider this petition favourably as the care of pets by dedicated owners should be supported and encouraged.

Print Name	Print Address	Signature
BERNIE CATVEY	BROWNS LANE, PENGWIN	Bernie Catvey
RAY NADON	BROWNS LANE, PENGWIN	Ray Nadon
Gone & Cispin	George Street, Ulverstone	Gone & Cispin
LEONIE AGIUS	TURNERS BEACH, TURVOR BEACH	Leonie Agius
Julie Streets	Laurel Pl, ULVERSTONE	Julie Streets
Luke Starr	6 Laurel Pl, Ulverstone	Luke Starr
Arnon Mattavozzi	34 Richard Place, Ulverstone	Arnon Mattavozzi
Jarrod Beswick	31 Lovett St, ULV	Jarrod Beswick
Maddy Herman	" "	Maddy Herman
Alison Elder	6A Heathcote St. Ulverstone	Alison Elder
Christine Boon	25 Normansstone Rd L'ron	Christine Boon
Lynne Gleeson	96 Lever St Ulverstone	Lynne Gleeson
Lynda Guest	34 Richard Place	Lynda Guest

PETITION TO CENTRAL COAST COUNCIL

Subject Matter: The subject matter of this petition is for Council to revert the Buttons Creek to Fishpond stretch of beach in Ulverstone to a 'Dog Exercise Area'.

Statement of subject matter and action requested: The following petitioners ask the Council to revert the stretch of beach from Buttons Creek to Fishpond in Ulverstone to a Dog Exercise Area. This stretch of beach has been used by locals for exercising their dogs effectively for 20 years or more and is the only significantly sized open space in the East Ulverstone area where dogs can be off lead to run, swim and socialise with other dogs whilst under their owner's effective control. This open space is ideal for this purpose as it is away from residential development, picnic areas and other fulltime community facilities and a dog exercise area in this location poses no environmental or civil problems for the community. It is imperative that owners who care about the welfare of their dogs have local facilities such as this and it is hereby requested that Council consider this petition favourably as the care of pets by dedicated owners should be supported and encouraged.

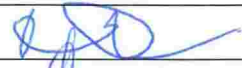


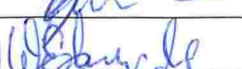
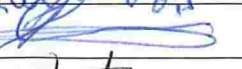

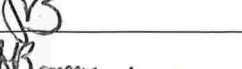


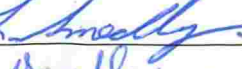
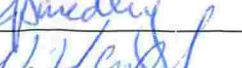
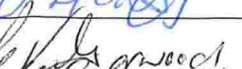
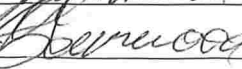
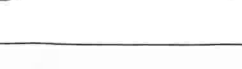


Print Name	Print Address	Signature
Keryn Wells	43 Ocean Drive	K Wells
Prisalla Best	45 Pelissier st	Prisalla Best
PHIL GAWWOOD	18 McDONALD ST	Phil Gawwood
Craig Ashton	22 Sermon St	Craig Ashton
Mittie Guest	34 Richard Place	Mittie Guest
Vicki Bellatti	5/65 Queen St West Uly	V Bellatti
GARY McDERMOTT	29 HENRIETTA GROVE WEST ULIV	G McDermott
IAN CLAYTON	64 LEVIN ST. ULVERSTONE	Ian Clayton
Sarah Bayer	1151 Main Street Ulverstone	S Bayer
Alwynne Mansell	18 Clarke St. Ulverstone	A Mansell
Samantha Ansell	8 Richard Place Ulverstone	S Ansell
Pauline Yarwood	16 Water St Uly	P Yarwood
Raelene Webb	22 Torquay Rd East Dev	R Webb
Phillip Edwards	24 Ocean Drive Ulv	P Edwards
Annette Hughes	34 Sorell St. Devonport	A Hughes
Andy Hughes	34 Sorell St Devonport	A Hughes
Coleen Williams	43 Leighland Av. ULV	Coleen Williams
Stella Wesley	31 Ocean Drive ULV	S Wesley
Sally Jowett	11 Jesamel Place ULV	S Jowett

19/19

PETITION TO CENTRAL COAST COUNCIL

Subject Matter: The subject matter of this petition is for Council to revert the Buttons Creek to Fishpond stretch of beach in Ulverstone to a 'Dog Exercise Area'.

Statement of subject matter and action requested: The following petitioners ask the Council to revert the stretch of beach from Buttons Creek to Fishpond in Ulverstone to a Dog Exercise Area. This stretch of beach has been used by locals for exercising their dogs effectively for 20 years or more and is the only significantly sized open space in the East Ulverstone area where dogs can be off lead to run, swim and socialise with other dogs whilst under their owner's effective control. This open space is ideal for this purpose as it is away from residential development, picnic areas and other fulltime community facilities and a dog exercise area in this location poses no environmental or civil problems for the community. It is imperative that owners who care about the welfare of their dogs have local facilities such as this and it is hereby requested that Council consider this petition favourably as the care of pets by dedicated owners should be supported and encouraged.

Print Name	Print Address	Signature
JOE GARWOOD	18 McDONALD STREET	
Tanya Smedley	18 McDonald street	
Nolly Soden	19 Elizabeth St	
Tarrad Clarke	209 Castra Rd. Ulverstone	
Johnny Edwards	33 Lethborg Ave. T. B.	
Pete Gillard	527 Sandula Rd Gander	
Dennis West	37 McCulloch street	
Mandy Bonney	66 Rixby St	
Liz Bonney	37 McCulloch street	
Sarah Walker	9 Ploverton Court Gander	
Grace Smedley	9 Ploverton Court Gander	
Leigh Smedley	105 Leven St Ulverstone	
Jean Smedley	105 Leven St. Ulverstone	
Nikki Harding	112 Leven St, Ulverstone	
Carmel Garwood	56 Henslowes Ulverstone	
Lindsey Greenwood	56 HENSLOWES RD. ULV.	

16/16

PETITION TO CENTRAL COAST COUNCIL

- Subject Matter:** The subject matter of this petition is for Council to revert the Buttons Creek to Fishpond stretch of beach in Ulverstone to a 'Dog Exercise Area'.
- Statement of subject matter and action requested:** The following petitioners ask the Council to revert the stretch of beach from Buttons Creek to Fishpond in Ulverstone to a Dog Exercise Area. This stretch of beach has been used by locals for exercising their dogs effectively for 20 years or more and is the only significantly sized open space in the East Ulverstone area where dogs can be off lead to run, swim and socialise with other dogs whilst under their owner's effective control. This open space is ideal for this purpose as it is away from residential development, picnic areas and other fulltime community facilities and a dog exercise area in this location poses no environmental or civil problems for the community. It is imperative that owners who care about the welfare of their dogs have local facilities such as this and it is hereby requested that Council consider this petition favourably as the care of pets by dedicated owners should be supported and encouraged.
- Signatories:** There are 52 signatories to this petition.

PETITION TO CENTRAL COAST COUNCIL

Person lodging petition:

The person lodging this petition is:

Full Name: Michael John BAXTER

Address: 8 Tucker Street
Ulverstone
TAS 7315

Signature:



CENTRAL COAST COUNCIL

Division *CIM*
Rec'd 15 SEP 2020
File No
Doc. Id *368590*



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

Period: 18 August to 21 September 2020

- . Email asking the Council to share information regarding the National Dementia Helpline via Councils newsletters and website
- . Email of proposal for investment into community infrastructure by the Community Benefits Fund
- . Letter providing comments regarding the Council's response to previous letter regarding footpaths and driveway crossovers in Turners Beach and the Dog Management Policy
- . Email advising of dissatisfaction in the responses received for public question time at the 17 August 2020 council meeting
- . Letter advising that the closure of boom gate at Dial Park, Penguin has created issues with congestion and confusion, and further requests the Council review the use of the boom gate
- . Email regarding the recent Resource Management Planning and Appeals Tribunal decision and advises of intent to seek legal advice regarding an appeal to the Supreme Court
- . Information and materials provided for the Council to use to support Dementia Action Week

Sandra Ayton
GENERAL MANAGER



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

Period: 18 August to 21 September 2020

Documents for affixing of the common seal under delegation

- . Retail agent – Consignment Agreement
Tasmania Parks and Wildlife Service and Central Coast Council
Ulverstone Visitor Information Centre
Term of agreement: 1 September 2020 to 30 June 2021
- . Final Plan of Survey and Schedule of Easements
Stage 2 – 115 Penguin Road, West Ulverstone
Application No. 215098
- . Blank Instrument Form – OA2020003
759 Cuprona Road, Cuprona
Folio No.: 173674/1 and 173674/3
- . Occupation Licence
Department of Education and Central Coast Council
Outside School Hours Care Service to be undertaken via occupancy
of an area within the Penguin District School – Primary Campus
105–125 Ironcliffe Road, Penguin
Term of Licence: Two years (1 September 2020 to 31 August 2022)

A handwritten signature in black ink, appearing to read 'Sandra Ayton', is written over the printed name.

Sandra Ayton
GENERAL MANAGER



SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

Period: 18 August to 21 September 2020

Contracts

- . Nil

Agreements

- . Occupation Licence
Department of Education and Central Coast Council
Outside School Hours Care Service to be undertaken via occupancy
of an area within the Forth Primary School
Term of Licence: Four years (commencing 1 July 2020)
- . Rental Agreement
Harcourts Ulverstone and Central Coast Council
Rental of a secure storage facility
Storage Unit 33 at 45 Fieldings Way, Ulverstone
Rental period: 12 months commencing 13 August 2020
- . Infrastructure Relocation and Works Agreement
Tasmanian Networks Pty Ltd and Central Coast Council
2 Kings Parade Ulverstone
Case Number CS19-5594
Project No.: N/003887
- . Lease Agreement
North West Woodcraft Guild Inc. and Central Coast Council
1299 Castra Road, Sprent – buildings known as Sprent Community
Centre and former changerooms
Term of Lease: 1 year commencing 1 April 2020 – 31 March 2021
- . Lease Agreement
North West Model Engineering Society Inc. and Central Coast Council
21 Maskells Road (part of), Turners Beach
Term of Lease: Five years commencing 1 July 2020 – 30 June 2025

A handwritten signature in grey ink that reads 'Sandra Ayton'.

Sandra Ayton
GENERAL MANAGER

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

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2020040	78 Clara Street WEST ULVERSTONE, TAS, 7315	Discretionary	Residential (demolition of existing dwelling and associated outbuildings and construction of eight multiple dwellings)	20/02/2020	25/08/2020	27	\$800,000.00
DA2020071	18 ,27 & 28 Parsons Street ULVERSTONE, TAS, 7315	Discretionary	Residential (staged subdivision to form 79 lots, road, flood conveyancing channel and demolition of shed)	22/07/2020	31/08/2020	40	\$4,000,000.00
DA2020072	886 Ironcliffe Road PENGUIN, TAS, 7316	Discretionary	Community meeting and entertainment – change of use from Resource development (barn) to function centre and a maximum of 250 persons on the site and Visitor accommodation (three cabins and eight 'glamping' tent sites)	18/03/2020	31/08/2020	44	\$500,000.00
DA2020119	18 William Street ULVERSTONE, TAS, 7315	Permitted	Residential (construction of one dwelling to create a total of two multiple dwellings)	4/05/2020	21/08/2020	16	\$500,000.00
DA2020122	24 Kywong Crescent WEST ULVERSTONE, TAS, 7315	Discretionary	Residential (dwelling and outbuilding – shed)	6/05/2020	13/08/2020	27	\$180,000.00
DA2020139	114 Ironcliffe Road PENGUIN, TAS, 7316	Discretionary	Residential (outbuilding – carport)	27/05/2020	7/08/2020	29	\$7,500.00
DA2020165	29 Josephine Street WEST ULVERSTONE, TAS, 7315	Discretionary	Residential (outbuilding – shed)	22/06/2020	10/08/2020	41	\$29,761.00
DA2020171	27 Explorer Drive TURNERS BEACH, TAS, 7315	Discretionary	Residential (outbuilding – shed)	29/06/2020	4/08/2020	27	\$8,000.00
DA2020172	4 & 2 Turners Avenue TURNERS BEACH, TAS, 7315	Discretionary	Residential (subdivision – three lots)	29/06/2020	17/08/2020	48	\$20,000.00

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

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2020176	3 Kardinia Crescent WEST ULVERSTONE, TAS, 7315	Discretionary	Residential (outbuilding – shed)	3/07/2020	17/08/2020	28	\$35,000.00
DA2020179	45 Preston Road GAWLER, TAS, 7315	Discretionary	Residential (dwelling and outbuildings – sheds and carport)	8/07/2020	21/08/2020	31	\$230,000.00
DA2020182	4 Albert Street TURNERS BEACH, TAS, 7315	Discretionary	Residential (demolition of two outbuildings and construction of new outbuilding – shed)	9/07/2020	11/08/2020	28	\$16,124.00
DA2020184	2 Park Avenue PENGUIN, TAS, 7316	Discretionary	Residential (outbuilding – garage)	9/07/2020	13/08/2020	30	\$20,000.00
DA2020185	17 Cluan Crescent ULVERSTONE, TAS, 7315	Discretionary	Residential (outbuilding – shed)	10/07/2020	12/08/2020	28	\$13,500.00
DA2020187	2 Manley Street TURNERS BEACH, TAS, 7315	Discretionary	Residential (ancillary dwelling)	10/07/2020	25/08/2020	33	\$75,000.00
DA2020188	238 Westella Drive TURNERS BEACH, TAS, 7315	Discretionary	Residential (multiple dwellings x two)	10/07/2020	21/08/2020	30	\$300,000.00
DA2020190	114 Leven Street ULVERSTONE, TAS, 7315	Discretionary	Residential (outbuilding – shed)	13/07/2020	31/08/2020	46	\$20,000.00
DA2020191	420 Kindred Road FORTH, TAS, 7310	Discretionary	Resource development (agricultural shed)	14/07/2020	17/08/2020	31	\$60,000.00
DA2020192	23 Shorehaven Drive TURNERS BEACH, TAS, 7315	Discretionary	Residential (dwelling)	14/07/2020	25/08/2020	32	\$350,000.00
DA2020194	645 Preston Road and 50 Church Road NORTH MOTTON, TAS, 7315	Discretionary	Resource development (subdivision) – consolidations and boundary reconfigurations over five titles to form two new lots	14/07/2020	13/08/2020	22	\$10,000.00
DA2020195	White Hills Road PENGUIN, TAS, 7316	Discretionary	Residential (dwelling and outbuilding – shed)	15/07/2020	21/08/2020	30	\$400,000.00

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

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2020196	6 Park Avenue PENGUIN, TAS, 7316	Discretionary	Residential (dwelling, ancillary dwelling and outbuilding)	15/07/2020	21/08/2020	32	\$250,000.00
DA2020202	241 Penguin Road WEST ULVERSTONE, TAS, 7315	Discretionary	Residential (subdivision – two lots)	24/07/2020	31/08/2020	31	\$50,000.00
DA2020205	87 Main Street ULVERSTONE, TAS, 7315	Permitted	Visitor accommodation	27/07/2020	12/08/2020	12	\$500.00
DA2020206	8 Tamworth Street SULPHUR CREEK, TAS, 7316	Discretionary	Residential (dwelling)	28/07/2020	12/08/2020	1	\$375,000.00
DA2020212	3 Gollan Street ULVERSTONE, TAS, 7315	Permitted	Community meeting and entertainment (carport for existing office and community meeting facility)	31/07/2020	17/08/2020	13	\$10,000.00
DA2020214	57 Water Street ULVERSTONE, TAS, 7315	Permitted	Visitor accommodation – caravan annex	3/08/2020	25/08/2020	13	\$10,000.00

SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION

Period: 1 August 2020 to 31 August 2020

Building Permits – 5

·	New dwellings	3	\$1,066,647
·	Outbuildings	0	\$0.00
·	Additions/Alterations	0	\$0.00
·	Other	0	\$0.00
·	Units	2	\$1,324,000

Demolition Permit – 0

Permit of Substantial Compliance – Building – 0

Notifiable Work – Building – 3

·	New dwellings	1	\$285,874
·	Outbuildings	1	\$16,000
·	Additions/Alterations	1	\$28,000
·	Other	0	\$0.00

Building Low Risk Work – 1

Certificate of Likely Compliance – Plumbing – 5

No Permit Required – Plumbing – 1

Food Business registrations (renewals) – 0

Food Business registrations – 2

Temporary Food Business registrations – 0

Temporary 12 month Statewide Food Business Registrations – 0

Public Health Risk Activity Premises Registration – 0

Public Health Risk Activity Operator Licences – 0

Temporary Place of Assembly licences – 0

SCHEDULE OF COMMUNITY SERVICES DETERMINATIONS MADE UNDER DELEGATION

Period: 1 August 2020 to 31 August 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 August to 31 August 2020

Infringement notices issued for Dog Offenses

	1-31 Aug 2020
Impounded	2
Claimed	0
Burnie Dogs Home	1
Destroyed	0
Heldover	1
Devonport Dogs Home	0

Infringements for dogs and impoundments etc.

1 - 31 Aug 2020	1
-----------------	---

Traffic Infringement Notices for Parking Offences

1 - 31 Aug 2020	61	
Alexandra Road	1	2%
Bannons Car Park	13	21%
King Edward Street	13	21%
North Reibey Street Car Park	8	13%
Reibey Street	26	43%



Ian Stoneman
DIRECTOR ORGANISATIONAL SERVICES