
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.

Councillors attendance

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

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

Councillors apologies

Nil

Employees attendance

General Manager (Ms Sandra Ayton)
Director Infrastructure Services (Mr Paul Breaden)
Strategic Projects & Planning Consultant (Mr Paul West)
Land Use Planning Group Leader (Ms Mary-Ann Edwards)
Executive Services Officer (Mrs Lou Brooke)

Media attendance

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

Public attendance

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

Prayer

The meeting opened in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

361/2020 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous ordinary meeting of the Council held on 16 November 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 Hiscutt moved and Cr Diprose seconded, “That the minutes of the previous ordinary meeting of the Council held on 16 November 2020 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

362/2020 Council workshops

The Executive Services Officer reported as follows:

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

- . 23.11.2020 – Commercial and Industrial Land Study; Tasmanian Planning Commission; Perry Ling Gardens – Survey feedback; Vacant land at South Road (CT141816/1) – Proposed Scheme Amendment and Development Application

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

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

Carried unanimously

MAYOR’S COMMUNICATIONS

363/2020 Mayor’s communications

The Mayor to report:

“I have no communications at this time.”

364/2020 Mayor's diary

The Mayor reported as follows:

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

- . Braddon's Lookout Opening – Forth
- . All Shook Up Production – Ulverstone
- . International Men's Day Event – Ulverstone
- . Savant Australia Launch – Ulverstone
- . Switch Board Meeting – Ulverstone
- . Grade 8 Techno Warriors Presentation – Leighland Christian School – Ulverstone
- . Yvonne Downes Book Launch – Ulverstone
- . TasWater Board Selection Committee Meeting – via video conference
- . Local Government Association of Tasmania (LGAT) General Meeting and Conference – Hobart
- . Launch of the Hive (previously Ulverstone Cultural Precinct) – Ulverstone
- . Citizenship Ceremony – Ulverstone
- . Central Coast Council – Annual General Meeting – Ulverstone
- . Volunteer Pre-Christmas Lunch – Penguin
- . Community Leadership Roundtable Meeting – Collective Ed – Ulverstone
- . Guest speaker – Devonport Library Meeting – Ulverstone
- . Mersey-Leven Emergency Management Committee Meeting – Ulverstone
- . Official Opening of Molenda Lodge Dementia Garden – Ulverstone
- . Men's Shed Christmas Lunch – Ulverstone
- . Penguin 7-Day Makeover Celebration BBQ – Penguin

Cr Viney reported as follows:

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

- . Probus Club of Central Coast Christmas Lunch.”

The Executive Services Officer reported as follows:

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

Carried unanimously

365/2020 Declarations of interest

The Mayor reported as follows:

“Councillors are requested to indicate whether they have, or are likely to have, a pecuniary (or conflict of) interest in any item on the agenda.”

The Executive Services Officer reported as follows:

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

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

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

No interests were declared at this time.

COUNCILLOR REPORTS

366/2020 Councillor reports

The Executive Services Officer reported as follows:

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

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

Cr Hiscutt reported on the Slipstream Circus Board Inc.’s recent event Circus in the Park, in celebration of 20 years of circus, noting the event was well attended.

Cr Carpenter reported on a recent meeting of the Caves to Canyon Tourism Association, noting that the association were grateful for the Council’s support throughout the year, in particular for the virtual reality project.

Cr Overton reported on a recent meeting of Central Coast Chamber of Commerce and Industry, noting the Chamber’s event for the drawing of the Business Bingo and support from businesses that participated.

APPLICATIONS FOR LEAVE OF ABSENCE

367/2020 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

368/2020 Deputations

The Executive Services Officer reported as follows:

“The following request for a deputation has been agreed to:

- . Central Coast Youth Leaders Council – “It’s a Wrap for 2020” video which outlines the year past and what’s to look forward to in 2021.

The video presentation from the Youth Council is in accordance with Reg.38 of the *Local Government (Meeting Procedures) Regulations 2015* and the Council’s procedure relating to deputations (167/2005 – 20.06.2005).”

Following the presentation, Cr Viney congratulated everyone involved with the Youth Leaders Council (particularly the students) and acknowledged their effort in bringing together the ‘Pledge for a Plunge’ FightMND 27Challenge.

The General Manager commented that the Youth Leaders Council was a different program this year and was well received by students. The General Manager noted that despite the impact of COVID-19, the group found a way to work through the challenges and still achieve their targets for the year, and that the Council looks forward to working with the group in 2021.

PETITIONS

369/2020 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

370/2020 Councillors' questions without notice

The Executive Services Officer reported as follows:

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

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

(a) of the chairperson; or

(b) through the chairperson, of –

(i) another councillor; or

(ii) the general manager.

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

(a) offer an argument or opinion; or

(b) draw any inferences or make any imputations –

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

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

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

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

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

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

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

No Councillors' questions without notice were received.

371/2020 Councillors' questions on notice

The Executive Services Officer reported as follows:

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

- '30 (1) A councillor, at least 7 days before an ordinary council meeting or a council committee meeting, may give written notice to the general

manager of a question in respect of which the councillor seeks an answer at that meeting.

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

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

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

No questions on notice have been received."

PUBLIC QUESTION TIME

372/2020 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, 14 December 2020.

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

373/2020 Public questions taken on notice

The Executive Services Officer reported as follows:

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

DEPARTMENTAL BUSINESS

GENERAL MANAGEMENT

374/2020 Minutes and notes of committees of the Council and other organisations

The General Manager reported as follows:

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

- . Forth Community Representatives Committee – meeting held 5 November 2020
- . Cradle Coast Authority Representatives – meeting held 12 November 2020
- . Central Coast Council Audit Panel – meeting held 16 November 2020
- . Central Coast Youth Leaders Council – meeting held 19 November 2020
- . Turners Beach Community Representatives Committee – meeting held 26 November 2020
- . Central Coast Community Safety Partnership – meeting held 28 October 2020
- . Development Support Special Committee – meeting held 30 November 2020

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

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

Carried unanimously

375/2020 Annual General Meeting for the year ended 30 June 2020

The General Manager reported as follows:

“PURPOSE

This is a report on the conduct of the Council’s Annual General Meeting held on 30 November 2020.

BACKGROUND

In accordance with the *Local Government Act 1993*, the Council is required to prepare an Annual Report and conduct an Annual General Meeting (AGM). The Council placed an advertisement in the Advocate on Saturday 31 October 2020, notifying of the AGM which was held on Monday 30 November 2020, and invited submissions from the

community in relation to the Annual Report. A record of the meeting was kept by way of minutes (a copy of the AGM minutes [unconfirmed] is appended to this report).

The *Local Government Act 1993* provides that any resolution passed at an annual general meeting is to be considered at the next meeting of the Council. There were no resolutions other than the one to receive the Annual Report.

DISCUSSION

Three (3) members of the public attended the AGM. The Mayor spoke in support of the Annual Report and a PowerPoint presentation of the highlights for the year was presented by the General Manager.

CONSULTATION

Consultation is not required in respect of this report.

RESOURCE, FINANCIAL AND RISK IMPACTS

This matter does not impact on resources.

CORPORATE COMPLIANCE

The holding of the AGM is a statutory requirement.

The Central Coast Strategic Plan 2014–2024 includes the following strategy and key action:

Council Sustainability and Governance
. Effective communication and engagement.

CONCLUSION

It is recommended that this report be received.”

The Executive Services Officer reported as follows:

“A copy of the minutes of the Annual General Meeting for 2020 have been circulated to all Councillors.”

■ Cr Hiscutt moved and Cr Diprose seconded, “That the report on the conduct of the Council’s Annual General Meeting for 2020 (a copy of the minutes of the meeting, held on 30 November 2020, being appended to and forming part of the minutes of this ordinary meeting of the Council) be received.”

Carried unanimously

376/2020 Council and Development Support Special Committee meeting schedule 2021 (397/2011 – 12.12.2011)

The General Manager reported as follows:

“The Executive Services Officer has prepared the following report:

‘PURPOSE

The purpose of this report is to propose and to list the Ordinary Council meeting and Development Support Special Committee (DSSC) meeting schedules for 2021.

BACKGROUND

The Council has a Policy in respect of holding Ordinary Council meetings on the third Monday of each month, with the exception of January and December. DSSC meetings are held (if required) on the second and last Monday of each month.

DISCUSSION

The Council’s policy on the holding of Ordinary Council meetings ensures that certainty and regularity are provided to the community in the decision-making processes of the Council, as provided for in the *Local Government (Meeting Procedures) Regulations 2015* (the Regulations), Part 2 Division 1, Section 4.

The Council’s policy on the holding of its ordinary meetings states that meetings commence at 6.00pm and by adopting the proposed schedule, the Council satisfies Section 6(2) of the Regulations.

The policy for DSSC meetings provides for meetings to be held on the second and last Monday of the month unless otherwise determined by the Council. If a DSSC meeting is required, the meeting commences at 6.00pm. The provisions of the *Local Government Act 1993* give the Council the flexibility to appoint and authorise a committee that is able to make planning and development determinations in a more timely and efficient manner other than under the constraints of the timeframe and meeting procedures of ordinary meetings of the Council.

As a result of the COVID-19 pandemic and in accordance with WorkSafe Tasmania and the Tasmanian Government’s Coronavirus disease gatherings, density and physical distancing measures, the Council developed COVID-19

Safety Plans. Safety Plans were implemented for all Council buildings, facilities and venues, including the Council Chamber.

One change that has impacted Council and DSSC meetings is public not being able to attend the meetings. Members of the public would normally be provided an opportunity to participate in the Public Question Time (traditionally held at 6.40pm for a period of 30mins). During the continuation of the COVID-19 restrictions members of the public, although unable to attend meetings in person are still able to ask questions relating to the activities of the Council by submitting their question/s to the General Manager by 3.00pm on the day of the meeting.

The Council will continue to monitor the situation in relation to public attendance and will rely on public health advice.

As provided for in Part 2 Division 1, Section 7(2) of the Regulations, the General Manager is to publish in a daily newspaper at least once in each year, of the times and places of the ordinary Council meetings for the next 12 months, as well as Council Committees. The General Manager also ensures that the notice referred to in sub-regulation (2) is made available to the public on the Council's website.

CONSULTATION

Consultation is not required as the proposed meeting schedules for 2020 are in line with current Council policies.

RESOURCE, FINANCIAL AND RISK IMPACTS

This will have no impact on resources as all Council and Committee meetings are required to be advertised.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

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

CONCLUSION

It is recommended that the meeting schedules for Ordinary Council and DSSC meetings for 2021 be adopted (a copy of the schedules are appended to this report).'

The report is supported."

The Executive Services Officer reported as follows:

"A copy of the meeting schedules for Ordinary Council and DSSC meetings for 2021 have been circulated to all Councillors."

■ Cr Viney moved and Cr van Rooyen seconded, "That the meeting schedules for Ordinary Council and Development Support Special Committee meetings for 2021 be adopted (copies being appended to and forming part of the minutes)."

Carried unanimously

377/2020 Correspondence addressed to the Mayor and Councillors

The General Manager reported as follows:

"A Schedule of Correspondence addressed to the Mayor and Councillors for the period 17 November 2020 to 14 December 2020 and which was addressed to the 'Mayor and Councillors' is appended. Reporting of this correspondence is required in accordance with Council policy.

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

The Executive Services Officer reported as follows:

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

■ Cr Beswick moved and Cr Hiscutt 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

378/2020 Common seal

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 17 November 2020 to 14 December 2020 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.

The Schedule also includes for information advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities.”

The Executive Services Officer reported as follows:

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

■ Cr van Rooyen moved and Cr Carpenter 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

379/2020 Contracts and agreements

The General Manager reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into for the period 17 November 2020 to 14 December 2020 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

■ Cr Viney moved and Cr Overton 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

380/2020 Statutory determinations

The Director Organisational Services reported as follows:

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

Carried unanimously

381/2020 Amendment to the declared smoke-free area within the Ulverstone CBD (261/2018 – 17.09.2018)

The Director Organisational Services reported as follows:

“The Regulatory Services Group Leader prepared the following report:

‘PURPOSE

The purpose of this report is to recommend to the Council an amendment to the declared smoke-free area within the Ulverstone CBD.

BACKGROUND

The *Public Health Act 1997* (the Act) stipulates areas that are designated smoke-free areas. These areas include sporting venues and outdoor eating areas. The Act also enables occupiers of land to declare smoke-free areas.

The Council declared Reibey Street, sections of King Edward Street and Alexandra Road in Ulverstone as smoke-free areas during 2018 (Minute No. 261/2018).

Since that time there have been a number of complaints from members of the public relating to people smoking within Apex Park, and some confusion about whether smoking is permitted in that space or not.

DISCUSSION

The Act states that the following are smoke-free areas:

"S.67B. Smoke-free areas

- (1) A smoke-free area is any of the following:*
 - (a) an enclosed public place;*
 - (b) an enclosed workplace;*
 - (c) any area, including, but not limited to including, a public street, that is not within private premises and is designated by the occupier of the area as a smoke-free area;*
 - (d) at an outdoor sporting venue during an organised sporting event being held at that venue, anywhere within 20 metres of –*
 - (i) any permanently or temporarily erected public seating; or*
 - (ii) any seating, marshalling area, warm-up area, podium or other part of the venue reserved for the use of competitors or officials; or*
 - (iii) any part of the venue used to conduct the actual organised sporting event;*
 - (e) anywhere within 3 metres of an entrance to or exit from any non-domestic building or multiple-use building;*
 - (f) anywhere within 10 metres of any air intake for ventilation equipment on or in a multiple-use building or a non-domestic building;*
 - (g) anywhere within 10 metres of any play equipment erected at a children's playground in a public place;*

- (h) *on a beach at which a surf-lifesaving organisation has temporarily erected a pair of red and yellow flags for the safety of beach users, the area "between the flags" (being the rectangular area bordered by the flags, the water's edge and the landward fringe of the beach);*
- (i) *anywhere at a public swimming pool, including the curtilage of the public swimming pool;*
- (j) *anywhere that the Director, by public notice, designates as a smoke-free area in connection with a public event or class of public events specified in that public notice;*
- (k) *anywhere in an outdoor dining area;*
- (l) *anywhere within 3 metres of an outdoor dining area that is not surrounded by a screen, or other barrier, that is at least 2.1 metres high and impervious to smoke;*
- (m) *a public street that the regulations declare to be a pedestrian mall;*
- (n) *a public street that the regulations declare to be a bus mall;*
- (o) *anywhere within 3 metres of a bus shelter on a public street."*

Section 67B.(1)(c) of the Act confers on Council the ability to declare areas smoke-free. Apex Park was not included in the map which showed the area declared by the Council during 2018. A portion of Apex Park, being within three (3) metres of the Hennessey Bakery outdoor dining area, is by default a smoke-free area. The remainder is not presently declared. A map showing the declared smoke-free area, with Apex Park highlighted, is appended to this report.

There is confusion within the community as it is not clear where smoking is permitted in relation to Apex Park. It also creates some difficulty for Council officers in enforcing the Act should this be necessary.

CONSULTATION

The current smoking restrictions have been in place for two years and are generally accepted. The purpose of the proposed change is to clarify the situation in relation to Apex Park.

RESOURCE, FINANCIAL AND RISK IMPACTS

No further resources will be required.

CORPORATE COMPLIANCE

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

A Connected Central Coast

- Improve community wellbeing.

CONCLUSION

It is recommended that the Council, under the provisions of Section 67B.(1)(c) of the *Public Health Act 1997* declares the smoke-free area which comprises Reibey Street (in its entirety), King Edward Street (between Reibey Street and Patrick Street) and Alexandra Road (between Reibey Street and Main Road), to include 39A Reibey Street (Apex Park) as outlined in red on the attached map.'

The Regulatory Services Group Leader's report is supported."

The Executive Services Officer reported as follows:

"A copy of the map outlining the proposed amended smoke-free area has been provided to all Councillors."

■ Cr Carpenter moved and Cr van Rooyen seconded, "That the Council, in accordance with Section 67B.(1)(c) of the *Public Health Act 1997*, declare the smoke-free area which comprises Reibey Street (in its entirety), King Edward Street (between Reibey Street and Patrick Street) and Alexandra Road (between Reibey Street and Main Road), to include 39A Reibey Street (Apex Park)."

Carried unanimously

382/2020 Council acting as a planning authority

The Mayor reported as follows:

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

The General Manager has submitted the following report:

‘If any such actions arise out of Minute Ref No’s. 384/2020 and 385/2020, 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 Hiscutt moved and Cr Diprose seconded, “That the Mayor’s report be received.”

Carried unanimously

383/2020 Items referred from Development Support Special Committee

The Strategic Projects and Planning Consultant reported as follows:

“In the event that any items listed for consideration by the Development Support Special Committee (DSSC) at its scheduled meeting on 30 November 2020 are referred, under its terms of appointment, to the Council or if the Committee is unable to make a determination within the relevant statutory time limit, such items will be placed before the Council at this time while it is acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.

One such item has been referred from the meeting of the DSSC held 30 November 2020 to allow consideration of the report at the Ordinary Council meeting on 14 December 2020, following clarification being provided in relation to the proposed shed included within the application.”

384/2020 Residential – dwelling and shed – variation to building envelope at 23 Bowman Drive, Penguin – Development Application DA2020287

The Strategic Projects and Planning Consultant reported as follows:

“The Town Planner has prepared the following report:

<i>'DEVELOPMENT APPLICATION NO.:</i>	DA2020287
<i>PROPOSAL:</i>	Residential – dwelling and shed – variation to the building envelope
<i>APPLICANT:</i>	PLA Designs Pty Ltd
<i>LOCATION:</i>	23 Bowman Drive, Penguin
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)
<i>ADVERTISED:</i>	17 October 2020
<i>REPRESENTATIONS EXPIRY DATE:</i>	3 November 2020
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	25 November 2020 – extension of time granted until 14 December 2020
<i>DECISION DUE:</i>	14 December 2020

PURPOSE

The purpose of this report is to consider an application for a dwelling and shed on land at 23 Bowman Drive, Penguin.

Accompanying the report are the following documents:

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

BACKGROUND

Development description –

An application has been made for a single dwelling and a 7m x 9m shed at 23 Bowman Drive, Penguin.

The dwelling would comprise of three bedrooms (master with ensuite), shared bathroom, open plan lounge/kitchen/dining room, double garage (with laundry) and a northern facing alfresco. The dwelling component of the application satisfies all relevant Planning Scheme Acceptable Solutions for the General Residential zone and would be, if lodged as a stand-alone application, a 'No Permit Required' development.

The shed would be located in the far north-eastern corner of the lot and would be positioned along the northern rear boundary. This is a 'discretionary matter'.

The proposal incorporates a new 6m wide crossover off Bowman Drive.

Site description and surrounding area –

The 850m² site is located on the northern side of Bowman Drive.

There is a sewer easement that runs just inside of the development site's southern front boundary.

Land to the west, east and south are also zoned General Residential. Some of the adjoining land is developed with single dwellings and associated outbuildings. Land to the immediate west and east are vacant.

History –

The application was included on the agenda for the DSSC meeting held 30 November 2020. The decision was deferred until the Council meeting 14 December 2020. Confirmation has been received from the applicant/designer that the area for the proposed shed is flat and the elevations provided with the application are accurate regarding the final height of the proposed shed wall.

The site has existing footings and a slab that was poured for a dwelling as works undertaken by the previous owner. All footings and slab are in the process of being removed.

DISCUSSION

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

General Residential

CLAUSE	COMMENT
10.3.1 Discretionary Permit Use	
<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>
10.3.2 Impact of Use	
10.3.2–(A1) Permitted non-residential use must adjoin at least one residential use on the same street frontage.	<p>Not applicable.</p> <p>Use is residential.</p>
10.3.2–(A2) Permitted non-residential use must not generate more than 40 average daily vehicle movements.	<p>Not applicable.</p> <p>Use is residential.</p>

10.3.2–(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.	Not applicable. Use is residential.
10.4.1 Residential density for multiple dwellings	
10.4.1–(A1) Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Not applicable. Not an application for multiple dwellings.
10.4.2 Setbacks and building envelope for all dwellings	
10.4.2–(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or	(a) Compliant. Dwelling would be setback 6m from the front boundary. (b) Not applicable. No secondary frontage. (c) Not applicable. Satisfied by (a). (d) Compliant. The development is not on land that abuts the Bass Highway.

<p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(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>(a) Compliant. Attached garage would be setback 6m from the primary frontage.</p> <p>(b) Not applicable. Refer to (a) above.</p> <p>(c) Not applicable. Refer to (a) above.</p>

<p>(c) 1.0m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10.0m from the frontage.</p>	
<p>10.4.2–(A3) A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <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>(a)(i) Compliant. The proposal satisfies the frontage setback as discussed above.</p> <p>(a)(ii) Non-compliant. Shed would be located along the rear boundary. Furthermore, the shed would be outside the required building envelope due to a wall height of 3.8m with a ridge height of 4.7m. Refer to the “Issues” section of this report. The dwelling satisfies all the building envelope standards.</p> <p>(b)(i) Compliant. The shed manufacturing plans show the wall length as 9m. There is a discrepancy with the site plan that states 9.5m wall length for the shed. The plans to be used for this assessment are the shed plans. A condition is to be placed on the Permit stating wall length to be 9m.</p> <p>(b)(ii) Compliant as discussed above.</p>

<ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or (ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser). 	
10.4.3 Site coverage and private open space for all dwellings	
<p>10.4.3–(A1) Dwellings must have:</p> <ul style="list-style-type: none"> (a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and (b) for multiple dwellings, a total area of private open space of not less than 60.0m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces. 	<ul style="list-style-type: none"> (a) Compliant. Site coverage would be approximately 36%. (b) Not applicable. The proposed development is not for multiple dwellings. (c) Compliant. The site would have an area greater than 25% free from impervious surfaces.

<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 style="padding-left: 40px;">(i) 24.0m²; or</p> <p style="padding-left: 40px;">(ii) 12.0m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p style="padding-left: 40px;">(i) 4.0m; or</p> <p style="padding-left: 40px;">(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>(a)(i) Compliant. The dwelling includes an alfresco area which would be greater than 24m².</p> <p>(a)(ii) Not applicable. Development satisfied by (a)(i).</p> <p>(b)(i) Compliant. The dwelling has private open space with a minimum horizontal dimension greater than 4m.</p> <p>(c) Compliant. The existing private open space area would be directly accessible from the dwelling's habitable rooms.</p> <p>(d) Compliant. The private open space is primarily located to the north of the dwelling.</p> <p>(e) Compliant. The existing private open space is not located between the dwelling and the frontage.</p> <p>(f) Compliant. Alfresco area is 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>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least three hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	
10.4.4 Sunlight and overshadowing for all dwellings	
10.4.4-(A1) A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	<p>Compliant.</p> <p>The dwelling's Lounge and Dining area have windows which are facing north.</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	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

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

<p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <ul style="list-style-type: none"> (i) at a distance of 3.0m from the northern edge of the private open space; and (ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal. <p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling. 	
<p>10.4.5 Width of openings for garages and carports for all dwellings</p>	
<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</p>	<p>Compliant. Attached garage openings facing the primary frontage would be 6m.</p>

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).	
10.4.6 Privacy for all dwellings	
<p>10.4.6-(A1) A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1.0m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3.0m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4.0m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6.0m: 	Not applicable. No balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling), with a finished surface or floor level more than 1.0m above natural ground level proposed.

<ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site. 	
<p>10.4.6–(A2) A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1.0m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> (i) is to have a setback of at least 3.0m from a side boundary; and (ii) is to have a setback of at least 4.0m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6.0m from a window or glazed door, to a habitable room, of another dwelling on the same site; and 	<p>Not applicable. No window or glazed door to a habitable room of a dwelling, with a floor level more than 1.0m above the natural ground level proposed.</p>

<p>(iv) if the dwelling is a multiple dwelling, is to be at least 6.0m from the private open space of another dwelling on the same site.</p> <p>(b) The window or glazed door:</p> <p>(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</p> <p>(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</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	
<p>10.4.6–(A3) A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p>	<p>Not applicable.</p> <p>No shared driveway or parking spaces.</p>

<p>(a) 2.5m; or</p> <p>(b) 1.0m if:</p> <p>(i) it is separated by a screen of at least 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</p>	
<p>10.4.7 Frontage fences for all dwellings</p>	
<p>10.4.7-(A1) A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:</p> <p>(a) 1.2m if the fence is solid; or</p> <p>(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>

10.4.8 Waste storage for multiple dwellings	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations:</p> <ul style="list-style-type: none"> (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: <ul style="list-style-type: none"> (i) has a setback of at least 4.5m from a frontage; and (ii) is at least 5.5m from any dwelling; and (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>Not applicable.</p> <p>Not multiple dwelling development.</p>
10.4.9 Suitability of a site or lot for use or development	
<p>10.4.9-(A1) A site or each lot on a plan of subdivision must:</p>	<p>(a) Compliant. The site has an area of 850m².</p>

<p>(a) have an area of not less than 330m² excluding any access strip; and</p> <p>(b) if intended for a building, contain a building area of not less than 10.0m x 15.0m:</p> <ul style="list-style-type: none"> (i) clear of any applicable setback from a frontage, side or rear boundary; (ii) clear of any applicable setback from a zone boundary; (iii) clear of any registered easement; (iv) clear of any registered right of way benefiting (v) clear of any restriction imposed by a Utility; (vi) not including an access strip; (vii) accessible from a frontage or access strip; and (viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north. 	<p>(b)(i) Non-compliant. Variation to rear boundary as discussed in Clause 10.4.2.</p> <p>(b)(ii) Not applicable. No zone boundary.</p> <p>(b)(iii) Not applicable. No registered easements.</p> <p>(b)(iv) Not applicable. No registered right of way.</p> <p>(b)(v) Compliant. Dwelling would be clear of both sewer and stormwater infrastructure.</p> <p>(b)(vi) Not applicable. No access strip.</p> <p>(b)(vii) Compliant. Land is accessible from Bowman Drive.</p> <p>(b)(viii) Not applicable. Not a new residential lot.</p>
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<p>10.4.9–(A2) A site or each lot on a subdivision plan must have a separate access from a road –</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road –</p> <p style="padding-left: 40px;">(i) over land not required as the means of access to any other land; and</p> <p style="padding-left: 40px;">(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than –</p> <p style="padding-left: 40px;">(i) 3.6m for a single dwelling development; or</p> <p style="padding-left: 40px;">(ii) 6.0m for multiple dwelling development or development for a non–residential use; and</p> <p>(e) the relevant road authority in accordance with the</p>	<p>(a) Compliant. Existing access to Bowman Drive.</p> <p>(b) Not applicable. Not an internal lot.</p> <p>(c)(i) Not applicable. Satisfied by (a).</p> <p>(c)(ii) Not applicable. Satisfied by (a).</p> <p>(d)(i) Compliant. Site has a 22m frontage width to Bowman Drive.</p> <p>(d)(ii) Not applicable. Not multiple dwelling or non–residential development.</p> <p>(e) Compliant. Statement of Compliance issued in relation to a new crossover off Bowman Drive and the existing crossover to be reinstated – refer to Annexure 5.</p>
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COMMUNITY SERVICES

<p><i>Local Government (Highways) Act 1982 or the Roads and Jetties Act 1935 must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</i></p>	
<p>10.4.9–(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated water system.</p>
<p>10.4.9–(A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and wastewater to a sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated sewerage system.</p>
<p>10.4.9–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated stormwater system.</p>
<p>10.4.10 Dwelling density for single dwelling development</p>	
<p>10.4.10–(A1)</p> <p>(a) The site area per dwelling for a single dwelling must –</p>	<p>(a)(i) Compliant. Site area is 850m².</p>

(i) be not less than 325m ² .	
10.4.11 Development other than a single or multiple dwelling	
10.4.11.1 Location and configuration of development	
<p>10.4.11.1-(A1) The wall of a building must be set back from a frontage –</p> <p>(a) not less than 4.5m from a primary frontage; and</p> <p>(b) not less than 3.0m from any secondary frontage; or</p> <p>(c) not less than and not more than the setbacks for any existing building on adjoining sites;</p> <p>(d) not less than for any building retained on the site;</p> <p>(e) in accordance with any building area shown on a sealed plan; or</p> <p>(f) not less than 50.0m if the site abuts the Bass Highway.</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>
10.4.11.1-(A2) All buildings must be contained within a building envelope determined by –	<p>Not applicable.</p> <p>Proposed development is residential.</p>

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

<p>10.4.11.1–(A5) Other than for a dwelling, the total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of:</p> <ul style="list-style-type: none"> (a) 6.0m; or (b) half the width of the frontage. 	<p>Not applicable.</p> <p>Proposed development is residential.</p>
<p>10.4.11.2 Visual and acoustic privacy for residential development</p>	
<p>10.4.11.2–(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building must:</p> <ul style="list-style-type: none"> (a) if the finished floor level is more than 1.0m above natural ground level: <ul style="list-style-type: none"> (i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site; (ii) be not less than 3.0m from a side boundary; (iii) be not less than 4.0m from a rear boundary; and 	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<p>(iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or</p> <p>(b) if less than the setbacks in clause A1(a):</p> <p>(i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling;</p> <p>(ii) have a window sill height of not less than 1.8m above floor level;</p> <p>(iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or</p> <p>(iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.</p>	
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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.
10.4.11.3 Frontage fences	
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.
10.4.12 Setback of development for sensitive use	
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) Not applicable. No zone boundary. (b) Not applicable. No zone boundary.

<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. Dwelling would be setback approximately 440m from Bass Highway.</p> <p>(b) Compliant. Dwelling would be setback approximately 460m 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 15km to the west.</p>
<p>10.4.13 Subdivision</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</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

COMMUNITY SERVICES

the shares 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.
10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision	
10.4.14–(A1) Electricity reticulation and site connections must be installed underground.	Not applicable. No subdivision proposed.
CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Not a subdivision, hazardous or vulnerable use.
E2 Airport Impact Management Code	Not applicable. No Code in the Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of vegetation.
E\$ Change in Ground Level Code	Not applicable. No change in ground level greater than 1m.
E5 Local Heritage Code	Not applicable. No Local Heritage Code in the Scheme.
E6 Hazard Management Code	Not applicable. No hazard identified.

E7 Sign Code	Not applicable. No signage proposed.
E8 Telecommunication Code	Not applicable. No telecommunications proposed.
E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Code applies to all development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme applies to the site.
E9.5 Use Standards	
E9.5.1 Provision for parking	
E9.5.1–(A1) Provision for parking must be: (a) 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 dwelling would have an attached double garage. The requirement for two car parking spaces would be satisfied.
E9.5.2 Provision for loading and unloading of vehicles	
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>	
E9.6 Development Standards	
E9.6.1 Design of vehicle parking and loading areas	
<p>E9.6.1 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p> <p>E9.6.1 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <p>(a) Be in accordance with AS/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>E9.6.1 A1.1 Compliant by a Condition to be placed on the Permit.</p> <p>E9.6.1 A1.2 Not applicable for the development of a single dwelling.</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>E9.6.1–(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Not applicable.</p> <p>Land is zoned General Residential.</p>

COMMUNITY SERVICES

E10 Water and Waterways Code	Not applicable. The development is not within 30m of a waterway, watercourse or shoreline.
Specific Area Plans	No Specific Area Plans apply to this location.

Issues –

1 Variation to the building envelope and side setback standard –

The Planning Scheme's Acceptable Solution 10.4.2–(A3)(a)(i) and (ii) states that a dwelling must be within the required building envelope. This includes that a wall of a shed be no higher than 3m along a side boundary and setback 4m from a rear boundary.

The proposed shed would be positioned along the northern rear boundary and would have a wall height of 3.8m. 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 application includes shadow pattern diagrams for the proposed shed. The majority of the shadow from the shed would be cast back into the development site. Some shadow would be cast into the adjoining eastern property from 3.00pm onwards. It is not considered that this shadow is unreasonable. Furthermore, a recently approved dwelling on the adjoining eastern site would be positioned clear of all shadow to be cast from the proposed shed.

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

Compliant. As discussed above, a recently approved dwelling on the adjoining eastern site would be positioned clear of all shadow to be cast from the proposed shed. This would include all approved private open space area associated with the dwelling on the adjoining eastern property.

(iii) Overshadowing on an adjoining vacant lot; or

Compliant. Currently both the western and eastern adjoining sites are vacant. The shadow on these lots from the proposed shed would not be unreasonable.

There will be some shadow cast into the adjoining eastern property from 3.00pm onwards. The majority of the shadow from the proposed shed would be cast back into the development site.

- (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 visible from adjoining lots. This is because currently there are no buildings on the development site. The proposed shed is considered slightly higher, at 3.8m, than the standard shed wall height (800mm higher). The shed would have a wall length of 9m along the eastern boundary. The proposed dwelling has been positioned so that only the 9m length of abutting shed wall would be on the eastern boundary. It is considered that the proposed shed would not cause an unreasonable loss of amenity by visual impacts cause by the apparent scale, bulk or proportions of the building when viewed from an adjoining lot. This is because the associated dwelling has been positioned away from the eastern boundary, which assists to minimise bulk and scale when viewing the overall development along the eastern boundary.

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

Compliant. Established residential properties within the vicinity of the development site, along Bowman Drive, are predominantly single and double storey dwellings with associated outbuildings. Most are developed close to their respective side boundaries. The proposed shed setback would be similar to the established residential properties within this area. There are several other outbuildings located in properties along Bowman Drive of similar size and setback to side boundaries as the one proposed on the development site. It is therefore considered that the proposed development is compatible with that prevailing in the surrounding area.

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Referral not required.
Infrastructure Services	Statement of Compliance issued 3 November 2020 to be applied to Permit.
Building	Building note to be applied to Permit.
TasWater	Referral not required.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Tas Networks	Referral not required.

CONSULTATION

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

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

Representations –

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

The representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
<p>1 Purchased property because of pristine view to the North. Proposed shed would limit this view.</p>	<p>It is acknowledged that several properties along the northern side of Bowman Drive would have ocean views. However, the view of the ocean over adjoining private property cannot be relied upon.</p> <p>The Council has recently approved a dwelling on the site owned by the representor. The dwelling approved satisfied the No Permit Required status and the appropriate Certificate was issued.</p> <p>The dwelling approved under the No Permit Required was positioned to the southern side of the site, closer to Bowman Drive. The representor would still have northern views to the ocean from the development site.</p> <p>Even, if a new dwelling was proposed in a different location on the representor's site, they would still have the benefit of their northern outlook to the ocean. Unfortunately, in a built up residential area, you can not rely on maintaining a 180 degree ocean view and cannot rely on a view of the ocean over adjoining private property.</p>
<p>2 No precedent in this line of houses of any shed north of a dwelling.</p>	<p>It is acknowledged that the dwellings along the northern side of Bowman Drive do not include outbuildings along the northern side of their respective properties, apart from a couple further east along Bowman Drive.</p>

	<p>However, a lot of the dwellings have been built closer to their respective property boundaries and most sites have ample area for an outbuilding to be constructed at a later date.</p> <p>It is not uncommon along Bowman Drive (southern side), and within the development site area, for outbuildings to be built closer to boundaries and be of a similar size to the proposed shed.</p> <p>The streetscape will still be dominated by the proposed dwelling which is in keeping with the existing characteristics of the area.</p>
3 Shed higher than a regular shed.	<p>The Planning Scheme stipulates, as an Acceptable Solution, that a 3m high shed wall can be positioned along a side boundary for a maximum wall length of 9m.</p> <p>The proposed shed would have a wall height of 3.8m for a wall length of 9m and would be positioned along the eastern side boundary tapering out to 0.15m.</p> <p>The proposed shed wall height is greater than the Acceptable Solution standard by 800mm. It is considered acceptable that the proposed shed wall is higher than a standard shed wall height. Even if the wall height of the shed was reduced to 3m, to be in accordance with the Planning Scheme Acceptable Solution, this would not greatly alter the look of</p>

	the shed when viewed from the adjoining property.
<p>4 Size and location of shed would result with overshadow a large area of the adjoining property for all of the afternoon.</p> <p>If the adjoining property was to design a dwelling to be located in the nest area of the site it would be overshadowed by the shed.</p>	<p>The Council has recently approved a dwelling on the site owned by the representor. The dwelling approved satisfied the No Permit Required status and the appropriate Certificate was issued.</p> <p>The approved No Permit Required dwelling would be clear of all shadow that would be cast into the site from the proposed shed. This includes the areas approved for the dwelling's private open space.</p> <p>Even if a new dwelling was proposed on the adjoining site, the shadow cast onto the site by the proposed shed is not considered unreasonable. The adjoining site would have no shadow onto the site until 3.00pm onwards. This means the site is clear of any shadow for 6 hours of the day on 21 June, from 9.00am to 3.00pm.</p>
<p>5 BAL rating when building within 13m of the northern boundary is BAL29. This means dwelling needs to be setback 6m from the shed for safety reasons. Does that mean they would need to build their house 6m from the proposed shed?</p>	<p>This is not a matter to be considered under the Planning Scheme.</p> <p>Matters relating to Bushfire Attack Level (BAL) assessment and building designs is undertaken at the Building Permit application stage.</p>

RESOURCE, FINANCIAL AND RISK IMPACTS

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

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

CONCLUSION

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

The proposed development is Permitted in the General Residential zone. The application was discretionary due to variation to the building envelope for the proposed shed. 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 a reasonable development in the General Residential zone and would be in keeping with the characteristics of the surrounding area. It is considered appropriate that the proposed development be approved, subject to conditions.

Recommendation –

It is recommended that the application for Residential – dwelling and shed – variation to building envelope at 23 Bowman Drive, Penguin – Development Application DA2020287 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by PLA Designs, Drawing No. 20132, Sheet Nos. 01 (Revision A), 02 (Revision B), 03 (Revision B), 04 (Revision A) dated 21 September 2020 and 05 (Revision A) dated 22 September 2020 and plans by Ranbuild, Drawing No. BURN01–21188, Revision A, Page Nos. 1, 2 and 3 received 24 September 2020, unless modified by a condition to this permit.
- 2 The approved Shed must have a wall length no greater than 9m as shown on Ranbuild plans, Drawing No. BURN01–21188, Revision A, Page Nos. 1, 2 and 3 received 24 September 2020.
- 3 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access

dated 3 November 2020 issued by the Council acting in its capacity as the Road Authority and the Stormwater Authority.

- 4 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 5 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 Fencing to the frontage of the property to a height of 1.2m does not require a Permit. fencing that is 30% transparent above 1.2m, to a maximum height of 1.8m, requires a Permitted Permit.
- 4 Side boundary fencing is to angle down to the public road reserve boundary in accordance with AS/NZS 2890 Figure 3.3 "Minimum Sight Lines for Pedestrian Safety".
- 5 The outbuilding is approved for use ancillary to Residential use of the land. If the outbuilding is intended to be used for a purpose other than this, then a further Permit for a change of use would be required.
- 6 The proposed development fits within the criteria of Category 4 – Building Permit Work and Category 3 – Notifiable Plumbing Work when assessed against the Director's Determinations issued under the Building Act 2016. Accordingly, an application for a Building Permit is to be made to the Council's Building Permit Authority, and an application for a Certificate of Likely Compliance – Plumbing Work is to be made to the Council's Plumbing Permit Authority.'

The Town Planner's report is supported."

The Executive Services Officer reported as follows:

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

■ Cr Beswick moved and Cr van Rooyen seconded, "It is recommended that the application for Residential – dwelling and shed – variation to building envelope at 23 Bowman Drive, Penguin – Development Application DA2020287 be approved subject to the following conditions and notes.

- 1 The development must be substantially in accordance with the plans by PLA Designs, Drawing No. 20132, Sheet Nos. 01 (Revision A), 02 (Revision B), 03 (Revision B), 04 (Revision A) dated 21 September 2020 and 05 (Revision A) dated 22 September 2020 and plans by Ranbuild, Drawing No. BURN01–21188, Revision A, Page Nos. 1, 2 and 3 received 24 September 2020, unless modified by a condition to this permit.
- 2 The approved Shed must have a wall length no greater than 9m as shown on Ranbuild plans, Drawing No. BURN01–21188, Revision A, Page Nos. 1, 2 and 3 received 24 September 2020
- 3 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 3 November 2020 issued by the Council acting in its capacity as the Road Authority and the Stormwater Authority.
- 4 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
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Carried unanimously

385/2020 Draft Amendment PSA2020003 to the Central Coast Interim Planning Scheme 2013 (285/2020 – 21.09.2020)

The Strategic Projects and Planning Consultant reported as follows:

"The Town Planner has prepared the following report:

<i>DRAFT AMENDMENT NUMBER:</i>	PSA2020003
<i>PROPOSED AMENDMENT:</i>	Rezone land from General Residential to Local Business
<i>LOCATION:</i>	10a, 10 and 1 Alice Street, West Ulverstone (CT83570/4)
<i>PLANNING INSTRUMENTS:</i>	<i>Land Use Planning and Approvals Act 1993 (the Act) & Central Coast Interim Planning Scheme 2013 (the Planning Scheme)</i>
<i>PURPOSE</i>	

The purpose of this report is for the Planning Authority to consider a draft amendment to the Planning Scheme. The draft amendment is placed before

the Planning Authority following a request from GHD Pty Ltd on behalf of the Goodstone Group under s.33 of the Act.

It appears, through an oversight, that not only was 10a Alice Street not included within the slight expansion of the Local Business zone during the transition from the *Central Coast Planning Scheme 2005* to the *Central Coast Interim Planning Scheme 2013* and the draft Central Coast LPS, properties at 10 Alice Street and 1 Alice Street were also not included. Therefore, as part of this draft amendment, it is recommended that the Planning Authority initiate the amendment to include 10 Alice Street and 1 Alice Street under s.34 of the Act.

The draft amendment is to rezone land known as 10a, 10 and 1 Alice Street, West Ulverstone from General Residential to Local Business.

Accompanying the report are the following documents:

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

HISTORY

The Council acting as a Planning Authority decided to initiate and certify this draft amendment to the Planning Scheme at a meeting held 21 September 2020.

The draft amendment was placed on public notification for a period of four weeks from 30 September 2020 until 28 October 2020.

The Tasmanian Planning Commission, on 6 November 2020, advised the Council that the requirements for owners’ consent for companies, as set out in the notes on Form No. 1 Owners’ Consent, had not been met in that only one Company Director had signed the form. Therefore, the TPC considered that it would be necessary for the Planning Authority to reconsider the request for a draft amendment and to re-exhibit the draft amendment after obtaining a correctly completed owners’ consent form. The owner’s consultants, GHD Pty Ltd, was advised that a new consent form was required.

Revised documentation was received. The draft amendment is to be re-initiated and re-certified by the Planning Authority with the correct owners’ consent form (refer to Annexure 3).

BACKGROUND

1 Proposed draft amendment to the Planning Scheme –

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

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

No development is proposed as part of the draft amendment application. Refer to Annexure 1 for the location map, aerial view, zone map and photographs of the site. Refer to Annexure 2 for the application documentation.

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

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

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

2 Site description and surrounding area –

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

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

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

3 *Infrastructure provision –*

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

4 *10 and 1 Alice Street –*

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

The image below shows the differing zones.



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

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

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

It is therefore, considered that under s.34 of the Act that the Council through its own motion seek to rezone 10 and 1 Alice Street concurrently with the request under s.33 of the Act for 10a Alice Street.

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

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

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

DISCUSSIONS

1 Draft amendment process –

The Planning Authority may, in response to a request or by its own motion, initiate an amendment to a Planning Scheme that is administered by the Planning Authority. If this is done through a request, then the Planning Authority must decide whether to initiate the draft amendment within 42 days from the day it received the request. The request for this draft amendment was received

25 November 2020 (when the revised owners' consent form was received). The 42-day period concludes on 6 January 2021.

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

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

The key steps in the amendment process are:

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

2 *Legislative requirements –*

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

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

The key steps in the amendment process have been discussed.

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

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

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

3 *Assessment against the legislative requirements –*

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

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

Central Coast Interim Planning Scheme 2013 –

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

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

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

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

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

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

COMMUNITY SERVICES

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

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

COMMUNITY SERVICES

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

	<ul style="list-style-type: none"> (a) long day care, before or after school care, occasional care, or out-of-school hours care; (b) a day respite centre; (c) pre-school, primary or secondary education to Year 10; or (d) an employment training centre 	<ul style="list-style-type: none"> (b) day respite centre; or (c) pre-school and primary school education 	
Emergency services	If not intended for deployment beyond the local area, or as a facility for training, maintenance, storage, command or administration	If not intended for deployment beyond the local area, or as a facility for training, maintenance, storage, command or administration	No qualification
Food services	If – <ul style="list-style-type: none"> (a) no licensed premises; (b) not including a drive-through facility; and (c) seating capacity for not more than 20 people 	If not a take-away food premises with a drive-through facility	No qualification
General retail and hire	If a local shop	If – <ul style="list-style-type: none"> (a) grocery and convenience goods; or 	Refer to No Permit Required section

COMMUNITY SERVICES

		(b) personal services; and (c) an occasional market retaining goods by independent stall holders	
Hotel Industry	Not permissible in this zone	If no drive-through sales	
Pleasure boat facility	Not permissible in this zone	If a boat launch and recovery ramp primarily for trailer borne recreation vessels	If for a boat ramp
Research and Development	Not permissible in this zone	Not permissible in this zone	
Residential	No qualification	If located on a floor above or pedestrian level of to the rear of active frontage premises	If – (a) located above ground floor level (excluding pedestrian or vehicular access) or to the rear of premises; and (b) not listed as No Permit Required
Resource development	If a community garden for production or ornamental purposes to serve the local community; and not involving the keeping of animals	Not permissible in this zone	Not permissible in this zone
Service Industry	Not permissible in this zone	If not motor repairs and panel beating	Refer to discretionary section

Sport and recreation	If outdoor recreation facilities comprising a single playing field or a single surface for the local community	If – (a) an indoor facility; and (b) a gross floor area of not more than 300m ²	Refer to discretionary section
Tourist operation	If – (a) based on a building, area or place of regulated scientific, aesthetic, architectural or historic interest or otherwise of special cultural value; (b) not a visitor's information centre	If – (a) based on a building, area or place of regulated scientific, aesthetic, architectural or historic interest or otherwise of special cultural value; (b) a visitors information centre; or (c) gross floor area of not more than 300m ²	Refer to discretionary section
Utilities	If minor utilities	If minor utilities	Refer to no permit required and discretionary section
Visitor accommodation	If – (a) in a building; and (b) guest accommodation for not more than 16 people	If – (a) in a building; and (b) located on a floor above road or pedestrian level or to the rear of active frontage premises; and	If located above ground floor level (excluding pedestrian or vehicular access) or to the rear of premises;

COMMUNITY SERVICES

		(c) guest accommodation for not more than 16 people	
Discretionary		Qualifications	
Bulky goods sales	Not permissible in this zone	No qualification	Refer to permitted section
Business and professional service	If a medical centre	No qualification	Refer to no permit required section
Community meeting and entertainment	If not an art gallery, cinema, concert hall, convention centre, dance hall, exhibition centre, function or reception centre, library, museum, music hall, or theatre	No qualification	Refer to permitted section
Education and occasional care	No qualification	No qualification	No qualification
Equipment and Machinery Sales and Hire	Not permissible in this zone	Not permissible in this zone	No qualification
Food services	If not including a drive through in take away food premises	No qualification	Refer to no permit required section
General retail and hire	Refer to permitted section	No qualification	Refer to no permit required section
Hotel industry	Not permissible in this zone	No qualification	Refer to permitted section
Natural and cultural values management	No qualification	Refer to no permit required section	Refer to no permit required section

Passive recreation	No qualification	No qualification	Refer to no permit required section
Pleasure boat facility	Not permissible in this zone	No qualification	Refer to permitted section
Residential	Refer to Permitted section	No qualification	If not listed as No Permit Required or Permitted
Service industry	Not permissible in this zone	No qualification	No qualification
Sports and recreation	Refer to Permitted section	No qualification	No qualification
Storage	Not permissible in this zone	No qualification	No qualification
Transport depot and distribution	Not permissible in this zone	<p>If –</p> <p>(a) loading or unloading of goods and passengers by bus, rail, ferry or taxi; and</p> <p>(b) courier and cartage of goods produced or sold from land within the applicable Local Business zone</p>	<p>If for:</p> <p>(a) a public transport facility; or</p> <p>(b) distribution of goods to or from land within the zone</p>
Tourist operation	Refer to Permitted section	No qualification	No qualification
Utilities	No qualification	No qualification	If not listed as No Permit Required

COMMUNITY SERVICES

Vehicle fuel sales and service	Not permissible in this zone	If a service station	No qualification
Vehicle Parking	Not permissible in this zone	Not permissible in this zone	No qualification
Visitor accommodation	No qualification	No qualification	No qualification

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

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

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

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

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

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

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

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

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

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

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

process can be achieved through the Tasmanian Planning Commission.

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

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

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

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

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

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

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

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

Consideration has been given in relation to environmental, social and economic outcomes. No environmental concerns have been raised with the draft amendment. Review of social and economic matters results with the draft amendment having no adverse impacts. The draft amendment is considered to be

consistent with State Policies and the Cradle Coast Regional Land Use Strategy 2010 – 2030.

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

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

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

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

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

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

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

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

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

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

Section 32(1)(f) of the Act –

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

4 State Policies –

State Coastal Policy 1996 –

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

State Policy on Water Quality Management 1997 –

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

State Policy on the Protection of Agricultural Land 2009 –

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

National Environment Protection Measures –

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

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

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

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

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

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

6 *Transition to the Tasmanian Planning Scheme –*

The Central Coast LPS is still before the Commission.

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

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

CONSULTATION

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

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

RESOURCE, FINANCIAL AND RISK IMPACTS

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

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

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

CONCLUSION

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

Recommendation –

It is recommended that the Planning Authority:

- 1 Agree to initiate under s.33 of the *Land Use Planning and Approvals Act 1993* the process for a draft amendment to the *Central Coast Interim Planning Scheme 2013* to rezone 10a Alice Street, West Ulverstone from General Residential to Local Business.

- 2 Concurrently, agree to initiate under s.34 of the *Land Use Planning and Approvals Act 1993* draft amendment to the *Central Coast Interim Planning Scheme 2013* to include 10 Alice Street and 1 Alice Street to be rezoned from General Residential to Local Business.
- 3 Authorise the General Manager to act on behalf of the Planning Authority during the draft amendment process with the Tasmanian Planning Commission.
- 4 Certify that the draft amendment meets the requirements of s.32 of the *Land Use Planning and Approvals Act 1993*.
- 5 Forward a copy of the draft amendment with the Instrument of Certification to the Tasmanian Planning Commission.
- 6 Proceed with public exhibition of the proposed draft amendment in accordance with s.38 of the *Land Use Planning and Approvals Act 1993* for a period of four weeks.'

The Town Planner's report is supported."

The Executive Services Officer reported as follows:

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

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

- 1 Agree to initiate under s.33 of the *Land Use Planning and Approvals Act 1993* the process for a draft amendment to the *Central Coast Interim Planning Scheme 2013* to rezone 10a Alice Street, West Ulverstone from General Residential to Local Business.
- 2 Concurrently, agree to initiate under s.34 of the *Land Use Planning and Approvals Act 1993* draft amendment to the *Central Coast Interim Planning Scheme 2013* to include 10 Alice Street and 1 Alice Street to be rezoned from General Residential to Local Business.
- 3 Authorise the General Manager to act on behalf of the Planning Authority during the draft amendment process with the Tasmanian Planning Commission.
- 4 Certify that the draft amendment meets the requirements of s.32 of the *Land Use Planning and Approvals Act 1993*.

- 5 Forward a copy of the draft amendment with the Instrument of Certification to the Tasmanian Planning Commission.
- 6 Proceed with public exhibition of the proposed draft amendment in accordance with s.38 of the *Land Use Planning and Approvals Act 1993* for a period of four weeks.”

Carried unanimously

386/2020 Naming of new road within a private subdivision off Dial Road, Penguin

The Strategic Projects and Planning Consultant reported as follows:

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

‘PURPOSE

The purpose of this report is to consider a name for the new cul-de-sac required to access 18 residential lots in the Council’s Dial Road residential subdivision in Penguin.

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

BACKGROUND

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

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

The primary considerations to be given to place names are:

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

DISCUSSION

The Council will shortly receive the Final Plan of Survey for the Dial Road subdivision. The subdivision includes a new cul-de-sac roadway that will service the 18-lot subdivision approved under DA214150 on 22 May 2015. The new road will be accessed via Dial Road, Penguin. Refer to plan of subdivision at Annexure 2.

The following names have been offered for consideration:

- . McCall Court, with reference to an early owner/settler of the land.
- . Cure Court, with reference to Ms Amy Cure from Penguin – a world champion track cyclist and winner of the 2014 Women’s 25km Points race in Cali, Colombia.
- . Invictus Place, with reference to the Latin word “Invictus” which means “unconquered”. Invictus is also the name of the international adaptive multi-sport event, created by HRH Prince Harry, Duke of Sussex, in which wounded, injured or sick armed services personnel and their associated veterans take part in nine sports including wheelchair basketball, sitting volleyball, and indoor rowing. Invictus Place is also in keeping with the sporting theme of other road names within the vicinity.
- . Gnomon Place, with reference to the Mount Gnomon landform south of Penguin that forms part of the Dial Range.

A search on Placename Tasmania reveals that the name “McCall” cannot be assigned, due to an existing “McCall Terrace” in Stoney Rise.

“Invictus Place” can be used as Tasmania does not have a road name of Invictus.

“Gnomon Place” can be used as Tasmania does not have a road name of “Gnomon”.

“Cure Court” can be used, as Tasmania does not have a road name of “Cure”.

It is suggested that Invictus Place be assigned, although Gnomon Place could equally be assigned to the new cul-de-sac.

The road name will be referred to Placenames Tasmania, who may either approve or reject the proposed name.

CONSULTATION

Councillors were informally asked for suggestions, with reference to the specific locality.

RESOURCE, FINANCIAL AND RISK IMPACTS

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

CORPORATE COMPLIANCE

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

The Shape of the Place

- Encourage a creative approach to new development.

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

CONCLUSION

It is recommended that the name Invictus Place be assigned to the new roadway off Dial Road, Penguin and that the Council notify Placenames Tasmania of the assignment.'

The report is supported."

The Strategic Projects and Planning Consultant reported as follows:

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

■ Cr Hiscutt moved and Cr Fuller seconded, "That the name Invictus Place be assigned to the new roadway off Dial Road, Penguin and that the Council notify Placenames Tasmania of the assignment."

Voting for the motion

(8)

Cr Bonde

Cr Beswick

Cr Carpenter

Cr Diprose

Cr Fuller

Cr Hiscutt

Voting against the motion

(1)

Cr van Rooyen

Cr Overton
Cr Viney

Motion

Carried

INFRASTRUCTURE SERVICES

387/2020 Infrastructure Services determinations

The Director Infrastructure Services reported as follows:

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

Carried unanimously

ORGANISATIONAL SERVICES

388/2020 Organisational Services

The Director Organisational Services reported as follows:

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

CLOSURE OF MEETING TO THE PUBLIC

389/2020 Meeting closed to the public

The Executive Services Officer reported as follows:

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

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

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

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council • Dulverton Waste Management Annual General Meeting – meeting held 26 November 2020 • Dulverton Waste Management Owner Representatives – meeting held 26 November 2020.	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Delegation of authority – Tender for supply, installation, and commissioning of a semi-hemispheric immersive dome and associated projection, audio and control systems at the Hive, Ulverstone	15(2)(d) Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.”

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

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council <ul style="list-style-type: none"> . Dulverton Waste Management Annual General Meeting – meeting held 26 November 2020 . Dulverton Waste Management Owner Representatives – meeting held 26 November 2020. 	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Delegation of authority – Tender for supply, installation, and commissioning of a semi-hemispheric immersive dome and associated projection, audio and control systems at the Hive, Ulverstone	15(2)(d) Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.”

Carried unanimously and by absolute majority

The Executive Services Officer further reported as follows:

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

-
- 3 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

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

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

The meeting moved into Closed session at 6.32pm.

390/2020 Confirmation of Closed session minutes

The Executive Services Officer reported as follows:

“The Closed session minutes of the previous ordinary meeting of the Council held on 16 November 2020 have already been circulated. The minutes are required to be confirmed for their accuracy.

...

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

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

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

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

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

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

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

GENERAL MANAGEMENT

391/2020 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 Annual General Meeting – meeting held 26 November 2020
- . Dulverton Waste Management Owner Representatives – meeting held 26 November 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.”

392/2020 Delegation of authority – Tender for supply, installation, and commissioning of a semi-hemispheric immersive dome and associated projection, audio and control systems at the Hive, Ulverstone.

The General Manager reported as follows:

“PURPOSE

That the Council provided a delegation to the General Manager to award the contract for the supply, installation, and commissioning of a 10.0m dia. semi-hemispheric immersive dome and associated projection, audio and control systems at the Hive, Ulverstone.

...

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

- ‘34(1)(b) in relation to a matter discussed at the closed meeting –
- (i) the fact that the matter was discussed at the closed meeting; and
 - (ii) a brief description of the matter so discussed –
- are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be recorded in a manner that does not disclose any confidential information and protects confidentiality; and
- (c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public unless the council, or council committee, determines otherwise.’

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

There being no further business, the Mayor declared the meeting closed at 6.39pm.

CONFIRMED THIS 25TH DAY OF JANUARY, 2021.

Chairperson

(lb:lc)

Appendices

- Minute No. 375/2020 – Minutes of the Central Coast Council Annual General Meeting 2020
- Minute No. 376/2020 – Ordinary Council and Development Support Special Committee meeting schedules for 2021
- Minute No. 377/2020 – Schedule of Correspondence addressed to the Mayor and Councillors
- Minute No. 378/2020 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 379/2020 – Schedule of Contracts & Agreements
- Minute No. 380/2020 – Schedule of Statutory Determinations
- Minute No. 387/2020 – Schedule of Infrastructure Services Determinations

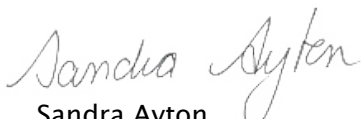
QUALIFIED PERSON'S ADVICE

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

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

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

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


Sandra Ayton
GENERAL MANAGER

Associated Reports And Documents

Minutes of the Annual General Meeting of Central Coast Council held in the Gnomon Room, Wharf Precinct, Ulverstone on Monday, 30 November 2020 commencing at 7.00pm.

Present

Cr Jan Bonde (Mayor)
Cr Amanda Diprose
Cr Annette Overton
Cr Tony van Rooyen

Cr John Beswick
Cr Casey Hiscutt
Cr Philip Viney

General Manager (Ms Sandra Ayton)
Strategic Projects and Planning Consultant (Mr Paul West)
Director Organisational Services (Mr Ian Stoneman)
Executive Services Officer (Mrs Lou Brooke)
GM and Mayor's Personal Assistant (Miss Lauren Clarke)

Mr John de Jong
Mr Lionel Bonde
Mr Jake Weeda

Apologies

The Hon. Leonie Hiscutt MLC
Cr Garry Carpenter (Deputy Mayor)
Cr Cheryl Fuller
Director Infrastructure Services (Mr Paul Breaden)

Media attendance

The media was not represented.

Opening of meeting

The Mayor, in opening the meeting and welcoming those in attendance:

- . advised that the Annual General Meeting had been called in accordance with the requirements of the *Local Government Act 1993*;
- . advised that notice of the Annual General Meeting was given in The Advocate newspaper on Saturday 31 October

- . referred the public in attendance to the agenda prepared for the meeting and which incorporated procedures for the conduct of the meeting.

Confirmation of the Minutes

- Cr Beswick moved and Cr Viney seconded, "That the minutes of the Annual General Meeting held on 11 November 2019, as circulated be confirmed."

Carried unanimously

Introduction of councillors

The Mayor introduced the attending Councillors and Council staff to the meeting.

Annual Report

The Mayor reported that the Annual Report for the year ended 30 June 2020, including financial statements and audit opinion, had been advertised as available to the public from the Administration Centre and Service Centre and on the Council's website. Electors were invited to make written submissions relating to the Annual Report.

The Mayor spoke in support of the Annual Report.

Additional comments were provided by the General Manager with a PowerPoint display of highlights from the Annual Report.

The Mayor called for questions from the floor in regard to the presentation. No questions relating to the Annual Report were received.

Submissions

One written submission was received from Mr Lionel Bonde and is reproduced below along with responses to his questions.

Submission opening:

I intend to ask the following questions at the General Ratepayers Meeting on 30 November:

Item 1

Coastal Pathway – Due to the large increase in the interest of mountain bikes on the coast, has the Council given thought that this increase could impact heavily on the demand for the Coastal Pathway, and the justification of building such a costly venture in a shifting sporting venture?

Response

The Cradle Coast Shared Pathway is a regional project with committed Federal and State Government funding. Its major use extends beyond mountain biking, catering for pedestrians, cyclists and other forms of wheeled vehicles such as mobility scooters, prams, etc. Mountain biking has become very popular and appeals to a specific user group. Specialised mountain bike tracks are available across the State and it is not envisaged that usage of the Shared Pathway will be conflicted or reduced due to this.

Item 2

Culture Centre – we read where the cost of the new Culture Centre has blown out to exceed ten (10) million dollars. Has the contribution from the State and Federal Governments also increased in tune with the increased building costs. Could we have a current costing program released?

Response

The costing for the Ulverstone Cultural Precinct project (\$10.6m) has previously been provided publicly.

At its Ordinary Council meeting held on 22 June 2020, the Council approved the 2020–2021 Budget Estimates, which included an allocation of \$1.0m. for the Science Centre, History Museum and dome at the Cultural Precinct.

Further to this, at a Special Council Meeting held 6 July 2020, the Council approved the Guaranteed Maximum Price contract with Fairbrother Pty Ltd for construction of the Cultural Precinct. In a media release on 15 July 2020, the Mayor announced the official turning of the sod ceremony and reconfirmed the \$10.6m. project, funded by the Council in partnership with the State and Federal Governments.

Reproduced below is the funding allocations for the project:

FUNDING ALLOCATION	\$ (EXC. GST)
Australian Federal Government	2,500,000
Tasmanian Government	2,500,000
Central Coast Council contribution (Borrowings)	3,500,000
Council contribution (Borrowings) – via Accelerated Local Government Capital Program	1,500,000
Capital funding in the 2020–2021 Capital Council contribution – Federal Assistance Grant to Council))	600,000
<i>TOTAL FUNDING</i>	<i>\$10,600,000</i>

Item 3

Access Reibey Street – It appears the vast changes in the western approach to Reibey Street will make it much more difficult to access Reibey Street from the western end. Was any consideration given to installing a small roundabout similar to the one in Grove–James Streets which is satisfactory. Is it too late to consider that it is needed because of the already overloading of the bridge site?

Response

It is too late to consider changing the design, several options were considered during the design phase of the Kings Parade and Queen's Garden Project. The Council conducted extensive community consultation in relation to the project designs prior to making their final determination. The final design, that is currently under construction, will see improved intersection safety for pedestrians, cyclists and drivers as well as improved pavements along Kings Parade, and rehabilitation of the historic Queen's Garden.

Item 4

Eastlands Drive roundabout – This is a sorry mess of shrubs and undergrowth and is in a disgraceful state. Has the Council considered removing all the vegetation and creating a clean work free roundabout, if not could the Council do a clean up job that is urgently needed?

Response

Maintenance on the Eastlands Drive roundabout has been arranged and will be undertaken in the week commencing 30 November 2020.

The maintenance arrangement between parties (Department of State Growth and the Council) has been reviewed and the Council will continue to maintain the area into the future.

Item 5

Westella Drive is a very busy road, in a sad state of disrepair with an urgent need to repair the edges in several places. The traffic on this road deserves a road capable of accommodating all modes of traffic that it has, such as bikes, foot traffic and all motor vehicles, it really needs the full works of filling in the drain on the southern side and widening of the road for future heavy use. Has the Council plans to progress?

Response

The section between Stubbs Road to Forth Road will be partially undertaken as part of subdivisional works in 2021–2022 and the section between Forth Road to Turners Beach Road will be undertaken in 2026–2027. The Council's Long-term Financial Plan does not currently include an upgrade for the section of Westella Drive to the west of Stubbs Road, Turners Beach.

Item 6

Parking Coles – Furners car park is a nightmare for parking on a wet day, where people are standing in quite deep water to load their groceries into their car. This is happening every wet day for the past three years. Has the Council plans to address this?

Response

Council staff regularly inspect and clean the drain to prevent blockage, unfortunately there are times when blockages and rain events coincide which create a water build-up. An alternative arrangement is being investigated to ensure this is not an ongoing long-term problem.

Item 7

Water charges and restrictions. We had water restrictions last year, which was the first time for many years. On enquiring, I am not clear what the problem was, as there was no shortage of water in the Forth River, but there seemed to be a problem in meeting the water demand on a given day, hence the restrictions to alleviate that. We read that dam storage is lower than this time last year, so are we looking at further restrictions this year. The Central Coast Council has an interest in the water

complex so should be aware of the shortage of supply, and could we have a review of the situation?

Response

TasWater are proactive in contacting the Council if there are likely to be any restrictions that may come into effect. TasWater has a Corporate Plan (2021 – 2025) which is agreed to by shareholders to gradually implement improvements in the system.

At this stage, the Council has not received any information on likely water restrictions but has contacted TasWater to discuss whether there is a likelihood of any restrictions this year.

Since the release of the agenda, the General Manager advised at the meeting that a response relating to water restrictions had been received from TasWater. Currently TasWater do not foresee any restrictions for the coming season as current water stores are full.

Any other business

The Mayor invited questions or comments from the floor.

. Mr Jake Weeda raised a number of comments and questions:

- 1 Acknowledged the Annual Report, it was a fantastic job by the staff and noted disappointment at only seeing three ratepayers attend.
- 2 On pg.98 of the Annual Report sought further information in relation to the Fuso Fighter 1670 truck from CJD Equipment Pty Ltd, as \$313,000 seems a lot for a truck, curious as to what it is used for.

The Mayor advised that the questions would be taken on notice and a response provided.

- 3 FOGO is great. (*general comment*)
- 4 Raised concern around a number of unoccupied shops in West Ulverstone, built over public footpaths. Enquired if anyone (Council staff) has made sure they are structurally sound, as some shops have been closed for a number of years. Suggested the Engineering Department may want to inspect them, as they are staring to 'lean'.

The Mayor noted Mr Weeda's comment.

- 5 No obituary for Max Johnston was placed in the newspaper, as it would have been nice to acknowledge him as a former Councillor and for bringing the waterslide to Ulverstone.

The Mayor advised that Mr Johnston's passing was formally acknowledged (and minuted) at the September 2019 Council meeting.

- 6 The walking and bike tracks, can the Council make them wider than those in the park? *(tabled as a comment only)*

- 7 TasWater is a major issue, cannot understand why a Certificate for Certifiable Works cannot be issued at the same time as Planning. Can the Council take this matter up with TasWater?

The Mayor advised that if Mr Weeda wished to put it in writing, the Council would facilitate forwarding the comments to TasWater.

Mr Weeda acknowledged the Mayor's comment and advised (in general) that if he has issues or concerns, he writes to the Mayor, Councillors, General Managers or Directors.

In closing, Mr Weeda acknowledged from the floor, the amazing work that is done by the Council.

. Mr Lionel Bonde

Expressed his disappointment in the number of people that attended the Annual General Meeting and acknowledged the effort of the Council over the past year.

■ Mr Jake Weeda moved and Cr Diprose seconded, "That the Annual Report be received."

Carried unanimously

Projects happening in 2020–2021

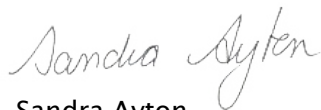
The Mayor in closing, advised of projects from 2021–2021 Annual Plan:

. The Ulverstone Cultural Precinct naming launch and opening;

- Construction of the Leith to Turners Beach section of the Coastal Pathway will commence in the new year;
- The final design stages of Penguin to Sulphur Creek section of the Coastal Pathway are being prepared for submission of a Development Application, as well as the Queen Street to Rockliff Road section;
- Cultural Heritage Study to be undertaken;
- Central Coast Tree Strategy to be developed;
- Further work on the Council's Waste Strategy to be undertaken;
- Commence stage one of the Reconciliation Action Plan with Reconciliation Tasmania;
- Review of the entrance to Penguin (at the western end);
- Stage 2 of the Penguin Foreshore inc. Perry Ling Gardens;
- Revitalisation of Reibey Street Inc. Apex Park, to increase vibrancy within the CBD.

Close of meeting

The Mayor closed the meeting at 7.57pm and, in doing so, thanked those in attendance for their participation.



Sandra Ayton
GENERAL MANAGER

COUNCIL

MEETING DATES 2021

Ordinary meetings of the Council are held on the third Monday monthly, except for January and December as shown below.

Meetings are held in the Council Chamber, Administration Centre, 19 King Edward Street, Ulverstone commencing at 6.00pm. In accordance with current COVID-19 restrictions and guidelines meetings are live streamed via the Council's website and Facebook page. Members of the public wanting to ask questions of the Council, that would normally have been heard during the Public Question Time section of the agenda, are advised to provide their question on notice to the General Manager by 3.00pm on the day of the meeting.

Agendas and minutes are available from either the Administration Centre, Ulverstone or the Service Centre, Penguin, or can be accessed on the Council's website at www.centralcoast.tas.gov.au

Meeting dates for 2021 are scheduled as follows:

Monday 25 January
Monday 15 February
Monday 15 March
Monday 19 April
Monday 17 May
Monday 21 June
Monday 19 July
Monday 16 August
Monday 20 September
Monday 18 October
Monday 15 November
Monday 13 December



SANDRA AYTON
General Manager

DEVELOPMENT SUPPORT SPECIAL COMMITTEE

MEETING DATES 2021

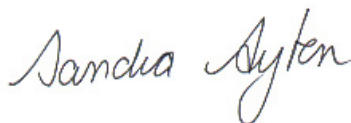
Meetings of the Development Support Special Committee are held in the Council Chamber, Administration Centre, 19 King Edward Street, Ulverstone commencing at 6.00pm. In accordance with current COVID-19 restrictions and guidelines meetings are live streamed via the Council's website and Facebook page. This Committee deals with matters of a land-use planning nature, particularly determination of applications. Although scheduled, meetings are only held if required. Persons interested in attending should contact the Land Use Planning Group (tel. 6428 8952) to find out if the meeting will be required on the scheduled date.

Agendas and minutes are available from either the Administration Centre or the Service Centre, Penguin, or can be accessed on the Council's website at www.centralcoast.tas.gov.au

Meeting dates for 2021 are scheduled as follows:

Monday 11 January
Monday 8 February
Monday 22 February
*Tuesday 09 March
Monday 29 March
Monday 12 April
Monday 26 April
Monday 10 May
Monday 31 May
*Tuesday 15 June
Monday 28 June

Monday 12 July
Monday 26 July
Monday 09 August
Monday 30 August
Monday 13 September
Monday 27 September
Monday 11 October
Monday 25 October
Monday 8 November
Monday 29 November



SANDRA AYTON
General Manager



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

Period: 17 November to 14 December 2020

- . Email from Australian Local Government Association regarding the call for Notices of Motions for National General Assembly in 2021
- . Email providing additional comments in relation to public question time from the 16 November 2020 Council meeting
- . Email to make correction to the surname of Council officer and to express appreciation regarding the Council officers' professionalism
- . Email advising of illegal camping at Bannon Park, Gunns Plains, and to suggest the Council erect non-removable signage.

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

Sandra Ayton
GENERAL MANAGER



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

Period: 17 November to 14 December 2020

Documents for affixing of the common seal under delegation

- . Strata Plan
1 Moonbeam Place, Ulverstone
Two lot subdivision
Folio Ref: 169259/103
Application No. DA217138
- . Final Plan of Survey and Part 5 Agreement
Lots 1-7 Shorehaven Drive, Turners Beach
Folio Ref: CT175068/100
Application NO. COM2009.3
- . Amendment to Sealed Plan
Flinders Avenue, West Ulverstone
Folio No.: 179549/51

A handwritten signature in cursive script that reads "Sandra Ayton".

Sandra Ayton
GENERAL MANAGER



SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

Period: 17 November to 14 December 2020

Contracts

- . Deed of Variation
Department of infrastructure, Transport, Cities and Regional Development and Central Coast Council
Community Development Grants Programme – CDG1138
Penguin Foreshore Remediation and Upgrade Project – – Stage B
 - . A revetment wall system from Surf Point at Lions Park, east along the full length of Watcombe Beach (Stage B) of at least 300 metres;
 - . A 2.5 metre wide shared pathway along top of revetment wall system of at least 200 metres along Watcombe Beach; and
 - . Construction of pathway over existing railway line to provide safe access to Watcombe Beach
- Activity Period commencement: Date of this Agreement
Activity Completion Date: 30 December 2021.
- . Contract /2020–2021
TasSpan Civil Contracting Pty Ltd
Design and construction of Claytons Rivulet, Douglas Road, Kindred in accordance with Kindred Tender submission dated 19 October 2020.
Contract Amount: \$180,539.50 (inc. GST)

Agreements

- . Tenancy Agreement
Unit 8, Coinda
35–37 Main Street, Ulverstone
Commencement date: On transfer from Unit 14 – dated 17 January 2020
- . Memorandum of Understanding
The Litter and Dumping Management System
Between Environmental Protection Authority EPA Tasmania,
Department of Justice Community Corrections and Local and State Government Land Managers
MOU dated: 21 August 2019

- . Part 5 Agreement
6 Turners Beach Road, Turners Beach
Certificate of Title Volume: 175068 Folio 100
- . Memorandum of Understanding
Procurement of dog waste bags
Between Hobart City, Glenorchy City, Clarence City and
Central Coast Councils
- . Contract for Services
Creative Communities International and Central Coast Council
2021 – 7 Day Makeover Turners Beach
Contract No. 000203
- . Agreement for Removal of Encroachments and Construction
of a Boundary Fence
Central Coast Council and Mr I Brown
18 Dial Road, Penguin Tasmania
- . Communications Site User Agreement
Stowport Hill
Agreement No.: 1318
Agreement expiry: 31 October 2023
- . Communications Site User Agreement
Kelcey Tier
Agreement No.: 1317
Agreement expiry: 31 October 2023

Sandra Ayton
GENERAL MANAGER

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

Application Number Display	Address	DA Type	Proposed use	Application /Date	Decision Date	Day determined	Cost of Works
DA2019040	25 Ozanne Drive, GAWLER	Minor Amendment	Residential (subdivision – two lots)	13/08/2019	13/11/2020	27	\$10,000.00
DA2020028	From Esplanade, Turners Beach to Bass Highway Underpass, LEITH (West)	Discretionary	Utilities (minor – shared pathway from Turners Beach to Leith (West) – including upgrade of heritage rail bridge)	27/02/2020	6/11/2020	37	
DA2020197	331 South Road WEST ULVERSTONE,TAS,7315	Permitted	Education and occasional care – family day care	17/07/2020	13/11/2020	2	\$5,000.00
DA2020219	47 Sushames Road CUPRONA,TAS,7316	Discretionary	Visitor accommodation – two cabins	7/08/2020	16/11/2020	42	\$550,000.00
DA2020221	17 Shorehaven Drive TURNERS BEACH – CT175068/12,TAS,7315	Discretionary	Residential – multiple dwellings x two	10/08/2020	10/11/2020	36	\$650,000.00
DA2020229	15 Hill View Way WEST ULVERSTONE,TAS,7315	Discretionary	Residential – dwelling and shed	17/08/2020	3/11/2020	35	\$250,000.00
DA2020238	116 Main Street ULVERSTONE,TAS,7315	Discretionary	Residential – subdivision – two lots including dwelling extensions to the existing dwelling and new dwelling on new lot	21/08/2020	23/11/2020	35	\$250,000.00
DA2020246	6 Turners Beach Road TURNERS BEACH,TAS,7315	Discretionary	Residential – dwelling – variation to the building envelope and location of garage	28/08/2020	6/11/2020	28	\$300,000.00
DA2020248	2 Preston Road, GAWLER	Discretionary	Residential (outbuilding – garage) – variation to building envelope	28/08/2020	30/11/2020	28	\$16000.00
DA2020251	9 Jesamel Place WEST ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling and outbuilding – garage)	1/09/2020	3/11/2020	28	\$390,000.00

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

Application Number Display	Address	DA Type	Proposed use	Application /Date	Decision Date	Day determined	Cost of Works
DA2020261	1360 Kindred Road KINDRED,TAS,7310	Discretionary	Residential – required dwelling – conversion and extension of existing dairy to dwelling	9/09/2020	25/11/2020	35	\$70,000.00
DA2020264	49 Preston Road GAWLER,TAS,7315	Discretionary	Subdivision (two lots and construction of dwelling)	11/09/2020	16/11/2020	54	\$500,000.00
DA2020270	22 Poynton Close TURNERS BEACH,TAS,7315	Discretionary	Residential – dwelling and shed	14/09/2020	10/11/2020	33	\$350,000.00
DA2020271	Braddons Lookout Road LEITH,TAS,7315	Discretionary	Residential – dwelling	15/09/2020	16/11/2020	48	\$300,000.00
DA2020274	8 Shorehaven Drive TURNERS BEACH,TAS,7315	Discretionary	Residential – dwelling	15/09/2020	30/11/2020	35	\$450,000.00
DA2020277	71 Jansens Road SOUTH RIANA,TAS,7316	Discretionary	Residential – dwelling extension and outbuilding – shed	16/09/2020	10/11/2020	29	\$250,000.00
DA2020279	5 View Street ULVERSTONE,TAS,7315	Discretionary	Residential – dwelling extensions and replacement of outbuilding – garage	14/09/2020	3/11/2020	32	\$200,000.00
DA2020281	Goulds Road (CT137634/2), Raymond Road (CT54062/1) & 1709 Preston Road (CT248478/1) & road reserve PRESTON,TAS,7315	Discretionary	Passive recreation (Preston Falls upgrade comprising car park, walking tracks and viewing platforms)	18/09/2020	16/11/2020	54	\$448,000.00
DA2020284	62 River Road WEST ULVERSTONE,TAS,7315	Discretionary	Residential – dwelling and shed	23/09/2020	3/11/2020	33	\$390,000.00
DA2020285	26 Cluan Crescent ULVERSTONE,TAS,7315	Discretionary	Residential (outbuilding – shed)	21/09/2020	10/11/2020	35	\$15,000.00
DA2020286	45A Leighlands Avenue ULVERSTONE,TAS,7315	Discretionary	Educational and occasional care – two classrooms	23/09/2020	6/11/2020	28	\$120,000.00

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

Application Number Display	Address	DA Type	Proposed use	Application /Date	Decision Date	Day determined	Cost of Works
DA2020288	71 Montgomery Road PENGUIN,TAS,7316	Discretionary	Residential – two non–required dwellings and a ancillary dwelling	24/09/2020	10/11/2020	27	\$850,000.00
DA2020289	32 Epsom Road PENGUIN,TAS,7316	Discretionary	Residential – shed	25/09/2020	16/11/2020	45	\$20,000.00
DA2020290	65 Von Bibras Road ULVERSTONE,TAS,7315	Discretionary	Residential – ancillary dwelling and Domestic animal breeding, boarding or training – dog training facility	25/09/2020	30/11/2020	56	\$100,000.00
DA2020291	5 Summer Place TURNERS BEACH,TAS,7315	Discretionary	Residential – dwelling and shed	28/09/2020	30/11/2020	59	\$400,000.00
DA2020299	82 South Road PENGUIN,TAS,7316	Discretionary	Residential – subdivision to create two lots	2/10/2020	13/11/2020	30	\$120,000.00
DA2020302	6A Turners Beach Road TURNERS BEACH,TAS,7315	Discretionary	Residential – dwelling	5/10/2020	13/11/2020	30	\$450,000.00
DA2020303	23 Kennaglen Lane HOWTH,TAS,7316	Discretionary	Resource development – advertising sign	6/10/2020	16/11/2020	35	\$1,000.00
DA2020305	6 King Edward Street PENGUIN,TAS,7316	Discretionary	Residential – multiple dwellings x three – staged development	6/10/2020	10/11/2020	27	\$420,000.00
DA2020306	3 Manley Street TURNERS BEACH,TAS,7315	Discretionary	Residential – second floor addition	7/10/2020	13/11/2020	29	\$100,000.00
DA2020307	2 Shorehaven Drive TURNERS BEACH,TAS,7315	Discretionary	Residential – dwelling and shed	7/10/2020	3/11/2020	21	\$400,000.00
DA2020308	8 Albert Street TURNERS BEACH,TAS,7315	Discretionary	Residential – dwelling and shed including demolition of all existing buildings on site	7/10/2020	30/11/2020	40	\$300,000.00
DA2020309	13A Scurrah Street ULVERSTONE,TAS,7315	Discretionary	Residential – dwelling	7/10/2020	6/11/2020	25	\$400,000.00

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

Application Number Display	Address	DA Type	Proposed use	Application /Date	Decision Date	Day determined	Cost of Works
DA2020311	60 Touchstone Lane GAWLER,TAS,7315	Permitted	Residential – addition to existing dwelling	7/10/2020	24/11/2020	36	\$180,000.00
DA2020312	1287 Castra Road SPRENT,TAS,7315	Discretionary	Residential – building envelope for non- required dwelling	7/10/2020	30/11/2020	42	\$150,000.00
DA2020316	61 Allegra Drive HEYBRIDGE,TAS,7316	Permitted	Residential – dwelling	9/10/2020	13/11/2020	10	\$435,000.00
DA2020317	6 Phoenix Court ULVERSTONE,TAS,7315	Discretionary	Residential – dwelling	12/10/2020	23/11/2020	28	\$547,500.00
DA2020319	12 Southwood Avenue – CT179558/35 PENGUIN,TAS,7316	Discretionary	Residential – dwelling	13/10/2020	17/11/2020	28	\$280,000.00
DA2020320	16 Southwood Avenue CT179558/34 PENGUIN,TAS,7316	Discretionary	Residential – dwelling	13/10/2020	17/11/2020	28	\$280,000.00
DA2020322	17 Southwood Avenue CT179558/6 PENGUIN,TAS,7316	Discretionary	Residential – dwelling	13/10/2020	17/11/2020	28	\$390,000.00
DA2020327	277 Leith Road FORTH,TAS,7310	Discretionary	Resource development – workshop, awning to machinery shed and awning to onion intake shed	15/10/2020	23/11/2020	32	\$460,000.00
DA2020330	25 Arcadia Avenue TURNERS BEACH,TAS,7315	Discretionary	Residential – shed	16/10/2020	25/11/2020	29	\$14,741.00
DA2020333	8 Pearson Street ULVERSTONE,TAS,7315	Discretionary	Residential – deck roof and shed extension	19/10/2020	30/11/2020	26	\$60,000.00
DA2020341	179 Upper Maud Street WEST ULVERSTONE,TAS,7315	Permitted	Residential – dwelling	26/10/2020	13/11/2020	14	\$290,000.00
DA2020345	22 Allambie Crescent ULVERSTONE,TAS,7315	Discretionary	Community meeting and entertainment – church and community centre	27/10/2020	13/11/2020	10	\$125,000.00
DA2020351	26 Merinda Drive ULVERSTONE,TAS,7315	Discretionary	Residential – garage	4/11/2020	13/11/2020	2	\$21,000.00

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

Application Number Display	Address	DA Type	Proposed use	Application /Date	Decision Date	Day determined	Cost of Works
DA2020396	81 Kergers Road RIANA,TAS,7316	Permitted	Residential – gazebo – retrospective application	25/11/2020	30/11/2020	3	\$11,000.00
COM2009.3-1	Shorehaven Drive, TURNERS BEACH	Minor Amendment	Removal of Condition No. 3	12/11/2020	30/11/2020	21	\$1,000.00

SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION

Period: 1 November 2020 to 30 November 2020

Building Permits – 6

· New dwellings	5	\$1,497,000
· Outbuildings	0	\$0
· 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	6	\$1,222,000
· Outbuildings	3	\$81,000
· Additions/Alterations	0	\$0.00
· Other	3	\$379,000

Building Low Risk Work – 0

Certificate of Likely Compliance – Plumbing – 8

No Permit Required – Plumbing – 0

Food Business registrations (renewals) – 0

Food Business registrations (fixed premises) – 4

One-off Food Business registrations – 0

Mobile State-wide Food Business Registrations – 1

Public Health Risk Activity Premises Registration – 0

Public Health Risk Activity Operator Licences – 0

Temporary Place of Assembly licences – 0

SCHEDULE OF COMMUNITY SERVICES DETERMINATIONS MADE UNDER DELEGATION

Period: 1 November 2020 to 30 November 2020

Abatement notices issued

ADDRESS	PROPERTY ID
1 Midway Lane, Sulphur Creek	403427.0020
12 Sandhaven Crescent, Sulphur Creek	403541.0360
8 Tamworth Street, Sulphur Creek	403617.0160
9 Cann Street, Penguin	403080.0100
45 Coroneagh Street, Penguin	403120.0510
28 Epsom Road, Penguin	403180.0460
40 Hales Street, Penguin	403230.0980
12 King Edward Street, Penguin	403310.0100
22 King Edward Street, Penguin	403310.0160
20 Mission Hill Road, Penguin	403430.0980
6 Seaside Crescent, Penguin	403550.0240
12 Sunset Lane, Penguin	403610.0240
3 Sunnyridge Avenue, Penguin	403600.0020
13 Whittle Street, Penguin	403660.0160
Ashwater Crescent, Penguin	403030.0870
Dial Road, Penguin	403150.0900
South Road, Penguin	403570.0960
20 South Road, Penguin	403570.1600
28 Barker Street, Ulverstone	100100.0540
29 Beach Road, Ulverstone	100120.0100
6 Clarke Street, Ulverstone	100270.0345
11 Clarke Street, Ulverstone	100270.0120
11 Debbie Court, Ulverstone	100335.0120
34 Eastland Drive, Ulverstone	100400.1200
5 Fieldings Way, Ulverstone	100450.0020
Froms Road, Ulverstone	100500.0100
34 Jermyn Street, Ulverstone	100810.1140
1 Kilowatt Court, Ulverstone	100895.0010
6 King Edward Street, Ulverstone	100910.0460
57 Lovett Street, Ulverstone	101050.0600
3 Maisie Place, Ulverstone	101085.0040
7 McCulloch Street, Ulverstone	101170.0080
5 Phoenix Court, Ulverstone	101343.0100
9–11 Scurrah Street, Ulverstone	101510.0080
1 Southern Cross Drive, Ulverstone	101555.0020
3 Southern Cross Drive, Ulverstone	101555.0040

14 Southern Cross Drive, Ulverstone	101555.0380
12 Trevor Street, Ulverstone	101670.0660
126A Trevor Street, Ulverstone	101670.1060
4 View Street, Ulverstone	101740.0140
Von Bibras Road, Ulverstone	505750.0060
13 Wrights Road, Ulverstone	101900.0040
12 Breheny Place, West Ulverstone	100190.0100
7 Cheryl Court, West Ulverstone	100255.0140
Clara Street, West Ulverstone	100260.1180
78 Clara Street, West Ulverstone	100260.1480
1 Flinders Avenue, West Ulverstone	100470.0020
24 Kywong Crescent, West Ulverstone	100950.0460
4 Reid Street, West Ulverstone	101430.0040
44 Richardson Street, West Ulverstone	101450.0540
22A South Road, West Ulverstone	101560.1480
152 Uppr Maud Street, West Ulverstone	101710.1780
195 Upper Maud Street, West Ulverstone	101710.0768
53A Westland Drive, West Ulverstone	101850.0510
26 Fairway Drive, Penguin	403195.0340
5 Laurel Place, Ulverstone	100970.0060
42-48 John Street, Ulverstone	100840.1100
36 Jermyn Street, Ulverstone	100810.1160
2 Froms Road, Ulverstone	100500.0060
103-103A Reibey Street, Ulverstone	101420.0800
101 South Road, West Ulverstone	101560.0650
18 Josephine Street, West Ulverstone	100850.0820
20 Josephine Street, West Ulverstone	100850.0840
46 Braddons Lookout Road, Leith	302330.0140
112-118 Esplanade, Turners Beach	202050.1460
124-126 Esplanade, Turners Beach	202050.1500
18 Berkshire Parade, Penguin	403054.0680
Flinders Avenue, West Ulverstone	100470.0220
85 South Road, Penguin	403570.0660
35 Eastland Drive, Ulverstone	100400.0340

Kennel Licence issued

ADDRESS

OWNER

Nil

Permits issued under Animal By-Law 1 – 2018

ADDRESS

PERMIT ISSUED FOR

Nil

SCHEDULE OF OTHER STATUTORY RESPONSIBILITIES OF COMMUNITY SERVICES

Period: 1 November to 30 November 2020

Infringement notices issued for Dog Offenses

	1-30 Nov 2020
Claimed	0
Burnie Dogs Home	1
Destroyed	0
Heldover	0
Devonport Dogs Home	0

Infringements for dogs and impoundments etc.

1 - 30 Nov 2020	0
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Traffic Infringement Notices for Parking Offences

1 - 30 Nov 2020	83	
Bannons Car Park	18	22%
King Edward Street	14	17%
North Reibey Street Car Park	26	31%
Reibey Street	24	29%
Victoria Street	0	0%
Alexandra Road	1	1%



Ian Stoneman
DIRECTOR ORGANISATIONAL SERVICES



SCHEDULE OF INFRASTRUCTURE SERVICES DETERMINATIONS

Period: 1 November 2020 to 30 November 2020

Approval of Roadworks and Services

Developer: D A Boyles, G W V Braid and A P Braid–Napier
Location: Henslowes Road (Moonbeam Place)
No. of Lots: 12 – Stage 10
Engineer: Mark Westerberg
(PDA Surveyors)

A handwritten signature in black ink, appearing to read 'P. Breaden', is positioned above the printed name and title.

Paul Breaden
DIRECTOR INFRASTRUCTURE SERVICES