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**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 16 November 2020 commencing at 6.00pm.**

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**Councillors attendance**

Cr Jan Bonde (Mayor)  
Cr John Beswick  
Cr Cheryl Fuller  
Cr Tony van Rooyen

Cr Garry Carpenter (Deputy Mayor)  
Cr Amanda Diprose  
Cr Casey Hiscutt  
Cr Philip Viney

**Councillors apologies**

Cr Annette Overton

**Employees attendance**

General Manager (Ms Sandra Ayton)  
Director Infrastructure Services (Mr Paul Breaden)  
Director Organisational Services (Mr Ian Stoneman)  
Strategic Projects & 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.

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## CONFIRMATION OF MINUTES OF THE COUNCIL

### 327/2020 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 19 October 2020 have already been circulated. The minutes are required to be confirmed for their accuracy.

The *Local Government (Meeting Procedures) Regulations 2015* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

- Cr Viney moved and Cr Hiscutt seconded, “That the minutes of the previous ordinary meeting of the Council held on 19 October 2020 be confirmed.”

Carried unanimously

## COUNCIL WORKSHOPS

### 328/2020 Council workshops

The Executive Services Officer reported as follows:

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

- . 26.10.2020 – TasNetworks; Rural road shouldering
- . 09.10.2020 – Monthly update.

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

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

Carried unanimously

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## MAYOR'S COMMUNICATIONS

### 329/2020 Mayor's communications

The Mayor reported as follows:

"I would like to congratulate the town of Penguin and the community for their Tidy Town Award 2020 and also recognise the Penguin Surf Life Saving Club, who have been named as National Surf Life Saving Club of the Year, which is amazing. I look forward to celebrating with the Penguin community in the near future."

### 330/2020 Mayor's diary

The Mayor reported as follows:

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

- . Combined School Association meeting – Ulverstone
- . Central Coast Farmers Market Annual General Meeting – Ulverstone
- . Switch Tasmania Board meeting – Ulverstone
- . Connecting Care Roundtable meeting – Ulverstone
- . Central Coast Community Safety Partnership meeting – Ulverstone
- . 26Ten's Raising Literacy Awareness in Penguin – Penguin
- . West Ulverstone Child and Family Learning Centre, Local Enabling Group Meeting – Ulverstone
- . Lunch with the Cradle Coast Authority Board – Ulverstone
- . Remembrance Day Service – Ulverstone
- . Local Government Association of Tasmania (LGAT) Code of Conduct Session – Devonport
- . Cradle Coast Authority Representatives meeting – Devonport
- . Central Coast Chamber of Commerce and Industry Gala Dinner – Ulverstone
- . Fortnightly radio interview
- . Reconciliation Tasmania Come Walk With Us information session – Ulverstone."

The Deputy Mayor reported as follows:

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

- . Tidy Towns Award Ceremony – Cradle Mountain
- . Penguin Senior Citizens Club – 55<sup>th</sup> Birthday – Penguin."

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Cr Hiscutt reported as follows:

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

. Remembrance Day Service – Penguin.”

■ Cr Hiscutt moved and Cr Viney seconded, “That the Mayor’s, Deputy Mayor’s and Cr Hiscutt’s reports be received.”

Carried unanimously

### **331/2020      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.”

Cr Hiscutt reported as follows:

“I will be declaring an interest when the Council considers the item ‘Resource development – advertising sign – reliance on E7 Sign Code at 23 Kennaglen Lane, Howth – Application No. DA2020303’ (Minute No. 353/2020).”

## **COUNCILLOR REPORTS**

### **332/2020      Councillor reports**

The Executive Services Officer reported as follows:

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

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

Cr Hiscutt reported on a recent meeting of Slipstream Circus Board Inc. celebrating 20 years of circus and noted there will be a festival, details of which will be on their website. Cr Hiscutt further reported on the Penguin Surf Life Saving Club’s recent National Award.

Cr Diprose reported on the second meeting of the Reconciliation Action Plan Working Group, noting that it is progressing well with a lot of enthusiasm and some actions being added to our Plan.

#### **APPLICATIONS FOR LEAVE OF ABSENCE**

##### **333/2020      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**

##### **334/2020      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.”

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## PETITIONS

### 335/2020     Petitions

The Executive Services Officer reported as follows:

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

## COUNCILLORS' QUESTIONS

### 336/2020     Councillors' questions without notice

The Executive Services Officer reported as follows:

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

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

- (a) of the chairperson; or
- (b) through the chairperson, of –
  - (i) another councillor; or
  - (ii) the general manager.

(2) In putting a question without notice at a meeting, a councillor must not –

- (a) offer an argument or opinion; or
- (b) draw any inferences or make any imputations –

except so far as may be necessary to explain the question.

(3) The chairperson of a meeting must not permit any debate of a question without notice or its answer.

(4) The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question.

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- (5) The chairperson of a meeting may refuse to accept a question without notice if it does not relate to the activities of the council.
  - (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting.
  - (7) The chairperson may require a councillor to put a question without notice in writing.'

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

- '8 (5) Subject to sub-regulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.
- (6) A council by absolute majority at an ordinary council meeting, ..., may decide to deal with a matter that is not on the agenda if –
  - (a) the general manager has reported the reason it was not possible to include the matter on the agenda; and
  - (b) the general manager has reported that the matter is urgent; and
  - (c) in a case where the matter requires the advice of a qualified person, the general manager has certified under section 65 of the Act that the advice has been obtained and taken into account in providing general advice to the council.'

Councillors who have questions without notice are requested at this time to give an indication of what their questions are about so that the questions can be allocated to their appropriate Departmental Business section of the agenda."

The allocation of topics ensued.

### **337/2020 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

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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**

##### **338/2020      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, 16 November 2020.

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

##### **339/2020      Public questions taken on notice**

The Executive Services Officer reported as follows:

"No public questions were taken on notice from the 19 October 2020 meeting."

The Mayor reported as follows:

"One submission for public question time has been received. The Mayor referred the questions to the General Manager who advised:



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Dr Jim Reilly, Forth:

"In 2015 I subdivided my land on the river flats at Wilmot Road Forth with the last block subsequently being bought by the Forth Vet Joh Robertson this year

In September/October.. Joh has commenced building extensive horse sheds, multiple fences and a large examination shed on the river flats that now flood regularly (since 'Sheffield Control Centre' Dalwood Rd. lost control to computer nerds in Hobart).

While each fence and building may be undersize, (I don't know), there ought to have been a council application due *size and scale and flood* circumstances and any problems that would be caused by the position of six buildings and multiple wide tape fences and scores of posts in soft puggy soil in the way of the undersize overflow bridge.. There was no advertising nor notices posted visibly on site. I ask this on the grounds of regulations under the discretionary '*size and scale*' provisions in the regulations. Especially considering the obvious fact that ALL of these constructions will be swept away even in the first minor flood and block the overflow bridge. I know what will happen when these two tiny bridges cannot cope. It has happened to me with much more substantial fences and buildings further upstream. Buildings and fences are NOT swept over by the force of the rapid current. They accumulate debris and thus cannot resist. I have video of that causeway/dam having a 1.5 to 2 metre waterfall cascading down the seaside of the river while so many houses and businesses were under fast water. As was mine. Indicating clearly that the causeway is really a dam.

The Premier's proposed infrastructure building projects may be able to widen those gaps. And I've got a couple of ideas to fix it cheaply.

This is all about the survival of my home and several other homes and businesses in Forth which were badly damaged in June 2016. We had to be rescued out of our house, by SES carrying our pets and chooks at 'high port' with flood waters strongly flowing around my belly button. (We have videos of mine and ABC TV). The river entered the house within 20 minutes from being just across the road... while we were trying to save stuff by putting on higher shelves. Then it rushed through... shifting the house a couple of inches off its 1852 stone bearings carrying the bottom plates. The house still droops at the NE corner and the floorboards bounce there. After the clean-up of mud and debris and the rebuilding of fences, when so many friends and people I didn't even know turned up to help.

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As a friend of Joh I don't wish to cause him grief. Nor do I want a metre of fast water through my house again)."

*Question 1 –*

"Did the planning department have any approach for this development?"

*Response*

"The Council was contacted by Dr Reilly who alerted Council to the building activity occurring on the property. As a result, the following actions have been taken:

- A letter was sent to the landowner on 22 October, asking contact to be made with the Council to discuss.
- The property owner subsequently contacted the Council.
- A Development Application form was emailed.
- The Council is now awaiting the lodgement of an application. Any application will require the submission of detailed plans etc. Once this information is received an assessment will be undertaken to determine if it is 'permitted' or 'discretionary'. A 'discretionary' application would be subject to a period of public notification.
- Regular contact will be made with the landowner to ensure an application is submitted. If an application is not submitted it will be necessary for enforcement action to be commenced."

*Question 2 –*

"Is it reasonable to approach the Premier's Department to see if the 'dam' across the Forth River can have flood mitigation?"

*Response*

"The Council will undertake further consultation with the State Emergency Service and Department of Primary Industries Water and Environment regarding the learnings from the 2016 flood and what additional protection actions could be considered to support mitigation solutions in response to Dr Reilly's observations.

Flooding issues surrounding the bridge structures in the Forth area will be considered during any future infrastructure replacement programs undertaken

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by Council, or if relevant funding is made available for mitigation activities prior to this.

Currently there is a review being undertaken of the Lower Forth Flood Evacuation Plan which will also assist in informing future actions.”

**DEPARTMENTAL BUSINESS**

**GENERAL MANAGEMENT**

**340/2020 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:

- Cradle Coast Waste Management Group – meeting held 19 August 2020.
- Central Coast Community Shed Management Committee – meeting held 5 October 2020
- Central Coast Community Shed Management Committee – meeting held 4 November 2020

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

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

Carried unanimously

**341/2020 Cradle Coast Waste Management Group – Terms of Reference**

The Strategic Projects and Planning Consultant reported as follows:

*“PURPOSE*

The purpose of this report is to allow the Council to consider the updated Cradle Coast Waste Management Group (CCWMG) Terms of Reference.

*BACKGROUND*

The Cradle Coast Waste Management Group (CCWMG) was established to:

- Provide an integrated regional approach to waste management; and
- Implement strategies which minimise waste by using the waste hierarchy actions.

The CCWMG represents seven (7) North West Tasmanian councils who agreed to participate in a voluntary waste levy scheme. The CCWMG key objectives are to:

- Develop, resource, and monitor a 5-year strategic plan, annual plan and 10-year financial management plan; and
- Advocate and share information on regional waste management issues.

Dulverton Waste Management (DWM) provides the executive, administrative, financial and communication support to the Group, including collecting and distributing the waste management levy and implementing the actions detailed in the CCWMG Strategic Plan.

The CCWMG has been operating within the region for several years.

### *DISCUSSION*

At the Cradle Coast General Managers' (CCGM) meeting held on 14 August 2020, the CCWMG Terms of Reference (version 24.07.2020) were approved. The new Terms of Reference have been developed to better streamline the governance processes associated with the Group (a copy of the Terms of Reference are appended to this report).

The Terms of Reference were to be effective from 1 November 2020 and planned to be reviewed by 30 June 2022 and thereafter biennially or as required by the CCWMG.

Under the new Terms of Reference, the membership of the CCWMG consists of the General Managers as the respective decision makers from each of the member Councils they represent.

The previous CCWMG members (predominately council staff) will meet as required in an advisory capacity with Dulverton Waste Management to continue to project manage and report on the strategic, annual and financial plans.

### *CONSULTATION*

There has been no community engagement/consultation undertaken in relation to this report.

The activities undertaken by the CCWMG are based on regional benefits and are therefore coordinated to ensure there is maximum benefit provided to all participating councils and their communities.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

There are no specific statutory requirements which relate to this report.

The updated CCWMG Terms of Reference provides a low risk streamlined arrangement for the implementation of regional waste priorities.

Activities undertaken by CCWMG are outlined in the CCWMG 10 Year financial management plan. Council has for several years contributed the 'voluntary levy' through its waste management charges imposed on ratepayers. The current 'voluntary levy' is based on \$5.00 per tonne of waste generated.

### *CORPORATE COMPLIANCE*

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

#### The Shape of the Place

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

#### A Connected Central Coast

- Improve community well-being.

#### The Environment and Sustainable Infrastructure

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

### *CONCLUSION*

The CCWMG Terms of Reference (version 24.07.2020) as approved by the Cradle Coast General Managers at their meeting held 14 August 2020 provides greater efficiencies in the development and delivery of strategic regional waste priorities.

It is recommended that the Council endorse the new Terms of Reference noting they came into effect from 1 November 2020."

The Executive Services Officer reported as follows:

"A copy of the Cradle Coast Waste Management Group's Terms of Reference has been circulated to all Councillors."

■ Cr Beswick moved and Cr Fuller seconded, "That the Council endorse the new Cradle Coast Waste Management Group's Terms of Reference (a copy being appended to and forming part of the minutes) noting they came into effect from 1 November 2020."

Carried unanimously

**342/2020 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 20 October to 16 November 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 Carpenter 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

**343/2020 Common seal**

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 20 October to 16 November 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 Diprose moved and Cr Beswick seconded, “That the common seal (a copy of the Schedule of Documents for Affixing of the Common Seal being appended to and forming part of the minutes) be affixed subject to compliance with all conditions of approval in respect of each document, and that the advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities be received.”

Carried unanimously

**344/2020     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 20 October to 16 November 2020 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

■ Cr Carpenter moved and Cr Hiscutt 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

**345/2020 Statutory determinations**

The Director Organisational Services reported as follows:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**346/2020 Natural Burials – Central Coast Memorial Park**

The Strategic Projects and Planning Consultant reported as follows:

*“PURPOSE*

The purpose of this report is to recommend to Council arrangements to apply for the conduct of natural burials at the Central Coast Memorial Park Cemetery.

*BACKGROUND*

Council at its meeting on 20 July 2020 determined:

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

*DISCUSSION*

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

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

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

The Burnie City Council in 2016 introduced guidelines which allows for natural burials at their Cemetery on the proviso it can be satisfied there is no likely risk to either public health or safety.

The Burnie Cemetery does not have a dedicated area for natural burials – they can occur in the normal allocation of gravesites. The Council's website provides clear details around the conditions which are to be applied to any request for a natural burial.

Councillors, when the issue was discussed at a Workshop, sought advice on the options to include a 'natural burial' section at the Cemetery. This issue has been discussed through a Cemetery Working Group tasked with updating the Central Coast Memorial Park Cemetery Master Plan.

As a result the Committee has indicated that at present there is no appropriate location for a natural burial area, however there may be opportunities to include an area as part of the Master Plan.

The *Burial and Cremation Act 2019* does not specifically refer to natural burials, however this does not preclude a Cemetery Manager from allowing a natural burial to occur in their cemetery.

It is therefore clear that the matter of whether to permit natural burials or not is a decision for the Cemetery Manager.

There does not need to be a specific 'natural burials' area, Council can now allow natural burials at the Cemetery. To facilitate a natural burial Council would be wise to establish the conditions under which they can occur.

In line with the conditions imposed at the Burnie Lawn Cemetery the following conditions are suggested for Council to consider:

- a) single depth burial only;
- b) companion burial by subsequent opening of a grave is not permitted (no double depth graves);

- c) handling and transport of human remains to and within the cemetery, and until immediately prior to burial must be in an impervious conventional coffin to prevent discharge of body fluids, contaminants or infectious material, and otherwise without risk of harm to public health and safety;
- d) if a coffin used for the storage and transport of human remains is to be re-used, it must first be steam cleaned and disinfected;
- e) remains must not be embalmed, and any preparation of the remains must involve the use of biodegradable products;
- f) remains may be buried in a biodegradable container of any material or form, provided such container will fit within a standard grave opening;
- g) if the remains are not placed in a container, they must be wrapped in not less than four (4) layers of a cotton or linen sheeting sufficient to prevent the leakage of body fluids;
- h) an identification nameplate must be fixed to the lid of the coffin or container used to store, transport and handle the remains prior to burial;
- i) the identification nameplate must be –
  - i. removed and fixed to the lid of any biodegradable coffin; or
  - ii. placed on top of the wrapping material;
- j) the grave plot may be marked by an approved plaque supplied by the family;
- k) Council does not permit other persons to dig or backfill a grave and therefore normal cemetery fees and charges apply to a natural burial.

#### *CONSULTATION*

There has not been any direct community consultation in relation to the issue of natural burials at the Central Coast Memorial Park Cemetery. The issue of a traditional burial versus a natural burial is purely an individual choice and Council as the Cemetery Manager can facilitate either option without any impact on others.

During the Cemetery Master Plan process there will be an opportunity to include a 'natural burials' area and this can be highlighted as a discussion point during the community consultation stage.

Council has been approached in the past to support the concept of natural burials by the North West Environment Centre.

If natural burials are approved by Council, the information will be promoted on the Council's website and to local funeral directors.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

There would be no financial implications if Council approves natural burials at the Cemetery as one of the conditions is that normal standard single depth cemetery fees would apply.

Developing a specific natural burials area at the Cemetery would come at a cost. At this early stage there has been no work undertaken to either identify a location or an estimated cost.

### *CORPORATE COMPLIANCE*

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

#### A Connected Central Coast

- Connect the people with services.

#### Community Capacity and Creativity

- Community capacity-building.

#### The Environment and Sustainable Infrastructure

- Contribute to a safe and healthy environment.

#### Council Sustainability and Governance

- Improve service provision.

### *CONCLUSION*

It is recommended that Council offer the opportunity for natural burials to take place at the Central Coast Memorial Park Cemetery. The conditions under which Council approves natural burials as outlined in this report be accepted.

Further it is recommended that Council note that the issue of a specific natural burial area will be considered as part of the review of the Central Coast Memorial Park Cemetery Master Plan."

■ Cr Fuller moved and Cr Viney seconded, "That Council:

- (1) as Cemetery Manager approve natural burials at the Central Coast Memorial Park Cemetery on the following conditions:

- a) single depth burial only;
  - b) companion burial by subsequent opening of a grave is not permitted (no double depth graves);
  - c) handling and transport of human remains to and within the cemetery, and until immediately prior to burial must be in an impervious conventional coffin to prevent discharge of body fluids, contaminants or infectious material, and otherwise without risk of harm to public health and safety;
  - d) if a coffin used for the storage and transport of human remains is to be re-used, it must first be steam cleaned and disinfected;
  - e) remains must not be embalmed, and any preparation of the remains must involve the use of biodegradable products;
  - f) remains may be buried in a biodegradable container of any material or form, provided such container will fit within a standard grave opening;
  - g) if the remains are not placed in a container, they must be wrapped in not less than four (4) layers of a cotton or linen sheeting sufficient to prevent the leakage of body fluids;
  - h) an identification nameplate must be fixed to the lid of the coffin or container used to store, transport and handle the remains prior to burial;
  - i) the identification nameplate must be –
    - i. removed and fixed to the lid of any biodegradable coffin; or
    - ii. placed on top of the wrapping material;
  - j) the grave plot may be marked by an approved plaque supplied by the family;
  - k) Council does not permit other persons to dig or backfill a grave and therefore normal cemetery fees and charges apply to a natural burial.
- (2) note that as part of the review of the Central Coast Memorial Park Cemetery Master Plan a specific natural burial area will be considered.”

Carried unanimously

**347/2020 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 No’s 348/2020, 349/2020, 350/2020, 351/2020, 352/2020, 353/2020 and 354/2020, 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

**348/2020 Land Use Planning and Approvals Act 1993 – s.39 Report on PSA2020004 – draft amendment to the Central Coast Interim Planning Scheme 2013 to rezone land known as 640 Forth Road, Forth from Local Business to Low Density Residential and to include the site within the Forth Specific Area Plan**

The Strategic Projects and Planning Consultant reported as follows:

“The Town Planner has prepared the following report:

*‘PLANNING INSTRUMENT:*

*Land Use Planning and Approvals Act 1993 (the Act) (previous) and Central Coast Interim Planning Scheme 2013 (the Planning Scheme)*

*PUBLIC NOTIFICATION:*

30 September 2020 to 28 October 2020

*REPRESENTATIONS RECEIVED:*

None

*ANNEXURES:*

Annexure 1 – TasWater Submission to Planning Authority Notice

*PURPOSE*

The purpose of this report is to advise that no representations were received during the public notification period for the draft amendment.

*BACKGROUND*

The draft amendment was initiated 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 and to include the site within the Forth Specific Area Plan.

The Council, in its role as the Planning Authority, resolved to initiate and certify the draft amendment at its meeting held 21 September 2020.

*DISCUSSION*

Following the public exhibition of the draft amendment, s.39 of the Act (previous) requires the Planning Authority to prepare a report containing:

- a copy of each representation made;
- a statement of the Planning Authority's opinion as to the merit of each representation made and whether the draft amendment should be modified; and
- any recommendations of the Planning Authority to the Tasmanian Planning Commission (TPC) in relation to the draft amendment.

No representations were received during the public exhibition of the draft amendment. Regardless, a report is still required under s.39 of the Act to contain any recommendations (if any) the Planning Authority considers necessary (for example the Planning Authority may have identified an error or alternate drafting it would prefer).

No further discussion, analysis and recommendations are considered necessary.

The TPC will be advised within 35 days from the close of public exhibition as per s.39(2) of the Act.

It was noted in the report to the Planning Authority at the meeting held 21 September 2020 that 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.

The site can be considered at the time the Local Heritage Study Project is being undertaken. This is a separate process to the draft amendment.

### *CONSULTATION*

Under s.38 of the Act the draft amendment was placed on public notification from Wednesday 30 September 2020 and concluded 28 October 2020 (including the notice being placed in *The Advocate* on Wednesday 30 September 2020 and Saturday 17 October 2020).

All adjoining property owners/occupiers were notified of the draft amendment and site notice was placed on each applicable site.

Adjoining property owners included the Department of State Growth as the site is accessed off Forth Road which is a State owned and maintained road. No comments were received from Department of State Growth regarding this draft amendment.

The draft amendment was referred to TasWater as per s.56 of the *Water and Sewerage Act 2008*. TasWater responded (via email received 9 October 2020) stating that, *"TasWater does not object to the proposed amendment to the Interim Planning Scheme as mentioned above and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings as stated in the attached SPAN"* (refer to Annexure 1).

### *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 that may be 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
- Contribute to the preservation of the natural environment.

*Recommendation –*

It is recommended that the Planning Authority:

- 1 Not make any changes to the draft amendment to rezone land known as 640 Forth Road, Forth from Local Business to Low Density Residential and to include the site within the Forth Specific Area Plan as initiated and certified at its meeting held 21 September 2020.
- 2 Pursuant to s.39 of the (previous) *Land Use Planning and Approvals Act 1993* endorse and send this report to the Tasmanian Planning Commission.
- 3 Delegate to the General Manager its powers and functions to represent the Planning Authority at hearings pursuant to s.40 of the (previous) *Land Use Planning and Approvals Act 1993.*

The Town Planner's report is supported."

The Executive Services Officer reported as follows:

"Copies 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, "That the Planning Authority:

- 1 Not make any changes to the draft amendment to rezone land known as 640 Forth Road, Forth from Local Business to Low Density Residential and to include the site within the Forth Specific Area Plan as initiated and certified at its meeting held 21 September 2020.
- 2 Pursuant to s.39 of the (previous) *Land Use Planning and Approvals Act 1993* endorse and send this report to the Tasmanian Planning Commission.
- 3 Delegate the General Manager its powers and functions to represent the Planning Authority at hearings pursuant to s.40 of the (previous) *Land Use Planning and Approvals Act 1993.*"

Carried unanimously

**349/2020      Residential – shed – variation to the building envelope and proximity to Utilities zone – 32 Epsom Road, Penguin – Application No. DA2020289**

The Strategic Projects & Planning Consultant reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2020289
<i>PROPOSAL:</i>	Residential – shed – variation to the building envelope and proximity to Utilities zone
<i>APPLICANT:</i>	Deborah Gracie
<i>LOCATION:</i>	32 Epsom 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>	7 October 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	21 October 2020
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	13 November 2020 (extension of time granted until 16 November 2020)
<i>DECISION DUE:</i>	16 November 2020
<i>PURPOSE</i>	

The purpose of this report is to consider an application for a shed on land at 32 Epsom Road, Penguin.

Accompanying the report are the following documents:

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

*BACKGROUND*

*Development description –*

An application has been made for a 9m x 7m shed at 32 Epsom Road in Penguin. The shed would be located to the south-western corner of the site and would be 2.5m from the western internal boundary and 1.5m from the southern side boundary.

The shed would have a wall height of 3.6m with a ridge height of 4.8m.

*Site description and surrounding area –*

The 3,853m<sup>2</sup> site is an internal allotment that is accessed off Epsom Road. The site has a gentle 10m–15m fall down and away from Epsom Road and contains a dwelling and associated outbuildings.

Land to the west is zoned General Residential, land to the north and east are zoned Rural Living with the land to the south zoned Utilities which accommodates the Bass Highway and the Highway corridor.

The site is connected to reticulated services.

*History –*

The site has approvals for the dwelling and some associated outbuildings.

*DISCUSSION*

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

**General Residential**

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

10.3.2–(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.	Not applicable.  Use is residential.
<b>10.4.1 Residential density for multiple dwellings</b>	
10.4.1–(A1) Multiple dwellings must have a site area per dwelling of not less than:  (a) 325m <sup>2</sup> ; or  (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Not applicable.  Not an application for multiple dwellings.
<b>10.4.2 Setbacks and building envelope for all dwellings</b>	
10.4.2–(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:  (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. Shed would be located greater than 4m to the Epsom Road frontage.  (b) Not applicable. The site does not have a secondary frontage.  (c) Not applicable. Satisfied by (a) and (b).  (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. The shed would be setback greater than 5.5m from the Epsom Road 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, 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> <p>(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</p> <p>(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> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or</p>	<p>(a)(i) Non-compliant. The shed would be setback 2.5m from the internal boundary (Clause states Acceptable Solution of 4.5m from the rear boundary of a lot with an adjoining frontage).</p> <p>Refer to the “Issues” section of this report.</p> <p>(a)(ii) Compliant. The shed would fit within the required building envelope including setback greater than 4m from the rear boundary.</p> <p>(b)(i) Compliant. The shed would be located 1.5m or greater from side boundaries.</p> <p>(b)(ii) Compliant. The shed would be located 1.5m or greater from side boundaries.</p>
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<p>(ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser).</p>	
<p><b>10.4.3 Site coverage and private open space for all dwellings</b></p>	
<p>10.4.3-(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60.0m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>(a) Compliant. The total site coverage would be approximately 13%.</p> <p>(b) Not applicable. The proposed development is not for multiple dwellings.</p> <p>(c) Compliant. The site has an area of approximately 70% free from impervious surfaces.</p>
<p>10.4.3-(A2) A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24.0m<sup>2</sup>; or</p>	<p>(a)(i) Compliant. The existing private open space has an area greater than 24m<sup>2</sup>.</p> <p>(a)(ii) Not applicable. Development satisfied by (a)(i).</p>



<p>(ii) 12.0m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4.0m; or</p> <p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p>	<p>(b)(i) Compliant. The dwelling has existing private open space with a minimum 42m horizontal dimension.</p> <p>(c) Compliant. The existing dwelling would have a habitable room with direct access to the private open space.</p> <p>(d) Compliant. The existing 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>
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<p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	
<p><b>10.4.4 Sunlight and overshadowing for all dwellings</b></p>	
<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.</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"> <li>(i) at a distance of 3.0m from the window; and</li> <li>(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</li> </ul>	<p>Not applicable.</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"> <li>(i) an outbuilding with a building height no more than 2.4m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling.</li> </ul>	
<p>10.4.4–(A3) A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <ul style="list-style-type: none"> <li>(i) at a distance of 3.0m from the northern edge of the private open space; and</li> </ul>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

<p>(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</p> <p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <p>(i) an outbuilding with a building height no more than 2.4m; or</p> <p>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling.</p>	
<b>10.4.5 Width of openings for garages and carports for all dwellings</b>	
<p>10.4.5-(A1) A garage or carport within 12.0m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6.0m or half the width of the frontage (whichever is the lesser).</p>	<p>Compliant.</p> <p>The proposed shed would be setback greater than 12m to the Epsom Road frontage.</p>

<b>10.4.6 Privacy for all dwellings</b>	
<p>10.4.6–(A1) A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1.0m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> <li>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3.0m from the side boundary; and</li> <li>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4.0m from the rear boundary; and</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6.0m: <ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</li> </ul> </li> </ul>	<p>Not applicable. Proposal is not for 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 1m above natural ground level proposed.</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> <ul style="list-style-type: none"> <li>(i) is to have a setback of at least 3.0m from a side boundary; and</li> <li>(ii) is to have a setback of at least 4.0m from a rear boundary; and</li> <li>(iii) if the dwelling is a multiple dwelling, is to be at least 6.0m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be at least 6.0m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) The window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</li> </ul>	<p>Not applicable. Proposal is not for a building that would have a window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level proposed.</p>
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<ul style="list-style-type: none"> <li>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or</li> <li>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</li> </ul>	
<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> <ul style="list-style-type: none"> <li>(a) 2.5m; or</li> <li>(b) 1.0m if: <ul style="list-style-type: none"> <li>(i) it is separated by a screen of at least 1.7m in height; or</li> <li>(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.</li> </ul> </li> </ul>	<p>Not applicable.</p> <p>No shared driveway or parking spaces.</p>

<b>10.4.7 Frontage fences for all dwellings</b>	
<p>10.4.7-(A1) A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:</p> <p>(a) 1.2m if the fence is solid; or</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>Not applicable.</p> <p>No front fence proposed.</p>
<b>10.4.8 Waste storage for multiple dwellings</b>	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <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>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>	
<b>10.4.9 Suitability of a site or lot for use or development</b>	
<p>10.4.9–(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) have an area of not less than 330m<sup>2</sup> excluding any access strip; and</p> <p>(b) if intended for a building, contain a building area of not less than 10.0m x 15.0m:</p> <p>(i) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(ii) clear of any applicable setback from a zone boundary;</p> <p>(iii) clear of any registered easement;</p> <p>(iv) clear of any registered right of way benefiting</p>	<p>(a) Compliant. The site has an area of 3,853m<sup>2</sup>.</p> <p>(b)(i) Non-compliant. The shed would not satisfy the internal setback.</p> <p>Refer to the “Issues” section of this report for Clause 10.4.2–(P3).</p> <p>(b)(ii) Non-compliant. The shed would be setback 1.5m from the Utilities zone.</p> <p>Refer to the “Issues” section of this report for Clause 10.4.12 (P1).</p> <p>(b)(iii) Not applicable. No registered easements.</p> <p>(b)(iv) Not applicable. No registered right of way.</p> <p>(b)(v) Not applicable. No utility.</p>

<ul style="list-style-type: none"> <li>(v) clear of any restriction imposed by a Utility;</li> <li>(vi) not including an access strip;</li> <li>(vii) accessible from a frontage or access strip; and</li> <li>(viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north.</li> </ul>	<ul style="list-style-type: none"> <li>(b)(vi) Compliant. Shed is clear of the access strip.</li> <li>(b)(vii) Compliant. Land is accessible from Epsom Road.</li> <li>(b)(viii) Not applicable. Not a new residential lot.</li> </ul>
<b>10.4.9 Suitability of a site or lot for use or development</b>	
<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"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</li> <li>(c) by a right of way connecting to a road – <ul style="list-style-type: none"> <li>(i) over land not required as the means of access to any other land; and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Site is accessed off Epsom Road.</li> <li>(b) Compliant. Site has sole access off Epsom Road.</li> <li>(c)(i) Not applicable. Satisfied by (a) and (b).</li> <li>(c)(ii) Not applicable. Satisfied by (a) and (b).</li> <li>(d)(i) Compliant. Site has an approximate 8.6m wide access frontage to Epsom Road.</li> <li>(d)(ii) Not applicable. Not multiple dwelling or non-residential development.</li> <li>(e) Compliant. Existing access is adequate.</li> </ul>

<p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than –</p> <p>(i) 3.6m for a single dwelling development; or</p> <p>(ii) 6.0m for multiple dwelling development or development for a non-residential use; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	
<p>10.4.9–(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated water system.</p>
<p>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</p>	<p>Compliant.</p>

sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i> .	The site is connected to the reticulated sewerage system.
10.4.9–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i> .	Compliant.  The site is connected to the reticulated stormwater system.
<b>10.4.10 Dwelling density for single dwelling development</b>	
10.4.10–(A1)  (a) The site area per dwelling for a single dwelling must –  (i) be not less than 325m <sup>2</sup> .	(a)(i) Compliant. Site area is 3,853m <sup>2</sup> .
<b>10.4.11 Development other than a single or multiple dwelling.</b>	
<b>10.4.11.1 Location and configuration of development</b>	
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	Not applicable.  Proposed development is residential.

<ul style="list-style-type: none"> <li>(c) not less than and not more than the setbacks for any existing building on adjoining sites;</li> <li>(d) not less than for any building retained on the site;</li> <li>(e) in accordance with any building area shown on a sealed plan; or</li> <li>(f) not less than 50.0m if the site abuts the Bass Highway.</li> </ul>	
<p>10.4.11.1 –(A2) All buildings must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> <li>(a) the applicable frontage setback;</li> <li>(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;</li> <li>(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"> <li>(i) not less than 1.5m from each side boundary; or</li> </ul> </li> </ul>	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<p>(ii) less than 1.5m from a side boundary if –</p> <ul style="list-style-type: none"> <li>a. built against an existing wall of an adjoining building; or</li> <li>b. the wall or walls – <ul style="list-style-type: none"> <li>i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;</li> <li>ii. there is no door or window in the wall of the building; and</li> <li>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.</li> </ul> </li> </ul> <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>Not applicable.</p> <p>Proposed development is residential.</p>

(b) not be more than any building area shown on a sealed plan.	
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.	Not applicable. Proposed development is residential.
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:  (a) 6.0m; or  (b) half the width of the frontage.	Not applicable. Proposed development is residential.
<b>10.4.11.2 Visual and acoustic privacy for residential development</b>	
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:  (a) if the finished floor level is more than 1.0m above natural ground level:  (i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;	Not applicable. Proposed development is residential.

<ul style="list-style-type: none"> <li>(ii) be not less than 3.0m from a side boundary;</li> <li>(iii) be not less than 4.0m from a rear boundary; and</li> <li>(iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or</li> </ul> <p>(b) if less than the setbacks in clause A1(a):</p> <ul style="list-style-type: none"> <li>(i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling;</li> <li>(ii) have a window sill height of not less than 1.8m above floor level;</li> <li>(iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or</li> <li>(iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.</li> </ul>	
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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.	Not applicable.  Proposed development is residential.
<b>10.4.11.3 Frontage fences</b>	
10.4.11.3–(A1) The height of a fence, including any supporting retaining wall, on or within a frontage setback must be:  (a) not more than 1.2m if the fence is solid; or  (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%.	Not applicable.  Proposed development is residential.
<b>10.4.12 Setback of development for sensitive use</b>	
10.4.12–(A1) A building containing a sensitive use must be contained within a building envelope determined by:  (a) the setback distance from the zone boundary as shown in the Table to this clause; and	(a) Non-compliant. Shed would be setback 1.5m from Utilities zone.  (b) Non-compliant. Shed would be setback 1.5m from Utilities zone.  Refer to the “Issues” section of this report.

<p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the required setback distance from the zone boundary.</p>	
<p>10.4.12–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) Bass Highway;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(a) Compliant. Development would be approximately 100m from Bass Highway.</p> <p>(b) Compliant. Development would be setback approximately 1 km from a railway line.</p> <p>(c) Not applicable. No land designated for future road or rail.</p> <p>(d) Not applicable. The nearest proclaimed wharf area is in Burnie approximately 20km to the west.</p>
<p><b>10.4.13 Subdivision</b></p>	
<p>10.4.13–(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) intended for residential use;</p> <p>(b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

of which are held by or on behalf of the State, a Council or by a Statutory authority.	
10.4.13–(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot	Not applicable. No subdivision proposed.
<b>10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision</b>	
10.4.14–(A1) Electricity reticulation and site connections must be installed underground.	Not applicable. No subdivision proposed.
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Not a subdivision, hazardous or vulnerable use.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in the Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of vegetation.
<b>E\$ Change in Ground Level Code</b>	Not applicable. No change in ground level.
<b>E5 Local Heritage Code</b>	Not applicable. No Local Heritage Code in the Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. The site is shown on the coastal inundation maps as having a low risk of coastal inundation.

<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Code applies to all development.
<b>E9.4 Use or development exempt from this Code</b>	Not exempt. No Local Area Parking Scheme applies to the site.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
E9.5.1-(A1) Provision for parking must be:  (a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;	(a) Compliant. Table E9A requires two car parking spaces for a residential dwelling. The site has existing provisions for two car parking spaces.  The requirement for two car parking spaces has been satisfied.
<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
E9.5.2-(A1) There must be provision within a site for:	Not applicable for the development of a single dwelling.

<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>	
<b>E9.6 Development Standards</b>	
<b>E9.6.2 Design of vehicle parking and loading areas</b>	
<p>E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p>	<p>Compliant by a Condition to be placed on the Permit.</p>
<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, 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</p>	<p>Not applicable for the development of a single dwelling.</p>

## COMMUNITY SERVICES

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<p>Facilities – Bicycle Parking Facilities;</p> <p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</p> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	
<p>E9.6.2–(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Not applicable.</p> <p>Land is zoned General Residential.</p>
<p><b>E10 Water and Waterways Code</b></p>	<p>Not applicable. The development is not within 30m of a waterway, watercourse or shoreline.</p>
<p><b>Specific Area Plans</b></p>	<p>No Specific Area Plans apply to this location.</p>

*Issues –*

*1 Variation to the building envelope –*

The Planning Scheme's Acceptable Solution 10.4.2–(A3)(a)(i) states that a dwelling, including outbuildings, must be contained within a building envelope that includes, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage.

The proposed shed would be located 2.5m from the internal western boundary (refer to image below for boundary in question). 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. The Bass Highway corridor adjoins the site to the south and contains no buildings. The dwelling on the adjoining eastern property is located higher and setback approximately 27.5m to the proposed shed. The shed would not cause an unreasonable loss of

amenity by a reduction in sunlight to a habitable room of the dwelling on the adjoining lot.

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

Compliant. As discussed above, the property to the south is the Bass Highway corridor, accommodating no buildings. The property to the west contains ample areas for private open space. The shed would not cause an unreasonable loss of amenity by overshadowing the private open space of the dwelling on the adjoining lot.

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

Compliant. The property to the south is vacant but forms part of the Bass Highway corridor.

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

Compliant. The proposed shed would be setback 2.5m from the western internal boundary. Due to the position of an existing tree at 26 Epsom Road, and separation of approximately 27.5m to the dwelling at 26 Epsom Road, the shed would not cause an unreasonable loss of amenity by visual impacts caused by the apparent scale, bulk or proportions of the shed, when viewed from an adjoining lot.

- (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 include outbuildings built either on, or close to, their respective side boundaries. This includes properties at 22 and 26 Epsom Road and 29 Pineleigh Street which are all within a 100m radius to the proposed shed. The proposed shed would provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.



2 *Proximity to the Utilities zone –*

The Planning Scheme's Acceptable Solution 10.4.12–(A1) states that a building containing a sensitive use must be contained within a building envelope determined by the setback distance from the zone boundary as shown in the Table to this clause.

The proposed shed would be located 1.5m from the Utilities zone (accommodating the Bass Highway and the Highway corridor). 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 10.4.12–(P1) states that development for sensitive use must –

- (a) have minimal impact for safe and efficient operation of the transport infrastructure; and

Compliant. The application was referred to the Department of State Growth as an adjoining property owner. They responded with an email to the Council (12 October 2020) stating that the Department has no objections to this proposal.

- (b) incorporate appropriate measures to mitigate likely impact of light, noise, odour, particulate, radiation or vibration emissions; or

Compliant. The application was referred to the Department of State Growth as an adjoining property owner. They responded with an email to the Council (12 October 2020) stating that the Department has no objections to this proposal.

- (c) be temporary use or development for which arrangements have been made with the relevant transport infrastructure entity for removal without compensation within 3 years.

Not applicable. Shed is not temporary.

*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. No new access is proposed, and stormwater is proposed to be managed using a new tank.
Building	Building note to be applied to the Permit.
TasWater	Referral not required.
Department of State Growth	No issues. Email received (12 October 2020) stating that the Department of State Growth have no objections to the proposed shed.
Environment Protection Authority	Referral not required.
TasRail	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 –

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

The representations are summarised and responded to as follows:

REPRESENTATION 1	
MATTER RAISED	RESPONSE
1 Issues with noise from the occupiers of 32 Epsom Road. Shed will further increase noise and disruption to peace.	This is not a planning matter. It is a Police matter.
2 Property is being used as a car wrecking yard.	<p>The property has several motor vehicles on the site (as seen on the aerial image shown on the Council's GIS mapping system). It is not unusual for a larger General Residential zoned property to have several motor vehicles on-site. Nevertheless, since receipt of the representation, the planning office has sought clarification from the applicant regarding the number of vehicles on-site and the use of the land.</p> <p>It is acknowledged that the presence of many vehicles may appear unsightly. However, the Council has no record of any formal complaint regarding a business being undertaken from the development site and has no power to remove vehicles from private property.</p>
3 View of Bass Strait will be impinged by the shed.	The property at 26 Epsom Road is located higher than the development site due to the slope of the land. The location of the existing dwelling at 26 Epsom Road would mean that the proposed shed at 32 Epsom Road would not be in direct view when looking out towards Bass Strait. Due to the property at 26 Epsom Road

	being higher, and the location of the proposed shed in relation to the existing dwelling at 26 Epsom Road, the proposed shed would not have an unreasonable impact on the view of Bass Strait to the occupants of 26 Epsom Road.
4 Shed will create a disturbance that will impact on swift parrots located on a tree at 26 Epsom Road.	<p>It is unclear which tree the representator is referring to.</p> <p>There is a tree that is located at 26 Epsom Road which appears to encroach into 32 Epsom Road. It is acknowledged that this tree would need to be pruned back on the development site to allow the construction of the shed. Clearance of vegetation across boundary lines is not a matter to be considered by the Planning Authority in the General Residential zoned land.</p>
5 Shed will impact on property value to 26 Epsom Road.	This is not a planning matter.
REPRESENTATION 2	
MATTER RAISED	RESPONSE
1 Aerial photo used in application form is misleading. There has been an extension to the existing shed and a shipping container on the site that is not shown.	<p>It appears that the existing shed has been extended slightly from the 1996 approved plans. Furthermore, the photo provided by the representor shows a shipping container that has been positioned beside the existing shed, north of the proposed shed.</p> <p>The planning office has sent a separate letter to the owners of 32 Epsom Road seeking clarification and an explanation of the shed</p>

	<p>extension and the presence of the shipping container.</p> <p>If no approvals/evidence can be provided to the Council regarding the shed extension, and the shipping container (Council's records indicate no approvals have been issued), then the owner will need to either remove the extended portion of the shed and the shipping container, or lodge a retrospective application for both.</p>
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*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 setback of the shed to the western internal boundary and the proximity to the Utilities zone. 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. It is considered appropriate that the proposed development be approved, subject to conditions.

### *Recommendation –*

It is recommended that the application for Residential – shed – variation to the building envelope and proximity to Utilities zone at 32 Epsom Road, Penguin – Application No. DA2020289 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the aerial site plan as submitted by the applicant received 25 September 2020 and shed plans by Ranbuild, Drawing No. 400024–GA, Revision A, Page Nos. 1 and 2, Drawing No. 400024–RSP, Revision A, Page 2 and Drawing No. ENG–DELUXE–01 received 25 September 2020.
- 2 Stormwater 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 The proposed fits within the criteria of Category 3 – Notifiable Building Work when assessed against the Determinations issued under the *Building Act 2016*. Accordingly, a notification by a Building Surveyor is to be forwarded to the Council's Building Permit Authority prior to the commencement of work.

Note that roofwater/stormwater is to be disposed of via connection to an existing stormwater disposal system if available. Alternatively, if no existing stormwater disposal system is available, the roofwater/stormwater is to be disposed of so as to not create a nuisance to neighbouring properties.’

The Town Planner’s report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr Viney moved and Cr Hiscutt seconded, “That the application for Residential – shed – variation to the building envelope and proximity to Utilities zone at 32 Epsom Road, Penguin – Application No. DA2020289 be approved subject to the following conditions and notes.

- 1 The development must be substantially in accordance with the aerial site plan as submitted by the applicant received 25 September 2020 and shed plans by Ranbuild, Drawing No. 400024–GA, Revision A, Page Nos. 1 and 2, Drawing No. 400024–RSP, Revision A, Page 2 and Drawing No. ENG–DELUXE–01 received 25 September 2020.
- 2 Stormwater must be collected, drained and disposed of to an approved stormwater system.

Please note:

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- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 The proposed fits within the criteria of Category 3 – Notifiable Building Work when assessed against the Determinations issued under the *Building Act 2016*. Accordingly, a notification by a Building Surveyor is to be forwarded to the Council's Building Permit Authority prior to the commencement of work.

Note that roofwater/stormwater is to be disposed of via connection to an existing stormwater disposal system if available. Alternatively, if no existing stormwater disposal system is available, the roofwater/stormwater is to be disposed of so as to not create a nuisance to neighbouring properties.”

Carried unanimously

**350/2020 Residential – subdivision – two lots and construction of dwelling and outbuildings – garage and shed – variation to lot size, site density and building envelope, use of materials with light reflectance value greater than 40% and overhead electricity – re-advertised at 49 Preston Road, Gawler – Application No. DA2020264**

The Strategic Projects & Planning Consultant reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:’</i>	DA2020264
<i>PROPOSAL:</i>	Residential – subdivision – two lots and construction of dwelling and outbuildings – garage and shed – variation to lot size, site density and building envelope, use of materials with light reflectance value greater than 40% and overhead electricity – re-advertised
<i>APPLICANT:</i>	Michell Hodgetts Surveyors
<i>LOCATION:</i>	49 Preston Road, Gawler
<i>ZONE:</i>	Rural Living
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	26 September 2020 and 3 October 2020 (re-advertised)
<i>REPRESENTATIONS EXPIRY DATE:</i>	12 October 2020 and 19 October 2020 (re-advertised)
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	4 November 2020 (extension of time granted until 16 November 2020)
<i>DECISION DUE:</i>	16 November 2020
<i>PURPOSE</i>	

The purpose of this report is to consider an application for the subdivision of land to form two lots at 49 Preston Road, Gawler. The existing dwelling and associated outbuildings would be contained on proposed Lot 2, and a new dwelling and associated outbuildings (garage and shed) is proposed to be constructed on Lot 1.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;



- . Annexure 3 – representations;
- . Annexure 4 – photographs;
- . Annexure 5 – TasWater submission; and
- . Annexure 6 –Statement of Compliance from Road Authority and Stormwater Authority.

*BACKGROUND*

*Development description –*

An application is made for Residential (subdivision to create two lots and the construction of a dwelling and outbuildings – garage and shed) on land identified as 49 Preston Road, Gawler.

Proposal would comprise of the following:

Subdivision

The proposal is to subdivide the land into two parcels. Lot 1 would have a land area of 8,800m<sup>2</sup>. Lot 2 would have a land area of 1.16ha and would contain the existing dwelling and associated outbuildings.

A new access to Lot 1 would be off Preston Road and would be 10.8m from the development site's western side boundary (as shown on subdivision plan, scale 1:750).

Dwelling and outbuildings

The proposal also includes application to construct a dwelling to the southern/rear section of proposed Lot 1. The dwelling would be single-storey and would comprise three bedrooms (master with ensuite), shared bathroom, mud room, living room, open plan kitchen/dining, a verandah that wraps around the northern and western elevation of the dwelling, and an attached garage that includes a store room. Proposal also includes a shed which would have a north facing verandah.

All on-site wastewater and stormwater disposal areas would be located to the front of the proposed dwelling.

*Site description and surrounding area –*

The 2.04ha parcel of land is zoned Rural Living and is accessed off Preston Road in Gawler. The land is reasonably flat with a gentle slope up and

away from Preston Road. The subject site has a 10m wide water supply easement along the front of the site.

The development site is one of the larger Rural Living zone properties in the area, with all adjoining southern, western and eastern properties all zoned Rural Living and characterised by smaller land areas of approximately 1 ha.

The land to the north, on the other side of Preston Road, is zoned Rural Resource.

### *History –*

The application was advertised 26 September 2020. During this period, a discrepancy was identified between the access shown on the submitted subdivision plan and the access shown on the proposed dwelling plans and bushfire report. A revised subdivision plan was submitted and the application was re-advertised on 3 October 2020.

### *DISCUSSION*

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

## 13.0 Rural Living Zone

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

13.3.2–(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.	Not applicable. Residential use is permitted.
<b>13.4.1 Suitability of a site or lot for use or development</b>	
<p>13.4.1–(A1) Each site or each lot on a plan of subdivision must:</p> <p>(a) have an area not less than:</p> <p>(i) 1.0 hectares excluding any access strip; or</p> <p>(ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality.</p> <p>(b) If intended for a building, contain a building area of:</p> <p>(i) not more than 1,000m<sup>2</sup>;</p> <p>(ii) clear of any applicable setback from a frontage, side, or rear boundary;</p> <p>(iii) clear of any applicable setback from a zone boundary;</p> <p>(iv) clear of any registered easement;</p>	<p>(a)(i) Non-compliant. Lot 1 would have 8,800m<sup>2</sup>. Compliant for Lot 2 which would have an area of 1.16ha.</p> <p>Refer to the “Issues” section of this report.</p> <p>(a)(ii) Not applicable. Satisfied by (i).</p> <p>(b)(i) Compliant. Building area for Lot 1 would be 242.50m<sup>2</sup>. Building area for Lot 2 would be approximately 338m<sup>2</sup>.</p> <p>(b)(ii) Non-compliant in relation to the rear setback. Proposal includes a water tank within the 10m rear setback.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b)(iii) Compliant. Dwelling would be setback approximately 95m to the Rural Resource zone.</p> <p>(b)(iv) Compliant. Development would be setback approximately 85m from the water supply easement.</p>

<ul style="list-style-type: none"> <li>(v) clear of any registered right-of-way benefiting other land;</li> <li>(vi) clear of any restriction imposed by a utility;</li> <li>(vii) not including any access strip; and</li> <li>(viii) clear of any area required for the on-site disposal of sewage or stormwater; and</li> <li>(ix) accessible from a frontage or access strip.</li> </ul>	<ul style="list-style-type: none"> <li>(b)(v) Not applicable. No right-of-way.</li> <li>(b)(vi) Not applicable. No restrictions imposed by a utility.</li> <li>(b)(vii) Not applicable. No access strip.</li> <li>(b)(viii) Compliant. The on-site wastewater areas and stormwater disposal areas would be clear of all building areas.</li> <li>(b)(ix) Compliant. Lot 2 would be accessed from existing crossover off Preston Road. Lot 1 would require a new access off Preston Road. A Statement of Compliance is to be issued as part of this Permit in relation to access provisions.</li> </ul>
<p>13.4.1 –(A2) Each site or a lot on a plan of subdivision must have a separate access from a road:</p> <ul style="list-style-type: none"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</li> <li>(c) by a right of way connecting to a road –</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Both lots would have access off Preston Road.</li> <li>(b) Not applicable. No internal lots.</li> <li>(c) Not applicable. No right-of-way proposed.</li> <li>(d) Compliant. Lot 1 would have 60m frontage to Preston Road and Lot 2 would have 78m frontage to Preston Road.</li> </ul>

<p>(i) over land not required as the means of access to any other land; and</p> <p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than 6.0m; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1992</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	<p>(e) Compliant. A Statement of Compliance has been issued regarding new access for Lot 1 (refer to Annexure 6).</p>
<p>13.4.1 –(A3) A site or each lot on a plan of subdivision must have a water supply:</p> <p>(a) from a connection to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2009</i>; or</p> <p>(b) from a rechargeable drinking water system <sup>R6</sup> with a storage capacity of not less than 10,000 litres if:</p>	<p>(a) Compliant. Site has connection to a water supply. TasWater Submission to Planning Authority Notice has been issued (refer to Annexure 5).</p> <p>(b) Not applicable. Satisfied by (a).</p>

<ul style="list-style-type: none"> <li>(i) there is not a reticulated water supply; and</li> <li>(ii) development is for: <ul style="list-style-type: none"> <li>a. a single dwelling; or</li> <li>b. a use with an equivalent population of not more than 10 people per day.</li> </ul> </li> </ul>	
<p>13.4.1–(A4) A site or each lot on a plan of subdivision must drain sewage and trade waste:</p> <ul style="list-style-type: none"> <li>(a) to a reticulated sewer system provided in accordance with the <i>Water and Sewerage Industry Act 2009</i>; or</li> <li>(b) by on-site disposal if: <ul style="list-style-type: none"> <li>(i) sewage or trade waste cannot be drained to a reticulated sewer system; and</li> <li>(ii) the development: <ul style="list-style-type: none"> <li>a. is for a single dwelling; or</li> <li>b. provides for an equivalent population of not more than 10 people per day; or</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Not applicable. Satisfied by (b).</li> <li>(b)(i) Compliant. Proposal is for the on-site disposal of sewage and trade waste.</li> <li>(b)(ii) Compliant. Development is for a single dwelling.</li> <li>(b)(iii) Compliant. Application includes a Water, On-site Wastewater and Stormwater Disposal Report prepared by ES&amp;D that demonstrates the site has capacity for on-site disposal of domestic wastewater in accordance with AS/NZS1547:2000 On-site domestic wastewater management would be clear of any defined building area or access strip.</li> </ul>

<p>c. creates a total sewage and waste water flow of not more than 1,000 litres per day; and</p> <p>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS1547:2000 On-site domestic wastewater management, clear of any defined building area or access strip.</p>	
<p>13.4.1–(A5) A site or each lot on a plan of subdivision must drain stormwater:</p> <p>(a) or discharge to a stormwater system provided in accordance with the <i>Drains Act 1954</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <p>(i) for discharge to a natural drainage line, water body, or watercourse; or</p> <p>(ii) for disposal within the site if:</p> <p>a. the site has an area of not less than 5,000m<sup>2</sup>;</p> <p>b. the disposal area is not within any defined</p>	<p>(a) Not applicable. Satisfied by (b).</p> <p>(b)(ii) Not applicable. Satisfied by (ii) and (iii).</p> <p>(b)(ii) Compliant. On-site wastewater and stormwater disposal report demonstrates that disposal of stormwater can occur on the site. The site is greater than 5,000m<sup>2</sup>. The on-site disposal of stormwater would be clear of defined building areas, on-site wastewater areas and access strips.</p> <p>(b)(iii) Compliant. Proposal is for a single dwelling.</p>



<p>building area;</p> <p>c. the disposal area is not within any area required for the disposal of sewage;</p> <p>d. the disposal area is not within any access strip; and</p> <p>e. not more than 50% of the site is impervious surface; and</p> <p>(iii) the development is for a single dwelling.</p>	
<b>13.4.2 Dwelling density</b>	
<p>13.4.2–(A1) The site area per dwelling must:</p> <p>(a) be not less than 1.0 hectare; or</p> <p>(b) if the site is in a locality shown in the Table to this clause, the site area for that locality.</p>	<p>(a) Non-compliant. Lot 1 would have an area of 8,800m<sup>2</sup>. Compliant for Lot 2 which would have an area of 1.16ha.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b) Not applicable. No locality in Table to this Clause.</p>
<b>13.4.3 Location and configuration of development</b>	
<p>13.4.3–(A1) A building, utility structure, garage, carport, or an external car parking area and any area for the display, handling,</p>	<p>(a) Compliant. Existing dwelling is setback approximately 104m from the frontage. Proposed dwelling would be setback 95m from the frontage and on-site wastewater and</p>

<p>or storage of goods, materials, or waste must be set back from a frontage;</p> <p>(a) not less than 20.0m;</p> <p>(b) not less or not more than the setbacks for any existing building on each of the immediate adjoining sites;</p> <p>(c) not less than for any building retained on the site;</p> <p>(d) in accordance with any building area shown on a sealed plan of subdivision; or</p> <p>(e) if the site abuts a road shown in the Table to this clause, the setback specified for that road; or</p> <p>(f) if the site is in a locality shown in the Table to this clause, the setback for that locality.</p>	<p>stormwater disposal areas would be setback greater than 20m.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Not applicable. Sealed plan does not show a building area.</p> <p>(e) Not applicable. Site does not abut the Bass Highway.</p> <p>(f) Not applicable. Locality not shown in Table to this Clause.</p>
<p>13.4.3–(A2) All buildings must be contained within a building envelope determined by:</p> <p>(a) the applicable frontage setback;</p> <p>(b) a setback of not less than 10.0m from each side boundary;</p> <p>(c) a setback of not less than 10.0m from the rear boundary;</p>	<p>(a) Compliant as discussed above.</p> <p>(b) Compliant. Existing buildings and proposed buildings would be setback greater than 10m to all side boundaries.</p> <p>(c) Non-compliant. Proposal includes a water tank that would be setback 5m from the rear boundary.</p>

<p>(d) a setback of not less than 20.0m from any designated building area on each adjacent site; or</p> <p>(e) if the site is in a locality shown in the Table to this clause, the setback for that locality; or</p> <p>(f) any building area shown on a sealed plan of subdivision; and</p> <p>(g) building height of not more than 8.5m.</p>	<p>Refer to the “Issues” section of this report.</p> <p>(d) Not applicable. No designated building area.</p> <p>(e) Not applicable. No Table to this Clause.</p> <p>(f) Not applicable. No sealed area on a plan of subdivision.</p> <p>(g) Compliant. Proposed dwelling would be 6m high. All other buildings are less than 6m high and compliant with this provision.</p>
<p>13.4.3–(A3) Site coverage must:</p> <p>(a) be not more than 500m<sup>2</sup>; and</p> <p>(b) not include any part of a site required for the disposal and drainage of sewage or stormwater; or</p> <p>(c) be not more than any building area shown on a sealed plan of subdivision.</p>	<p>(a) Compliant for both Lots. Lot 1 would be 242.50m<sup>2</sup>. Lot 2 would be approximately 338m<sup>2</sup>.</p> <p>(b) Compliant. Development would be clear of stormwater and wastewater disposal areas.</p> <p>(c) Not applicable. No building area shown on a sealed plan for subdivision.</p>
<p>13.4.3–(A4)</p> <p>(a) A utility structure must be a power pole, antenna or a single domestic-scale turbine to a maximum of 10m in height which is –</p>	<p>(a) Not applicable. No utility structure proposed.</p> <p>(b)(i) Compliant. Site is located approximately 75m below the adjoining southern ridgeline.</p>

<p>(i) not part of a wind farm;</p> <p>(ii) not sited on a skyline; and</p> <p>(iii) if a wind turbine, not located within 60m a dwelling in other ownership not within 30m of a public road.</p> <p>(b) A building, except a utility structure must be –</p> <p>(i) located not less than 15m below the level of any adjoining ridgeline;</p> <p>(ii) not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; and</p> <p>(iii) clad and roofed with materials with a light reflectance value of less than 40%</p>	<p>(b)(ii) Compliant. No watercourses within the vicinity of the site.</p> <p>(b)(iii) Non-compliant. The artist impression provided shows the dwelling and outbuildings cream in colour.</p> <p>Refer to the “Issues” section of this report.</p>
<p><b>13.4.4 Acoustic and visual privacy for residential development</b></p>	
<p>13.4.4–(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space, or carport of a building must:</p>	<p>(a) Compliant. Both the existing dwelling and proposed dwelling are setback greater than 10m to each side boundary.</p>

<p>(a) be not less than 10.0m from a side boundary and 10.0m from a rear boundary to adjoining land in any zone for residential purposes; or</p> <p>(b) be not less than 10.0m from a door or window to a habitable room or any part of a balcony, deck, or roof garden in an adjacent dwelling.</p>	<p>(b) Compliant. Both the existing dwelling and proposed dwelling are setback greater than 10m to each side boundary.</p>
<p>13.4.4–(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 5.0m horizontally from the door or window to a dwelling, or any balcony, deck, or roof garden in a dwelling.</p>	<p>Not applicable.</p> <p>No access strip proposed.</p>
<p><b>13.4.5 Private open space for multiple dwelling residential use</b></p>	
<p>13.4.5–(A1) Each dwelling in a multiple dwelling must have external private open space that:</p> <p>(a) is accessible from the dwelling;</p> <p>(b) comprises an area of not less than 50.0m<sup>2</sup>;</p> <p>(c) has a minimum dimension of 5.0m;</p> <p>(d) has a gradient of not more than 1 in 10.</p>	<p>Not applicable.</p> <p>Not a multiple dwelling development.</p>

<p>13.4.5–(A2) The required minimum private open space area must receive not less than two hours of continuous sunlight between 9.00am and 5.00pm on 21 June.</p>	<p>Not applicable.</p> <p>Not a multiple dwelling development.</p>
<p><b>13.4.6 Setback of sensitive use development</b></p>	
<p>13.4.6–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown on the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary.</p>	<p>(a) Compliant. Both the existing and proposed dwellings are setback greater than 50m to the Rural Resource zone boundary. Proposed dwelling would be setback approximately 95m to the Rural Resource zone boundary and the existing dwelling would be setback approximately 100m to the Rural Resource zone.</p> <p>(b) Compliant. Both the existing and proposed dwelling are setback greater than 50m to the Rural Resource zone. Proposed dwelling would be setback approximately 95m to the Rural Resource zone boundary and the existing dwelling would be setback approximately 100m to the Rural Resource zone.</p>
<p>13.4.6–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) the Bass Highway;</p> <p>(b) a railway;</p>	<p>(a) Compliant. Proposed development would be setback approximately 2.3km from Bass Highway.</p> <p>(b) Compliant. Proposed development would be approximately 4km from the Western Rail Line.</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>(c) Not applicable. No land designated for future road or rail purposes.</p> <p>(d) Compliant. The closest proclaimed wharf is located at Burnie approximately 25km to the west.</p>
<b>13.4.7 Subdivision</b>	
<p>13.4.7–(P1) Each new lot on a plan of subdivision must be:</p> <p>(a) intended for residential use;</p> <p>(b) a lot required for public use by the State Government, a Council, a statutory authority, or a corporation, all the shares of which are held by or on behalf of the State, a Council, or by a statutory authority.</p>	<p>Compliant with (a). Subdivision is for residential use.</p>
<p>13.4.7–(A2)</p> <p>A lot other than a lot to which A1(b) applies, must not be an internal lot.</p>	<p>Compliant. No internal lots are proposed.</p>
<b>13.4.8 Reticulation of an electricity supply to new lots on a plan of subdivision</b>	
<p>13.4.8–(A1) Electricity reticulation and site connections must be installed underground.</p>	<p>Non-compliant. Proposal is for the continuation of overhead electricity.</p>

	Refer to the “Issues” section of this report.
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Applicable. Proposal is for a subdivision. Application was supported with a Bushfire Risk Assessment Report and Certificates prepared by EnviroPlan Australia.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in the Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of vegetation.
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level greater than 1 m.
<b>E5 Local Heritage Code</b>	Not applicable. No Local Heritage Code in the Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. Not within a medium hazard mapped area.
<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Code applies to all development.



<b>E9.4 Use or development exempt from this Code</b>	Not exempt. No Local Area Parking Scheme applies to the site.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
E9.5.1–(A1) Provision for parking must be:  (a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;	Compliant. Existing dwelling has provisions for two car parking spaces. Proposed dwelling includes an attached double garage.
<b>E9.6 Development Standards</b>	
<b>E9.6.2 Design of vehicle parking and loading areas</b>	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by a Condition on a Permit.
E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and maneuvering area must –  (a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;	(a) Compliant. The site has ample land area to accommodate vehicle maneuverability in accordance with Australian Standards.

<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> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	
<p>E9.6.2-(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Compliant by Condition to a Permit.</p>

<b>E10 Water and Waterways Code</b>	Not applicable. No watercourse is within 30m to the site.
<b>Specific Area Plans</b>	No Specific Area Plans apply to this location.

### *Issues –*

#### *1 Lot size –*

The Scheme's Acceptable Solution for Clause 13.4.1–(A1)(i) states that each site or each lot on a plan of subdivision must have an area of not less than 1 ha.

The proposed subdivision would result in Lot 1 having an area of 8,800m<sup>2</sup> and Lot 2 an area of 1.16ha. The proposal requires variation to this standard and an exercise of discretion is required to allow for Lot 1.

The Scheme's Performance Criteria for Clause 13.4.1–(P1) states that a site must be consistent with the Rural Living Zone Purpose, Local Area Objectives and Desired Future Character Statements and have regard to –

- (i) the number, size and distribution of existing and approved lots on land in the vicinity;

Compliant. The development site is the largest lot within the vicinity. All adjoining lots are approximately 1 ha in size. Some lots within the vicinity are less than 1 ha and of similar size to the proposed land area for Lot 1.

- (ii) the pattern, intensity and character of established use and development on other lot in the vicinity;

Compliant. As mentioned above, all adjoining lots are smaller than the development site, with all adjoining lots containing single dwellings and associated outbuilding.

- (iii) the capacity of an available or planned utilities; and

Compliant. Lot 1 can be serviced with sewage and stormwater through on-site systems and a reticulated water supply.

- (iv) capability of the land to accommodate residential use.

Compliant. Lot 1 includes the application for a single dwelling. The proposed dwelling and associated outbuildings can satisfy all development setback requirements, apart from a small variation to the southern rear setback for a water tank.

Furthermore, the site must be of sufficient size for the intended use having regard to the effect of one or more of the following:

(i) Topography;

Compliant. The development site has a gentle slope, upwards and away from Preston Road. The location of the existing dwelling on the site has resulted with the subminimal area of 1 ha for Lot 1.

(ii) Natural drainage of the land and the land in the vicinity;

Compliant. Condition of Permit would be for the disposal of stormwater from buildings and hard surfaces to be contained on-site.

(iii) The desirability of protecting native vegetation, landscape features, natural and cultural values;

Compliant. The subdivision and proposed dwelling and associated outbuildings have been planned to optimise the bushland attribute of the area.

(iv) Provision for management of exposure to natural hazards;

Compliant. No hazards identified.

(v) Provision of an accessible building area;

Compliant. The proposed dwelling and associated outbuildings can satisfy all development setback requirements, apart from a small variation to the southern rear setback to accommodate a water tank.

(vi) Compliance to the acceptable solution criteria in any applicable standard for location and separation of a building;

Compliant. The proposed dwelling and associated outbuildings can satisfy development setback requirements, apart from a small variation to the southern rear setback to accommodate a water tank.

- (vii) Arrangements for the convenient provision of roads and access to the land;

Compliant. Lot 1 can obtain access from Preston Road.

- (viii) Arrangements for the provision of a water supply and of the drainage and disposal of sewage and stormwater;

Compliant. Proposal is for on-site wastewater and stormwater disposal for Lot 1. Site would be connected to a reticulated water supply.

- (ix) Any restriction or requirement of a lawful easement or statutory interest in the land; and

Compliant. No restriction or requirement of a lawful easement or statutory interest in the land.

- (x) Opportunity for solar access to a building area.

Compliant. The proposed dwelling for Lot 1 has provisions for living areas to the north to optimise sunlight.

## 2 *Site density –*

The Scheme's Acceptable Solution for Clause 13.4.2–(A1) states that the site area per dwelling must be not less than 1ha.

The proposed subdivision would result in Lot 1 with a subminimal land area of 8,800m<sup>2</sup> and Lot 2 with an area of 1.16ha. The proposal requires a variation to this standard and an exercise of discretion is required for the creation of Lot 1.

The Scheme's Performance Criteria for Clause 13.4.1–(P1) states that a site must be consistent with the Rural Living Zone Purpose, Local Area Objectives and Desired Future Character statements and having regard to –

- (i) The size of any existing or approved lot or site on land in the vicinity; and

Compliant. The development site is the largest lot within the vicinity. All adjoining lots are approximately 1ha in size. Some

lots within the vicinity are less than 1ha and of similar size to the proposed land area for Lot 1.

- (ii) The pattern, intensity and character of established use and development on other lots in the vicinity.

Compliant. As mentioned above, all adjoining lots are smaller than the proposed development site, with all adjoining lots containing single dwellings and associated outbuilding.

Furthermore, the capability of the land for residential use having regard to the effect of one or more of the following:

- (i) Topography;

Compliant. The development site has a gentle slope, upwards and away from Preston Road. The location of the existing dwelling on the site has resulted in a subminimal land area of 1ha for Lot 1.

- (ii) Natural drainage of the land and the land in the vicinity;

Compliant. Condition of Permit would be for the disposal of stormwater from buildings and hard surfaces to be contained on-site.

- (iii) The desirability of protecting native vegetation, landscape features, natural and cultural values;

Compliant. The subdivision and proposed dwelling and associated outbuildings have been planned to optimise the bushland attribute of the area.

- (iv) Provision for management of exposure to natural hazards;

Compliant. No hazard identified.

- (v) Provision of an accessible building area;

Compliant. The proposed dwelling and associated outbuildings can satisfy all development setback requirements, apart from a small variation to the southern rear setback to accommodate a water tank.

- (vi) Compliance to the acceptable solution criteria in any applicable standard for location and separation of a building;

Compliant. The proposed dwelling and associated outbuildings can satisfy all development setback requirements apart from a small variation to the southern rear setback.

- (vii) Arrangements for the convenient provision of roads and access to the land;

Compliant. Lot 1 can obtain access from Preston Road.

- (viii) Arrangements for the provision of a water supply and of the drainage and disposal of sewage and stormwater;

Compliant. Proposal is for on-site wastewater and stormwater disposal for Lot 1. Site is connected to reticulated water supply.

- (ix) Any restriction or requirement of a lawful easement or statutory interest in the land; and

Compliant. No restriction or requirement of a lawful easement or statutory interest in the land.

- (x) Opportunity for solar access to a building area.

Compliant. The proposed dwelling has provisions for living areas to the north to optimise sunlight.

### *3 Variation to the building envelope (rear boundary) –*

Scheme's Acceptable Solution for Clause 13.4.3–(A2) states that a building must be contained within a building envelope determined by (c) a setback of not less than 10m from a rear boundary.

The proposed includes a water tank to be located 5m from the southern rear boundary. This is a variation to the requirement and an exercise of discretion is required to allow the development.



The Scheme's Performance Criteria for Clause 13.4.3-(P2) states that a building height and location of a building in relation to site boundaries must –

- (a) minimise likelihood for overshadowing of a habitable room in an adjacent dwelling on the site;

Compliant. The positioning of the water tank in relation to adjoining dwellings means that no likelihood for overshadowing would occur.

- (b) take account of the relationship between appearance and design characteristics of the buildings and any buildings on adjacent land;

Compliant. The closest dwelling would be located on proposed Lot 2. There is established vegetation between the water tank and the existing dwelling on Lot 2. Furthermore, there is established vegetation between the water tank and all adjoining southern properties.

- (c) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building;

Compliant. Due to the reasonably large separation distance and established vegetation that would be between the water tank and adjoining properties the apparent scale, bulk, massing and proportion relative to any adjacent building would be minimal.

- (d) be consistent with the rural setting and the streetscape;

Compliant. The proposed development would be in an area that comprises single dwellings and associated outbuildings and water tanks. The proposed development is considered consistent with the surrounding rural area.

- (e) respond to the effect of the slope and orientation of the site to attenuate impact on adjacent land.

Compliant. Due to the reasonably large separation distance and established vegetation between the water tank and adjoining

properties the proposed water tank would not impact on adjacent land.

4 *Use of materials with light reflectance value greater than 40% -*

The Scheme's Acceptable Solution for Clause 13.4.3-(A4)(b) states that a building must be clad and roofed with materials with a light reflectance value of less than 40%.

The proposed dwelling and associated outbuildings on Lot 1 would be cream in colour which has a light reflectance value greater than 40%. This is a variation to the requirement and an exercise of discretion is required.

The Scheme's Performance Criteria for Clause 13.4.3-(P4)(b) states that the location, height and visual appearance of a building or structure must have regard to:

- (i) minimising the visual impact on the skyline;

Compliant. The colour cream would be of similar colour to some adjoining development and development within the vicinity and would not create a visual impact on the skyline.

- (ii) minimising height above the adjacent vegetation canopy;

Compliant. The development would be lower than adjacent vegetation.

- (iii) minimising visual impact on the shoreline or a marine or aquatic water body, water course, or wetland where possible; and

Not applicable. Proposed development would not create a visual impact on a shoreline or marine or aquatic water body, water course or wetland. None of which are within proximity to the proposed development.

- (iv) minimising excessive reflection of light from an external surface.

Compliant. The colours proposed would match existing development within the area. No unreasonable impact would occur.

*5 Use of overhead electricity –*

The Planning Scheme's Acceptable Solution 13.4.8–(A1) states that electricity reticulation and site connections must be installed underground.

The proposal is for the continuation of an overhead electricity supply to service Lot 1. The proposal therefore relies on the Performance Criteria for this Clause and is a discretionary element of the application.

Performance Criteria 13.4.8–(P1) states that it must be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground.

The proposal is for the continuation of overhead electricity to serve Lot 1. Overhead electricity is long established along Preston Road. It would be impractical, unreasonable and unnecessary to require the proposal to have underground electricity when the surrounding area has an established overhead electricity supply.

*6 Public Open Space Contribution –*

Section 116 of the LG(BMP)A allows the Council to secure public open space in a subdivision. The circumstances of when and where and the form of private open space is to be required are provided for in the Council's Public Open Space Contributions Policy 2019.

The Council's Public Open Space Contribution Policy requires a contribution for any residential subdivision where new lots are created. This is either by way of land, where there is a deficiency of public open space, or a cash-in-lieu payment. In this instance, there is no land required to be taken for public open space.

In accordance with the Policy, a 3% cash-in-lieu contribution is to be paid, based on the unimproved value of the new lot. The Public Open Space contribution is required to provide for the provision or improvement of public open space of local, district or regional value. This will require a condition on the Permit.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No issues. According to the report, the site is able to support an on-site wastewater system.
Infrastructure Services	Statement of Compliance from the Council, in its capacity as the Road Authority and Stormwater Authority, has been issued. Refer to Annexure 6.
Building Services	Note to be included on the Permit.
TasWater	Submission to Planning Authority Notice received 9 October 2020. Refer to Annexure 5.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Other	Referral not required.

#### CONSULTATION

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

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

#### Representation –

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 Access to proposed Lot 1. Issues with the proposed location, vision, and pedestrian safety.</p> <p>Plans not clear of exact location of proposed new access.</p>	<p>Following are comments from Council's Development Officer, in the capacity of the Council's Road Authority.</p> <ul style="list-style-type: none"> <li>. <i>The location of access is able to achieve the Safe Intersection Sight Distance in either direction as required by the relevant applicable Tasmanian Standard Drawing Domestic Access Sight Distance Requirements TSD-RF01-v2.</i></li> <li>. <i>Maintenance of verge to ensure sight triangle areas as per Figure 3.3 Minimum Sight Lines for Pedestrian Safety of AS/NZS 2890.1 will form part of future development on proposed lot through the Building Permit stage.</i></li> <li>. <i>There are currently no industry standards that regulate development in relation to the effect of sun on visibility.</i></li> <li>. <i>The development is located within the Rural Living Zone, therefore the presence of farming machinery is not unusual.</i></li> </ul> <p>The proposed access to Lot 1 would be off Preston Road and would be 10.8m from the development sites' western side boundary (as shown on subdivision plan, scale 1:750). All</p>

	plans have the same location shown for the proposed access. The access location will be approved as per plans provided and will be inspected for the correct location and installment before a Final Plan of Survey is endorsed.
<p>2 Drainage. Issues with proposed driveway creating drainage issues with existing issues with flooding.</p>	<p>Following are comments from Council's Development Officer, in the capacity of the Council's Stormwater Authority.</p> <ul style="list-style-type: none"> <li>. <i>All new developments are required to demonstrate that the development is able to be serviced by Council's stormwater system or is fully capable of an on-site stormwater detention. The new proposed lot is able to provide an on-site detentions system. All development must be in accordance with this report.</i></li> <li>. <i>The driveway is conditioned (through the Statement of Compliance) to be in accordance with the Tasmanian Standard Drawings TSD-R03-v2 Rural Roads - Typical Property Access and TSD-R04-v2 Rural Roads - Typical Driveway Profile. A culvert will be installed, as required, under the driveway;</i></li> </ul> <p>If at any time the on-site stormwater is not in accordance with an approved system, the appropriate Council staff member will be notified. All necessary actions would be undertaken to ensure compliance</p>

	is maintained. This is the process for all approved on-site systems.
3 Loss of rural outlook.	<p>It is acknowledged that the rural outlook would alter slightly for the occupants at 1 Shauren Drive with the proposed subdivision and construction of a dwelling on Lot 1.</p> <p>The subject site is relatively larger in comparison to all the adjoining properties. The proposed subdivision would result with land areas consistent with those in the surrounding area.</p> <p>The dwelling at 1 Shauren Drive would be located approximately 90m from the proposed dwelling and associated outbuildings on Lot 1. Furthermore, the dwelling at 1 Shauren Drive would be located forward of the proposed dwelling on Lot 1, closer to Preston Road frontage. The outlook would not alter significantly when looking across the development site, looking north. The outlook would alter slightly when looking south-east from the dwelling at 1 Shauren Drive. However, the proposed dwelling would be in a similar line to the existing dwelling located at the development site.</p> <p>It is not considered that the rural outlook would change unreasonably.</p>
4 Lack of footpath along Preston Road.	This is not a planning matter. This matter should be directed to the Infrastructure Services section for analysis.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

The development application may be appealed by either the applicant or the representor. An appeal would impact on Council resources outside those usually required for assessment and reporting and would involve legal costs associated with an appeal against the Council's determination, should one be instituted. There may be an impact on Council resources in relation to ensuring compliance with Permit conditions.

### *CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

### *CONCLUSION*

The representation does not contain sufficient merit to refuse the application.

The application was discretionary due to the lot size of Lot 1, site density, variation to rear boundary setback of a water tank, use of materials with greater than 40% reflectivity and the use of an overhead electricity supply. All discretionary matters have been addressed throughout this report, particularly within the "Issues" section, and are considered to have satisfied the applicable Planning Scheme's Performance Criteria.

The proposed development is considered to be reasonable development within the Rural Living zone and would be keeping with development in the established area. It is considered appropriate that the proposal be approved, subject to conditions.

### *Recommendation –*

It is recommended that the application for Residential – subdivision – two lots and construction of dwelling and outbuildings – garage and shed – variation to lot size, site density and building envelope, use of materials with light reflectance value greater than 40% and overhead electricity – re-advertised at 49 Preston Road, Gawler be approved subject to the following conditions and notes:



Subdivision

- 1 The development must be substantially in accordance with the Subdivision Plan with associated Image Plan prepared by Michell Hodgetts Surveyors, Drawing No. 214023, Revision A dated 28 September 2020.
- 2 The development must be in accordance with the Bushfire Risk Assessment Report & Certificate No. 220118-5 prepared by Micheal Wells of EnviroPlan Australia, Accreditation No. BFP-128 dated 1 October 2020 and Bushfire Hazard Management Plan prepared by Micheal Wells of EnviroPlan Australia, Accreditation No. BFP-128 EnviroPlan, Drawing Nos. B0.1, B0.2, B0.3, B0.4, B0.5, B0.6, B0.7, B0.8, B0.9 and B0.10, Revision No. 2 dated 1 October 2020. This includes works required to Lot 2 for fire fighting provision.
- 3 Prior to the sealing of the Final Plan of Survey, a cash-in-lieu of public open space contribution of \$2,262.48 must be paid, representing 3% of the unimproved value of Lot 1.
- 4 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 20 October 2020 issued by the Council, acting in its capacity as the Road Authority and the Stormwater Authority.
- 5 Prior to the sealing of a Final Plan of Survey, TasNetworks is to advise that an existing electricity supply is available to Lot 1 and no additional installations are required by the developer.

Dwelling and outbuildings

- 6 The development must be substantially in accordance with Plans prepared by A O Architects, Project No. 2002, Drawing Nos. A200, A201, A202 and A203 dated 9 August 2020.
- 7 The development must be in accordance with Bushfire Risk Assessment Report & Certificate No. 220118-5 prepared by Micheal Wells of EnviroPlan Australia, Accreditation No. BFP-128 dated 1 October 2020 and Bushfire Hazard Management Plan prepared by Micheal Wells of EnviroPlan Australia, Accreditation No. BFP-128 EnviroPlan, Drawing Nos. B0.1, B0.2, B0.3, B0.4, B0.5, B0.6, B0.7, B0.8, B0.9 and B0.10, Revision No. 2 dated 1 October 2020.

- 8 The development must be in accordance with the recommendations in the Water, On-site Wastewater and Stormwater Disposal: Assessment Against Acceptable Solutions as prepared by ES&D dated 26 August 2020.
- 9 Vehicle parking and manoeuvring areas must be designed and constructed in accordance with the "Unsealed Roads Manual – Guideline for Good Practice ARRB".

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.'

The Town Planner's report is supported."

The Executive Services Officer reported as follows:

"Copies of the Annexures referred to in the Town Planner's report have been circulated to all Councillors."

■ Cr van Rooyen moved and Cr Fuller seconded, "That the application for Residential – subdivision – two lots and construction of dwelling and outbuildings – garage and shed – variation to lot size, site density and building envelope, use of materials with light reflectance value greater than 40% and overhead electricity – re-advertised at 49 Preston Road, Gawler – Application No. DA2020264 be approved subject to the following conditions and notes:

Subdivision

- 1 The development must be substantially in accordance with the Subdivision Plan with associated Image Plan prepared by Michell Hodgetts Surveyors, Drawing No. 214023, Revision A dated 28 September 2020.
- 2 The development must be in accordance with the Bushfire Risk Assessment Report & Certificate No. 220118-5 prepared by Micheal Wells of EnviroPlan Australia, Accreditation No. BFP-128 dated 1 October 2020 and Bushfire Hazard Management Plan prepared by Micheal Wells of EnviroPlan Australia, Accreditation No. BFP-128 EnviroPlan, Drawing Nos. B0.1, B0.2, B0.3, B0.4, B0.5, B0.6, B0.7, B0.8, B0.9 and B0.10, Revision No. 2 dated 1 October 2020. This includes works required to Lot 2 for fire fighting provision.
- 3 Prior to the sealing of the Final Plan of Survey, a cash-in-lieu of public open space contribution of \$2,262.48 must be paid, representing 3% of the unimproved value of Lot 1.
- 4 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 20 October 2020 issued by the Council, acting in its capacity as the Road Authority and the Stormwater Authority.
- 5 Prior to the sealing of a Final Plan of Survey, TasNetworks is to advise that an existing electricity supply is available to Lot 1 and no additional installations are required by the developer.

Dwelling and outbuildings

- 6 The development must be substantially in accordance with Plans prepared by A O Architects, Project No. 2002, Drawing Nos. A200, A201, A202 and A203 dated 9 August 2020.
- 7 The development must be in accordance with Bushfire Risk Assessment Report & Certificate No. 220118-5 prepared by Micheal Wells of EnviroPlan Australia, Accreditation No. BFP-128 dated 1 October 2020 and Bushfire Hazard Management Plan prepared by Micheal Wells of EnviroPlan Australia, Accreditation No. BFP-128 EnviroPlan, Drawing Nos. B0.1, B0.2, B0.3, B0.4, B0.5, B0.6, B0.7, B0.8, B0.9 and B0.10, Revision No. 2 dated 1 October 2020.
- 8 The development must be in accordance with the recommendations in the Water, On-site Wastewater and Stormwater Disposal: Assessment Against Acceptable Solutions as prepared by ES&D dated 26 August 2020.

- 9 Vehicle parking and manoeuvring areas must be designed and constructed in accordance with the "Unsealed Roads Manual – Guideline for Good Practice ARRB".

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."

Carried unanimously

**351/2020 Residential – dwelling – variation to site area, dwelling density, front boundary setback standard, ridgeline development, setback to Rural Resource zone, use of materials with light reflectance value greater than 40% and reliance on E3 Clearing and Conversion of Vegetation Code at Braddons Lookout Road, Leith CT5200/1 – Application No. DA2020271**

The Strategic Projects & Planning Consultant reported as follows:

"The Town Planner has prepared the following report:

*'DEVELOPMENT APPLICATION NO.:*  
*PROPOSAL:*

DA2020271  
Residential – dwelling – variation to site area, dwelling density, front boundary setback standard, ridgeline development, setback to Rural Resource zone, use of materials with light reflectance value greater than 40% and Reliance of E3 Clearing and Conversion of Vegetation Code

<i>APPLICANT:</i>	Andrew Smith Andrew Smith Architects
<i>LOCATION:</i>	Braddons Lookout Road, Leith CT5200/1
<i>ZONE:</i>	Rural Living
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	3 October 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	19 October 2020
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	10 November 2020 (extension of time granted until 16 November 2020)
<i>DECISION DUE:</i>	16 November 2020

*PURPOSE*

The purpose of this report is to consider an application for a single dwelling at Braddons Lookout Road, Leith CT5200/1.

Accompanying the report are the following documents:

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

*BACKGROUND*

*Development description –*

An application is made for a single dwelling on land identified in CT5200/1 currently known as Braddons Lookout Road, Leith.

The single dwelling would be a pole style house, single storey, but elevated, and would comprise of two bedrooms (both with an ensuite), laundry, open plan kitchen/dining/living and a north-western facing timber deck extending along the full western elevation of the dwelling.

The proposal includes a driveway access off Braddons Lookout Road, an entry deck to access the dwelling and the installation of an aerated wastewater irrigation system.

Clearing of some vegetation is required to accommodate the dwelling and associated works.

### *Site description and surrounding area -*

The 2,460m<sup>2</sup> parcel of land is zoned Rural Living and is accessed off Braddons Lookout Road in Leith. The site is very steep with an approximately 25m fall down and away (west) from Braddons Lookout Road. The entirety of the site is within a Medium landslide area.

The proposed dwelling has been positioned on the flattest portion of the site (eastern side), with the pole style dwelling designed to accommodate the steepness of the site and being within a Medium landslide area.

The development site adjoins Rural Living zoned land to the north, south and west. All allotments are developed with single dwellings and associated outbuildings. The land to the east (across the other side of Braddons Lookout Road) is zoned Rural Resource and is land within the Devonport City Council municipal area.

### *History -*

The site is a vacant Rural Living zoned property, created by subdivision in the 1970's.

### *DISCUSSION*

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

## 13.0 Rural Living Zone

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

13.3.2–(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.	Not applicable. Residential use is permitted.
<b>13.4.1 Suitability of a site or lot for use or development</b>	
<p>13.4.1–(A1) Each site or each lot on a plan of subdivision must:</p> <p>(a) have an area not less than:</p> <p>(i) 1.0 hectares excluding any access strip; or</p> <p>(ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality.</p> <p>(b) If intended for a building, contain a building area of:</p> <p>(i) not more than 1,000m<sup>2</sup>;</p> <p>(ii) clear of any applicable setback from a frontage, side, or rear boundary;</p> <p>(iii) clear of any applicable setback from a zone boundary;</p> <p>(iv) clear of any registered easement;</p>	<p>(a)(i) Not applicable. Refer to (a)(ii). .</p> <p>(a)(ii) Non-compliant. Leith is a locality shown in the Table to this clause with a site area of 4,000m<sup>2</sup>. Site is 2,460m<sup>2</sup>.  Refer to the “Issues” section of this report.</p> <p>(b)(i) Compliant. Dwelling would be 124m<sup>2</sup>.</p> <p>(b)(ii) Non-compliant in relation to the front setback.  Refer to the “Issues” section of this report.</p> <p>(b)(iii) Non-compliant. Dwelling would be setback approximately 30m to the Rural Resource zone.  Refer to the “Issues” section of this report.</p> <p>(b)(iv) Not applicable. No registered easements.</p> <p>(b)(v) Not applicable. No right-of-way.</p>



<ul style="list-style-type: none"> <li>(v) clear of any registered right-of-way benefiting other land;</li> <li>(vi) clear of any restriction imposed by a utility;</li> <li>(vii) not including any access strip; and</li> <li>(viii) clear of any area required for the on-site disposal of sewage or stormwater; and</li> <li>(ix) accessible from a frontage or access strip.</li> </ul>	<ul style="list-style-type: none"> <li>(b)(vi) Not applicable. No restrictions imposed by a utility.</li> <li>(b)(vii) Not applicable. No access strip.</li> <li>(b)(viii) Compliant. The on-site wastewater area would be clear of all building areas.</li> <li>(b)(ix) Compliant. Accessible from Braddons Lookout Road. A Statement of Compliance is to be issued as part of this Permit in relation to access provisions.</li> </ul>
<p>13.4.1–(A2) Each site or a lot on a plan of subdivision must have a separate access from a road:</p> <ul style="list-style-type: none"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</li> <li>(c) by a right of way connecting to a road – <ul style="list-style-type: none"> <li>(i) over land not required as the means of access to any other land; and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Frontage to Braddons Lookout Road.</li> <li>(b) Not applicable. Not an internal lot.</li> <li>(c) Not applicable. No right-of-way.</li> <li>(d) Compliant. Width of frontage is approximately 39m.</li> <li>(e) Compliant. A Statement of Compliance has been issued regarding access upgrades (refer to Annexure 5).</li> </ul>

<p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than 6.0m; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1992</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	
<p>13.4.1–(A3) A site or each lot on a plan of subdivision must have a water supply:</p> <p>(a) from a connection to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2009</i>; or</p> <p>(b) from a rechargeable drinking water system <sup>R6</sup> with a storage capacity of not less than 10,000 litres if:</p> <p>(i) there is not a reticulated water supply; and</p>	<p>(a) Not applicable. Satisfied by (b).</p> <p>(b) Compliant by condition.</p>

<p>(ii) development is for:</p> <p>a. a single dwelling; or</p> <p>b. a use with an equivalent population of not more than 10 people per day.</p>	
<p>13.4.1–(A4) A site or each lot on a plan of subdivision must drain sewage and trade waste:</p> <p>(a) to a reticulated sewer system provided in accordance with the <i>Water and Sewerage Industry Act 2009</i>; or</p> <p>(b) by on-site disposal if:</p> <p>(i) sewage or trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development:</p> <p>a. is for a single dwelling; or</p> <p>b. provides for an equivalent population of not more than 10 people per day; or</p> <p>c. creates a total sewage and waste water flow of not more than 1,000 litres per day; and</p>	<p>(a) Not applicable. Satisfied by (b).</p> <p>(b)(i) Compliant. Proposal is for the on-site disposal of sewage and trade waste.</p> <p>(b)(ii) Compliant. Development is for a single dwelling.</p> <p>(b)(iii) Compliant. Application includes a Geo-Environmental Assessment prepared by GES Geo-Environmental Solutions that demonstrates the site has capacity for the on-site disposal of domestic wastewater in accordance with AS/NZS1547:2000. On-site domestic wastewater management would be clear of any defined building area or access strip.</p>

<p>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS1547:2000 On-site domestic wastewater management, clear of any defined building area or access strip.</p>	
<p>13.4.1–(A5) A site or each lot on a plan of subdivision must drain stormwater:</p> <p>(a) or discharge to a stormwater system provided in accordance with the <i>Drains Act 1954</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <p>(i) for discharge to a natural drainage line, water body, or watercourse; or</p> <p>(ii) for disposal within the site if:</p> <p>a. the site has an area of not less than 5,000m<sup>2</sup>;</p> <p>b. the disposal area is not within any defined building area;</p>	<p>(a) Compliant. Stormwater to be disposed to a drainage easement. A Statement of Compliance has been issued regarding stormwater disposal (refer to Annexure 5).</p> <p>(b) Not applicable. Satisfied by (a).</p>

<ul style="list-style-type: none"> <li>c. the disposal area is not within any area required for the disposal of sewage;</li> <li>d. the disposal area is not within any access strip; and</li> <li>e. not more than 50% of the site is impervious surface; and</li> </ul> <p>(iii) the development is for a single dwelling.</p>	
<b>13.4.2 Dwelling density</b>	
<p>13.4.2–(A1) The site area per dwelling must:</p> <ul style="list-style-type: none"> <li>(a) be not less than 1.0 hectare; or</li> <li>(b) if the site is in a locality shown in the Table to this clause, the site area for that locality.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Not applicable. Refer to (b).</li> <li>(b) Non-compliant. Leith is a locality shown in the Table to the clause with a site area of 4,000m<sup>2</sup>. The site is 2,460m<sup>2</sup>. Refer to the “Issues” section of this report.</li> </ul>
<b>13.4.3 Location and configuration of development</b>	
<p>13.4.3–(A1) A building, utility structure, garage, carport, or an external car parking area and any area for the display, handling, or storage of goods, materials, or waste must be set back from a frontage;</p>	<ul style="list-style-type: none"> <li>(a) Not applicable. Refer to (f).</li> <li>(b) Not applicable. Refer to (f).</li> <li>(c) Not applicable. Refer to (f).</li> </ul>

<p>(a) not less than 20.0m;</p> <p>(b) not less or not more than the setbacks for any existing building on each of the immediate adjoining sites;</p> <p>(c) not less than for any building retained on the site;</p> <p>(d) in accordance with any building area shown on a sealed plan of subdivision; or</p> <p>(e) if the site abuts a road shown in the Table to this clause, the setback specified for that road; or</p> <p>(f) if the site is in a locality shown in the Table to this clause, the setback for that locality.</p>	<p>(d) Not applicable. Sealed plan does not show a building area.</p> <p>(e) Not applicable. Site does not abut Bass Highway.</p> <p>(f) Non-compliant. Leith is a locality shown in the Table to this clause. The setback requirement for the front boundary is 10m. Proposed dwelling would be setback 6.2m to the frontage. Refer to the "Issues" section of this report.</p>
<p>13.4.3-(A2) All buildings must be contained within a building envelope determined by:</p> <p>(a) the applicable frontage setback;</p> <p>(b) a setback of not less than 10.0m from each side boundary;</p> <p>(c) a setback of not less than 10.0m from the rear boundary;</p> <p>(d) a setback of not less than 20.0m from any designated</p>	<p>(a) Non-compliant. Refer to above comments.</p> <p>(b) Not applicable. Satisfied by (e).</p> <p>(c) Not applicable. Satisfied by (e).</p> <p>(d) Not applicable. No designated building area.</p> <p>(e) Compliant. Leith is a locality shown in the Table to this clause. The setback requirement for side and rear</p>

<p>building area on each adjacent site; or</p> <p>(e) if the site is in a locality shown in the Table to this clause, the setback for that locality; or</p> <p>(f) any building area shown on a sealed plan of subdivision; and</p> <p>(g) building height of not more than 8.5m.</p>	<p>boundaries is 5m. the dwelling would be setback greater than 5m to both side boundaries and the rear boundary.</p> <p>(f) Not applicable. No sealed area on a plan of subdivision.</p> <p>(g) Compliant. Elevations show that the dwelling would fit within the required building envelope height. Building height as shown in Elevations would be approximately 7m above natural ground level.</p>
<p>13.4.3–(A3) Site coverage must:</p> <p>(a) be not more than 500m<sup>2</sup>; and</p> <p>(b) not include any part of a site required for the disposal and drainage of sewage or stormwater; or</p> <p>(c) be not more than any building area shown on a sealed plan of subdivision.</p>	<p>(a) Compliant. Site coverage would be 124m<sup>2</sup>.</p> <p>(b) Compliant. Development would be clear of wastewater disposal areas.</p> <p>(c) Not applicable. No building area shown on a sealed plan of subdivision.</p>
<p>13.4.3–(A4)</p> <p>(a) A utility structure must be a power pole, antenna or a single domestic–scale turbine to a maximum of 10m in height which is –</p>	<p>(a) Not applicable. No utility structure proposed.</p> <p>(b)(i) Non-compliant. Site is located on top of a ridgeline.</p> <p>Refer to the “Issues” section of this report.</p>

<ul style="list-style-type: none"> <li>(i) not part of a wind farm;</li> <li>(ii) not sited on a skyline; and</li> <li>(iii) if a wind turbine, not located within 60m a dwelling in other ownership not within 30m of a public road.</li> </ul> <p>(b) A building, except a utility structure must be –</p> <ul style="list-style-type: none"> <li>(i) located not less than 15m below the level of any adjoining ridgeline;</li> <li>(ii) not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; and</li> <li>(iii) clad and roofed with materials with a light reflectance value of less than 40%</li> </ul>	<ul style="list-style-type: none"> <li>(b)(ii) Compliant. Development site is approximately 200m from the Forth River.</li> <li>(b)(iii) Compliant. Applicant provided a statement outlining that the colours would be a combination of Stone Grey, Woodland Grey and dark timber elements. All would be less than 40% light reflectance value.</li> </ul> <p>Note: the application was incorrectly advertised with the light reflectance value as a discretionary element. This is not the case.</p>
<p><b>13.4.4 Acoustic and visual privacy for residential development</b></p>	
<p>13.4.4–(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space, or carport of a building must:</p>	<ul style="list-style-type: none"> <li>(a) Not applicable. Satisfied by (b).</li> <li>(b) Compliant. The proposed dwelling would be setback greater than 10m from a door or window to a habitable</li> </ul>



<p>(a) be not less than 10.0m from a side boundary and 10.0m from a rear boundary to adjoining land in any zone for residential purposes; or</p> <p>(b) be not less than 10.0m from a door or window to a habitable room or any part of a balcony, deck, or roof garden in an adjacent dwelling.</p>	<p>room or any part of a balcony, deck, or roof garden in an adjacent dwelling.</p>
<p>13.4.4–(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 5.0m horizontally from the door or window to a dwelling, or any balcony, deck, or roof garden in a dwelling.</p>	<p>Not applicable.</p> <p>No access strip proposed.</p>
<p><b>13.4.5 Private open space for multiple dwelling residential use</b></p>	
<p>13.4.5–(A1) Each dwelling in a multiple dwelling must have external private open space that:</p> <p>(a) is accessible from the dwelling;</p> <p>(b) comprises an area of not less than 50.0m<sup>2</sup>;</p> <p>(c) has a minimum dimension of 5.0m;</p> <p>(d) has a gradient of not more than 1 in 10.</p>	<p>Not applicable.</p> <p>Not a multiple dwelling development.</p>

13.4.5–(A2) The required minimum private open space area must receive not less than two hours of continuous sunlight between 9.00am and 5.00pm on 21 June.	<p>Not applicable.</p> <p>Not a multiple dwelling development.</p>
<b>13.4.6 Setback of sensitive use development</b>	
<p>13.4.6–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown on the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary.</p>	<p>(a) Non-compliant. The dwelling would be setback approximately 30m from Rural Resource zone.</p> <p>(b) Non-compliant. The dwelling would be setback approximately 30m from Rural Resource zone.</p> <p>Refer to the “Issues” section of this report.</p>
<p>13.4.6–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) the Bass Highway;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p>	<p>(a) Compliant. Proposed development would be setback approximately 530m from Bass Highway.</p> <p>(b) Compliant. Proposed development would be approximately 540m from the Western Rail Line.</p> <p>(c) Not applicable. No land designated for future road or rail purposes.</p>

(d) a proclaimed wharf area.	(d) Compliant. The closest proclaimed wharf area is located at Devonport, approximately 15km to the east.
<b>13.4.7 Subdivision</b>	
13.4.7-(P1) 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. Not a subdivision.
13.4.7-(A2)  A lot other than a lot to which A1(b) applies, must not be an internal lot.	Not applicable. Not a subdivision.
<b>13.4.8 Reticulation of an electricity supply to new lots on a plan of subdivision</b>	
13.4.8-(A1) Electricity reticulation and site connections must be installed underground.	Not applicable. Not a subdivision.

CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Residential use is proposed and exempt from this Code.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in the Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Code is applicable. Clearing of vegetation required.
<b>E3.6 Development Standards</b>	
<p><b>E3.6.1-(A1)</b></p> <p>(a) Vegetation must not be any of the following</p> <ul style="list-style-type: none"> <li>(i) A threatened native vegetation community;</li> <li>(ii) Contained threatened flora or be threatened fauna habitat; or</li> <li>(iii) Be within 30m of a water body, watercourse, wetland or coastal shoreline; or</li> </ul> <p>(b) The removal or destruction of any rare or threatened species or rare or threatened communities protected under state or commonwealth legislation must not occur</p>	<p>(a)(i) Compliant. No threatened native vegetation was identified on the site as per the Clearing and conversion of vegetation code report as prepared by consultants Natural State.</p> <p>(a)(ii) Non-compliant. Three threatened fauna species have been recorded within 1km of the proposed development as per the Clearing and conversion of vegetation code report as prepared by consultants Natural State.</p> <p>Refer to the "Issues" section of this report.</p> <p>(a)(iii) Not applicable. Site is not within 30m of a water body, watercourse, wetland or coastal shoreline.</p> <p>(b) Not applicable. No removal or destruction of any rare or threatened species or rare or threatened communities</p>

unless authorised by the appropriate agency.	protected under state or commonwealth legislation would occur, unless authorised by the appropriate agency.
<b>E3.6.2 Clearing of vegetation of land of scenic or landscape value</b>	Not applicable. Land is not identified as scenic or landscape value under the Planning Scheme.
<b>E3.6.3 Clearing of vegetation on land susceptible to landslide</b>	
<p>E3.6.3–(A1) The site must be within an area –</p> <p>(a) Exposed to a low level of likely risk from landslide; and</p> <p>(b) A landslide hazard risk assessment as defined in E6 must indicate clearing of native vegetation –</p> <p>(i) Can be achieved and maintain a tolerable level of risk; or</p> <p>(ii) There is an insufficient increase in the level of risk to warrant any specific hazard reduction or protection measures; or</p> <p>(iii) Any condition or requirement for specific hazard reduction or protection measures.</p>	<p>(a) Non-compliant. The site is within a Medium landslide area.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b) Compliant. The application was accompanied by a Geotechnical Assessment prepared by GES Geo-Environmental Solutions concluding that, provided the development of the site is in accordance with good hillside practices and the recommendations contained within the report are followed, a tolerable level of risk can be achieved for the development.</p>
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level greater than 1 m.
<b>E5 Local Heritage Code</b>	Not applicable. No Local Heritage Code in the Scheme.

<b>E6 Hazard Management Code</b>	Code is applicable. Site is within a medium landslide area.
<b>E6.4 Use or Development Exempt from this Code</b>	Not exempt as the site is located within an area subject to medium landslip
<b>E6.5 Use Standards</b>	
<b>E6.5.1 Use on potentially contaminated land</b>	
<p>E6.5.1–(A1) Use must not occur on land potentially contaminated by a previous use for an activity listed in Table E6.1 unless:</p> <ul style="list-style-type: none"> <li>(a) soil disturbance and development is carried out in accordance with requirements in a hazard risk assessment for contamination;</li> <li>(b) a hazard risk assessment for potential contamination establishes the site can be remediated to provide a tolerable level of risk for the use; or</li> <li>(c) a hazard risk assessment establishes the site has been remediated to provide a tolerable level of risk.</li> </ul>	Not applicable. The proposed land is not land that has potentially contaminated soil by a previous use or activity listed in table E6.1.

<b>E6.5.2 Use likely to be exposed to a natural hazard</b>	
<p>E6.5.2-(A1) If a use is on land within an area of risk from exposure to a natural hazard as shown on a map forming part of this planning scheme:</p> <p>(a) use must not be for a critical use, a hazardous use, or a vulnerable use;</p> <p>(b) use must not be residential use if the level of risk is medium or higher; and</p> <p>(c) a hazard risk assessment must demonstrate a tolerable level of risk can be achieved and maintained for the nature and duration of the use.</p>	<p>(a) Compliant. The site has an area subject to medium landslip. Residential use is not a hazardous use, or a vulnerable use.</p> <p>(b) Compliant. The site would be residential. The level of risk as per geotechnical report would be low to medium.</p> <p>(c) Compliant. The application was accompanied by a Geotechnical Assessment prepared by GES Geo-Environmental Solutions concluding that, provided the development of the site is in accordance with good hillside practices and the recommendations of the report are followed, a tolerable level of risk can be achieved for the development.</p>
<b>E6.6 Development Standards</b>	
<b>E6.6.1 Development on potentially contaminated land</b>	
<p>E6.6.1-(A1) Development must not occur on land potentially contaminated by a previous use for an activity listed in the Table E6.1 to this clause unless:</p> <p>(a) soil disturbance and development is carried out in</p>	<p>Not applicable. The proposed land is not land that has potentially contaminated soil by a previous use or activity listed in Table E6.1.</p>

<p>accordance with the requirements of a hazard risk assessment for contamination;</p> <p>(b) a hazard risk assessment establishes the site can be remediated to provide a tolerable level of risk from the development; or</p> <p>(c) a hazard risk assessment establishes the site has been remediated to provide a tolerable level of risk from the development; and</p> <p>(d) if a hazard risk assessment establishes need to involve land on another title to manage risk consistent with the objective, the consent in writing of the owner of that land must be provided to enter into a Part 5 agreement to be registered on the title of the land and providing for the affected land to be managed in accordance with recommendations for contamination management.</p>	
<p><b>E6.6.2 Development on land exposed to a natural hazard</b></p>	
<p>E6.6.2-(A1) If the site is within an area of risk shown on a natural hazard map forming part of this planning scheme:</p> <p>(a) a hazard risk assessment must determine:</p> <p>(i) there is an insufficient increase in risk to warrant</p>	<p>(a) Compliant.</p> <p>(i) Not applicable. Satisfied by (ii).</p> <p>(ii) The application was accompanied by a Geotechnical Assessment prepared by GES Geo-</p>



<p>any specific hazard reduction or protection measure; or</p> <p>(ii) a tolerable level of risk can be achieved for the type, form, scale and duration of the development; and</p> <p>(b) if a hazard risk assessment established need to involve land on another title for hazard management consistent with the objective, the consent in writing of the owner of that land must be provided to enter into a Part 5 agreement to be registered on the title of the land and providing for the affected land to be managed in accordance with recommendations for hazard management.</p>	<p>Environmental Solutions concluding that, provided the development of the site is in accordance with good hillside practices and the recommendations of the report are followed, a tolerable level of risk can be achieved for the development.</p> <p>(b) Not applicable.</p>
<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Code applies to all development.

<b>E9.4 Use or development exempt from this Code</b>	Not exempt.  No Local Area Parking Scheme applies to the site.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
E9.5.1–(A1) Provision for parking must be:  (a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;	Compliant. Proposal includes provision for two car parking spaces.
<b>E9.6 Development Standards</b>	
<b>E9.6.2 Design of vehicle parking and loading areas</b>	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by a Condition on a Permit.
E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and maneuvering area must –  (a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;	(a) Compliant by a Condition on a Permit. (b) Not applicable. Satisfied by (a), (f) and (g). (c) Not applicable. Satisfied by (a), (f) and (g).

<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> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	<p>(d) Not applicable. Satisfied by (a), (f) and (g).</p> <p>(e) Not applicable. Satisfied by (a), (f) and (g).</p> <p>(f) Compliant by a Condition on a Permit. This will include that a turning provision be provided on site for safer front forward egress of vehicles.</p> <p>(g) Compliant by a Condition on a Permit.</p>
<p>E9.6.2-(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Compliant by a Condition on a Permit.</p>

## COMMUNITY SERVICES

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<b>E10 Water and Waterways Code</b>	Not applicable. No watercourse is within 30m to the site.
<b>Specific Area Plans</b>	No Specific Area Plans apply to this location.

*Issues –*

*1 Lot size –*

The Scheme's Acceptable Solution for Clause 13.4.1–(A1)(a)(ii) states that each site or each lot on a plan of subdivision must, if in a locality shown in the Table to this Clause, have not less than the site area shown for the locality. The site is in Leith which, under the Table to this Clause, has a site area of 4,000m<sup>2</sup>.

The development site has an area of 2,460m<sup>2</sup>. The proposal requires variation to this standard and an exercise of discretion is required.

The Scheme's Performance Criteria for Clause 13.4.1–(P1) states that a site must be consistent with the Rural Living Zone Purpose, Local Area Objectives and Desired Future Character Statements and have regard to –

- (i) the number, size and distribution of existing and approved lots on land in the vicinity;

Compliant. The site is surrounded by similar sized lots. The development site is one of seven lots created in 1974. All lots are of a similar size.

- (ii) the pattern, intensity and character of established use and development on other lot in the vicinity;

Compliant. As mentioned above, the development site is one of seven lots created in 1974, all of similar size. Most of the lots contain single dwellings and associated outbuildings.

- (iii) the capacity of an available or planned utilities; and

Compliant. The development site can be serviced through an onsite wastewater management system, a reticulated stormwater system and a water supply.

- (iv) capability of the land to accommodate residential use.

Compliant. The proposed dwelling can satisfy all development setback requirements, apart from a small variation to the front setback.

Furthermore, the site must be of sufficient size for the intended use having regard to the effect of one or more of the following: –

(i) Topography;

Compliant. The development site is very steep. The location of the proposed dwelling is to accommodate the steepness of the site, the site being in a Medium landslide area, and to minimise any unnecessary removal of vegetation.

(ii) Natural drainage of the land and the land in the vicinity;

Compliant. A Condition of Permit would be for stormwater run-off from buildings and hard surfaces to be collected and discharged to the drainage easement.

(iii) The desirability of protecting native vegetation, landscape features, natural and cultural values;

Compliant. As per the E3 Clearing and conversion of vegetation code report prepared by environmental consultants, Natural State, a very limited amount of clearing would occur which is likely to cause minimal impacts to biodiversity and provide additional habitat niches. Ongoing weed management can improve the habitat quality for local wildlife.

(iv) Provision for management of exposure to natural hazards;

Compliant. The application was accompanied by a Geotechnical Assessment prepared by GES Geo-Environmental Solutions concluding that, provided the development of the site is in accordance with good hillside practices and the recommendations contained within the report, a tolerable level of risk can be achieved for the development.

(v) Provision of an accessible building area;

Compliant. The proposed dwelling can satisfy all development setback requirements, apart from a small variation to the front setback.

(vi) Compliance to the acceptable solution criteria in any applicable standard for location and separation of a building;

Compliant. The proposed dwelling can satisfy development setback requirements, apart from a small variation to the front setback.

- (vii) Arrangements for the convenient provision of roads and access to the land;

Compliant. The development site can obtain access from Braddons Lookout Road.

- (viii) Arrangements for the provision of a water supply and of the drainage and disposal of sewage and stormwater;

Compliant. Proposal is for on-site wastewater disposal. The site would be connected to a reticulated stormwater system and water supply.

- (ix) Any restriction or requirement of a lawful easement or statutory interest in the land; and

Compliant. There is no restriction or requirement of a lawful easement or statutory interest in the land.

- (x) Opportunity for solar access to a building area.

Compliant. The proposed dwelling has provisions for living areas to the north, to optimise sunlight access to the building.

## 2 *Dwelling density -*

The Scheme's Acceptable Solution for Clause 13.4.2-(A1)(b) states that the site area per dwelling must, if in a locality shown in the Table to this Clause, be not less than the site area shown for the locality. The site is in Leith which, under the Table to this Clause, has a minimum site area of 4,000m<sup>2</sup>.

The development site has a site area of 2,460m<sup>2</sup>. The proposal requires a variation to this standard and an exercise of discretion is required.

The Scheme's Performance Criteria for Clause 13.4.1-(P1) states that a site must be consistent with the Rural Living Zone Purpose, Local Area Objectives and Desired Future Character statements and having regard to -

- (i) The size of any existing or approved lot or site on land in the vicinity; and

Compliant. The site is surrounded by similar sized lots. The development site is one of seven lots created in 1974. all of similar size.

- (ii) The pattern, intensity and character of established use and development on other lots in the vicinity.

Compliant. As mentioned above, the development site is one of seven lots created in 1974, all of similar size. The site is surrounded by similar sized lots with most containing single dwellings and associated outbuilding.

Furthermore, the capability of the land for residential use having regard to the effect of one or more of the following: –

- (i) Topography;

Compliant. The development site is very steep. The location of the proposed dwelling is to accommodate the steepness of the site, the site being in a Medium landslide area, and to minimise the removal of vegetation.

- (ii) Natural drainage of the land and the land in the vicinity;

Compliant. A Condition of Permit would be for stormwater run-off from buildings and hard surfaces to be collected and discharged to the drainage easement.

- (iii) The desirability of protecting native vegetation, landscape features, natural and cultural values;

Compliant. As per the E3 Clearing and conversion of vegetation code report prepared by environmental consultants, Natural State, a very limited amount of clearing would occur which is likely to cause minimal impacts to biodiversity and provide additional habitat niches. Ongoing weed management can improve the habitat quality for local wildlife.



- (iv) Provision for management of exposure to natural hazards;

Compliant. The application was accompanied with a Geotechnical Assessment prepared by GES Geo-Environmental Solutions concluding that, provided the development of the site is in accordance with good hillside practices and the recommendations of the report are followed, a tolerable level of risk can be achieved for the development.

- (v) Provision of an accessible building area;

Compliant. The proposed dwelling can satisfy all development setback requirements, apart from a small variation to the front setback.

- (vi) Compliance to the acceptable solution criteria in any applicable standard for location and separation of a building;

Compliant. The proposed dwelling can satisfy all development setback requirements apart from a small variation to the front setback.

- (vii) Arrangements for the convenient provision of roads and access to the land;

Compliant. The development site can obtain access from Braddon Lookout Road.

- (viii) Arrangements for the provision of a water supply and of the drainage and disposal of sewage and stormwater;

Compliant. Proposal is for on-site wastewater disposal. Site is connected to reticulated stormwater system and water supply.

- (ix) Any restriction or requirement of a lawful easement or statutory interest in the land; and

Compliant. No restriction or requirement of a lawful easement or statutory interest in the land.

- (x) Opportunity for solar access to a building area.

Compliant. The proposed dwelling has provisions for living areas to the north to optimise sunlight.

3 *Variation to the front boundary setback standard –*

Part A

The Planning Scheme's Acceptable Solution for Clause 13.4.3–(A1)(a) states that a buildings setback from a frontage be as is listed if the site is in a locality shown in the Table to this Clause. Leith is listed in the Table to this Clause and the setback from a frontage is 10m.

The dwelling would be located 6.2m from the front boundary. This is a variation to the requirement and an exercise of discretion is required to allow the development.

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

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

Compliant. Most buildings located along the western side of Braddons Lookout Road are constructed to the eastern side of their respective lots and closer to the road frontage. This is due to the steepness of these lots in this location. The proposed dwelling setback to the frontage would be consistent with the existing rural setting and established streetscape.

- (b) Required by a constraint imposed by –

- (i) Size and shape of the site;

Compliant. The development site is very steep. The location of the proposed dwelling is to accommodate the steepness of the site, the site being in a Medium landslip area, and to minimise the removal of vegetation.

- (ii) Orientation and topography of land;

Compliant. The development site is very steep. The location of the proposed dwelling is to accommodate the steepness of the site, the site being in a Medium landslip area, and to minimise the removal of vegetation.

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

Not applicable. The site can connect to the reticulated stormwater system and TasWater water supply and can accommodate the disposal of sewage on-site.

- (iv) Arrangements for vehicular or pedestrian access;

Not applicable. The site has an existing vehicular access off Braddons Lookout Road.

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

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

- (vi) A utility; or

Not applicable. No utility.

- (vii) Any lawful and binding requirement.

Not applicable. No lawful and binding requirement on the land.

#### Part B

The Planning Scheme's Acceptable Solution for Clause 13.4.3 – (A2) states that a building must be contained within a building envelope including (a) the applicable frontage setback.

The dwelling would be located 6.2m from the front boundary rather than the required 10m for properties at Leith. This is a variation to the requirement and an exercise of discretion is required to allow the development.

The Scheme's Performance Criteria for Clause 13.4.3 – (P2) states that a building height and location of a building in relation to site boundaries must –

- (a) minimise likelihood for overshadowing of a habitable room in an adjacent dwelling on the site;

Compliant. The orientation of the development site in relation to adjoining sites results with no likelihood for overshadowing of a habitable room of an adjacent dwelling.

- (b) take account of the relationship between appearance and design characteristics of the building and any buildings on adjacent land.

Compliant. The proposed development site is surrounded by a variety of buildings with varying designs. It is not uncommon along Braddons Lookout Road (on the western side) for dwellings to be designed with pole supports, as is the design for the proposed dwelling.

- (c) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building;

Compliant. Surrounding buildings are all of differing heights and design. Along Braddons Lookout Road (on the western side) most dwellings are constructed closer to the road frontage due to the steepness of the lots. The apparent scale, bulk, massing and proportion the proposed dwelling relative to any adjacent buildings would be minimal.

- (d) be consistent with the rural setting and the streetscape;

Compliant. As mentioned, the proposed development site is surrounded by a variety of buildings of varying designs. It is not uncommon along Braddons Lookout Road (on the western side) for dwellings to be supported with poles, as is the design for the proposed dwelling. The proposed development is considered consistent with the surrounding rural area.

- (e) respond to the effect of the slope and orientation of the site to attenuate impact on adjacent land.

Compliant. As mentioned, the surrounding buildings are all of differing heights and design. Along Braddons Lookout Road (on the western side) most dwellings are constructed closer to the road frontage, due to the steepness of the lots.

4 *Ridgeline development –*

The Scheme's Acceptable Solution for Clause 13.4.3–(A4)(b)(i) states that a building must be located not less than 15m below the level of any adjoining ridgeline.

The proposed dwelling would be located on top of a ridgeline. This is a variation to the requirement and an exercise of discretion is required.

The Scheme's Performance Criteria for Clause 13.4.3–(P4)(b) states that the location, height and visual appearance of a building or structure must have regard to

- (i) minimising the visual impact on the skyline;

Compliant. The dwelling would be in similar line to the adjoining dwellings to the north and across the road to the east.

- (ii) minimising height above the adjacent vegetation canopy;

Compliant. The dwelling has been positioned to the eastern front of the site. Majority of the site's vegetation will remain.

- (iii) minimising visual impact on the shoreline or a marine or aquatic water body, water course, or wetland where possible; and

Not applicable. Proposed development would not create a visual impact on a shoreline or marine or aquatic water body, water course or wetland. None of which are within proximity to the propose development.

- (iv) minimising excessive reflection of light from an external surface.

Compliant. The colours proposed for the dwelling are relatively dark. No unreasonable impact would occur.

5 *Setback to Rural Resource zone –*

The Planning Scheme's Clause 13.4.6–(A1) states that a building containing a sensitive use must be contained within a building envelope determined by the setback distance from a zone boundary as shown on the Table to this Clause.

The Table states the setback requirement from Rural Resource zone is 50m. The proposed dwelling would be setback approximately 30m from the Rural Resource zone. This is a variation to the requirement and an exercise of discretion is required.

The Planning Scheme's Clause 13.4.6-(p1) states that the location of a building containing a sensitive use must –

- (a) minimise likelihood for conflict, constraint or interference by the sensitive use on existing and potential use of land in the adjoining zone; and

Compliant. The proposed dwelling is in a similar location to adjoining Rural Living zone properties along Braddons Lookout Road and their distances to the adjoining Rural Resource zone. The proposed dwelling would not have any greater impact on the existing and potential use to the Rural Resource zone land over and above that existing.

- (b) minimise likely impact from existing and potential use of land in the adjoining zone on the amenity of the sensitive use.

Compliant. The proposed dwelling is in a similar location to adjoining Rural Living zone properties along Braddons Lookout Road and their distance to the adjoining Rural Resource zone. The proposed dwelling would not have any greater impact on the existing and potential use to the Rural Resource zone over and above that existing.

### 6 *Reliance on E3 Clearing and Conversion of Vegetation Code –*

The Planning Scheme's Clause E3.6.1-(A1)(a)(ii) states that the vegetation must not contain threatened flora or be threatened fauna habitat.

As per the E3 Clearing and conversion of vegetation code report as prepared by environmental consultants, Natural State, identified that three threatened fauna species have been recorded within 1km of the proposed development. These are: *Accipiter novaehollandiae* – Grey Goshawk; *Dasyurus viverrinus* – Eastern Quoll; and *Perameles gunnii* – Eastern Barred Bandicoot. The application is therefore discretionary and relies on assessment against the relevant Performance Criteria for this Clause.

The Planning Scheme's Clause E3.6.1 –(P1) states that the harvesting of timber or the clearing and conversion of native vegetation must –

- (a) be justified by exceptional circumstance; or

Not applicable. Not justified by exceptional circumstance. Only a small amount of vegetation would need to be cleared to enable development.

- (b) be necessary to deliver an overriding environmental benefit for the region; and

Not applicable. Not necessary to deliver an overriding environmental benefit for the region. As per the report prepared by Natural State, the native vegetation condition amongst the remaining forest can be improved through ongoing weed management and revegetation using local understorey species.

- (c) be unlikely to have adverse effect on –

- (i) value of the habitat for a species managed under the *Threatened Species Protection Act 1995* or the *Nature Conservation Act 2002*;

Compliant. As per the report prepared by Natural State, no significant impacts are expected as long as the remaining forest is retained. The building area has been carefully sited to minimise disturbance and potential impacts.

- (ii) ability to contribute to the Tasmanian comprehensive, adequate, and representative vegetation conservation reserve system; or

Compliant. As per the report prepared by Natural State, no impacts are expected.

- (iii) value of shoreline vegetation for water quality management; and

Not applicable. The site is not within 30m to a shoreline.

- (d) have regard to any advice or decision of the relevant entity for applicable native vegetation or wildlife protection and conservation for –

- (i) impact of the use or development on the objectives and outcomes for protection and conservation of native vegetation and wildlife; and

Compliant. As per the report prepared by Natural State, the condition of native vegetation amongst the retained forest can be improved through ongoing weed management and revegetation using local understorey species.

- (ii) any condition or requirement for protection or conservation of a threatened native vegetation community or of vegetation providing threatened species habitat

Compliant. As per the report prepared by Natural State, no threatened vegetation communities are present. A very limited amount of clearing will occur which is likely to cause minimal impacts to biodiversity and provide additional habitat niches. Ongoing weed management can improve the habitat quality for local wildlife.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No issues. Based on the report provided and the system that has been recommended by the designer, the land should be able to provide adequate space for the particular design.



Infrastructure Services	Statement of Compliance from the Council in its capacity as the Road Authority and Stormwater Authority has been issued. Referred to Annexure 5.
Building Services	Note to be included on Permit.
TasWater	Referral not required.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Other	Referral not required.

*CONSULTATION*

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

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

*Representation –*

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

The representations are summarised and responded to as follows:

REPRESENTATION ONE	
MATTER RAISED	RESPONSE
<p>1 Location of driveway is a concern. There has been a fatality and many accidents on the corner near the development site.</p>	<p>Following are comments from Council's Development Officer in the capacity of the Council's Road Authority.</p> <ul style="list-style-type: none"> <li>. <i>The proposed development is a residential – dwelling on a lot zoned as rural living.</i></li> <li>. <i>Records indicate that the lot was created in 1974.</i></li> <li>. <i>The speed limit on Braddons Lookout Road is 70 km/h. However, well before the property frontage there is a warning sign for winding road and advisory speed of 35km/h.</i></li> <li>. <i>The development site is severely constrained by its location and medium risk landslide.</i></li> <li>. <i>All residential lots are entitled to access irrespective of the constraints of location and sightlines in accordance with the Clause 3.2.3a of Australian Standard Parking Facilities Part 1: Off-street car parking (AS2890.1).</i></li> <li>. <i>The location of the driveway is assessed as being at the best possible location with</i></li> </ul>

	<p><i>regards to the site constraints</i></p> <p><i>. Additionally, Statement of Compliance has been issued to ensure compliance with other relevant standards (refer to Annexure 5).</i></p>
2 Size of lot and need for more room for parking and for the ability for vehicles to turn on site.	<p>A condition will be included on the Permit, requiring that a turning provision be provided on-site for the safe, forward movement of vehicles egressing the site. This is to be in accordance with E9.6.2 – (A1.2) of the Planning Scheme.</p> <p>Furthermore, the location of the proposed dwelling is dictated by the steepness of the site, the site being in a Medium landslide area, and to minimise the removal of vegetation.</p>
3 Higher use of this road during floods and use of road for farming purposes i.e tractors and live stock	<p>It is not unusual for alternate roads to be used during storm events. It is considered that the road is signed appropriately in terms of speed limit.</p> <p>Furthermore, the development site is located within the Rural Living Zone and within close proximity to Rural Resource zone. The presence of farming machinery and live stock is not unusual.</p>
REPRESENTATION TWO	
MATTER RAISED	RESPONSE
1 Location of driveway is a concern including slight distances and there several accidents on the corner near the development site.	<p>Following are comments from Council's Development Officer in the capacity of the Council's Road Authority.</p>

	<ul style="list-style-type: none"> <li>. <i>The proposed development is a residential – dwelling on a lot zoned as rural living.</i></li> <li>. <i>Records indicate that the lot was created in 1974.</i></li> <li>. <i>The speed limit on Braddons Lookout Road is 70 km/h. However, well before the property frontage there is a warning sign for winding road and advisory speed of 35km/h.</i></li> <li>. <i>The development site is severely constrained by its location and medium risk landslide.</i></li> <li>. <i>All residential lots are entitled to access irrespective of the constraints of location and sightlines in accordance with the Clause 3.2.3a of Australian Standard Parking Facilities Part 1: Off-street car parking (AS2890.1).</i></li> <li>. <i>The location of the driveway is assessed as being at the best possible location with regards to the site constraints</i></li> </ul> <p><i>Additionally, Statement of Compliance has been issued to ensure compliance with other relevant standards (refer to Annexure 5).</i></p>
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2	Width of road a concern with the traffic flow on the road increasing.	This is not a planning matter. This matter should be directed to the Council's Infrastructure Services for analysis.
3	Concern regarding lack of pedestrian traffic along this road	This is not a planning matter. This matter should be directed to the Council's Infrastructure Services for analysis.
4	No room onsite for vehicles to turn	<p>A condition will be included on the Permit, requiring that a turning provision be provided on-site for the safe, forward movement of vehicles egressing the site. This is to be in accordance with E9.6.2 – (A1.2) of the Planning Scheme.</p> <p>Furthermore, the location of the proposed dwelling is to accommodate the steepness of the site, the site being in a Medium landslide area, and to minimise the removal of vegetation.</p>

*RESOURCE, FINANCIAL AND RISK IMPACTS*

The development application may be appealed by either the applicant or the representor. An appeal would impact on Council resources outside those usually required for assessment and reporting and would involve legal costs associated with an appeal against the Council's determination, should one be instituted. There may be an impact on Council resources in relation to ensuring compliance with Permit conditions.

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

### *CONCLUSION*

The representations do not contain sufficient merit to refuse the application.

There is justification for a condition to be applied to a permit requiring that a turning provision be provided on-site for the safe, forward movement of vehicles egressing the site, as in accordance with E9.6.2– (A1.2) of the Planning Scheme.

The application was discretionary due to the lot size, site density, variation to front boundary setback, ridgeline development, setback to the Rural Resource zone and Reliance on E3 Clearing and Conversion of Vegetation Code. All discretionary matters have been addressed throughout this report, and in the “Issues” section, and are considered to have satisfied the applicable Planning Scheme’s Performance Criteria.

The proposed development is considered to be reasonable development within the Rural Living zone, on land that is a lot approved for residential development since subdivision in 1974. The proposal would be in keeping with other development in the established area. It is considered appropriate that the application be approved, subject to conditions.

### *Recommendation –*

It is recommended that the application for Residential – dwelling – variation to site area, dwelling density, front boundary setback standard, ridgeline development, setback to Rural Resource zone, use of materials with light reflectance value greater than 40% and Reliance on E3 Clearing and Conversion of Vegetation Code at Braddons Lookout Road, Leith CT5200/1 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans prepared by Andrew Smith Architects, Project No. 00742, Drawing Nos. DA.01 C, DA.02 C, DA.03 C, DA.04 C, DA.05 C, DA.06 C, DA.07 C, DA.08 C and DA.09 C dated 14 September 2020.
- 2 Prior to issue of a Building Permit, a plan must be submitted detailing an on-site turning area to facilitate the safe forward movement and passing of all vehicles entering and egressing the site, as per Clause E9.6.2 –(A1.2)(f) of the *Central Coast Interim Planning Scheme 2013*.
- 3 The dwelling must have a maximum height of 8.5m above natural ground level.

- 4 The development must be substantially in accordance with the discussions and recommendations contained in the Geotechnical Assessment as prepared by GES Geo-Environmental Solutions dated January 2010.

At the completion of the works a declaration must be provided by the author of the Geotechnical Assessment, or other suitably qualified person, certifying that the works have been completed in accordance with the discussion and recommendations contained in the report. This is to include certification of any modification to the layout of driveways as required by a condition of this Permit.

- 5 The development must be substantially in accordance with the recommendations contained in the Geo-Environmental Assessment as prepared by GES Geo-Environmental Solutions dated January 2020.

- 6 The development must be substantially in accordance with the discussions and recommendations contained in the E3 Clearing and conversion of vegetation code report for PID:6380809 as prepared by Natural State received 15 September 2020.

- 7 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 20 October 2020 issued by the Council acting in its capacity as the Road Authority and the Stormwater Authority.

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

- 9 The development must make provisions of a suitable rechargeable drinking water system with a storage capacity of not less than 10,000 litres.

- 10 A minimum of two car parking spaces must be provided on-site and enable the forward movement of vehicles entering and egressing the site.

In this regard the car parking spaces must be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking.

- 11 Vehicle parking and manoeuvring areas must be designed and constructed in accordance with the "Unsealed Roads Manual – Guideline for Good Practice ARRB".

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 4 – Plumbing Permit Work when assessed against the Determinations issued under the *Building Act 2016*. Accordingly, an application for a Building Permit is to be made to the Council's Building Permit Authority, and an application for a Plumbing Permit is to be made to the Council's Plumbing Permit Authority.'

The Town Planner's report is supported."

The Executive Services Officer reported as follows:

"Copies of the Annexures referred to in the Town Planner's report have been circulated to all Councillors."

■ Cr Fuller moved and Cr Hiscutt seconded, "That the application for Residential – dwelling – variation to site area, dwelling density, front boundary setback standard, ridgeline development, setback to Rural Resource zone, use of materials with light reflectance value greater than 40% and Reliance on E3 Clearing and Conversion of Vegetation Code at Braddons Lookout Road, Leith CT5200/1 – Application No. DA2020271 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans prepared by Andrew Smith Architects, Project No. 00742, Drawing Nos. DA.01 C, DA.02 C, DA.03 C, DA.04 C, DA.05 C, DA.06 C, DA.07 C, DA.08 C and DA.09 C dated 14 September 2020.
- 2 Prior to issue of a Building Permit, a plan must be submitted detailing an on-site turning area to facilitate the safe forward movement and passing of all vehicles entering and egressing the site, as per Clause E9.6.2 –(A1.2)(f) of the *Central Coast Interim Planning Scheme 2013*.



- 3 The dwelling must have a maximum height of 8.5m above natural ground level.
- 4 The development must be substantially in accordance with the discussions and recommendations contained in the Geotechnical Assessment as prepared by GES Geo-Environmental Solutions dated January 2010.

At the completion of the works a declaration must be provided by the author of the Geotechnical Assessment, or other suitably qualified person, certifying that the works have been completed in accordance with the discussion and recommendations contained in the report. This is to include certification of any modification to the layout of driveways as required by a condition of this Permit.

- 5 The development must be substantially in accordance with the recommendations contained in the Geo-Environmental Assessment as prepared by GES Geo-Environmental Solutions dated January 2020.
- 6 The development must be substantially in accordance with the discussions and recommendations contained in the E3 Clearing and conversion of vegetation code report for PID:6380809 as prepared by Natural State received 15 September 2020.
- 7 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 20 October 2020 issued by the Council acting in its capacity as the Road Authority and the Stormwater Authority.
- 8 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 9 The development must make provisions of a suitable rechargeable drinking water system with a storage capacity of not less than 10,000 litres.
- 10 A minimum of two car parking spaces must be provided on-site and enable the forward movement of vehicles entering and egressing the site.

In this regard the car parking spaces must be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking.

- 11 Vehicle parking and manoeuvring areas must be designed and constructed in accordance with the "Unsealed Roads Manual – Guideline for Good Practice ARRB".

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 4 – Plumbing Permit Work when assessed against the Determinations issued under the *Building Act 2016*. Accordingly, an application for a Building Permit is to be made to the Council's Building Permit Authority, and an application for a Plumbing Permit is to be made to the Council's Plumbing Permit Authority."

Carried unanimously

**352/2020**      **Passive recreation – Preston Falls upgrade comprising car park, walking tracks and viewing platforms – discretionary use and development in Rural Resource zone, variation to boundary setbacks and reliance on E10 Water & Waterways Code at Goulds Road (CT137634/2), Raymond Road (CT54062/1) and 1709 Preston Road (CT248478/1) and road reserve, Preston – Application No. DA2020281**

The Strategic Projects & Planning Consultant reported as follows:

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

*'DEVELOPMENT APPLICATION NO.:*

DA2020281

*PROPOSAL:*

Passive recreation – Preston Falls upgrade comprising car park, walking tracks and viewing platforms – discretionary use and development in Rural Resource zone, variation to boundary setbacks and reliance on E10 Water & Waterways Code

*APPLICANT:*

Sandra Ayton on behalf of Central Coast Council

*LOCATION:*

Preston Falls identified as Goulds Road (CT137634/2), Raymond Road (CT54062/1) and 1709 Preston Road (CT248478/1) and road reserve, Preston

<i>ZONE:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)
<i>ADVERTISED:</i>	30 September 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	14 October 2020
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	4 November 2020 – extension of time granted until 16 November 2020
<i>DECISION DUE:</i>	16 November 2020

*PURPOSE*

The purpose of this report is to consider an application to undertake works to upgrade public access facilities at Upper Preston Falls, Preston. Upgrades would include delineation and sealing of a car park, access walkways and two viewing platforms. A separate application is to be made for visitor information signage associated with the Preston Falls.

Accompanying the report are the following documents:

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

*BACKGROUND*

*Development description –*

The Central Coast Council, as the applicant, seeks approval from the Planning Authority for upgrades to access and viewing experiences for those visiting the upper reaches of the Preston Falls, Preston. The upgrade works would be on land that is held under public and private ownership.

In summary, works would comprise:

- (i) upgrade of a car park that is located on Raymond Road, approximately 190m from the Preston Road turn-off. The car park is currently a gravel pull-over edge to the Raymond Road road reserve. The car park would be sealed and marked to accommodate a bus layby and five car parking spaces. Gravel access paths with timber balustrades would lead to a concrete ramp and an access walkway, granting pedestrian access to the southern, upper end of the Preston Falls visitation experience;

- (ii) elevated first walkway that would provide pedestrian access, including for persons reliant on a wheelchair, to a viewing platform on the western side of Preston Creek;
- (iii) second walkway that would enable access to a second viewing platform on the eastern side of Preston Creek.

Application documentation includes detailed design of the structures, a traffic impact statement, a geotechnical report and a natural values report.

The proposal is a “Discretionary” development in the Rural Resource zone.

### *Site description and surrounding area –*

The development is proposed over the Raymond Road road reserve and adjoining land that is in private and public ownership, identified as CT137634/2, CT50462/1 and CT248478/1. The landmarks and associated vegetation in this area are formed and characterised by the presence of Preston Creek, a waterway that is noted for its waterfalls and eddies.

The land is currently used for passive recreation, with a car park and track located approximately 600m further to the north of the proposed development. (Note: the planning report accompanying the application has misinterpreted the location of the works, citing a description and photographs of the existing car park and track located to the north of that proposed).

### *History –*

No history relevant to this application.

### *DISCUSSION*

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

## 26.0 Rural Resource Zone

CLAUSE	COMMENT
<b>26.1.2 Local Area Objectives</b>	
<p>(a) The priority purpose for rural land is primary industry dependent upon access to a naturally occurring resource;</p> <p>(b) Air, land and water resources are of importance for current and potential primary industry and other permitted use;</p> <p>(c) Air, land and water resources are protected against –</p> <p style="padding-left: 40px;">(i) permanent loss to a use or development that has no need or reason to locate on land containing such a resource; and</p> <p style="padding-left: 40px;">(ii) use or development that has potential to exclude or unduly conflict, constraint, or interfere with the practice of primary industry or any other use dependent on access to a naturally occurring resource;</p>	<p>“Passive recreation” use is a “Discretionary” use of land in the Rural Resource zone.</p> <p>(a) Proposal does not satisfy the Objective. The proposed use is not a primary industry use of the site, would not be dependent upon access to a naturally occurring resource for primary industry purpose and would not augment ongoing farm operations.</p> <p>(b) Proposal does not satisfy the Objective. The proposed development is not a “Permitted” use and is not reliant on air, land or water resources for primary industry production.</p> <p>(c)(i) Proposal satisfies the Objective. The proposal is for use and development that has a need to locate on the land to access land and water resources.</p> <p>(c)(ii) Proposal satisfies the Objective. The proposal is for the use and development of land that would not unduly conflict, constrain or interfere with the practice of primary industry.</p>

## COMMUNITY SERVICES

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<p>(d) Primary industry is diverse, dynamic, and innovative; and may occur on a range of lot sizes and at different levels of intensity;</p> <p>(e) All agricultural land is a valuable resource to be protected for sustainable agricultural production;</p> <p>(f) Rural land may be used and developed for economic, community, and utility activity that cannot reasonably be accommodated on land within a settlement or nature conservation area;</p> <p>(g) Rural land may be used and developed for tourism and recreation use dependent upon a rural location or undertaken in association with primary industry;</p> <p>(h) Residential use and development on rural land is appropriate only if –</p> <p style="padding-left: 40px;">(i) required by a primary industry or a resource based activity; or</p> <p style="padding-left: 40px;">(ii) without permanent loss of land significant for primary industry use and without constraint or</p>	<p>(d) Proposal does not satisfy the Objective. Proposed Use Class is not associated with primary industry.</p> <p>(e) Proposal satisfies the Objective. Whilst the proposed Use Class is not associated with agricultural land, the land is not available for agricultural production.</p> <p>(f) Proposal satisfies the Objective. Proposed use would be for economic and community activity.</p> <p>(g) Proposal satisfies the Objective. Proposed use would be for tourism and recreation use dependent upon a rural location.</p> <p>(h)(i) Proposal does not satisfy the Objective. Not residential use and development.</p> <p>(h)(ii) Proposal does not satisfy the Objective. Not residential use and development.</p>
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interference to existing and potential use of land for primary industry purposes.	
<b>26.1.3 Desired Future Character Statements</b>	
<p>Use or development on rural land –</p> <p>(a) may create a dynamic, extensively cultivated, highly modified, and relatively sparsely settled working landscape featuring –</p> <ul style="list-style-type: none"> <li>(i) expansive areas for agriculture and forestry;</li> <li>(ii) mining and extraction sites;</li> <li>(iii) utility and transport sites and extended corridors; and</li> <li>(iv) service and support buildings and work areas of substantial size, utilitarian character, and visual prominence that are sited and managed with priority for operational efficiency;</li> </ul> <p>(b) may be interspersed with –</p> <ul style="list-style-type: none"> <li>(i) small-scale residential settlement nodes;</li> </ul>	<p>(a)(i) Proposal is not consistent with Desired Future Character Statement. The proposed use and development is not associated with agriculture or forestry.</p> <p>(a)(ii) Proposal is not consistent with Desired Future Character Statement. The proposed use is not associated with mining and extraction.</p> <p>(a)(iii) Proposal is not consistent with Desired Future Character Statement. The proposed use is not associated with utility and transportation sites or corridors.</p> <p>(a)(iv) Proposal is not consistent with Desired Future Character Statement. The proposal would not result in service and/or support buildings for agriculture, forestry, mining, extraction, utility or transport corridors.</p> <p>(b)(i) Proposal is consistent with Desired Future Character Statement. Use and development would be nearby the settlement of Preston.</p>

<p>(ii) places of ecological, scientific, cultural, or aesthetic value; and</p> <p>(iii) pockets of remnant native vegetation;</p> <p>(c) will seek to minimise disturbance to –</p> <p>(i) physical terrain;</p> <p>(ii) natural biodiversity and ecological systems;</p> <p>(iii) scenic attributes; and</p> <p>(iv) rural residential and visitor amenity;</p> <p>(d) may involve sites of varying size –</p> <p>(i) in accordance with the type, scale and intensity of primary industry; and</p> <p>(ii) to reduce loss and constraint on use of land important for sustainable commercial production based on naturally occurring resources;</p> <p>(e) is significantly influenced in temporal nature, character, scale, frequency, and intensity by external</p>	<p>(b)(ii) Proposal is consistent with Desired Future Character Statement. The subject and surrounding land is identified as a place of aesthetic value.</p> <p>(b)(iii) Proposal is consistent with Desired Future Character Statement. The land supports an area of remnant native vegetation.</p> <p>(c)(i) Proposal is consistent with Desired Future Character Statement. The proposal would not unduly disturb the underlying physical terrain of the site.</p> <p>(c)(ii) Proposal is consistent with Desired Future Character Statement. The proposal would not unduly disturb biodiversity or ecological systems on the site.</p> <p>(c)(iii) Proposal is consistent with Desired Future Character Statement. The proposed use would not unduly disturb existing scenic attributes of the site and surrounding land.</p> <p>(c)(iv) Proposal is consistent with Desired Future Character Statement. The proposed use would not disturb residential or visitor amenity in this area.</p> <p>(d)(i) Proposal is not consistent with Desired Future Character Statement. The proposed use would not be associated with primary industry.</p>
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<p>factors, including changes in technology, production techniques, and in economic, management, and marketing systems.</p>	<p>(d)(ii) Proposal is not consistent with Desired Future Character Statement. Proposal is not sustainable commercial production based on a naturally occurring resource.</p> <p>(e) Proposal is not consistent with Desired Future Character Statement. The proposed use is not significantly influenced by changes in technology, production techniques or economic management and marketing systems.</p>
<p><b>26.3 Use Standards</b></p>	
<p><b>26.3.1 Requirement for discretionary non-residential use to locate on rural resource land</b></p>	
<p>26.3.1–(P1) Other than for residential use, discretionary permit use must:</p> <p>(a) be consistent with local area objectives;</p> <p>(b) be consistent with any applicable desired future character statement;</p> <p>(c) be required to locate on rural resource land for operational efficiency:</p> <p>(i) to access a specific naturally occurring resource on the site or on adjacent land in the zone;</p>	<p>(a) Proposal satisfies five out of 10 of the Local Area Objectives of the Rural Resource zone.</p> <p>(b) Proposal satisfies seven out of 14 of the Desired Future Character Statements.</p> <p>(c)(i) Compliant. A naturally occurring resource in the Rural Resource zone refers to air, water and land resources. Development is for Passive Recreation. The proposed use and development seeks to locate on rural land to access the naturally occurring resources and scenic attributes of the site.</p>

<p>(ii) to access infrastructure only available on the site or on adjacent land in the zone;</p> <p>(iii) to access a product of primary industry from a use on the site or on adjacent land in the zone;</p> <p>(iv) to service or support a primary industry or other permitted use on the site or on adjacent land in the zone;</p> <p>(v) if required –</p> <p>a. to acquire access to a mandatory site area not otherwise available in a zone intended for that purpose;</p> <p>b. for security;</p> <p>c. for public health or safety if all measures to minimise impact could create an unacceptable level of risk to human health, life or property if located on land in a zone intended for that purpose;</p>	<p>(c)(ii) Non-compliant. It is not a requirement of the proposed use and development to access infrastructure that is only available on the site or adjacent land.</p> <p>(c)(iii) Non-compliant. It is not a requirement of the proposed use and development to access a product from primary industry activity on the site or adjacent land.</p> <p>(c)(iv) Non-compliant. It is not a requirement of the proposed use and development to service primary industry.</p> <p>(c)(v)a. Compliant. Land is required to access a mandatory site area that is not otherwise available in the zone.</p> <p>(c)(v)b. Non-compliant. Proposal is not required to locate on rural resource land for security reasons.</p> <p>(c)(v)c. Non-compliant. Proposal is not required for public health or safety.</p> <p>(c)(vi) Non-compliant. Proposal would not diversify or value-add to existing or potential primary industry use of the site or on adjacent land.</p> <p>(c)(vii) Compliant. Proposal would provide community service infrastructure for the municipal area.</p>
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<p>(vi) to provide opportunity for diversification, innovation, and value-adding to secure existing or potential primary industry use of the site or of adjacent land;</p> <p>(vii) to provide an essential utility or community service infrastructure for the municipal or regional community or that is of significance for Tasmania; or</p> <p>(viii) if a cost-benefit analysis in economic, environmental, and social terms indicates significant benefits to the region; and</p> <p>(d) minimise likelihood for:</p> <p>(i) permanent loss of land for existing and potential primary industry use;</p> <p>(ii) constraint or interference to existing and potential primary industry use on the site and on adjacent land; and</p> <p>(iii) loss of land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i> or land that may benefit from the</p>	<p>(c)(viii) Non-compliant. No economic, social or environmental cost-benefit analysis has been submitted to demonstrate significant regional benefit.</p> <p>(d)(i) Compliant. Proposal would not result in the permanent loss of agricultural land that is located in a Proclaimed Irrigation District.</p> <p>(d)(ii) Compliant. The proposal would not constrain, fetter or otherwise interfere with existing and potential primary industry use on adjacent land.</p> <p>(d)(iii) Compliant. The site is not located within a Proclaimed Irrigation District.</p> <p>Refer to "Issues" section of this report.</p>
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application of broad-scale irrigation development.	
<b>26.3.2 Required Residential Use</b>	
<p>26.3.2-(A1) Residential use required as part of a use must:</p> <ul style="list-style-type: none"> <li>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</li> <li>(b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;</li> <li>(c) not intensify an existing lawful residential use;</li> <li>(d) replace a lawful existing residential use;</li> <li>(e) not create a new residential use through conversion of an existing building; or</li> <li>(f) be home based business in association with occupation of an existing lawful and structurally sound residential building; and</li> <li>(g) there is no change in the title description of the site on which the residential use is located.</li> </ul>	<p>Not applicable.</p> <p>Not a required Residential use.</p>

26.3.3 Residential use	
<p>26.3.3-(A1) Residential use that is not required as part of an other use must:</p> <ul style="list-style-type: none"> <li>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</li> <li>(b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;</li> <li>(c) not intensify an existing lawful residential use;</li> <li>(d) not replace an existing residential use;</li> <li>(e) not create a new residential use through conversion of an existing building;</li> <li>(f) be an outbuilding with a floor area of not more than 100m<sup>2</sup> appurtenant to an existing lawful and structurally sound residential building; or</li> <li>(g) be home based business in association with occupation of an existing lawful and structurally sound residential building; and</li> </ul>	<p>Not applicable.</p> <p>Not a non-required Residential use.</p>

(h) there is no change in the title description of the site on which the residential use is located.	
<b>26.4 Development Standards</b>	
<b>26.4.1 Suitability of a site or lot on a plan of subdivision for use or development</b>	
<p>26.4.1–(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) unless for agricultural use, have an area of not less than 1.0 hectare not including any access strip; and</p> <p>(b) if intended for a building, contain a building area</p> <p style="padding-left: 40px;">(i) of not more than 2,000m<sup>2</sup> or 20% of the area of the site, whichever is the greater unless a crop protection structure for an agricultural use;</p> <p style="padding-left: 40px;">(ii) clear of any applicable setback from a frontage, side or rear boundary;</p> <p style="padding-left: 40px;">(iii) clear of any applicable setback from a zone boundary;</p>	<p>(a) Compliant. Land area is greater than 1 ha.</p> <p>(b)(i) Compliant. Buildings (defined to include structures such as raised walkways and viewing platforms), would not encompass more than 20% of the land area.</p> <p>(b)(ii) Non-compliant. Walkways would not satisfy boundary setbacks.</p> <p>(b)(iii) Not applicable. No zone boundary.</p> <p>(b)(iv) Compliant. No registered easements.</p> <p>(b)(v) Not applicable. No right of way.</p> <p>(b)(vi) Not applicable. No restriction imposed by a utility.</p> <p>(b)(vii) Not applicable. No access strip.</p>

<ul style="list-style-type: none"> <li>(iv) clear of any registered easement;</li> <li>(v) clear of any registered right of way benefiting other land;</li> <li>(vi) clear of any restriction imposed by a utility;</li> <li>(vii) not including an access strip;</li> <li>(viii) accessible from a frontage or access strip.</li> </ul>	<p>(b)(viii) Compliant. Land is accessible from a frontage to Raymond Road.</p>
<p>26.4.1–(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <ul style="list-style-type: none"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</li> <li>(c) by a right of way connecting to a road – <ul style="list-style-type: none"> <li>(i) over land not required as the means of access to any other land; and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. The land has frontage to Raymond Road.</li> <li>(b) Not applicable. Not an internal lot.</li> <li>(c) Not applicable. No legal access to a right of way connecting to a road.</li> <li>(d) Compliant. The land has approximately 700m of frontage to Raymond Road.</li> <li>(e) Compliant by Condition to Permit. Access from Raymond Road to be in accordance with Conclusions and Recommendations of accompanying Traffic Impact Assessment by CES Traffic and Civil Services.</li> </ul>

<p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than 6.0m; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 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>26.4.1-(A3) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of connecting to a water supply:</p> <p>(a) provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p>	<p>Not applicable.</p> <p>Water supply not required.</p>



<p>(b) from a rechargeable drinking water system <sup>R31</sup> with a storage capacity of not less than 10,000 litres if:</p> <p>(i) there is not a reticulated water supply; and</p> <p>(ii) development is for:</p> <p>a. a single dwelling; or</p> <p>b. a use with an equivalent population of not more than 10 people per day.</p>	
<p>26.4.1–(A4) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and liquid trade waste:</p> <p>(a) to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) by on-site disposal if:</p> <p>(i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and</p>	<p>Not applicable.</p> <p>Sewer service not required.</p>

## COMMUNITY SERVICES

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<p>(ii) the development:</p> <p>a. is for a single dwelling; or</p> <p>b. provides for an equivalent population of not more than 10 people per day; or</p> <p>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS 1547:2000 On-site domestic-wastewater management clear of any defined building area or access strip.</p>	
<p>26.4.1–(A5) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p> <p>(a) to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <p>(i) for discharge to a natural drainage line, water body or watercourse; or</p>	<p>(a) Not applicable. Not able to connect to an urban network.</p> <p>(b)(i) Compliant. Stormwater would drain to a natural watercourse.</p> <p>(b)(ii) Not applicable. Satisfied by (b)(i).</p>

<p>(ii) for disposal within the site if:</p> <ul style="list-style-type: none"> <li>a. the site has an area of not less than 5,000m<sup>2</sup>;</li> <li>b. the disposal area is not within any defined building area;</li> <li>c. the disposal area is not within any area required for the disposal of sewage;</li> <li>d. the disposal area is not within any access strip; and</li> <li>e. not more than 50% of the site is impervious surface.</li> </ul>	
<p><b>26.4.2 Location and configuration of development</b></p>	
<p>26.4.2-(A1) A building or a utility structure, other than a crop protection structure for an agriculture use, must be setback:</p> <p>(a) not less than 20.0m from the frontage; or</p>	<p>(a) Non-compliant. Walkways would not be 20m from title frontages.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b) Not applicable. Land does not adjoin the Bass Highway.</p>

<p>(b) if the development is for sensitive use on land that adjoins a road specified in the Table to this Clause, not less than the setback specified from that road;</p> <p>(c) not less than 10.0m from each side boundary; and</p> <p>(d) not less than 10.0m from the rear boundary; or</p> <p>(e) in accordance with any applicable building area shown on a sealed plan.</p>	<p>(c) Compliant. Walkways and viewing platform would be greater than 10m from side boundaries.</p> <p>(d) Compliant. Development would be setback greater than 10m from rear boundary.</p> <p>(e) Not applicable. No building area on a Sealed Plan.</p>
<p>26.4.2–(A2) Building height must be not more than 8.5m.</p>	<p>Compliant.</p> <p>Development would not be greater than 8.5m above natural ground level.</p>
<p>26.4.2 A3.1</p> <p>A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must –</p> <p>(a) not project above an elevation 15m below the closest ridgeline;</p> <p>(b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland;</p>	<p>A3.1</p> <p>(a) Compliant. Development would not project above an elevation 15m below the closest ridgeline.</p> <p>(b) Non-compliant. Development is within 30m of Preston Creek.</p> <p>Refer to the “Issues” section of this report.</p> <p>(c) Compliant. Proposed development would be below the canopy of nearest forest vegetation.</p>

<p>(c) be below the canopy level of any adjacent forest or woodland vegetation; and</p> <p>(d) clad and roofed with materials with a light reflectance value of less than 40%.</p> <p>A3.2</p> <p>Wind power turbines and wind power pumps must not exceed 20m in height.</p>	<p>(d) Compliant. Development would use materials with a light reflectance value of less than 40%.</p> <p>A3.2</p> <p>Not applicable. No wind turbine or wind power pumps.</p>
<p><b>26.4.3 Location of development for sensitive uses</b></p>	
<p>26.4.3–(A1) New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must –</p> <p>(a) be located not less than:</p> <p>(i) 200m from any agricultural land;</p> <p>(ii) 200m from aquaculture, or controlled environment agriculture;</p> <p>(iii) 500m from the operational area boundary</p>	<p>Not applicable.</p> <p>Development is not a sensitive use.</p>

<p>established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does not occur; or</p> <p>(iv) 1000m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does occur; or</p> <p>(v) 500m from intensive animal husbandry;</p> <p>(vi) 100m from land under a reserve management plan;</p> <p>(vii) 100m from land designated for production forestry;</p> <p>(viii) 50.0m from a boundary of the land to the Bass Highway, or to a railway line; and</p> <p>(ix) clear of any restriction imposed by a utility; and</p> <p>(b) not be on land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i>, or land</p>	
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that may benefit from the application of broad-scale irrigation development.	
<b>26.4.4 Subdivision</b>	
26.4.4-(A1) Each new lot on a plan of subdivision must be –  (a) a lot required for public use either 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.
<b>26.4.5 Buildings for Controlled Environment Agriculture</b>	
26.4.5-(A1)  A building for controlled environment agriculture use must be a crop protection structure and the agricultural use inside the building must satisfy one of the following:  (a) rely on the soil as a growth medium into which plants are directly sown;  (b) not alter, disturb or damage the existing soil profile if conducted in a manner which does not rely on the soil as a growth medium.	Not applicable.  No controlled environment agriculture proposed.

CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Not a subdivision or vulnerable or hazardous use.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in this Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not Applicable. Some clearing of native threatened vegetation is required.
<b>E3.2 Application of the Code</b>	
<b>E3.4 Use or development exempt from this Code</b>	
<b>E3.6 Development Standards</b>	
<b>E3.6.1 Protection of a threatened native vegetation community or native vegetation providing habitat for a threatened species</b>	
<p><b>E3.6.1-(A1)</b></p> <p>(a) Vegetation must not be any of the following –</p> <ul style="list-style-type: none"> <li>(i) a threatened native vegetation community;</li> <li>(ii) contain threatened flora or be threatened fauna habitat; or</li> <li>(iii) be within 30m of a water body, watercourse,</li> </ul>	<p>(a)(i) Compliant. A Natural Values Report accompanies the application, undertaken by consultants Natural State. The report concludes that no threatened community or threatened habitat would be removed a result of the development.</p> <p>(a)(ii) Compliant. A Natural Values Report accompanies the application, undertaken by consultants Natural State. The report concludes that no threatened community or threatened habitat would be removed a result of the development.</p>



<p>wetland, or coastal shoreline; or</p> <p>(b) The removal or destruction of any rare or threatened species or rare or threatened communities protected under state or commonwealth legislation must not occur unless authorised by the appropriate agency.</p>	<p>(a)(iii) Non-compliant. Removal of understorey ferns, small tree branches and invasive weeds. would be within 30m of a watercourse.</p> <p>Refer to “Issues” section of this report.</p> <p>(b) Compliant. No removal or destruction of any rare or threatened species or rare or threatened communities protected under state or commonwealth legislation.</p>
<p><b>E3.6.2 Clearing of vegetation on land of scenic or landscape value</b></p>	
<p>E3.6.2-(P1)</p> <p>(a) The clearing and conversion of vegetation must:</p> <p>(i) be necessary to deliver an overriding social, economic, or environmental benefit to the community; or</p> <p>(ii) be justified by exceptional circumstances; and</p> <p>(iii) there is no suitable alternative site; or</p> <p>(b) be consistent with the objectives and outcomes for</p>	<p>Not applicable.</p> <p>Not an area declared to be of scenic or landscape value under this Planning Scheme.</p>

<p>any scenic or landscape management plan incorporated as a document forming part of this planning scheme; and</p> <p>(c) the extent of clearing and conversion must:</p> <ul style="list-style-type: none"> <li>(i) retain a sufficient intensity and distribution of vegetation to screen cleared and converted areas;</li> <li>(ii) not impact on the visual qualities of a shoreline, skyline, ridge, or other prominent landform feature;</li> <li>(iii) not be exposed to view from a road, public place, or settlement area; and</li> <li>(iv) include measures to minimise likely adverse impact for scenic or landscape value.</li> </ul>	
<p><b>E3.6.3 Clearing of vegetation on land susceptible to landslide</b></p>	
<p>E3.6.3-(A1) The site must be within an area:</p> <p>(a) exposed to a low level of likely risk from landslide; and</p>	<p>(a) Compliant. Works would be located within an area of Low landslip hazard.</p>

<p>(b) a landslide hazard risk assessment as defined in E6<sup>1</sup> must indicate clearing of native vegetation:</p> <p>(i) can achieve and maintain a tolerable level of risk; or</p> <p>(ii) there is an insufficient increase in the level of risk to warrant any specific hazard reduction or protection measures; or</p> <p>(iii) any condition or requirement for specific hazard reduction or protection measures.</p>	<p>(b)(i) Compliant. Accompanying Landslip Risk Appraisal by consultants GeoTon Pty Ltd concludes that the level of clearance proposed would achieve and maintain a tolerable level of risk.</p> <p>(b)(ii) Not applicable. Satisfied by (b)(i).</p> <p>(b)(iii) Not applicable. Satisfied by (b)(i).</p>
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level is required for the development.
<b>E5 Local Heritage Code</b>	Not applicable. No places of local significance listed in this Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. No landslip hazard identified.
<b>E7 Sign Code</b>	Not applicable. No signs proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.

<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Applicable. Applies to all use and development.
<b>E9.4 Use or development exempt from this Code</b>	Not exempt. No Local Area Parking Scheme.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
<p>E9.5.1–(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;</p>	<p>Compliant by condition.</p> <p>The E9 Traffic and Parking Code of the Scheme does not nominate a specific number of car parking spaces on site for passive Recreation use and development.</p> <p>The development proposal makes allocation of five car parking spaces and a bus layby area, accessed off Raymond Road. The application is accompanied by a Traffic Impact Statement by TCS Traffic &amp; Civil Services. The report makes recommendations that warning signs and 35km/h advisory speed signs be introduced to support the safe operation of the car park.</p>

<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
<p>E9.5.2-(A1) There must be provision within a site for:</p> <p>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.</p>	<p>(a) Not applicable. Table E9A does not require on-site loading provision for Passive recreation development.</p> <p>(b) Not applicable. Table E9A does not require set down facilities for Passive recreation development.</p>
<b>E9.6 Development Standards</b>	
<b>E9.6.2 Design of vehicle parking and loading areas</b>	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by condition.
<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>(a) Compliant by Condition. The application is accompanied by a Traffic Impact Statement by TCS Traffic &amp; Civil Services. The report makes recommendation that warning signs and 35km/h advisory speed signs are introduced to support the safe operation of the car park. Circulation and parking areas, and vehicle manoeuvring areas, would be in accordance with AS/NZS 2890.1 (2004).</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> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	<p>(b) Not applicable. Applies where 20 spaces are proposed or required.</p> <p>(c) Not applicable. Applies where 20 spaces are proposed or required.</p> <p>(d) Not applicable. Applies where 20 spaces are proposed or required.</p> <p>(e) Compliant by condition. The site has sufficient area to accommodate this requirement.</p> <p>(f) Compliant by condition. The site has sufficient area to accommodate this requirement.</p> <p>(g) Compliant by condition. Internal roadway and car parking areas would be constructed with a compacted sub-base and an all-weather surface.</p>
<p>E9.6.2–(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Compliant by condition. Design and construction of access, vehicle circulation, movement and standing areas would be in accordance with the application submitted, detailing a sealed car park and vehicle circulation area.</p>

<b>E10 Water and Waterways Code</b>	
<b>E10.2 Application of this Code</b>	Applicable. Development is within 30m of a waterway (Preston Creek).
<b>E10.4 Use or development exempt from this Code</b>	
<p><b>E10.4.1</b></p> <p>Use or development is exempt from this Code if –</p> <p>(a) for risk management, emergency, or rescue purposes;</p> <p>(b) works undertaken in accordance with a reserve management plan;</p> <p>(c) control of declared weeds; or</p> <p>(d) crop protection structures on existing cleared agricultural land that do not collect stormwater for concentrated disposal.</p>	<p>(a) Not exempt. Not for risk management, emergency or rescue purposes.</p> <p>(b) Not exempt. Not works undertaken in accordance with a reserve management plan.</p> <p>(c) Not exempt. Not works for the control of declared weeds.</p> <p>(d) Not exempt. Not for crop protection structures.</p>

<b>E10.6 Development Standards</b>	
<b>E10.6.1 Development in proximity to a water body, watercourse, or wetland</b>	
<p>E10.6.1–(P1) Development must:</p> <p>(a) minimise risk to the function and values of a water body, watercourse, or wetland <sup>R37</sup>, including for:</p> <ul style="list-style-type: none"> <li>(i) hydraulic performance;</li> <li>(ii) economic value;</li> <li>(iii) water based activity;</li> <li>(iv) disturbance and change in natural ground level;</li> <li>(v) control of sediment and contaminants;</li> <li>(vi) public access and use;</li> <li>(vii) aesthetic or scenic quality;</li> <li>(viii) water quality management arrangements for stormwater and sewage disposal;</li> </ul>	<p>The application is accompanied by an assessment against the Codes Performance Criteria for development near a watercourse by Plan Place, planning consultants based in Launceston. Refer to Annexure 2 – Development Application pages 20–21 and their assessment below.</p> <ul style="list-style-type: none"> <li>(a)(i) The area is being developed with sensitivity to the hydraulic performance of the waterway, as well as both the up and downstream impacts of the development.</li> <li>(a)(ii) The watercourse is a small, local watercourse and has local economic value. Sensitive management of the watercourse is needed.</li> <li>(a)(iii) The watercourse is too small for water-based activity, other than the enjoyment of the waterfalls. The watercourse must be managed appropriately in order to maintain public enjoyment of the site and surrounds.</li> <li>(a)(iv) The proposed changes in natural ground level have been assessed by a civil engineer. The interaction of these level changes with the waterway has been incorporated into the integrated designs and supporting assessments.</li> </ul>



<p>(ix) modification of a natural drainage channel;</p> <p>(x) biodiversity and ecological function;</p> <p>(xi) level of likely risk from exposure to natural hazards of flooding and inundation; and</p> <p>(xii) community risk and public safety; and</p> <p>(b) be consistent with any advice or decision of a relevant entity administering or enforcing compliance with an applicable protection and conservation regulation for:</p> <p>(i) impact of the development on the objectives and outcomes for protection of the water body, watercourse or wetland; and</p> <p>(ii) any condition or requirement for protection of the water body, watercourse or wetland.</p>	<p>(a)(v) The development has limited capacity to impact on the control of sediments and contaminants, except during construction. The proposed parking area will be designed in accordance with relevant standards, and the drainage constructed as required to ensure the control of sediments and contaminants through the standard design requirements.</p> <p>(a)(vi) Public access will be maintained, with the exception of periods of closure during construction for public safety.</p> <p>(a)(vii) The scenic value of the watercourse will not be significantly impacted.</p> <p>(a)(viii) Not applicable.</p> <p>(a)(ix) No modifications are proposed.</p> <p>(a)(x) The watercourse provides an ecological function in the area. The function has been assessed as part of the overall design, and the proposal is in keeping with that agreed design.</p> <p>(a)(xi) No change.</p> <p>(a)(xii) Community risk and safety will be improved with the revised and updated track design.</p>
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	<p>It is considered that the undertaking of works in accordance with the minimum standards set out under the <i>Waterways and Wetlands Works Manual</i> (DIPWE 2003), as recommended in the accompanying Natural Values Report by Natural State, will ensure the construction of the car park, walkways and viewing platforms would result in little to no impacts on the hydraulic, aesthetic, economic, biodiversity and ecological functions of Preston Creek. The access works would provide considerable benefit to the passive recreation and community values of the area.</p> <p>Condition to be placed on a Permit for works to be in accordance with <i>Waterways and Wetlands Works Manual</i> (DIPWE 2003).</p>
<b>E10.6.2 Development in a shoreline area</b>	
<p>E10.6.2–(P1) Development must:</p> <p>(a) be required to locate in, over, on or under the shoreline, sea or tidal waters for operational efficiency;</p> <p>(b) avoid unreasonably or unnecessary impact on existing or potential access by the public to shoreline land or waters;</p> <p>(c) minimise impact on scenic quality of the sea-shore area;</p>	<p>Not applicable.</p> <p>Not a shoreline.</p>

<p>(d) minimise impact on amenity or aesthetic appearance of the sea-shore area as a result of:</p> <ul style="list-style-type: none"> <li>(i) nature and operational characteristics of the development;</li> <li>(ii) location;</li> <li>(iii) bulk, size, and overall built form of any building or work;</li> <li>(iv) overshadowing; or</li> <li>(v) obstruction of views from a public place; and</li> </ul> <p>(e) minimise immediate or cumulative adverse effect for:</p> <ul style="list-style-type: none"> <li>(i) tidal, wave, current, or sediment movement processes;</li> <li>(ii) coastal landforms, seabed, and other geomorphic features, including sand dunes and mobile landforms;</li> <li>(iii) vulnerability to erosion and recession;</li> </ul>	
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## COMMUNITY SERVICES

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<ul style="list-style-type: none"><li>(iv) natural cycles of deposition and erosion;</li><li>(v) conservation of biodiversity and marine habitat, including during critical lifecycle stages of individual and migratory species;</li><li>(vi) drainage from a water course, wetland, ground water, flood, stormwater, or tidal water;</li><li>(vii) coastal water quality;</li><li>(viii) likely interference or constraint on use of public areas;</li><li>(ix) any scientific, architectural, aesthetic, historic or special cultural value;</li><li>(x) exposure to or increased risk from a natural hazard, including sea level rise, storm surge, or inundation as a result of climate change;</li><li>(xi) coastal protection and rehabilitation works required to address erosion, instability, regression, or inundation;</li><li>(xii) collection, treatment, and disposal of waste,</li></ul>	
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<p>including bilge waters and excavated or dredged sediment;</p> <p>(xiii) economic activity dependent for operational efficiency on a sea-shore location;</p> <p>(xiv) public safety and emergency services;</p> <p>(xv) marine navigation and communication systems;</p> <p>(xvi) safety of recreational boating; and</p> <p>(xvii) be consistent with the current edition of Tasmanian Coastal Works Manual DPIPWE 2011.</p>	
<b>Specific Area Plans</b>	Not applicable. No Specific Area Plan applies to the site.

### *Issues –*

#### *1 Discretionary use in Rural Resource zone –*

The Planning Scheme's Performance Criteria for Clause 26.3.1–(P1) states that other than Residential use, discretionary permit use must –

- (a)&(b) be consistent with Local Area Objectives and Desired Future Character Statements –

The purpose of the Rural Resource zone is to provide for the sustainable use and development of air, land and water resources for agriculture, aquaculture, forestry, mining and other primary industries, including quarrying.

The Rural Resource zone's Local Area Objectives and Desired Future Character Statements together seek to promote use and development that is for a primary industry purpose. The objectives and statements also allow for development that would not be located on agricultural land or in a proclaimed irrigation district, would be reliant on naturally occurring resources or scenic attributes, where economic and community activity would be promoted, and where there would not be any resulting constraint, fettering or conflict with current or future primary industry activity on the subject or adjoining land.

The subject proposal is not a use that is associated with primary industry activity. The proposal is for Passive recreation development at upper Preston Falls, comprising car park upgrade, walking tracks and two viewing platforms. The subject parcels of land are not considered to be suitable for primary industry and the conversion of the land, to be a scenic attraction site, would not result in the fettering of primary industry activity on adjacent land.

- (c) be required to locate on rural resource land for operational efficiency –
  - (i) to access a specific naturally occurring resources on the site or on adjacent land in the zone;

Compliant. A naturally occurring resource in the Rural Resource zone refers to air, water and land resources. Development is for Passive Recreation. The proposed

use and development seeks to locate on rural resource land to access the naturally occurring resources and scenic attributes of the site.

- (ii) to access infrastructure only available on the site or on adjacent land in the zone;

Non-compliant. It is not a requirement of the proposed use and development to access infrastructure that is only available on the site or adjacent land.

- (iii) to access a product of primary industry from a use on the site or on adjacent land in the zone;

Non-compliant. It is not a requirement of the proposed use and development to access a product from primary industry activity on the site or adjacent land.

- (iv) to service or support a primary industry or other permitted use on the site or on adjacent land in the zone;

Non-compliant. It is not a requirement of the proposed use and development to service primary industry

- (v) if required –

- a. to acquire access to a mandatory site area not otherwise available in a zone intended for that purpose;

Compliant. Land is required to access a mandatory site area that is not otherwise available in the zone.

- b. for security;

Non-compliant. Proposal is not required to locate on rural resource land for security reasons.

- c. for public health or safety if all measures to minimise impact could create an unacceptable level of risk to human health, life or property if

located on land in a zone intended for that purpose;

Non-compliant. Proposal is not required for public health or safety.

- (vi) to provide opportunity for diversification, innovation, and value-adding to secure existing or potential primary industry use of the site or of adjacent land;

Non-compliant. Proposal would not diversify or value-add to existing or potential primary industry use of the site or on adjacent land.

- (vii) to provide an essential utility or community service infrastructure for the municipal or regional community or that is of significance for Tasmania; or

Compliant. Proposal would provide community service infrastructure for the municipal area.

- (viii) if a cost-benefit analysis in economic, environmental, and social terms indicates significant benefits to the region; and

Non-compliant. No economic, social or environmental cost-benefit analysis has been submitted to demonstrate significant regional benefit.

- (d) minimise likelihood for:

- (i) permanent loss of land for existing and potential primary industry use;

Compliant. Proposal would not result in the permanent loss of agricultural land that is located in a Proclaimed Irrigation District.

- (ii) constraint or interference to existing and potential primary industry use on the site and on adjacent land; and

Compliant. The proposal would not constrain, fetter or otherwise interfere with existing and potential primary industry use on adjacent land.



- (iii) loss of land within a proclaimed irrigation district under Part 9 *Water Management Act 1999* or land that may benefit from the application of broad-scale irrigation development.

Compliant. The site is not located within a Proclaimed Irrigation District.

## 2 *Location and Configuration of development –*

The Planning Scheme's Acceptable Solution 26.4.2–(A1)(a) states that a building (defined to including structures) must be setback not less than 20m from a frontage and 10m from a side boundary.

The proposed works to construct a walkway, over several titles and crossing title boundaries, would also be within 20m of the frontage to Raymond Road. The proposed development does not satisfy the Planning Scheme's Acceptable Solution and relies on assessment against the relevant Performance Criteria.

The Scheme's Performance Criteria 26.4.2–(P1) states that the setback of a building must be –

- (a) “Consistent with the rural setting and streetscape; and”

Compliant. The proposed structures are considered to be consistent with a natural, rural setting where the aim is to access naturally occurring scenic attributes, such as a watercourse, native vegetation and a waterfall.

- (b) “required by a constraint imposed by –

- (i) size and shape of the site;

Compliant. The siting of the access walkway, by necessity, would begin at the road reserve boundary to the site and follow land contours and an existing trail, for ease of construction, that would result in minimum intrusive works in terms of vegetation removal and changes in ground level.

- (ii) orientation and topography of land;

Compliant. As above.

- (iii) arrangements for water supply and for drainage and disposal of sewage and stormwater;

Not applicable. No specific arrangements are required.

- (iv) arrangements for vehicular or pedestrian access;

Compliant. The proposed location of development is to facilitate arrangements for vehicular and pedestrian access.

- (v) any requirement of a conservation nor urban design outcome detailed in a provision in this planning scheme;

Not applicable to this Planning Scheme.

- (vi) a utility; or

Not applicable. No utility on the subject site.

- (vii) any lawful and binding requirement –

- a. by the State or a council or by an entity owned or regulated by the State or a council to acquire or occupy part of the site; or

Compliant. Development is to allow for a council to occupy a part of the site.

- b. an interest protected by law by an easement or other regulation”.

Not applicable to this site.

*3 E3 Clearing and Conversion of Vegetation Code –*

The development would result in the removal of understorey ferns, small tree branches and invasive weeds. A Natural values Report accompanies the application, undertaken by consultants Natural State. The report concludes that no threatened community or threatened habitat would be removed a result of the development and there would be no removal or destruction of any rare or threatened species or rare or threatened communities that are protected under state or commonwealth legislation.

4 *E10 Water & Waterways Code –*

The application is accompanied by an assessment against the Codes Performance Criteria for development near a watercourse by Plan Place, planning consultants based in Launceston. Refer to Code E10 assessment in this report.

It is further considered that the undertaking of works in accordance with the minimum standards set out under the *Waterways and Wetlands Works Manual* (DIPWE 2003), as recommended in the accompanying Natural Values Report by Natural State, will ensure the construction of the car park, walkways and viewing platforms would result in little to no impacts on the hydraulic, aesthetic, economic, biodiversity and ecological functions of Preston Creek. The access works would provide considerable benefit to the passive recreation and community values of the area.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	Request that a condition be applied to the permit that development be in accordance with the conclusions and recommendations contained in the Traffic Impact Statement by TCS Traffic & Civil Services.
TasWater	Not applicable.
Department of State Growth	Not applicable.
Environment Protection Authority	Not applicable.
TasRail	Not applicable.
Heritage Tasmania	Not applicable.

Crown Land Services	Not applicable.
Other	Not applicable.

*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 The project runs the risk of degrading the scenic values it is trying to showcase. The plan is environmentally insensitive. The western and eastern platforms will change the experience of visiting the falls. The boulders at the base of the falls, to provide foundation to the walkways would have a visual impact on the aesthetics of the location.	The Natural Values Report by consultants Natural State, that accompanies the application, concludes that “the track route has been carefully sited to minimise impacts to native vegetation and the waterway by using a cleared walking path where possible and incorporating basalt boulders near the walkway as foundations for the raised viewing platform. The potential environmental impacts for the development activities are likely to be minimal. Native vegetation clearing will be limited to understory ferns, several small tree branches and invasive weeds”.

2	The car park is designed to accommodate vehicles that could transport up to 60 persons to the site at any one time. The viewing platforms do not provide for 60 persons.	This is not a matter examined under the Planning Scheme.
3	There would be better and more cost effective projects to pursue if the motivation is to provide a nature experience for those in a wheelchair.  The project will provide a lot of infrastructure that will need to be maintained.	This is not a matter examined under the Planning Scheme.
4	Loosing trees in this limited space will have a considerable visual impact.	The project aims to minimize vegetation removal and tree trimming as much as possible. The Natural Values Report by consultants Natural State, that accompanies the application, concludes that “the track route has been carefully sited to minimise impacts to native vegetation and the waterway by using a cleared walking path where possible and incorporating basalt boulders near the walkway as foundations for the raised viewing platform. The potential environmental impacts for the development activities are likely to be minimal. Native vegetation clearing will be limited to understory ferns, several small tree branches and invasive weeds”.
5	Suggest that freshly treated timber not be used in the construction as it can leach and	This is not a matter examined under the Planning Scheme.

	a wild-fire would release toxic substances.	
6	Spending almost \$450,000 with ongoing maintenance seems excessive for a 5-10 minute walk that will have high visual impact on the environment.	This is not a matter examined under the Planning Scheme.
7	The removal of willows along Preston Creek would be a worth-while project.  Regeneration of vegetation between the waterfalls would be of benefit to the immediate surrounds of Preston Creek.	This is not a matter examined under the Planning Scheme.
8	Another alternative project would be Winterbrook Falls carpark, as stormwater drain pipe was dug up years ago and never replaced.	This is not a matter examined under the Planning Scheme.
9	Close by, Bannons Park, is the only official public access to the Leven River. Maybe Council could purchase another property that would allow for access to the river, making it also wheelchair accessible.	This is not a matter examined under the Planning Scheme.

*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 received does not have sufficient merit to warrant the refusal of the development.

The access works would provide considerable benefit to the passive recreation and community values of the Preston area and would offer a new natural environment, visitor experience in the Central Coast municipal area. The development would allow for people with a mobility disability to access the upper reaches of the Preston Falls.

The construction of the car park, walkways and viewing platforms would result in little to no impacts on the hydraulic, aesthetic, economic, biodiversity and ecological functions of Preston Creek.

Conditional approval, upon works being undertaken in accordance with the *Waterways and Wetlands Works Manual* (DIPWE 2003), is considered to be justified.

*Recommendation –*

It is recommended that Passive recreation – Preston Falls upgrade comprising car park, walking tracks and viewing platforms – discretionary use and development in Rural Resource zone, variation to boundary setbacks and reliance on E10 Water & Waterways Code on land identified as Goulds Road (CT137634/2), Raymond Road (CT54062/1) and 1709 Preston Road (CT248478/1) and the road reserve, Preston – Application No. DA2020281 be approved subject to the following conditions and restrictions:

- 1 The development must be substantially in accordance with the plans by Tasmanian Consulting Services, Drawing Nos. 8577-000 to 8577-013, 8577-030 to 8577-044, 8577-060 to 8577-066, and 8577-080 to 8577-090 dated 8 June, unless modified by a condition of this Permit.
- 2 The development must be in accordance with the Recommendations and Conclusions of the Traffic Impact Statement by TCS Traffic and Civil Services dated July 2020.

- 3 The development must be in accordance with the recommendations contained in the Natural Values Report by Natural State, received 10 September 2020.
- 4 Works must be undertaken in accordance with the minimum standards of the "Waterways and Wetlands Works Manual" (DPIWE 2003).
- 5 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 6 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 7 The development must minimise erosion and release of sediments during site preparation and construction in accordance with Soil and Water Management on Building and Construction Sites 2009.

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 3 – Notifiable Building Work when assessed against the Director's Determinations issued under the *Building Act 2016*. Accordingly, a notification by a Building Surveyor is to be forwarded to the Council's Building Permit Authority.'

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

The Executive Services Officer reported as follows:

"Copies of the Annexures referred to in the Land Use Planning Group Leader's report have been circulated to all Councillors."



■ Cr van Rooyen moved and Cr Carpenter seconded, “That Passive recreation – Preston Falls upgrade comprising car park, walking tracks and viewing platforms – discretionary use and development in Rural Resource zone, variation to boundary setbacks and reliance on E10 Water & Waterways Code on land identified as Goulds Road (CT137634/2), Raymond Road (CT54062/1) and 1709 Preston Road (CT248478/1) and the road reserve, Preston – Application No. DA2020281 be approved subject to the following conditions and restrictions:

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- 3 The development must be in accordance with the recommendations contained in the Natural Values Report by Natural State, received 10 September 2020.
- 4 Works must be undertaken in accordance with the minimum standards of the “Waterways and Wetlands Works Manual” (DPIWE 2003).
- 5 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 6 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 7 The development must minimise erosion and release of sediments during site preparation and construction in accordance with Soil and Water Management on Building and Construction Sites 2009.

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 3 – Notifiable Building Work when assessed against the Director's Determinations issued under the *Building Act 2016*. Accordingly, a notification by a Building Surveyor is to be forwarded to the Council's Building Permit Authority."

Carried unanimously

**353/2020 Resource development – advertising sign – reliance on E7 Sign Code at 23 Kennaglen Lane, Howth– Application No. DA2020303**

*Cr Hiscutt, having declared an interest, left the meeting at 6.41pm for consideration and voting on the matter of 'Resource development – advertising sign – reliance on E7 Sign Code at 23 Kennaglen Lane, Howth – Application No. DA2020303'.*

The Strategic Projects & Planning Consultant reported as follows:

"The Town Planner has prepared the following report:

<i>'DEVELOPMENT APPLICATION NO.:</i>	DA2020303
<i>PROPOSAL:</i>	Resource development – advertising sign – reliance on E7 Sign Code
<i>APPLICANT:</i>	Benjamin Hiscutt
<i>LOCATION:</i>	23 Kennaglen Lane, Howth
<i>ZONE:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)
<i>ADVERTISED:</i>	17 October 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	3 November 2020
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	23 November 2020
<i>DECISION DUE:</i>	16 November 2020
<i>PURPOSE</i>	

The purpose of this report is to consider an application for an advertising sign (billboard) on an existing outbuilding at 23 Kennaglen Lane, Howth.

Accompanying the report are the following documents:

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

*BACKGROUND**Development description –*

An application has been made for the installation of a sign board on an existing outbuilding for use as an advertising sign (billboard). The sign board would be a poly carbonate structure consisting of two panels, each 3m wide x 1.4m deep. The two panels would abut each other.

Initially the advertising sign would be used for Liberal Lower House Member Felix Ellis and, in the longer term, for advertising deemed appropriate by the owners of the property at the time.

The rural outbuilding that is to be utilised for the sign board is located approximately 6m from the site's northern boundary and approximately 27m from the Bass Highway. The sign board would be facing Bass Highway, to allow optimal visibility from Bass Highway.

*Site description and surrounding area –*

The development site is a large rural parcel of land on the south-western side of the Bass Highway with a land area of 15.95ha. The site is used for Resource development and abuts both Kennaglen Lane and the Bass Highway.

The outbuilding applicable to this application is intersected to the Bass Highway by a portion of Kennaglen Lane and the access strip to the adjoining property being 26 Kennaglen Lane property.

The site adjoins other Rural Resource zoned properties, some developed for residential purpose with single dwellings and associated outbuildings.

*History –*

As stated in the application, the said outbuilding has previously been used for the display of signage. Council's records do not indicate any approvals for previous signage.

*DISCUSSION*

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

## 26.0 Rural Resource Zone

CLAUSE	COMMENT
<p><b>26.3 Use Standards</b></p>	<p>Clause 8.2.1 of the Planning Scheme states that each proposed use or development must be categorised into one of the Use Classes in Table 8.2.</p> <p>Clause 8.2.4 states that if a use or development does not readily fit any use class, it must be categorised into the most similar use class. For this application, Resource development has been identified as the most similar use class for the advertising sign. This is because the existing use of the land is Resource development.</p> <p>It is acknowledged that the advertising sign (billboard) would ultimately advertise a range of use classes, depending on the advertising sign placed in the sign board at the time.</p> <p>Under the impending Tasmanian Planning Scheme not all development needs to fit within a defined Use Class. The Tasmanian Planning Scheme allows development such as subdivision and signage to be stand-alone development without being associated with a Use Class. Third party signs, such as that proposed, would require the written advice from a State Authority to accompany the application.</p>

26.3.2 Required Residential Use	
26.3.2-(A1) Residential use required as part of a use must:  (a) be an alteration or addition to an existing lawful and structurally sound residential building;  (b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;  (c) not intensify an existing lawful residential use;  (d) replace a lawful existing residential use;  (e) not create a new residential use through conversion of an existing building; or  (f) be home based business in association with occupation of an existing lawful and structurally sound residential building; and  (g) there is no change in the title description of the site on which the residential use is located.	Not applicable.  Not a required Residential use.

26.3.3 Residential use	
<p>26.3.3-(A1) Residential use that is not required as part of an other use must:</p> <ul style="list-style-type: none"> <li>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</li> <li>(b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;</li> <li>(c) not intensify an existing lawful residential use;</li> <li>(d) not replace an existing residential use;</li> <li>(e) not create a new residential use through conversion of an existing building;</li> <li>(f) be an outbuilding with a floor area of not more than 100m<sup>2</sup> appurtenant to an existing lawful and structurally sound residential building; or</li> <li>(g) be home based business in association with occupation of an existing lawful and structurally sound residential building; and</li> </ul>	<p>Not applicable.</p> <p>Not a non-required Residential use.</p>

(h) there is no change in the title description of the site on which the residential use is located.	
<b>26.4 Development Standards</b>	
<b>26.4.1 Suitability of a site or lot on a plan of subdivision for use or development</b>	
<p>26.4.1–(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) unless for agricultural use, have an area of not less than 1.0 hectare not including any access strip; and</p> <p>(b) if intended for a building, contain a building area</p> <p>(i) of not more than 2,000m<sup>2</sup> or 20% of the area of the site, whichever is the greater unless a crop protection structure for an agricultural use;</p> <p>(ii) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(iii) clear of any applicable setback from a zone boundary;</p> <p>(ix) clear of any registered easement;</p>	<p>(a) Compliant. Land area is greater than 1 ha.</p> <p>(b) Not applicable. Proposal is not for a building.</p>

<ul style="list-style-type: none"> <li>(x) clear of any registered right of way benefiting other land;</li> <li>(xi) clear of any restriction imposed by a utility;</li> <li>(xii) not including an access strip;</li> <li>(xiii) accessible from a frontage or access strip.</li> </ul>	
<p>26.4.1–(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <ul style="list-style-type: none"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</li> <li>(c) by a right of way connecting to a road – <ul style="list-style-type: none"> <li>(i) over land not required as the means of access to any other land; and</li> <li>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. The land has frontage to Kennaglen Lane and Bass Highway.</li> <li>(b) Not applicable. Not an internal lot.</li> <li>(c) Not applicable. No legal access to a right of way connecting to a road.</li> <li>(d) Compliant. The land has a width of frontage to both Kennaglen Lane and Bass Highway greater than 6m.</li> <li>(e) Compliant. Existing access is adequate.</li> </ul>



<p>with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than 6.0m; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 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>26.4.1–(A3) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of connecting to a water supply:</p> <p>(a) provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) from a rechargeable drinking water system <sup>R31</sup> with a storage capacity of not less than 10,000 litres if:</p>	<p>Not applicable.</p> <p>Water supply not required.</p>

## COMMUNITY SERVICES

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<ul style="list-style-type: none"> <li>(i) there is not a reticulated water supply; and</li> <li>(ii) development is for: <ul style="list-style-type: none"> <li>c. a single dwelling; or</li> <li>d. a use with an equivalent population of not more than 10 people per day.</li> </ul> </li> </ul>	
<p>26.4.1–(A4) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and liquid trade waste:</p> <ul style="list-style-type: none"> <li>(a) to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</li> <li>(b) by on-site disposal if: <ul style="list-style-type: none"> <li>(i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and</li> <li>(ii) the development:</li> </ul> </li> </ul>	<p>Not applicable.</p> <p>Sewer service not required.</p>

<ul style="list-style-type: none"> <li>c. is for a single dwelling; or</li> <li>d. provides for an equivalent population of not more than 10 people per day; or</li> <li>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS 1547:2000 On-site domestic-wastewater management clear of any defined building area or access strip.</li> </ul>	
<p>26.4.1–(A5) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p> <ul style="list-style-type: none"> <li>(a) to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</li> <li>(b) if stormwater cannot be drained to a stormwater system: <ul style="list-style-type: none"> <li>(i) for discharge to a natural drainage line, water body or watercourse; or</li> <li>(ii) for disposal within the site if:</li> </ul> </li> </ul>	<p>Not applicable.</p> <p>Stormwater disposal not required.</p>

<ul style="list-style-type: none"> <li>a. the site has an area of not less than 5,000m<sup>2</sup>;</li> <li>b. the disposal area is not within any defined building area;</li> <li>c. the disposal area is not within any area required for the disposal of sewage;</li> <li>d. the disposal area is not within any access strip; and</li> <li>e. not more than 50% of the site is impervious surface.</li> </ul>	
<b>26.4.2 Location and configuration of development</b>	
<p>26.4.2-(A1) A building or a utility structure, other than a crop protection structure for an agriculture use, must be setback:</p> <ul style="list-style-type: none"> <li>(a) not less than 20.0m from the frontage; or</li> <li>(b) if the development is for sensitive use on land that adjoins a road specified in the Table to this Clause, not less than the setback specified from that road;</li> <li>(c) not less than 10.0m from each side boundary; and</li> </ul>	<p>Not applicable. No building or utility structure proposed.</p>

<p>(d) not less than 10.0m from the rear boundary; or</p> <p>(e) in accordance with any applicable building area shown on a sealed plan.</p>	
26.4.2–(A2) Building height must be not more than 8.5m.	Not applicable. No building proposed.
<p>26.4.2 A3.1</p> <p>A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must –</p> <p>(a) not project above an elevation 15m below the closest ridgeline;</p> <p>(b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland;</p> <p>(c) be below the canopy level of any adjacent forest or woodland vegetation; and</p> <p>(d) clad and roofed with materials with a light reflectance value of less than 40%.</p>	Not applicable. No building or utility structure proposed.

<p>A3.2</p> <p>Wind power turbines and wind power pumps must not exceed 20m in height.</p>	
<p><b>26.4.3 Location of development for sensitive uses</b></p>	
<p>26.4.3–(A1) New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must –</p> <p>(a) be located not less than:</p> <ul style="list-style-type: none"> <li>(i) 200m from any agricultural land;</li> <li>(ii) 200m from aquaculture, or controlled environment agriculture;</li> <li>(iii) 500m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does not occur; or</li> <li>(iv) 1000m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i></li> </ul>	<p>Not applicable.</p> <p>Development is not a sensitive use.</p>

<p>if blasting does occur; or</p> <p>(v) 500m from intensive animal husbandry;</p> <p>(vi) 100m from land under a reserve management plan;</p> <p>(vii) 100m from land designated for production forestry;</p> <p>(viii) 50.0m from a boundary of the land to the Bass Highway, or to a railway line; and</p> <p>(ix) clear of any restriction imposed by a utility; and</p> <p>(b) not be on land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i>, or land that may benefit from the application of broad-scale irrigation development.</p>	
<b>26.4.4 Subdivision</b>	
<p>26.4.4-(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) a lot required for public use either State government, a Council, a Statutory authority or a corporation all the</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

shares of which are held by or on behalf of the State, a Council or by a statutory authority.	
<b>26.4.5 Buildings for Controlled Environment Agriculture</b>	
<p>26.4.5–(A1)</p> <p>A building for controlled environment agriculture use must be a crop protection structure and the agricultural use inside the building must satisfy one of the following:</p> <p>(a) rely on the soil as a growth medium into which plants are directly sown;</p> <p>(b) not alter, disturb or damage the existing soil profile if conducted in a manner which does not rely on the soil as a growth medium.</p>	<p>Not applicable.</p> <p>No controlled environment agriculture proposed.</p>
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Not a subdivision or vulnerable or hazardous use.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in this Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not Applicable. No clearing of vegetation proposed.



<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level is required for the development.
<b>E5 Local Heritage Code</b>	Not applicable. No places of local significance listed in this Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. No landslip hazard identified.
<b>E7 Sign Code</b>	Code is applicable. Proposal is for an advertising sign.
<b>E7.2 Application of the Code</b>	This Code applies to all signs, unless exempt.
<b>E7.4 Use or development exempt from this Code</b>	Applicable for the proposed advertising sign (Billboard).
<b>E7.6 Development Standards</b>	
<p>E7.6–(A1) Signs must:</p> <p>(a) identify an activity, product, or service provided on the site;</p> <p>(b) if on a site in a General Residential, Low Density Residential, Rural Living, or Environmental Living zone, must:</p> <p>(i) comprise not more than two display panels;</p>	<p>(a) Non-compliant. Even though at times the advertising sign may advertise an activity, product or service provided on the site, this would not always be the case. As per the application, the advertising sign would be for Liberal Lower House Member Felix Ellis.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b) Not applicable. Land is zoned Rural Resource.</p>

<p>(ii) be fixed flat to the surface of a building below the eave line; and</p> <p>(iii) have a total combined area of not more than 5.0m<sup>2</sup>;</p> <p>(c) if on a site in any other zone, must:</p> <p>(i) comprise not more than five display panels;</p> <p>(ii) have a total combined area of not more than 50.0m<sup>2</sup>;</p> <p>(iii) be separated from any other freestanding or projecting sign by not less than 10.0m;</p> <p>(iv) be fully contained within the applicable building envelope and:</p> <p>a. not extend above the parapet or the ridge of a roof; or</p> <p>b. if a free-standing sign, have a height above natural ground level of not more than 5.0m;</p>	<p>(c)(i) Compliant. Advertising sign would be two panels that abut each other.</p> <p>(c)(ii) Compliant. Advertising sign would be 8.4m<sup>2</sup>.</p> <p>(c)(iii) Compliant. No other signs, including freestanding signs are located on the site.</p> <p>(c)(iv) Non-compliant. Advertising sign would be within 10m to the northern side boundary.</p> <p>Refer to the "Issues" section of this report.</p> <p>a. Compliant. Advertising sign would not extend above the parapet or the ridge of the outbuilding roof.</p> <p>b. Not applicable. Advertising sign is not free-standing.</p> <p>(c)(v) Compliant. Advertising sign would not cover more than 25% of the outbuilding external wall.</p> <p>(c)(vi) Compliant. Advertising sign would not be located in an access strip, loading area, or car park;</p>
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<p>(v) not involve a corporate livery, colour scheme, insignia, or logo applied to more than 25% of the external wall surface of each elevation of a building;</p> <p>(vi) not be located in an access strip, loading area, or car park;</p> <p>(vii) not be animated, scrolling or otherwise continuously or intermittently changing, flashing or rotating as part of the operation of the sign unless providing advisory or safety information;</p> <p>(viii) not resemble any air or marine navigation device, or a railway or road traffic control or directional device or sign;</p> <p>(ix) not visually obscure any sign or device required for the convenience and safety of air or marine navigation or for use of a railway or a road; and</p> <p>(x) not cause illumination that overfills the boundaries of the site; and</p> <p>(d) not be on land for which a Local Heritage Code forming part of this planning scheme applies.</p>	<p>(c)(vii) Compliant by condition. Will condition the Permit that the advertising sign is not animated, scrolling other otherwise continuously or intermittently changing, flashing or rotating as part of the operation of the sign.</p> <p>(c)(viii) Compliant by condition. Will condition the Permit that the advertising sign does not resemble any air or marine navigation device, or a railway or road traffic control or directional device or sign.</p> <p>(c)(ix) Compliant by condition. Will condition the Permit that the advertising sign does not visually obscure any sign or device required for the convenience and safety of air or marine navigation or for use of a railway or a road.</p> <p>(c)(x) Compliant by condition. Will condition the Permit that the advertising sign does not cause illumination that overfills the boundaries of the site.</p> <p>(d) Not applicable. Proposal is not on land for which a Local Heritage Code forming part of this planning scheme applies.</p>
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<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Applicable. Applies to all use and development.
<b>E9.4 Use or development exempt from this Code</b>	Not exempt. No Local Area Parking Scheme.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
<p>E9.5.1-(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;</p>	Existing car parking onsite is compliant.
<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
<p>E9.5.2-(A1) There must be provision within a site for:</p> <p>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for</p>	Existing car parking onsite is compliant.

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business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.	
<b>E9.6 Development Standards</b>	
<b>E9.6.2 Design of vehicle parking and loading areas</b>	Existing car parking onsite is compliant.
<b>E10 Water and Waterways Code</b>	Not applicable. Not within 30m to a watercourse.
<b>Specific Area Plans</b>	Not applicable. No Specific Area Plan applies to the site.

*Issues –*

*1 Reliance on E7 Sign Code –*

The proposed advertising sign does not satisfy Clause E7.6–(A1)(a) and (c)(iv) of the Planning Scheme.

The proposal therefore relies on assessment against Clause E7.6–(P1) and an exercise of discretion is needed for the proposal.

The Planning Scheme's Clause E7.6–(P1) states that a sign must be reasonable taking into account –

- (a) whether the sign relates to an activity, product or service provided on the site;

The proposal is for an advertising sign (billboard) that would provide for the opportunity to advertise many services, products and/or activities.

- (b) nature of the development on the site;

The site is used for Resource development. As mentioned, the proposed advertising sign had to be placed within a defined use class of the Planning Scheme which was Resource development due to existing activities on the site.

- (c) purpose, location, number, size, style and configuration of any existing and approved sign on the site and on adjacent land;

There are no other signs on the site or within the immediate vicinity of the proposed advertising sign.

- (d) whether likely to be visually dominant or intrude on the appearance of the site or the streetscape;

The advertising sign would be clearly visible from Bass Highway. The purpose of the proposal is to allow for an advertising sign to be seen by others passing the site.

- (e) whether likely to obscure the visibility of other signs in the locality;

As stated, there are no other signs on the site or within the immediate vicinity of the proposed advertising sign.

- (f) whether visible beyond the immediate locality;

The advertising sign would not be visible beyond the immediate locality.

- (g) whether likely to impact on operation efficiency and safety of a railway, road, navigable water, or controlled air space in accordance with the advice and any requirement of the relevant regulatory entity;

Some conditions will be placed on the Permit in relation to minimising any impacts the proposed advertising sign may have on the operation efficiency and safety of a railway, road, navigable water, or controlled air space.

- (h) whether likely to impact on the amenity of a habitable room or private open space in a residential development; and

There are several properties that adjoin the development site. The advertising sign would not be clearly visible from the property's habitable room or private open space due to the position of the outbuilding and the location of the proposed advertised sign on this outbuilding.

- (i) the necessity for the sign to be located on the site having regard for:

- (i) proximity of the service of business being promoted to the sign location;

The proposal is for an advertising sign (billboard) that would provide for the opportunity to advertise many services and businesses.

- (ii) proximity of other signage for the same business or service;

There are no other signs on the site or within the immediate vicinity of the proposed advertising sign.

- (iii) ability to identify the business or service through other means; and

Advertising signs are located throughout municipal areas.

- (iv) flow of traffic past the sign and its likely destination.

The advertising sign would be clearly visible from Bass Highway. The purpose of the proposal is to allow for an advertising sign to be seen by others passing the site.

*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.
TasWater	Not applicable.
Department of State Growth	Department of State Growth were notified as an adjoining property owner.  No comments were received from the Department.
Environment Protection Authority	Not applicable.
TasRail	Not applicable.
Heritage Tasmania	Not applicable.
Crown Land Services	Not applicable.
Other	Not applicable.

*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 –*

Two representations of support for the proposed advertising sign were received during the public notification period. Both representations state that the advertising sign is of interest to the community, shows the indication of the vision of the community and that should the Council receive any representations of a frivolous matter they should be ignored. To see the representations received please refer to Annexure 3.

*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 proposed advertising sign (billboard) was discretionary due to the Planning Scheme's E7 Sign Code. This discretionary element has been addressed in the Issues section above.

A conditional Permit is recommended.

*Recommendation –*

It is recommended that Resource development – advertising sign – reliance on E7 Sign Code on land identified as 23 Kennaglen Lane, Howth be approved subject to the following conditions and restrictions:

- 1 The development must be substantially in accordance with the Images and Statement as provided by the applicant and received 6 October 2020 and the Site Plan as provided by the applicant received 12 October 2020.
- 2 The advertising sign must:–
  - (a) not be animated, scrolling or otherwise continuously or intermittently changing, flashing or rotating as part of the operation of the sign unless providing advisory or safety information.
  - (b) not resemble any air or marine navigation device, or a railway or road traffic control or directional device or sign.
  - (c) not visually obscure any sign or device required for the convenience and safety of air or marine navigation or for use of a railway or a road.
  - (d) not cause illumination that overfills the boundaries of the site.

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.’

The Town Planner’s report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr Beswick moved and Cr Fuller seconded, “That Resource development – advertising sign – reliance on E7 Sign Code on land identified as 23 Kennaglen Lane, Howth be approved subject to the following conditions and restrictions:

- 1 The development must be substantially in accordance with the Images and Statement as provided by the applicant and received 6 October 2020 and the Site Plan as provided by the applicant received 12 October 2020.
- 2 The advertising sign must:-
  - (a) not be animated, scrolling or otherwise continuously or intermittently changing, flashing or rotating as part of the operation of the sign unless providing advisory or safety information.
  - (b) not resemble any air or marine navigation device, or a railway or road traffic control or directional device or sign.
  - (c) not visually obscure any sign or device required for the convenience and safety of air or marine navigation or for use of a railway or a road.
  - (d) not cause illumination that overflows the boundaries of the site

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."

Carried unanimously

Cr Hiscutt returned to the meeting at this time (6.43pm).

**354/2020 Visitor accommodation – two cabins – discretionary use, ridgeline development, proximity to agricultural land and within a proclaimed irrigation district – re-advertised at 47 Sushames Road, Cuprona – Application No. DA2020219**

The Strategic Projects & Planning Consultant reported as follows:

"The Town Planner has prepared the following report:

<i>'DEVELOPMENT APPLICATION NO.:</i>	DA2020219
<i>PROPOSAL:</i>	Visitor accommodation – two cabins – discretionary use, ridgeline development, proximity to agricultural land and within a proclaimed irrigation district – re-advertised
<i>APPLICANT:</i>	John Hidalgo-Mongard
<i>LOCATION:</i>	47 Sushames Road, Cuprona
<i>ZONE:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)
<i>ADVERTISED:</i>	29 August 2020 and 10 October 2020 (re-advertised)
<i>REPRESENTATIONS EXPIRY DATE:</i>	14 September 2020 and 26 October 2020 (re-advertised)
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	26 October 2020 – extension of time granted until 16 November 2020
<i>DECISION DUE:</i>	16 November 2020

### *PURPOSE*

The purpose of this report is to consider an application to construct two cabins on land known as 47 Sushames Road, Cuprona to be used as Visitor accommodation. Proposal includes the installation of an orchard and associated on-site wastewater and stormwater systems. The applicant has stated that the intention of the Visitor accommodation is for sustainable farm stay and associated orchard.

Accompanying the report are the following documents:

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

### *BACKGROUND*

#### *Development description –*

The application is for the construction of two cabins to be used as Visitor accommodation. Each cabin would contain a bedroom, bathroom, kitchen, living room and attached north facing deck.

Proposal includes the establishment of an orchard which would contribute to the farm outlook and includes the installation of an on-site wastewater system and on-site stormwater system.

Visitor accommodation is discretionary in the Rural resource zone unless for farm stay. It is stated in the application that the proposal is for farm stay. However, as per the Agricultural report the site is not capable, nor demonstrates, significant primary industry use. Furthermore, apart from stating in the application that the owners wish to model a small regenerative farm and orchard farm project, there is insufficient information and evidence provided to consider the proposal as farm stay.

The proposal is for “Discretionary” development in the Rural Resource zone.

*Site description and surrounding area –*

The development site is a relatively small Rural Resource zoned property with an area of 2ha. The internal allotment contains a single dwelling and associated outbuilding used for residential purpose and is located within the Dial Blyth Proclaimed Irrigation District. The site is surrounded by Rural Resource zoned land that is predominantly used for farming.

*History –*

The application was advertised 29 August 2020 until 14 September 2020. During this advertising period it was determined by the Road Authority that a revised traffic assessment was required. Under s.54 of the *Land Use Planning and Approvals Act 1993* a revised traffic assessment was requested. All additional information was then re-advertised from 14 September 2020 until 26 October 2020.

*DISCUSSION*

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

## 26.0 Rural Resource Zone

CLAUSE	COMMENT
<b>26.3 Use Standards</b>	
<b>26.3.1 Requirement for discretionary non-residential use to locate on rural resource land</b>	
There is no Acceptable Solution.	<p>Visitor accommodation is a discretionary use in the Rural Resource zone.</p> <p>Refer to the “Issues” section of this report.</p>
<b>26.3.2 Required Residential Use</b>	
<p>26.3.2–(A1) Residential use required as part of a use must:</p> <p>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</p> <p>(b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;</p> <p>(c) not intensify an existing lawful residential use;</p> <p>(d) replace a lawful existing residential use;</p>	<p>Not applicable.</p> <p>Not a required Residential use.</p>

<p>(e) not create a new residential use through conversion of an existing building; or</p> <p>(f) be home based business in association with occupation of an existing lawful and structurally sound residential building; and</p> <p>(g) there is no change in the title description of the site on which the residential use is located.</p>	
<p><b>26.3.3 Residential use</b></p>	
<p>26.3.3-(A1) Residential use that is not required as part of an other use must:</p> <p>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</p> <p>(b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;</p> <p>(c) not intensify an existing lawful residential use;</p> <p>(d) not replace an existing residential use;</p> <p>(e) not create a new residential use through conversion of an existing building;</p>	<p>Not applicable.</p> <p>Not a non-required Residential use.</p>

<p>(f) be an outbuilding with a floor area of not more than 100m<sup>2</sup> appurtenant to an existing lawful and structurally sound residential building; or</p> <p>(g) be home based business in association with occupation of an existing lawful and structurally sound residential building; and</p> <p>(h) there is no change in the title description of the site on which the residential use is located.</p>	
<b>26.4 Development Standards</b>	
<b>26.4.1 Suitability of a site or lot on a plan of subdivision for use or development</b>	
<p>26.4.1–(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) unless for agricultural use, have an area of not less than 1.0 hectare not including any access strip; and</p> <p>(b) if intended for a building, contain a building area</p> <p style="padding-left: 40px;">(i) of not more than 2,000m<sup>2</sup> or 20% of the area of the site, whichever is the greater unless a crop protection structure for an agricultural use;</p>	<p>(a) Compliant. The development site is 2ha.</p> <p>(b)(i) Compliant. Total building area on site would be approximately 0.26%.</p> <p>(b)(ii) Compliant. The cabins would be positioned on the site to satisfy all setback standards as discussed below.</p> <p>(b)(iii) Not applicable. No zone boundary.</p> <p>(b)(iv) Compliant. No registered easements.</p>



<ul style="list-style-type: none"> <li>(ii) clear of any applicable setback from a frontage, side or rear boundary;</li> <li>(iii) clear of any applicable setback from a zone boundary;</li> <li>(iv) clear of any registered easement;</li> <li>(v) clear of any registered right of way benefiting other land;</li> <li>(vi) clear of any restriction imposed by a utility;</li> <li>(vii) not including an access strip;</li> <li>(viii) accessible from a frontage or access strip.</li> </ul>	<ul style="list-style-type: none"> <li>(b)(v) Not applicable. No right of way.</li> <li>(b)(vi) Not applicable. No restriction imposed by a utility.</li> <li>(b)(vii) Not applicable. No access strip.</li> <li>(b)(viii) Compliant. Land is accessible from a frontage to Sushames Road.</li> </ul>
<p>26.4.1 –(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <ul style="list-style-type: none"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. The land has frontage to Sushames Road.</li> <li>(b) Compliant. Site is an internal lot with an access strip connecting to Sushames Road.</li> <li>(c) Not applicable. No legal access to a right of way connecting to a road.</li> <li>(d) Compliant. The land has approximately 18m of frontage to Sushames Road.</li> </ul>

<p>(c) by a right of way connecting to a road –</p> <ul style="list-style-type: none"> <li>(i) over land not required as the means of access to any other land; and</li> <li>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</li> </ul> <p>(d) with a width of frontage and any access strip or right of way of not less than 6.0m; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 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>(e) Compliant. Existing access off Sushames Road.</p>
<p>26.4.1–(A3) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of connecting to a water supply:</p>	<p>(a) Not applicable. Satisfied by (b).</p> <p>(b) Compliant. The site has an existing system catering for the dwelling. The site has a 50 litre tank within close proximity to the cabins.</p>

<p>(a) provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) from a rechargeable drinking water system <sup>R31</sup> with a storage capacity of not less than 10,000 litres if:</p> <p style="padding-left: 40px;">(i) there is not a reticulated water supply; and</p> <p style="padding-left: 40px;">(ii) development is for:</p> <p style="padding-left: 80px;">e. a single dwelling; or</p> <p style="padding-left: 80px;">f. a use with an equivalent population of not more than 10 people per day.</p>	
<p>26.4.1–(A4) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and liquid trade waste:</p> <p>(a) to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) by on-site disposal if:</p>	<p>(a) Not applicable. Satisfied by (b).</p> <p>(b)(i) Compliant. Proposal is for wastewater to be disposed of on-site.</p> <p>(b)(ii) Compliant with (b.). Would provide for an equivalent population of not more than 10 people per day.</p> <p>(b)(iii) Compliant. On-site disposal of domestic wastewater in accordance with AS/NZS 1547:2000 On-site Domestic–</p>

<ul style="list-style-type: none"> <li>(i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and</li> <li>(ii) the development: <ul style="list-style-type: none"> <li>e. is for a single dwelling; or</li> <li>f. provides for an equivalent population of not more than 10 people per day; or</li> </ul> </li> <li>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS 1547:2000 On-site domestic-wastewater management clear of any defined building area or access strip.</li> </ul>	<p>Wastewater Management clear of any defined building area or access strip.</p>
<p>26.4.1–(A5) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p> <ul style="list-style-type: none"> <li>(a) to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</li> <li>(b) if stormwater cannot be drained to a stormwater system:</li> </ul>	<ul style="list-style-type: none"> <li>(a) Not applicable. Not able to connect to an urban network.</li> <li>(b)(i) Not applicable. Satisfied by (b)(ii).</li> <li>(b)(ii) Compliant. Stormwater will be disposed of on-site which has an area of 2ha, not within any defined building area, not within the area required for the disposal of sewage, not within the access strip and not more than 50% of the site impervious surface area. Statement of Compliance has been issued in relation to on-site stormwater disposal (refer to Annexure 4).</li> </ul>

<ul style="list-style-type: none"> <li>(i) for discharge to a natural drainage line, water body or watercourse; or</li> <li>(ii) for disposal within the site if: <ul style="list-style-type: none"> <li>a. the site has an area of not less than 5,000m<sup>2</sup>;</li> <li>b. the disposal area is not within any defined building area;</li> <li>c. the disposal area is not within any area required for the disposal of sewage;</li> <li>d. the disposal area is not within any access strip; and</li> <li>e. not more than 50% of the site is impervious surface.</li> </ul> </li> </ul>	
<b>26.4.2 Location and configuration of development</b>	
<p>26.4.2–(A1) A building or a utility structure, other than a crop protection structure for an agriculture use, must be setback:</p> <ul style="list-style-type: none"> <li>(a) not less than 20.0m from the frontage; or</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. The cabins would be setback approximately 120m from Sushames Road (frontage).</li> <li>(b) Not applicable. Land does not adjoin the Bass Highway.</li> </ul>

## COMMUNITY SERVICES

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<p>(b) if the development is for sensitive use on land that adjoins a road specified in the Table to this Clause, not less than the setback specified from that road;</p> <p>(c) not less than 10.0m from each side boundary; and</p> <p>(d) not less than 10.0m from the rear boundary; or</p> <p>(e) in accordance with any applicable building area shown on a sealed plan.</p>	<p>(c) Compliant. Cabins would be setback 30m from the southern side, 15m from the western side and 40m from the eastern side boundary.</p> <p>(d) Compliant. Cabins would be setback approximately 150m from the northern rear boundary.</p> <p>(e) Not applicable. No building area on a Sealed Plan.</p>
<p>26.4.2–(A2) Building height must be not more than 8.5m.</p>	<p>Compliant.</p> <p>Cabins would not be greater than 8.5m above natural ground level.</p>
<p>26.4.2 A3.1</p> <p>A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must –</p> <p>(a) not project above an elevation 15m below the closest ridgeline;</p> <p>(b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland;</p>	<p>A3.1</p> <p>(a) Non-compliant. Development site is on top of a ridgeline. Refer to the “Issues” section of this report.</p> <p>(b) Compliant. Development site is not within 30m to a watercourse.</p> <p>(c) Compliant. Proposed development would be below the canopy of nearest forest vegetation.</p>

<p>(c) be below the canopy level of any adjacent forest or woodland vegetation; and</p> <p>(d) clad and roofed with materials with a light reflectance value of less than 40%.</p> <p>A3.2</p> <p>Wind power turbines and wind power pumps must not exceed 20m in height.</p>	<p>(d) Compliant. Cabins would use materials with a light reflectance value of less than 40%. Condition to be applied to a Permit to ensure compliance.</p> <p>A3.2</p> <p>Not applicable. No wind turbine or wind power pumps.</p>
<p><b>26.4.3 Location of development for sensitive uses</b></p>	
<p>26.4.3–(A1) New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must –</p> <p>(a) be located not less than:</p> <ul style="list-style-type: none"> <li>(i) 200m from any agricultural land;</li> <li>(ii) 200m from aquaculture, or controlled environment agriculture;</li> <li>(iii) 500m from the operational area boundary established by a mining lease issued in</li> </ul>	<p>(a)(i) Non-compliant. Development site would be within 200mm from agricultural land.</p> <p>Refer to the “Issues” section of this report.</p> <p>(a)(ii) Compliant. Development site would be greater than 200m from aquaculture, or controlled environment agriculture;</p> <p>(a)(iii) Compliant. Development site would be greater than 500m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does not occur;</p>

<p>accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does not occur; or</p> <p>(iv) 1000m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does occur; or</p> <p>(v) 500m from intensive animal husbandry;</p> <p>(vi) 100m from land under a reserve management plan;</p> <p>(vii) 100m from land designated for production forestry;</p> <p>(viii) 50.0m from a boundary of the land to the Bass Highway, or to a railway line; and</p> <p>(ix) clear of any restriction imposed by a utility; and</p> <p>(b) not be on land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i>, or land that may benefit from the application of broad-scale irrigation development.</p>	<p>(a)(iv) Compliant. Development site would be greater than 1000m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does occur.</p> <p>(a)(v) Compliant. Development site would be greater than 500m from intensive animal husbandry.</p> <p>(a)(vi) Compliant. Development site would be greater than 100m from land under a reserve management plan.</p> <p>(a)(vii) Compliant. Development site would be greater than 100m from land designated for production forestry.</p> <p>(a)(viii) Compliant. Development site would be greater than 50m from Bass Highway and railway line. And</p> <p>(a)(ix) Compliant. No restriction imposed by a utility on the development site.</p> <p>(b) Non-compliant. Development site is within the Dial Blyth Irrigation District.</p> <p>Refer to the "Issues" section of this report.</p>
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<b>26.4.4 Subdivision</b>	
26.4.4-(A1) Each new lot on a plan of subdivision must be –	Not applicable.
(a) a lot required for public use either 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.	No subdivision proposed.
<b>26.4.5 Buildings for Controlled Environment Agriculture</b>	
26.4.5-(A1)	Not applicable.
A building for controlled environment agriculture use must be a crop protection structure and the agricultural use inside the building must satisfy one of the following:	No controlled environment agriculture proposed.
(a) rely on the soil as a growth medium into which plants are directly sown;	
(b) not alter, disturb or damage the existing soil profile if conducted in a manner which does not rely on the soil as a growth medium.	

CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Not a subdivision or vulnerable or hazardous use.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in this Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not Applicable. No clearing of vegetation is proposed.
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level is required for the development.
<b>E5 Local Heritage Code</b>	Not applicable. No places of local significance listed in this Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. No applicable landslip hazard identified.
<b>E7 Sign Code</b>	Not applicable. No signs proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Applicable. Applies to all use and development.
<b>E9.4 Use or development exempt from this Code</b>	Not exempt. No Local Area Parking Scheme.

<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
<p>E9.5.1–(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;</p>	<p>Compliant.</p> <p>Visitor accommodation requires one car parking space per cabin and one visitor per there or part thereof. Proposal includes the provision for three car parking spaces.</p> <p>Residential use requires two car parking spaces which the site accommodates for the existing dwelling.</p>
<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
<p>E9.5.2–(A1) There must be provision within a site for:</p> <p>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.</p>	<p>(a) Compliant by condition. Cabins require one space for a small rigid truck.</p> <p>(b) Not applicable. Table E9A does not require passenger vehicle pick-up and set-down facilities for Visitor accommodation development.</p>

E9.6 Development Standards	
E9.6.2 Design of vehicle parking and loading areas	
<p>E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p> <p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and 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>	<p>(a) Compliant by Condition.</p> <p>(b) Not applicable. Applies where 20 spaces are proposed or required.</p> <p>(c) Not applicable. Applies where 20 spaces are proposed or required.</p> <p>(d) Not applicable. Applies where 20 spaces are proposed or required.</p> <p>(e) Compliant. There is ample area on site for this.</p> <p>(f) Compliant. There is ample area on site for this.</p> <p>(g) Compliant by condition. Internal roadway and car parking areas would be constructed with a compacted sub-base and an all-weather surface.</p>

<p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	
E9.6.2–(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.	Compliant by condition.
<b>E10 Water and Waterways Code</b>	Not applicable. Development site is not within 30m to a watercourse.
<b>Specific Area Plans</b>	Not applicable. No Specific Area Plan applies to the site.

### *Issues –*

#### *1 Discretionary use in Rural Resource zone –*

The Planning Scheme's Performance Criteria for Clause 26.3.1–(P1) states that other than Residential use, discretionary permit use must –

(a)&(b) be consistent with Local Area Objectives and Desired Future Character Statements –

Compliant. The purpose of the Rural Resource zone is to provide for the sustainable use and development of air, land and water resources for agriculture, aquaculture, forestry, mining and other primary industries, including quarrying.

The Rural Resource zone's Local Area Objectives and Desired Future Character Statements together seek to promote use and development that is for a primary industry purpose. The objectives and statements also allow for development for tourism use that is dependent upon a rural location or in a proclaimed irrigation district, would be reliant on naturally occurring resources or scenic attributes, where economic and community activity would be promoted, and where there would not be any resulting constraint, fettering or conflict with current or future primary industry activity on the subject or adjoining land.

The subject proposal is not a use that is associated with primary industry activity. The proposal is for Visitor accommodation in the form of two cabins. The subject land is not considered to be suitable for primary industry and the use of Visitor accommodation (with the requirement of a Part 5 Agreement) is not considered to result in the fettering of primary industry activity on adjacent land.

(c) be required to locate on rural resource land for operational efficiency –

(i) to access a specific naturally occurring resource on the site or on adjacent land in the zone;

Compliant. A naturally occurring resource in the Rural Resource zone refers to air, water and land resources. Development is for Visitor accommodation within a rural

setting. The proposal is to enable the visitors staying in the cabins to enjoy the rural aspect of the area.

- (ii) to access infrastructure only available on the site or on adjacent land in the zone;

Compliant. The proposal does include the establishment of an orchard which relies on the soil of the land for production.

- (iii) to access a product of primary industry from a use on the site or on adjacent land in the zone;

Compliant. The proposal does include the establishment of an orchard which relies on the soil of the land for production.

- (iv) to service or support a primary industry or other permitted use on the site or on adjacent land in the zone;

Compliant. The proposal is to enable the visitor's staying in the cabins to enjoy the rural aspect of the area.

- (v) if required –

- a. to acquire access to a mandatory site area not otherwise available in a zone intended for that purpose;

Not applicable. Proposal not required to access a mandatory site area that is not otherwise available in the zone.

- b. for security;

Not applicable. Proposal is not required to locate on rural resource land for security reasons.

- c. for public health or safety if all measures to minimise impact could create an unacceptable level of risk to human health, life or property if

located on land in a zone intended for that purpose;

Not applicable. Proposal is not required for public health or safety.

- (vi) to provide opportunity for diversification, innovation, and value-adding to secure existing or potential primary industry use of the site or of adjacent land;

Compliant. Proposal is for Visitor accommodation within a rural setting to allow visitors staying in the cabins to enjoy the rural aspect of the area.

- (vii) to provide an essential utility or community service infrastructure for the municipal or regional community or that is of significance for Tasmania; or

Compliant. Proposal is for Visitor accommodation within a rural setting to allow visitors staying in the cabins to enjoy the rural aspect of the area.

- (viii) if a cost-benefit analysis in economic, environmental, and social terms indicates significant benefits to the region; and

Compliant. Proposal is for Visitor accommodation within a rural setting to allow visitors staying in the cabins to enjoy the rural aspect of the area.

- (d) minimise likelihood for:

- (i) permanent loss of land for existing and potential primary industry use;

Compliant. As per Macquarie Franklin report the site has land capability of land class 4. Furthermore, the report states that the future potential land use activity is severely limited primarily by the very small size of available land, the absence of available or irrigation water on the property and lower land capability.



- (ii) constraint or interference to existing and potential primary industry use on the site and on adjacent land; and

Compliant. As per the Macquarie Franklin report the proposal would not constrain, fetter or otherwise interfere with existing and potential primary industry use on adjacent land. A shelter belt has been recommended to minimise any impacts.

A Part 5 Agreement is required as a condition of this Permit to enforce the requirements of this shelter belt.

- (iii) loss of land within a proclaimed irrigation district under Part 9 *Water Management Act 1999* or land that may benefit from the application of broad-scale irrigation development.

Compliant. The site is within the Dial Blyth Proclaimed Irrigation District. As per the Macquarie Franklin report the property has no scheme pipe outlet, and the nearest pipeline outlet is 700m away to the south east, and there is no available irrigation water in this section (Cuprona zone 2) of the scheme. The cost required to extend the pipeline to the property would be very significant and would clearly preclude any justification to make this type of irrigation infrastructure investment. Further, there is no guarantee that there is sufficient water allocation available to permit the additional purchase.

## 2 *Ridgeline development* –

The Planning Scheme's Acceptable Solution for Clause 26.4.2–(A3.1) (a) states that a building must not project above an elevation 15m below the closest ridgeline.

The development site is located on top of a ridgeline and relies on assessment against the Performance Criteria. The application is discretionary.

The Scheme's Performance Criteria for Clause 26.4.2(P3.1) states that the location, height and visual appearance of a building must have regard to –

- (a) Minimising the visual impact on the skyline;

Compliant. The proposed cabins would be in similar line to the existing dwelling on the site. This will minimise the visual impacts on the skyline.

- (b) Minimising height above the adjacent vegetation canopy;

Compliant. The proposed cabins would be in similar line to the existing dwelling. There will be no change to the height of buildings on the site in relation to adjacent vegetation canopy.

*3 Proximity to agricultural land and within a proclaimed irrigation district–*

The Scheme's Acceptable Solution for Clause 26.4.3–(A1) (i) states that new development must be located not less than 200m from agricultural land; and (b) not within a proclaimed irrigation district.

The proposed development site adjoins Rural Resource land and is within the Dial Blyth Proclaimed Irrigation District. Therefore, the proposal does not satisfy the Acceptable Solution and relies on assessment against the Performance Criteria.

The Scheme's Performance Criteria for Clause 26.4.3–(P1) states that new development must minimise –

- (a) Permanent loss of land for existing and potential primary industry use;

Compliant. As per Macquarie Franklin report, the site has land capability of land Class 4. Furthermore, the report states that the future potential of land use activity is severely limited by the very small size of available land, the absence of available of irrigation water on the property and lower class of land capability.

- (b) Likely constraint or interference to existing and potential primary industry use on the site and on adjacent land;

Compliant. As per the Macquarie Franklin report, the proposal would not constrain, fetter or otherwise interfere with existing and potential primary industry use on adjacent land. A shelter belt has been recommended to minimise any impacts.

A Part 5 Agreement is required as a condition of this Permit to enforce the requirements of this shelter belt and to acknowledge the rural production activities that occur on adjoining land.

- (c) Permanent loss of land within a proclaimed irrigation district under Part 9 Water Management Act 1999 or land that may benefit from the application of broad-scale irrigation development; and

Compliant. The site is within the Dial Blyth Proclaimed Irrigation District. As per the Macquarie Franklin report, the property has no scheme pipe outlet, and the nearest pipeline outlet is 700m away to the south east. Further, there is no available irrigation water in this section (Cuprona zone 2) of the scheme. The cost required to extend the pipeline to the property would be very significant and would preclude any justification to make this type of irrigation infrastructure investment. Additionally, there is no guarantee there is sufficient water allocation available to permit the additional purchase.

- (d) Adverse effect on the operability and safety of a major road, a railway or utility.

Not applicable. No major road, railway or utility located with the vicinity of the site.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No issues with on-site wastewater report. Further design issues to be considered to the building application stage.
Infrastructure Services	Condition of Permit to include Statement of compliance issued dated 5 November 2020 (refer to Annexure 4).

Building Services	Note to be included with Permit.
TasWater	Not applicable.
Department of State Growth	Not applicable.
Environment Protection Authority	Not applicable.
TasRail	Not applicable.
Heritage Tasmania	Not applicable.
Crown Land Services	Not applicable.
Other	Not applicable.

#### 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 –

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

The representations are summarised and responded to as follows:

REPRESENTATION ONE	
MATTER RAISED	RESPONSE
1 Concern regarding the Visitor accommodation impact on surrounding productive farm land.	It is acknowledged that farming operations include activity such as the spraying of agricultural chemicals, pump and pivot irrigation noise and spray, dust, 24 hour operations, weed maintenance and

	<p>the general activities of planting and the harvesting of crops.</p> <p>The development site and adjoining sites are all zoned Rural Resource and zoned for primary industry uses, such as resource development (agriculture and grazing).</p> <p>Visitor accommodation is a discretionary use in the zone, therefore the “right to farm” takes precedence over the proposal for Visitor accommodation. The discretionary use needs to satisfy the applicable requirements of the Planning Scheme.</p> <p>It is agreed that buffer would be required along the western and southern boundary of the land. This can be applied as a condition to a Permit using a Part 5 Agreement under s.71 of the <i>Land Use Planning and Approvals Act 1993</i>.</p> <p>A Part 5 Agreement would be between the subject landowner and the Central Coast Council and would be ‘stapled’ to the Title of the subject parcel of land so that future owners would also be aware of responsibilities when residential and visitor accommodation land uses adjoin a productive agricultural use.</p> <p>The matter of the fettering and /or constraint of productive primary industry land to Visitor accommodation is further discussed in the “Issues” section of this report.</p>
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<p>2 Concern regarding assumptions made in the Agricultural report not true regarding surrounding farm property.</p>	<p>It is understood that the report prepared by Macquarie Franklin assessed the existing surrounding property's activities currently been undertaken.</p> <p>The report, however, did provide analysis on the potential risk to adjoining land and mitigation strategies. These include buffers, landscaping, separation distance and appropriate signage.</p> <p>Conflicting, adjoining land uses can give rise to concern and conflict between landowners.</p> <p>It is agreed that buffer would be required along the western and southern boundary of the land. This can be applied as a condition to a Permit using a Part 5 Agreement under s.71 of the <i>Land Use Planning and Approvals Act 1993</i>.</p> <p>A Part 5 Agreement would be between the subject landowner and the Central Coast Council and would be 'stapled' to the Title of the subject parcel of land so that future owners would also be aware of responsibilities when residential and visitor accommodation land uses adjoin a productive agricultural use.</p> <p>The matter of the fettering of productive primary industry land to Visitor accommodation is further discussed in the "Issues" section of this report.</p>
<p>3 Most of noise associated with the farm land surrounding the</p>	<p>It is acknowledged that farming operations includes activity such as</p>

<p>development site occurs at night time due to the owner working during the day (as a agricultural consultant/ agronomist).</p>	<p>the spraying of agricultural chemicals, pump and pivot irrigation noise and spray, dust, 24 hour operations, weed maintenance and the general activities of the planting and the harvesting of crops.</p> <p>The development site and adjoining sites are all zoned Rural Resource and zoned for primary industry uses, such as agriculture.</p> <p>Visitor accommodation is a discretionary use in the zone, therefore the “right to farm” takes precedence over the proposal for Visitor accommodation, which needs to satisfy the applicable requirements of the Planning Scheme.</p> <p>Any nuisance complaint, such as noise, dust, odour etc. would need to be addressed with reference to the <i>Environmental Management and Pollution Control Act 1994</i> (EMPCA).</p>
<p>4 Overall farm activities that occur on the adjoining land</p>	<p>The matter of the fettering of productive primary industry land to Visitor accommodation is further discussed in the “Issues” section of this report.</p>
<p>5 Lack of buffer between the proposed cabins and adjoining farm land.</p> <ul style="list-style-type: none"> <li>• Previous application to subdivide the 2ha lot had to include buffer areas.</li> <li>• Tasmanian Planning Scheme mentions buffers.</li> </ul>	<ul style="list-style-type: none"> <li>• This application does propose some buffer areas in the form of shelter belts. This will be enforced through the requirement of a Part 5 Agreement.</li> <li>• This application is to be assessed under the current Planning Scheme which is the</li> </ul>

<ul style="list-style-type: none"> <li>Shelter belts are not sufficient buffer for the cabins.</li> </ul>	<p><i>Central Coast Interim Planning Scheme 2013.</i> The Tasmanian Planning Scheme is not yet operational in the Central Coast municipal area.</p> <ul style="list-style-type: none"> <li>The Macquarie Franklin report has suggested that shelter belts along the development site's western and southern boundaries to minimise risks. This will be enforced through the application of a Part 5 Agreement. This Agreement would be 'stapled' to the Title of the subject parcel of land so that future owners would also be aware of responsibilities when residential and visitor accommodation land uses adjoin a productive agricultural use.</li> </ul>
<p>6 Concern regarding possible trespassing from the Visitor accommodation to adjoining farm land</p>	<p>This is not a matter examined under the Planning Scheme.</p>
<p>7 Concern regarding road access, particularly Sushames Road.</p>	<p>The following are comments from Council acting in the capacity as a Road Authority.</p> <p><i>Provision of three 6m wide x 10m passing bays along Sushames Road is able to address safe passage of vehicles on road.</i></p> <p>Refer to Annexure 4 regarding Statement of Compliance issued 5 November 2020 in relation to access requirements.</p>



REPRESENTATION TWO	
MATTER RAISED	RESPONSE
1 Concern regarding the management of water running offsite to the south.	<p>The following are comments from Council acting in the capacity as a Stormwater Authority.</p> <p><i>The development will be subject to condition to contain and manage the stormwater runoff generated from additional impervious areas will be contained and managed within the property boundary. When a building application is lodged, the Building Permit is issued only when development is compliant with all the conditions and stays compliant for the life of the development.</i></p> <p>Refer to Annexure 4 regarding Statement of Compliance issued 5 November 2020 in relation to on-site stormwater requirements.</p>
2 Incorrect analysis within the Agricultural report regarding closest dwelling and location.	<p>It is acknowledged that the Macquarie Franklin states the closest dwelling is located 230m south west from the proposed Visitor accommodation cabins.</p> <p>The Council's GIS system indicates that the closest dwelling appears to be approximately 160m in a south-east direction from the proposed Visitor accommodation. The representation has made an accurate assessment according to the Council's GIS system.</p> <p>Regardless, the Macquarie Franklin has undertaken an assessment regarding the proposed Visitor</p>

	<p>accommodation against all adjoining land. It is not considered that the analysis would not alter due to incorrect direction of an adjoining dwelling, nor the actual distance.</p>
<p>3 Incorrect analysis within the Traffic report regarding vehicle calculation.</p>	<p>The Council acting as a Road Authority have stated that with the revised documentation regarding traffic assessment they have no issues.</p> <p>Refer to Annexure 4 regarding Statement of Compliance issued 5 November 2020 in relation to access requirements.</p>
<p>4 John Mongard report does not show an image for a view to the south.</p>	<p>It is noted that as part of the application, the applicant provided some images of the site. This is not a requirement of the Planning Scheme and was information provided by the applicant when making the application.</p>
<p>5 Want assurance that the height of the shelter belt/tree plantings will not impede the winter sun to the dwelling located at 49 Sushames Road.</p>	<p>As part of the application, the proposal will incorporate shelter belts along the western and southern boundaries as a mechanism to minimise negative impacts on adjoining land. This would be enforced through the application of a Part 5 Agreement to a permit.</p> <p>The property at 49 Sushames Road is located approximately 160m from the proposed Visitor accommodation cabins (this distance was also stated in the representation).</p>

	<p>The shelter belt will include the western boundary along the access strip of the development site. The shelter belt would be approximately 36m from the dwelling at 49 Sushames Road.</p> <p>It is not considered that the shelter belt required at the development site would have an unreasonable impact on the solar opportunities to the dwelling at 49 Sushames Road due to the distance between the shelter belt and the dwelling.</p>
6	<p>No bushfire assessment provided.</p> <p>This is not a matter examined under the Planning Scheme.</p> <p>A bushfire assessment would be required at the Building Permit application stage.</p>
7	<p>Occupants of 49 Sushames Road undertake controlled reduction burns and vermin management.</p> <p>This is not a matter examined under the Planning Scheme.</p> <p>It is not uncommon for properties within the Rural area to undertake controlled reduction burns and vermin management.</p>
8	<p>The 3 laybys proposed in the revised traffic assessment are already in the most part existing. If larger bays are required want confirmation this will be at the developers cost.</p> <p>The following are comments from Council acting in the capacity as a Road Authority.</p> <ul style="list-style-type: none"> <li><i>The proposed locations and sizes of passing bays (6mx10m) are considered satisfactory for the proposed development and will be constructed in accordance with the relevant standards.</i></li> </ul>

	<ul style="list-style-type: none"> <li><i>All works associated with this development will be at developer's cost. If there is a considerable change in location or size of the passing bays, neighbouring property owners will be consulted appropriately.</i></li> </ul>
9 Major concern regarding this road is the intersection between Sushames Road and Cuprona Road.	<p>This is not a matter examined under the Planning Scheme.</p> <p>It is suggested that the representor puts their concerns in writing to the Director of Infrastructure Services, separate to this application.</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*

Some of the matters raised in representations received are deemed to have merit regarding the proposed sensitive use of Visitor accommodation in relation to adjoining productive farm operations.

The subject land is not considered to be suitable for primary industry and the use of Visitor accommodation, with the requirement a Part 5 Agreement be applied to the Title, is not considered to result in the unreasonable fettering or constraint of primary industry activity on adjacent land.

All discretionary elements of the application have been addressed in the issues section above. A conditional permit is recommended.

*Recommendation –*

It is recommended that Visitor accommodation – two cabins – discretionary use, ridgeline development, proximity to agricultural land and within a proclaimed irrigation district on land identified as 47 Sushames Road, Cuprona be approved subject to the following conditions and restrictions:

- 1 The development must be substantially in accordance with the Site plan/Proposed Cabin Plan as prepared by John Mongard, Job No. 270901.5, Issue B, Sheet No. 1 dated 24 August 2020 and supporting letter and associated documentation as prepared by John Mongard dated 6 August 2020 and with the email from John Mongard received 2 October 2020 including all associated documentation.
- 2 Buildings must be clad and roofed with materials with a light reflectance value of less than 40%.
- 3 The development must be in accordance with the Recommendations and Conclusions of the Engineering Report for Traffic Management, Stormwater and Wastewater, Revision 3 dated 20 August 2020.
- 4 The development must be in accordance with the Recommendations and Conclusions of the Agricultural Assessment of Proposed Development at 47 Sushames Road, Cuprona as prepared by Macquarie Franklin dated 3 June 2020.
- 5 Prior to the issue of a Building Permit, the owner of the land must submit and enter into a Part 5 Agreement with the Central Coast Council under section 71 of the *Land Use Planning and Approvals Act 1993*. The Part 5 Agreement is to set out the following matters to the satisfaction of the General Manager:
  - (a) Vegetation buffers and screens must be established along the western and southern boundary of CT161638/1. The buffers and screens must be of vegetation with a final growth height not less than 4 metres.
  - (b) All vegetation must be located wholly inside the property boundary of CT161638/1 and must make allowance for the final width of the vegetation.
  - (c) The buffers must be planted prior to the issue of any other permits relative to this application.

- (d) The Part 5 Agreement must list and acknowledge the 24 hours a day, 365 days a year resource development activities and operations that occur on adjoining land and make reference to matters contained in the *Primary Industry Activities Protection Act 1995*;
  - (e) Execution of the Part 5 Agreement, including drafting and registration of the Agreement against CT161638/1, must be at the developers expense.
- 6 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 5 November 2020 issued by the Council, acting in its capacity, as the Road Authority and the Stormwater Authority.
- 7 A minimum of three car parking spaces plus one small rigid truck space must be made available on site for the Visitor accommodation use.  
  
In this regard the car parking spaces must be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking; and
- 8 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 4 – Plumbing Permit Work when assessed against the Determinations issued under the *Building Act 2016*. Accordingly, an application for a Building Permit is to be made to the Council’s Building Permit Authority, and an application for a

Plumbing Permit is to be made to the Council's Plumbing Permit Authority.'

The Town Planner's report is supported."

The Executive Services Officer reported as follows:

"Copies of the Annexures referred to in the Town Planner's report have been circulated to all Councillors."

■ Cr Fuller moved and Cr Beswick seconded, "That Visitor accommodation – two cabins – discretionary use, ridgeline development, proximity to agricultural land and within a proclaimed irrigation district on land identified as 47 Sushames Road, Cuprona be approved subject to the following conditions and restrictions:

- 1 The development must be substantially in accordance with the Site plan/Proposed Cabin Plan as prepared by John Mongard, Job No. 270901.5, Issue B, Sheet No. 1 dated 24 August 2020 and supporting letter and associated documentation as prepared by John Mongard dated 6 August 2020 and with the email from John Mongard received 2 October 2020 including all associated documentation.
- 2 Buildings must be clad and roofed with materials with a light reflectance value of less than 40%.
- 3 The development must be in accordance with the Recommendations and Conclusions of the Engineering Report for Traffic Management, Stormwater and Wastewater, Revision 3 dated 20 August 2020.
- 4 The development must be in accordance with the Recommendations and Conclusions of the Agricultural Assessment of Proposed Development at 47 Sushames Road, Cuprona as prepared by Macquarie Franklin dated 3 June 2020.
- 5 Prior to the issue of a Building Permit, the owner of the land must submit and enter into a Part 5 Agreement with the Central Coast Council under section 71 of the *Land Use Planning and Approvals Act 1993*. The Part 5 Agreement is to set out the following matters to the satisfaction of the General Manager:
  - (a) Vegetation buffers and screens must be established along the western and southern boundary of CT161638/1. The buffers and screens must be of vegetation with a final growth height not less than 4 metres.
  - (b) All vegetation must be located wholly inside the property boundary of CT161638/1 and must make allowance for the final width of the vegetation.

- (c) The buffers must be planted prior to issue of any other permits relative to this application.
  - (d) The Part 5 Agreement must list and acknowledge the 24 hours a day, 365 days a year resource development activities and operations that occur on adjoining land and make reference to matters contained in the *Primary Industry Activities Protection Act 1995*;
  - (e) Execution of the Part 5 Agreement, including drafting and registration of the Agreement against CT161638/1, must be at the developers expense.
- 6 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 5 November 2020 issued by the Council, acting in its capacity, as the Road Authority and the Stormwater Authority.
- 7 A minimum of three car parking spaces plus one small rigid truck space must be made available on site for the Visitor accommodation use.
- In this regard the car parking spaces must be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking; and
- 8 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 4 – Plumbing Permit Work when assessed against the Determinations issued under the *Building Act 2016*. Accordingly, an application for a Building Permit is to be made to the Council’s Building Permit Authority, and an application for a Plumbing Permit is to be made to the Council’s Plumbing Permit Authority.”



Voting for the motion

(7)

Cr Bonde

Cr Beswick

Cr Diprose

Cr Fuller

Cr Hiscutt

Cr van Rooyen

Cr Viney

Voting against the motion

(1)

Cr Carpenter

Motion

Carried

### INFRASTRUCTURE SERVICES

#### **355/2020 Opening of various streets/roads**

The Director Infrastructure Services reported as follows:

“It is necessary to formally resolve that the Council intends to ‘open’, after the expiration of 28 days, the following street/road which has been constructed in a new subdivision:

- . Barleen Place (extension), West Ulverstone.”

The Executive Services Officer reported as follows:

“A plan of Barleen Place (extension), West Ulverstone has been circulated to all Councillors.”

■ Cr Beswick moved and Cr Diprose seconded, “That, having given notice in accordance with the *Local Government (Highways) Act 1982*, the Council open as a highway Barleen Place (extension), West Ulverstone (a plan of the street/road being appended to and forming part of the minutes).”

Carried unanimously

#### **356/2020 Various streets/roads – Certificate of completion**

The Director Infrastructure Services reported as follows:

“It is necessary for the Council to certify that the following street/road has been constructed substantially in accordance with the plans and specifications approved by the Council:

- . Barleen Place (extension), West Ulverstone.”

The Executive Services Officer reported as follows:

“A plan of Barleen Place (extension), West Ulverstone has been circulated to all Councillors.”

■ Cr Beswick moved and Cr Hiscutt seconded, “That the Council certify under the hand of the Corporation’s engineer that Barleen Place (extension), West Ulverstone (a plan of the street/road being appended to and forming part of the minutes) has been constructed substantially in accordance with the plans and specifications approved by the Council.”

Carried unanimously

**357/2020     Tenders for bridge replacement – Claytons Rivulet, Douglas Road, Kindred**

The Director Infrastructure Services reported as follows:

“The Graduate Stormwater Engineer has prepared the following report:

*‘PURPOSE*

The purpose of this report is to assist Council in considering the tenders received for the replacement of the bridge over Claytons Rivulet on Douglas Road, Kindred.

*BACKGROUND*

Douglas Road is a no through gravel road running north from Kindred Road. It provides access to property used for primary production. Traffic volumes are low.

The existing bridge is a single lane structure. The structural composition of the bridge is unknown and would not comply with current standards. The super-structure was built in 1998 and consists of timber decking over timber beams. Significant deterioration of beams has been identified and the bridge would require a load limit applied in the immediate future.

It is intended to replace the existing bridge with a single-lane structure, based on traffic volumes and the road classification.

*DISCUSSION*

Tenders were called for the replacement of the bridge on 22 September 2020 and closed at 2.00pm on 20 October 2020.

A conforming standard was outlined in the design brief for the structure.

Submissions from three tenderers were received as follows (excluding GST and including \$20,000 contingency):

TENDERER	PRICE \$
TasSpan Civil Contracting P/L	164,126.82
BridgePro Engineering P/L	168,781.82
VEC Civil Engineering P/L	182,962.82
<i>ESTIMATE (EXCLUDING GST)</i>	<i>200,000.00</i>

The existing structure is approximately 10.2m clear span and 4.3m clear width between barriers. The brief asked for a structure with a 10.0m clear span minimum and 4.5m clear width between barriers.

Each of the tenderers submitted a conforming tender.

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

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

The preferred option for any bridge replacement is with a permanent concrete structure as there are low lifecycle and maintenance costs.

Designs from each tenderer provide for permanent concrete options. These designs are similar in that they propose a structural concrete deck sitting on concrete abutments over piled footings with a 100-year design life.

The Council uses a weighted tender assessment method based on:

Documentation and compliance	5%
Previous experience	5%
Personnel (management and field)	5%
Construction period	5%
Design	30%
WHS policy and record	10%
Local business	10%
Tender price	30%

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

### *CONSULTATION*

This item has followed a public tendering process.

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

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

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

*CORPORATE COMPLIANCE*

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

A Connected Central Coast

- Provide for a diverse range of movement patterns.

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

Council Sustainability and Governance

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

*CONCLUSION*

It is recommended that the conforming tender from TasSpan Civil Contracting P/L for the sum of \$164,126.82 (exc. GST) [\$180,539.50 (incl. GST)] for the replacement of the Claytons Rivulet bridge on Douglas Road, Kindred be accepted and approved by the Council.'

The Graduate Stormwater Engineer's report is supported."

The Executive Services Officer reported as follows:

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

■ Cr Viney moved and Cr Carpenter seconded, "That the conforming tender from TasSpan Civil Contracting P/L in the amount of \$180,539.50 (incl. GST) for the replacement of the Claytons Rivulet bridge on Douglas Road, Kindred be accepted and approved."

Carried unanimously

## ORGANISATIONAL SERVICES

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### ORGANISATIONAL SERVICES

#### **358/2020     Organisational Services**

The Director Organisational Services reported as follows:

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

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## CLOSURE OF MEETING TO THE PUBLIC

### 359/2020 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 matter be discussed in a closed meeting:

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Minutes and notes of other organisations and committees of the Council  . Dulverton Waste Management Audit and Risk Committee – meeting held 28 October 2020 . Dulverton Waste Management Board – meeting held 28 October 2020	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

■ Cr Fuller moved and Cr Hiscutt seconded, “That the Council close the meeting to the public to consider the following matter, it being a matter relating to:

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Minutes and notes of other organisations and committees of the Council  . Dulverton Waste Management Audit and Risk Committee – meeting held 28 October 2020	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

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.	Dulverton Waste Management Board – meeting held 28 October 2020	
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Carried unanimously and by absolute majority

The Executive Services Officer further reported as follows:

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

The meeting moved into Closed session at 6.59pm.



**360/2020 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 28 October 2020
- . Dulverton Waste Management Board – meeting held 28 October 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.”

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## **Closure**

There being no further business, the Mayor declared the meeting closed at 7.01pm.

CONFIRMED THIS 14TH DAY OF DECEMBER, 2020.

## **Chairperson**

(lb:Imm)

## **Appendices**

- Minute No. 341/2020 – Cradle Coast Waste Management Group – Terms of Reference
- Minute No. 342/2020 – Schedule of Correspondence addressed to the Mayor and Councillors
- Minute No. 343/2020 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 344/2020 – Schedule of Contracts & Agreements
- Minute No. 345/2020 – Schedule of Statutory Determinations
- Minute No. 355/2020 &
- Minute No. 356/2020 – Plan of Barleen Place (extension), West Ulverstone

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*QUALIFIED PERSON'S ADVICE*

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

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

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

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



Sandra Ayton  
GENERAL MANAGER

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# Associated Reports And Documents

# Terms of Reference

## Cradle Coast Waste Management Group

### 1. Overview

#### 1.1 Background

The Cradle Coast Waste Management Group (CCWMG) was established to:

- Provide an integrated regional approach to waste management; and
- Implement strategies which minimise waste by using the waste hierarchy actions.

The CCWMG represents seven (7) northwest Tasmanian municipal councils (the “Participating Councils”) who agreed to participate in a voluntary waste levy scheme.

The Participating Councils are:

- Burnie City Council;
- Central Coast Council;
- Circular Head Council;
- Devonport City Council;
- Kentish Council;
- Latrobe Council; and
- Waratah-Wynyard Council.

The CCWMG membership consists of the General Managers from the Participating Councils.

The CCWMG works closely with the Northern Tasmanian Waste Management Group and the Southern Tasmanian Councils Authority in the development and delivery of waste management programs and in the sharing of resources and services.

West Coast and King Island Council’s do not currently participate, however, opportunity for participation is open, subject to contribution to the voluntary waste levy scheme. The CCWMG will aim to share intellectual property with non-participating Councils if requested.

#### 1.2 Existing Agreements

The Participating Councils agreed to implement a voluntary waste levy, charged on a per tonne basis, for all waste disposed of to landfill. Landfills subject to the collection of the voluntary waste levy are:

- Dulverton Regional Waste Management Authority's Landfill;
- Central Coast Council's Resource Recovery Centre and Landfill; and
- Circular Head Council's Port Latta Landfill.

This Terms of Reference replaces the following agreements:

- Interim MOU between DWM and Burnie City, Central Coast, Circular Head, Devonport City, Kentish, Latrobe & Waratah Wynyard Councils for Waste Levy Collection, Financial Management & Project Delivery;
- MOU between the CCA and DWM for the CCWMG Financials Management; and
- MOU between the CCA, CCWMG and DWM for administrative arrangements.

An Agreement covering the administration and management of the voluntary waste levy was made on 23rd November 2007 between Dulverton Waste Management (DWM), Circular Head Council, Central Coast Council and Burnie City Council. In November 2012, the Burnie City Council decommissioned their landfill and are no longer responsible for the collection of a voluntary waste levy. The Waste Levy Agreement will continue until the landfill owner(s) choose not to participate in the voluntary collection.

A Memorandum of Understanding (MOU) exists as an agreement between Tasmania's three regional waste management authorities for joint waste reduction and resource recovery communication activities. The three authorities are:

- Cradle Coast Waste Management Group;
- Northern Tasmanian Waste Management Group; and
- Southern Tasmanian Councils Authority.

## **2. Term**

This Terms of Reference is effective from 1st November 2020 and will be reviewed on 30th June 2022, thereafter biennially or as required by the CCWMG.

This Terms of Reference may be amended, varied or modified after consultation and agreement by the CCWMG members.

## **3. Membership**

### **3.1 CCWMG Membership**

The CCWMG will operate with membership being the General Managers from the Participating Councils.

Group membership comprises of the following arrangement:

#### 3.1.1 Council Members:

The CCWMG will comprise the General Manager from each Participating Council or their nominated proxy who will attend meetings during periods of leave by the General Manager.

In cases where the General Manager works for more than one council then that General Manager will represent each individual council and vote for each council.

General Managers will also be responsible for ensuring that:

Technical staff respond to requests for information, participate in groups as requested, and undertake works etc;

The activities of the Group are effectively communicated to elected members.

#### 3.1.2 Chairperson:

The Chairperson shall be a member of the CCWMG appointed by the members of the Participating Councils. Appointment is for a term of two (2) years. If the exiting Chairperson is re-nominated, subsequent terms of appointment will be permitted.

#### 3.1.3 Deputy Chairperson:

The Deputy Chairperson will be appointed by a vote of the CCWMG. Appointment is for a term of two (2) years. If the exiting Deputy Chairperson is re-nominated, subsequent terms of appointment will be permitted.

Any reference to the Chairperson in this document will apply to the Deputy Chairperson in the absence of the Chairperson.

#### 3.1.4 Dulverton Waste Management:

DWM will manage the CCWMG financials, provide administration assistance, provide technical and project management expertise and assistance.

DWM will be represented by its CEO and/or designated officers on an ex-officio basis with no voting rights.

### **3.2 Voting Members**

Voting Members are the seven (7) Council Members, with each Council having a single vote.

## **4. Objectives**

### **4.1 Objectives of the CCWMG**

- a) To develop strategies and plans to manage waste sustainability including a:
  - 5-year CCWMG Strategic Plan;
  - Annual Plan & Budget; and
  - 10 Year financial Management Plan.
- b) To monitor the implementation of actions contained in the Strategic Plan and Annual Plan & Budget, including monitoring and management of the budget;
- c) To provide a regional voice to the State and Federal Government and Industry in relation to waste management issues, policies and practices;
- d) To source and administer State and/or Federal Government funding for agreed waste management initiatives and projects;
- e) To provide a forum for high level dialogue and communication sharing of information between councils, industry and community; and
- f) To be the central contact and reference point for waste management issues and communications affecting the cradle coast region.

## **5. Reporting Responsibilities**

### **5.1 Strategic Plan**

- a) The CCWMG Members are responsible for developing a Strategic Plan.
- b) A Strategic Plan is to be adopted every five (5) years.
- c) Preparation of a new plan is to commence one (1) year prior to expiry of the previous one.
- d) The Strategic Plan is to be presented to the Participating Councils for endorsement.
- e) The endorsed Strategic Plan is to be submitted to the CCWMG for adoption.
- f) The adopted Strategic Plan is to be forwarded to Participating Council and DWM for information.

### **5.2 Annual Plan and Budget**

- a) The CCWMG Members are responsible for developing an Annual Plan and Budget.
- b) The Annual Plan and Budget will be submitted to the CCWMG for adoption, prior to 30th June each year.
- c) A copy of the adopted Annual Plan and Budget will be forwarded to Participating Councils and DWM for information.



- d) The CCWMG will be responsible for ensuring that the projects and actions are delivered in accordance with the Annual Plan and Budget.

### **5.3 Annual Report**

- a) The CCWMG Members are responsible for developing an Annual Report.
- b) An Annual Report will be adopted prior to 30th November each year and is to include reporting against the Annual Plan and Budget.
- c) The adopted Annual Report will be forwarded to Participating Councils and DWM for information.

### **5.4 Other**

- a) DWM is to prepare quarterly financial reports to be forwarded to the CCWMG Chair within 30 days of the end of the quarter. The most current financial reports are to be included in the CCWMG meeting agenda.
- b) Participating Councils are to update the Data Collections Portal monthly with council waste data. DWM is to then prepare quarterly reporting of the collected data to members at each CCWMG meeting.
- c) DWM is to maintain a Report and Resources List annually.

## **6. Conflict of Interest**

Members are to act in the best interest of the region and will perform their responsibilities in good faith, honestly and impartially and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest. Proper observation of these principles will protect the group and its members and will enable public confidence to be maintained.

When members believe they have a conflict of interest either real or perceived, on a subject that will prevent them from reaching an impartial decision or undertaking an activity consistent with the group's functions, they will declare a conflict of interest to the Chairperson at the start of the meeting and withdraw themselves from the discussion and/or activity.

## **7. Meetings**

Meetings can be held in person, via video conference or tele conference.

### **7.1 Frequency of Meetings**

- a) Meetings will be held at a frequency and location determined by the CCWMG.

- b) Meeting dates are to be set a minimum of eight (8) weeks in advance by the group.

## **7.2 Agendas and Minutes**

Protocols for the preparation and distribution of agendas and minutes are detailed under Attachment 2.

## **7.3 Quorum**

- a) A meeting quorum will be four (4) voting members of the CCWMG.
- b) If a quorum is not present prior to the scheduled meeting start time, then the meeting is to be abandoned.
- c) Members may nominate a proxy to attend the meeting on their behalf during periods of leave by the member.

## **7.4 Urgent Matters**

A meeting may be called by the Chairperson to discuss specific matters for urgent attention that can't wait until the next regular meeting. Any notice of the meeting is satisfactory so long as the meeting is accepted by and attended by an absolute majority of members.

## **7.5 Circular Resolution**

A circular resolution may be instigated by the Chairperson if a decision is required between meetings. Circular resolutions should be used sparingly and should be limited to use for procedural matters, non-controversial matters or for matters that have had prior discussions in meetings, do not require further discussion and which cannot be deferred to the next meeting. Circular resolutions should not be used for dealing with urgent or controversial matters that arise of which the Members are previously unaware.

A circular resolution is a documented resolution which is signed by Members with wording to signify they are in favour of the resolution. Acceptable forms of signed documentation can include: printed copy with original signature, scanned signed copy received by electronic mail (email), or consent received by email.

The circular resolution is determined by an absolute majority of Members in favour of the resolution.

# **8. Publicity / Media**

Only the Chairperson or their delegate may make or issue public statements in relation to the decisions of the CCWMG.

## **9. Dispute Resolution**

If a difference or dispute arises between any of the Members or any Member/s and DWM in connection with this Term of Reference, any party may give the other party a written notice setting out full details of the Dispute (“Notice of Dispute”).

A Member, or Council or DWM, may not commence any court or arbitration proceedings in relation to a Dispute unless a Notice of Dispute has been served (either by or on that party) and that party has made all reasonable attempts to resolve the Dispute in accordance with this section.

The parties must attempt to resolve any dispute promptly by negotiating in good faith. If the parties are unable to resolve the dispute within ten (10) days after a Notice of Dispute is served, each party must agree to engage the services of an independent person to support all parties participation in informal resolution processes. This independent person will assist the parties in discussing available options, or may facilitate any other necessary arrangements to support the best possible outcomes. This independent person must have an appropriate skill set within the local government context, experience in issues resolution and interpersonal skills which can assist in resolving matters of conflict.

If the dispute is not resolved, or the Members have not agreed on any alternative method to resolve the dispute, within twenty (20) days after a Notice of Dispute is served, then either party may commence arbitration proceedings before a single arbitrator appointed by agreement between the parties (or failing agreement, appointed by the President of the Law Society of Tasmania) to arbitrate a resolution of the dispute and the decision of the arbitrator shall be binding on both parties.

Nothing in this Terms of Reference prevents a Member from seeking injunctive or urgent declaratory relief at any time.

Each Member must continue to perform its obligations under this Terms of Reference despite the existence of any dispute.

## **10. Administrative Arrangements**

Attachment 1 details the roles and responsibilities of the members.

Attachment 2 details the protocols for the development and distribution of meeting agendas and minutes.

Attachment 3 details the CCWVG’s financial management protocols.

## **11. Procurement**

The CCWMG cannot procure goods and services directly. DWM is the preferred supplier of services to the CCWMG.

Goods and services will be procured in accordance with the adopted policies and practices of the organisation procuring the services so long as they do not breach any statutory obligations.

The procuring organisation is responsible for the administration and management of contractors in accordance with the organisations adopted policies and practices so long as they do not breach any statutory obligations.

DWM procurement policies can be provided on request.

## **12. Dissolution of the CCWMG**

The CCWMG can only be dissolved when a majority of the Participating Councils have approved the dissolution.

In the event the CCWMG is dissolved, the balance of prepaid income will be split among the Participating Councils in proportion to prior financial year's contribution of municipal solid waste levy funds (Council contribution, not landfill contribution).

## **13. Confidentiality**

This Terms of Reference is a contract for confidentiality among the Members of the group to maintain security and confidentiality of the CCWMG's communications and information.

## **14. Attachment 1 – Roles and Responsibilities**

### **14.1 Chairperson**

#### 14.1.1 General:

- a) Provide leadership;
- b) Set meeting Agenda's;
- c) Oversee the CCWMG's activities;
- d) Act as the CCWMG's spokesperson; and
- e) To be a representative on the Local Government Association of Tasmania Waste Reference Group.

#### 14.1.2 Meetings:

- a) The Chairperson is the chair for every meeting;
- b) Undertake any necessary preparation prior to the meeting;
- c) Ensure a quorum is present;
- d) Start the meeting on time;
- e) Control the meeting and keep to the Agenda;
- f) Allow fair and open discussion on matters so that decisions can be made;
- g) Re-focus discussion that has wandered off topic;
- h) Conclude one point and lead into the next;
- i) Clarify any misunderstanding; and
- j) Pace the meeting ensuring it runs on time.

### **14.2 Members**

#### 14.2.1 General:

- a) Promote and support the CCWMG activities;
- b) Ensure timely response of information is provided by their council;
- c) Be the waste spokesperson between their council and the CCWMG;
- d) Have the authority to make decisions on behalf of their councils.

#### 14.2.2 Meetings:

- a) Undertake any necessary preparation prior to the meeting;
- b) Arrive on time;
- c) Participate but do not interrupt each other;
- d) All remarks are addressed through the Chairperson;
- e) Speak honestly and frankly. Be prepared to challenge the status quo, and equally, to compromise for the benefit of the region;

- f) A vote is taken if consensus is not reached. The majority wins the vote, and all Members are to accept the majority decision;
- g) Note down any action agreed upon; and
- h) After the meeting, undertake any agreed action and brief others as appropriate.

### **14.3 Dulverton Waste Management**

- a) To provide executive, administrative, financial and communication support to the group;
- b) To collect and distribute the waste management levy;
- c) To project manage actions arising from the Cradle Coast Waste Management Strategy allocated by the CCWWMG, within agreed budget and timeframes;
- d) To provide technical support to the CCWWMG;
- e) To attend CCWWMG meetings and provide project status reports, including up to date costings; and
- f) When procuring goods and services in relation to agreed projects, to do so in compliance with all legal and regulatory requirements, work health and safety environmental legislation and statutory requirements and DWM's procurement policies.

### **14.4 CCWWMG**

- a) Will be responsible for ensuring that the projects and actions are delivered in accordance with the Annual Plan and Budget;
- b) Will agree to the Terms of Reference being amended, varied or modified following a majority vote of the Participating Council members;
- c) Will appoint the Chairperson who shall be a member of the CCWWMG and this appointment is for a term of two (2) years;
- d) Will adopt the Annual Plan and Budget prior to 30th June each year; and
- e) Can dissolve the CCWWMG when a majority of the Participating Councils have approved the dissolution.

## **15. Attachment 2 – Agenda & Minute Protocol**

### **15.1 Agendas / Notice of Meetings**

- a) DWM is responsible for coordinating meeting Agenda's;
- b) DWM is to request Agenda Items from CCWMG Members no less than seven (7) business days prior to the Agenda due date
- c) Members are to provide DWM with Agenda Items (including attachments) no less than five (5) business days prior to the Agenda due date
- d) DWM is to provide the Chairperson with the final draft Agenda for approval, no less than two (2) business days prior to the Agenda due date;
- e) The Chairperson is to review the Agenda within one (1) business days and advise the DWM of any changes; and
- f) The DWM is to issue all CCWMG Members with the Agenda no less than one (1) week prior to the meeting date.

### **15.2 Minutes**

- a) At each meeting, the DWM is to takes notes for the purpose of drafting Minutes;
- b) Within five (5) business days of the meeting, DWM is to issue the Chairperson with the draft Minutes for review;
- c) Within ten (10) business days of the meeting, the Chairperson is to review the draft Minutes, obtain feedback from members if necessary and advise DWM of any changes;
- d) Within fifteen (15) business days of the meeting, DWM is to release the draft Minutes as Unconfirmed Minutes to all CCWMG Members, and also the Executive Assistants of each Participating Council (as requested) for inclusion as an open Agenda Item at Council Meetings;
- e) In preparation for the next meeting, DWM is to list the Unconfirmed Minutes on the Agenda for confirmation; and
- f) Within two (2) business days following the conclusion of the next meeting, DWM is to provide the Confirmed Minutes to Participating Councils for their records.

## **16. Attachment 3 – Financial Management Protocols**

### **16.1 Dulverton Waste Management**

- a) The Participating Councils appoint DWM for the management of funds.
- b) DWM will maintain a ledger system which allows discreet project costs to be easily monitored and reported.
- c) DWM will handle and process accounts payable in relation to project expenses.
- d) DWM will on-charge recoverable project expenses to relevant parties (such as the NTWMG or WSS) as required.
- e) Income will be deemed not to be earned by DWM until services have been rendered in accordance with the terms of this agreement. The balance of unearned income will be accounted for as a liability and be ultimately refundable to the Participating Councils in accordance with the provisions of clause 12 of this agreement.
- f) DWM will not be responsible to the Participating Councils for any liability, cost or expense (including legal fees) that the parties may incur arising out of the activities undertaken as part of the Regional Waste Management Strategy or the activities of DWM in performing its duties under this agreement, except to the extent that the liability costs or expenses arose directly from the DWM's wilful misconduct, bad faith or negligence.
- g) The Participating Councils irrevocably and unconditionally indemnify DWM from any liability cost or expense (including legal fees) in performing its financial management, except to the extent that the liability cost or expense arose directly from DWM's wilful misconduct, bad faith or negligence.





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

Period: 20 October to 16 November 2020

- . Email advising of various issues within the municipal area, such as – weeds and tall grass at Eastland Drive roundabout, Lowry Place curb and guttering, Westella Drive road condition and Coles Furners car park
- . Email advising of a large rubbish issue on Hope Street, Ulverstone
- . Email advising of roadside rubbish concerns
- . Email providing feedback regarding the Penguin Foreshore Remediation and Upgrade Project, the Dog Management Policy and Max Perry Reserve access and weeds
- . Letter advising of issues with on street dining and comments relating to bank closures in Ulverstone
- . Email requesting the Council to advise Councillors that due to capacity restraints relating to COVID-19 Local Government officials will not be invited to attend end of year school events
- . Email advising telecommunication infrastructure in the Community – advises that the Meeting recording containing discussions with Barrister Raymond Broomhall is now available for viewing
- . Email containing comments in relation to DA2020281 – Goulds Road CT137634/2 – Raymond Road CT54062/1 and 1709 Preston Road CT248/1 and road reserve, Preston
- . Email expressing concerns regarding initial assessments and ongoing operation of Nietta Hydro Pty Ltd, pumping additional water from the Jean Brook down the Castra Rivulet
- . Email expressing concern and disappointment with the unclean state of Reibey Street and the CBD Precinct

- 
- . Letter expressing congratulations on the works undertaken at Kings Parade intersection and the Queens Gardens. Also suggests the Council consider making the bottom end of Reibey Street into a mall
  - . Email advising that nominations are now open for the 2020 McKinnon Prize in Political Leadership – Nominations close 04 December 2020

A handwritten signature in cursive script that reads "Sandra Ayton".

Sandra Ayton  
GENERAL MANAGER



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

Period: 20 October to 16 November 2020

*Documents for affixing of the common seal under delegation*

- . Final Plan of Survey  
117 South Road, West Ulverstone  
DA2020164
- . Final Plan of Survey and Schedule of Easements  
Explorer Drive and Lillian Court, Turners Beach  
SUB2007.29
- . Strata Plan Amendment  
12 Lethborg Avenue, Turners Beach  
Folio Ref: STR111372/0  
DEV93413

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

Sandra Ayton  
GENERAL MANAGER

**SCHEDULE OF CONTRACTS AND AGREEMENTS**

(Other than those approved under the Common Seal)

Period: 20 October to 16 November 2020

*Contracts*

- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 10 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$121,000 + GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 1 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$100,000 + GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 11 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$110,000 + GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 9 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$104,500 + GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 14 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$110,000 + GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 15 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$200,022 + GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 16 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$104,500 + GST

- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 18 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$104,500 + GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 19 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$104,500 + GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 12 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$112,500 + GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 19 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$104,500 + GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 13 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$115,000 + GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 2 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$99,000 + GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 3 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$105,000 + GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 4 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$99,000 + GST

- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 5 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$105,000 + GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 6 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$99,000+ GST
- . Standard Form Contract for Sale of Real Estate in Tasmania  
Lot 8 – Dial Road, Penguin  
PID: 7620616 (part)  
Title Reference: 171444/4 (part)  
Sale Price: \$106,000 + GST
- . Contract 3/2020-2021  
JF Machinery  
Supply and delivery of one JCB 3CX T4i Elite Backhoe with attachments,  
as per Tender 902 – 2020-2021  
Contract Amount: \$157,001.00 (inc. GST)

#### *Agreements*

- . Grant Agreement  
COVID Safe Australia Day Grants Program  
National Australia Day Council Limited and Central Coast Council  
To assist in delivering Australia Day 2021 events in a COVID safe  
environment, while supporting local communities and industries  
Grant amount: \$20,000 (Exc. GST)
- . Infrastructure Relocation and Works Agreement  
Tasmanian Networks Pty Ltd and Central Coast Council  
Project N/000813, 107 Reibey Street, Ulverstone  
Remove existing damaged streetlight pole and install a new 9m impact  
absorbing pole as per Mains Plan AS-30842  
Total project cost: \$12,437.64 (Inc. GST)
- . Trade Waste Agreement  
TasWater and Central Coast Council  
Resource Recovery Centre  
106 Lobster Creek Road, West Ulverstone  
Term of Agreement: 3 years (expiry 6 August 2023)

- . Memorandum of Understanding  
EPA Tasmania and Department of Justice and Local and State Government  
Land Managers  
Roles and responsibilities for the administration and implementation of the  
Litter and Dumping Management System

A handwritten signature in cursive script, reading "Sandra Ayton".

Sandra Ayton  
GENERAL MANAGER

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

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2019047 – 1	109 Main Road PENGUIN,TAS,7316	Minor amendment of a Permit.	Residential (demolition of building including remediation works and construction of multiple dwellings x four)	11/09/2020	12/10/2020	7	\$500,000.00
DA2019150 – 1	18 Bowman Drive PENGUIN,TAS,7316	Minor amendment of a Permit.	Residential (dwelling and outbuilding – shed)	28/09/2020	16/10/2020	15	\$250,000.00
DA2020036	11 Robertsons Road WEST ULVERSTONE,TAS,7315	Discretionary	Residential (two lot subdivision) – variation to suitability of a site for lot for use or development, access via a right of way used as access to another lot, subdivision to create an internal lot, installation of overhead electricity supply and proximity of sensitive use to Rural Resource zone and development within 30m of a waterway	18/02/2020	19/10/2020	52	\$12,000.00
DA2020057 – 1	1135 Pine Road RIANA,TAS,7316	Minor amendment of a Permit.	Visitor accommodation ("glamping"), Tourist operation (gardens) and Community meeting and entertainment (weddings)	14/09/2020	13/10/2020	14	\$0.00
DA2020211	18 Ling Street PENGUIN,TAS,7316	Permitted	Educational and occasional care (classrooms)	30/07/2020	23/10/2020	4	\$235,000.00
DA2020242	5 Mortimer Road PENGUIN,TAS,7316	Discretionary	Residential (dwelling and outbuilding – shed)	25/08/2020	19/10/2020	32	\$360,000.00
DA2020244	26–28 South Road PENGUIN,TAS,7316	Discretionary	Residential (dwelling) and Home based business (massage)	26/08/2020	26/10/2020	61	\$500,000.00
DA2020245	562 Preston Road NORTH MOTTON,TAS,7315	Discretionary	Residential – dwelling	27/08/2020	2/10/2020	25	\$217,000.00
DA2020249	41 Clayton Road ULVERSTONE,TAS,7315	Discretionary	Residential (extensions to accommodation building)	28/08/2020	2/10/2020	24	\$116,000.00



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

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2020250	21 Stephen Street FORTH,TAS,7310	Discretionary	Residential (dwelling and outbuilding – shed)	31/08/2020	19/10/2020	42	\$450,000.00
DA2020252	4 Oceanside Boulevard SULPHUR CREEK,TAS,7316	Discretionary	Residential (swimming pool and fence) – variation to front fences for all dwellings standard	1/09/2020	23/10/2020	31	\$57,000.00
DA2020256	1 Harley Court WEST ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling)	4/09/2020	9/10/2020	28	\$300,000.00
DA2020259	17 Hobbs Parade WEST ULVERSTONE,TAS,7315	Discretionary	Service industry (extension to laundromat and carport)	8/09/2020	19/10/2020	32	\$220,000.00
DA2020260	1461 & 1399 Castra Road SPRENT,TAS,7315	Discretionary	Residential and Resource development (subdivision – excision of a dwelling and consolidation)	9/09/2020	19/10/2020	31	\$15,000.00
DA2020263	20 Poynton Close TURNERS BEACH,TAS,7315	Discretionary	Residential dwelling and shed	10/09/2020	29/10/2020	28	\$250,000.00
DA2020265	47A Alice Street WEST ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling)	11/09/2020	19/10/2020	32	\$176,000.00
DA2020266	5C Mortimer Road PENGUIN,TAS,7316	Discretionary	Residential (dwelling and outbuilding)	11/09/2020	23/10/2020	31	\$430,000.00
DA2020268	34 Kings Parade ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling extension)	14/09/2020	20/10/2020	29	\$260,000.00
DA2020272	99 South Road WEST ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling extension)	15/09/2020	23/10/2020	31	\$160,000.00

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

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2020273	40 Hales Street PENGUIN,TAS,7316	Discretionary	Residential (dwelling)	15/09/2020	23/10/2020	30	\$220,000.00
DA2020275	177 Upper Maud Street WEST ULVERSTONE,TAS,7315	Permitted	Residential (dwelling)	16/09/2020	2/10/2020	10	\$300,000.00
DA2020280	111 Queen Street WEST ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling extension – sunroom)	17/09/2020	30/10/2020	32	\$0.00
DA2020283	4–6 Patrick Street ULVERSTONE,TAS,7315	Permitted	Business and professional services – medical centre addition – covered entry	22/09/2020	8/10/2020	7	\$20,000.00
DA2020292	32 James Street ULVERSTONE,TAS,7315	Discretionary	Residential – multiple dwellings x two, garage and demolition of existing garage	29/09/2020	23/10/2020	18	\$300,000.00
DA2020293	148 Upper Maud Street WEST ULVERSTONE,TAS,7315	Permitted	Residential – deck and retaining walls	29/09/2020	23/10/2020	17	\$9,800.00
DA2020297	50 Risby Street and 3 McDonald Street ULVERSTONE,TAS,7315	Permitted	Residential – construction of a dwelling creating two multiple dwellings	30/09/2020	23/10/2020	11	\$200,000.00
DA2020301	1 Fieldings Way ULVERSTONE,TAS,7315	Discretionary	Pet crematorium and signage	5/10/2020	8/10/2020	3	\$0.00
DA2020324	5 Levenview Court WEST ULVERSTONE,TAS,7315	Discretionary	Residential – dwelling	14/10/2020	30/10/2020	16	\$0.00
DA2020344	10 Hill View Way WEST ULVERSTONE,TAS,7315	Discretionary	Residential – dwelling	28/10/2020	28/10/2020	0	\$290,000.00
DA214112 – 1	5 Levenview Court West Ulverstone,TAS,7315	Permitted	Dwelling	20/10/2020	27/10/2020	4	\$0.00
DA215098 – 1	115 Penguin Road WEST ULVERSTONE,TAS,7315	Minor amendment of a Permit.	Minor amendment of a Permit – Amend Lot 22 to include a pedestrian link between Barleen Place and Flinders Avenue	28/10/2020	30/10/2020	1	\$1,000.00

## **SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION**

Period: 1 October 2020 to 31 October 2020

### **Building Permits – 6**

·	New dwellings	5	\$1,360,000
·	Outbuildings	1	\$120,000
·	Additions/Alterations	0	\$0
·	Other	0	\$0
·	Units	0	\$0

### **Demolition Permit – 0**

### **Permit of Substantial Compliance – Building – 0**

### **Notifiable Work – Building – 11**

·	New dwellings	3	\$1,040,000
·	Outbuildings	7	\$249,000
·	Additions/Alterations	0	\$0.00
·	Other	1	\$22,000

### **Building Low Risk Work – 0**

### **Certificate of Likely Compliance – Plumbing – 12**

### **No Permit Required – Plumbing – 0**

### **Food Business registrations (renewals) – 0**

### **Food Business registrations (fixed premises) – 0**

### **One-off Food Business registrations – 0**

### **Mobile State-wide 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 October 2020 to 31 October 2020

### **Abatement notices issued**

<b>ADDRESS</b>	<b>PROPERTY ID</b>
21 Penguin Road, West Ulverstone	101340.0400
20 Bowman Drive, Penguin	403057.1180

### **Kennel Licence issued**

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

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

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

## SCHEDULE OF OTHER STATUTORY RESPONSIBILITIES OF COMMUNITY SERVICES

Period: 1 October to 31 October 2020

### Infringement notices issued for Dog Offenses

	1-31 Oct 2020
Claimed	3
Burnie Dogs Home	0
Destroyed	0
Heldover	0
Devonport Dogs Home	0

### Infringements for dogs and impoundments etc.

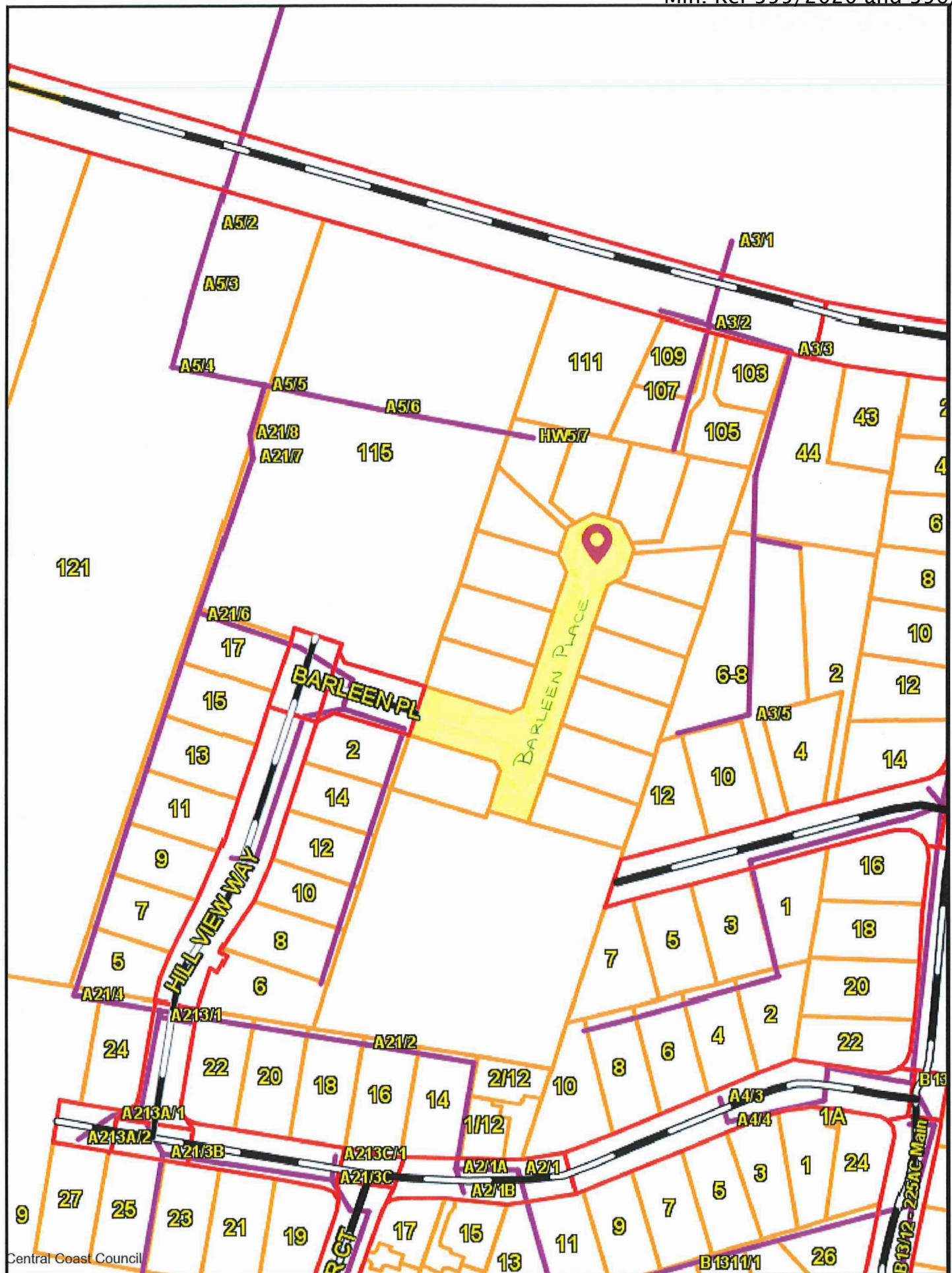
1 - 31 Oct 2020	10
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### Traffic Infringement Notices for Parking Offences

1 - 31 Oct 2020	65	
Bannons Car Park	16	25%
King Edward Street	18	28%
North Reibey Street Car Park	10	15%
Reibey Street	19	29%
Victoria Street	2	3
Alexandra Road	0	0



Ian Stoneman  
DIRECTOR ORGANISATIONAL SERVICES



50 m



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29-Oct-2020

Barleen Place  
(extension), West  
Ulverstone