
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, 15 March 2021 commencing at 6.00pm.

Councillors attendance

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

Councillors apologies

Employees attendance

General Manager (Ms Sandra Ayton)
Director Infrastructure Services (Mr Paul Breaden)
Director Corporate Services (Mr Ian Stoneman)
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.

Acknowledgement of Country

The Council acknowledges and pays respect to the Tasmanian Aboriginal community as the traditional owners and custodians of this land on which we live.

Prayer

The meeting commenced in prayer.

CONFIRMATION OF MINUTES OF THE COUNCIL

63/2021 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the Council Meeting held on 15 February 2021 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 Overton moved and Cr Viney seconded, “That the minutes of the ordinary meeting of the Council held on 15 February 2021 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

64/2021 Council workshops

The Executive Services Officer reported as follows:

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

- . 22.02.2021 – TasNetworks update; Annual Plan Actions 2021–2022
- . 01.03.2021 – Cradle Coast Authority update with CEO and Chairman; Monthly update; LGAT agenda review – 12 March 2021

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

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

Carried unanimously

MAYOR’S COMMUNICATIONS

65/2021 Mayor’s communications

The Mayor reported as follows:

“I have no communications at this time.”

66/2021 Mayor's diary

The Mayor reported as follows:

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

- . Pancake Day at Penguin Uniting Church – Penguin
- . Central Connect Leadership Roundtable – Ulverstone
- . State Grant Commission 2021 hearing and visit – via Zoom conferencing
- . Fortnightly radio interview
- . Citizenship Ceremony – Ulverstone
- . Switch Tasmania Board Meeting – Ulverstone
- . Turners Beach 7 Day Makeover Information Session – Turners Beach
- . Central Coast Community Safety Partnership Meeting – Ulverstone
- . Site visit to Ulverstone's Presbyterian Church renovated building – Ulverstone
- . Penguin RSL Annual Luncheon – Penguin
- . Guest Speaker – Rotary Club of Ulverstone West
- . Mapali, Ten Days on the Island – Dawn Gathering – Burnie Beach
- . Ten Days on the Island – Stanley
- . West Ulverstone Child and Family Learning Centre (CFLC) Local Enabling Group (LEG) Meeting – Ulverstone
- . Official opening of the June Hope art exhibitions – Penguin
- . Ignite – International Women's Day breakfast – Ulverstone
- . Mersey-Leven Emergency Management Committee Meeting – Devonport
- . Local Government Association of Tasmania (LGAT) Mayor's Workshop – Devonport
- . Local Government Association of Tasmania (LGAT) Mayor's Dinner – Devonport
- . Local Government Association of Tasmania (LGAT) General Meeting – Devonport
- . Greening Central Coast Strategy Working Group meeting–Ulverstone
- . Australian Tidy Town Awards – judging afternoon tea – Penguin.”

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

Carried unanimously

67/2021 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

68/2021 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 Fuller reported on a recent meeting of Central Coast Chamber of Commerce and Industry, (attended on behalf of Cr Overton), where the Chamber discussed the Friday night events in Reibey Street and will continue to support and promote the initiative for March and April. The Chamber noted their interest to participate in any post-event discussions with the Working Group. A Promotions Officer has commenced with the Chamber and will be working on newsletters and the Business Awards which will be held in September 2021.

Cr Overton reported on a recent meeting of the Come Alive Events Working Group, noting that the first event on 26 February was well attended and received positive feedback. Retailers have advised they were happy with the success of the March event, which may see

an increase in participating businesses. As well as the positive comments, areas for improvement have been received and taken on board.

Cr Hiscutt reported on a recent meeting of the Slipstream Circus Board Inc., noting the Board continues to encourage the progression of a new building with the Cradle Coast Authority and the Council. Updates will be provided to the Council as it progresses.

APPLICATIONS FOR LEAVE OF ABSENCE

69/2021 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

70/2021 Deputations

The Executive Services Officer reported as follows:

“No requests for deputations to address the meeting or to make statements or deliver reports have been made.”

PETITIONS

71/2021 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

72/2021 Councillors' questions without notice

The Executive Services Officer reported as follows:

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

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

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

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

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

The allocation of topics ensued.

73/2021 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.

A question on notice was received from Cr Fuller in February 2021 and a further response regarding the question is listed at Minute Ref No. 76/2021."

PUBLIC QUESTION TIME

74/2021 Public question time

The Mayor reported as follows:

"One question on notice has been received for public question time:

Joe Rattray – Ulverstone

Question 1 –

"Could Council please give consideration to the placement of hump warning signs supplemented with advisory speed signs on the approaches to the recently installed speed hump in Crescent Street, Ulverstone.

The location of the Hump is such that motorists approaching the hump, in particular from the Leven Bridge approach, have no indication as to the severity of the hump profile.

This traffic route is used extensively by holiday vehicles, heavy vehicles, buses and cars and I feel that in the interest of road safety appropriate signage warrants consideration."

Response –

"The General Manager advised that the Council is obligated to construct road hump schemes, which includes wombat crossings, in accordance with a Transport Commission Direction issued in January 2019.

The schemes must be in accordance with Australian Standard 1742–Manual of uniform traffic control devices, and the Austroads Guide to Traffic management Part 8 Local Area Traffic management.

The recently installed wombat crossings in Reibey Street and Crescent Street, including the profile of the hump, line marking and signage, have been installed in accordance with the standard."

75/2021 Public questions taken on notice

The Executive Services Officer reported as follows:

“No public questions were taken on notice from the 15 February 2021 meeting.”

DEPARTMENTAL BUSINESS

GENERAL MANAGEMENT

76/2021 Councillors' questions on notice (46/2021 – 15.02.2021)

The Executive Services Officer reported follows:

“The below question on notice from Cr Fuller was received at the 15 February 2021 Ordinary Council meeting:

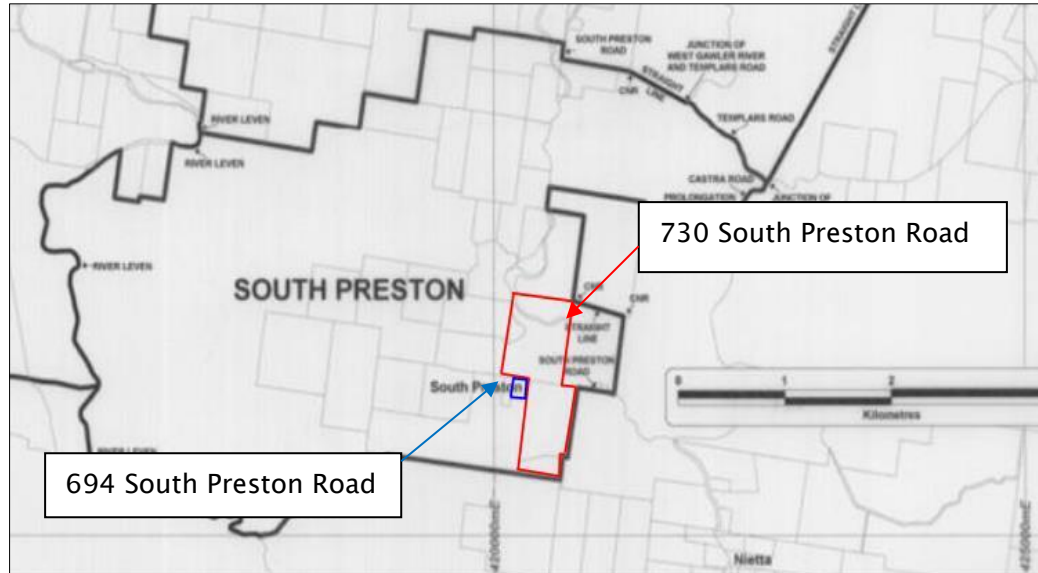
‘Please provide details of the process, Council’s and external authorities, that has led to the change of address for some residents of Nietta whose property is now regarded as South Preston or other, including:

- 1 Who initiates such a change and why?
- 2 What is the untaken community consultation or advice and by whom?
- 3 What is the timeline for the changes pertaining to Nietta and South Preston?
- 4 What is the role of Council in this process and under whose authority or authorisation is the change made?’

At that meeting, the Strategic Projects and Planning Consultant provided a response however indicated that the matter continued to be investigated, and the following updated response has been provided:

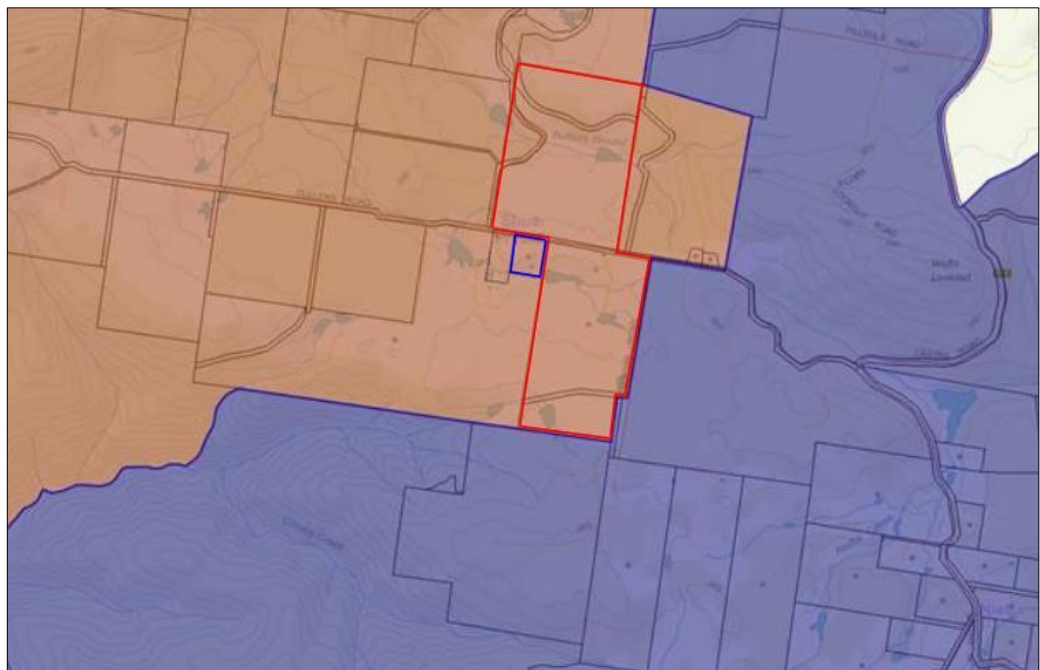
“Further to the information in the agenda for the 15 February 2021 Council Meeting, and reporting in the Advocate Newspaper, advice has been received from the Department of Primary Industries, Parks, Water and Environment (DPIPWE) regarding the correct locality names associated with properties on South Preston Road.

State mapping information clearly identifies property boundaries included within the South Preston locality (refer below):



As identified above, both properties owned by Mr and Mrs Gibson are clearly in South Preston under State Mapping (accessed via Placenames Tasmania).

The following outlines the gazetted boundary between Nietta and South Preston as accessed via the LIST (Land Information System Tasmania) with the Gibson's properties also highlighted:



Information provided by the Manager (Spatial Data & Products) within Lands Tasmania noted the following:

'The Nietta and South Preston boundaries were established and gazetted under the Rural Addressing Program in 2002/2003 and have not altered since this time. There is no reason in this case to alter the locality boundary as per the Tasmanian Place Naming Guidelines.'

The Gibson's own 2 properties on South Preston Road, South Preston, both within the South Preston locality, this location has not changed since the localities were established. Each property has a property address as per National addressing standards. No address change has been actioned in recent years. The larger property in question is made up of two titles under a single PID, sitting on both sides of the road. All of this property is within the South Preston locality.

The recent article in the paper seems to be incorrect in stating that a change to the address has occurred recently. Half of their crop is not growing in Nietta as stated, all the properties are wholly located in South Preston, only a small area of land encroaching into STT land sits within Nietta.'

To directly answer Cr Fuller's Question on Notice:

Please provide details of the process, Council's and external authorities, that has led to the change of address for some residents of Nietta whose property is now regarded as South Preston or other including:

1. Who initiates such a change and why?

Locality boundaries are determined by Placenames Tasmania (formerly Nomenclature Board) in accordance with the Tasmanian Place Naming Guidelines.

Placenames Tasmania is the register of all official Tasmanian names assigned by the Place Names Advisory Panel under the *Place Names Act 2020* and previously by the Nomenclature Board of Tasmania under the *Survey Co-ordination Act 1944*.

Locality boundaries will generally follow parcel boundaries.

2. What is the undertaken community consultation or advice and by whom?

The below has been sourced directly from the Placenames Tasmania website:

Making Submissions to Place Names Proposals:

All place naming proposals are advertised through the *Advertisements* page of *Placenames Tasmania* for a minimum period of one month. During this period submissions are able to be made on proposals by simply clicking on a naming proposal and clicking on the *Make Submission* button. All submissions will be included with a place naming proposal when submitted to the Place Names Advisory Panel for deliberation.

The Place Names Advisory Panel is constituted and operates under the statutory authority of the *Place Names Act 2020*.

3. What is the timeline for the changes pertaining to Nietta and South Preston?

Based on the advice of DPIPWE, the Nietta and South Preston boundaries were established and gazetted under the Rural Addressing Program in 2002–2003, and have not altered since that time.

4. What is the role of Council in this process and under whose authority or authorisation is the change made?

The Council is provided with locality information by the LIST. Council records should accord with the information provided by the LIST. As noted on the Placenames Tasmania website:

In Tasmania, the official naming of places is primarily the responsibility of the Place Names Advisory Panel. The Panel undertakes research and investigation into the origin, priority and usage of place names and assigns official place names in accordance with the Tasmanian Place Naming Guidelines.

Placenames Tasmania is the authoritative register of place names and facilitates the management of place names in Tasmania. It is available on the *Placenames Tasmania website*.

77/2021 Minutes and notes of committees of the Council and other organisations

The General Manager reported as follows:

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

- . Central Coast Youth Leaders Council – meeting held 25 February 2021
- . Turners Beach Community Representatives Committee – meeting held 25 February 2021
- . Central Coast Community Shed Management Committee – meeting held 1 March 2021

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

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

Carried unanimously

78/2021 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 16 February to 15 March 2021 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 Overton 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

79/2021 Common seal

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 16 February to 15 March 2021 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 Fuller moved and Cr Viney 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

80/2021 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 16 February to 15 March 2021 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

COMMUNITY SERVICES

81/2021 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. 82/2021, 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 Beswick moved and Cr Fuller seconded, “That the Mayor’s report be received.”

Carried unanimously

82/2021 Residential – subdivision – two lots – variation to setback of Lot 1 building envelope from Rural Resource zone boundary (re-advertised) at 17 Warreen Drive, Penguin – Application No. DA2020338

The Strategic Projects and Planning Consultant reported as follows:

“The Manager Land Use Planning has prepared the following report:

‘DEVELOPMENT APPLICATION NO.:’	DA2020338
PROPOSAL:	Residential – subdivision – two lots – variation to setback of Lot 1 building envelope from Rural Resource zone boundary (re-advertised)
APPLICANT:	PDA Surveyors
LOCATION:	17 Warreen Drive, Penguin

<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	17 February 2021
<i>REPRESENTATIONS EXPIRY DATE:</i>	1 March 2021
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	1 April 2021
<i>DECISION DUE:</i>	15 March 2021

PURPOSE

The purpose of this report is to consider an application to subdivide a 2.35ha parcel of General Residential zoned land in Penguin to form two new lots.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representations;
- . Annexure 4 – photographs;
- . Annexure 5 – TasWater’s Submission to Planning Authority Notice – TWDA2020/02177–CC dated 4 March 2021
- . Annexure 6 – Statement of Compliance by the Road Authority and Stormwater Authority.

BACKGROUND

Development description –

Application is made to subdivide an existing 2.35ha parcel of land in the urban area of Penguin to form two residential allotments.

Lot 1 would comprise 1800m², accessed via a 10m wide frontage to Warreen Drive.

Lot 2 would be the balance land comprising 2.17ha, accommodating an existing dwelling and outbuildings, accessed via a 30m wide frontage to Warreen Drive.

Both lots would be accessed via Warreen Drive.

History –

Application was initially made for a subdivision comprising four lots (3 new lots and balance), however due to the need for an extension to the roadway, the applicant decided to reduce the subdivision to two lots. The proposal was readvertised with a revised layout plan and revised Bushfire Hazard Management Plan.

Site description and surrounding area –

The 2.35ha² parcel of land is zoned General Residential and is located on the western edge of the township of Penguin, accessed via Warreen Drive. The land also has a frontage on and is able to be accessed via West Ridge Road.

The land is cleared of native vegetation and is maintained as grassland, accommodating a dwelling and outbuildings.

The land is elevated with southern views across rural land and a portion, that accessed via West Ridge Road, offers vistas of Bass Strait.

The portion of the land subject to subdivision is bounded to the north and east by standard residential allotments that are zoned General Residential and accommodate single dwellings. Land to the south and west is zoned Rural Resource and is Class 4 land, used for primary industry activity.

DISCUSSION

The following table is an assessment of the relevant Scheme provisions for the General Residential zone

10.0 General Residential Zone

10.4 Development Standards for Dwellings	
10.4.1 Residential density for multiple dwellings	
<p>8.4.1-(A1)</p> <p>Multiple dwellings must have a site area per dwelling of not less than 325m².</p>	<p>Not applicable.</p> <p>Development is not Multiple dwellings</p>
10.4.2 Setbacks and building envelope for all dwellings	
<p>8.4.2-(A1)</p> <p>Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, not less than 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;</p> <p>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not</p>	<p>(a) Compliant. Existing dwelling on proposed Lot 2 satisfies required setback.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Not applicable.</p>

<p>less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties 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 located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>	
<p>10.4.2-(A2)</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<p>(a) Compliant. Existing outbuildings on proposed Lot 2 satisfy required setback.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p>
<p>10.4.2-(A3)</p>	<p>(a) Compliant. Existing development on proposed Lot 2 would be contained within required building envelope.</p>

<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and <p>(b) only have a setback of less than 1.5m from a side boundary if the dwelling:</p> <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or 	<p>(a)(i) Not applicable. No internal lots proposed.</p> <p>(a)(ii) Compliant. Existing development on proposed Lot 2 would be contained within required building envelope.</p> <p>(b)(i) Compliant. Existing dwelling on proposed Lot 2 satisfies required setbacks.</p> <p>(b) (ii) Compliant. Satisfied by (b)(i).</p>
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(ii) does not exceed a total length of 9m 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)</p> <p>Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60m² 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).</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>(a) Compliant. Existing development on proposed Lot 2 satisfies site coverage standards.</p> <p>(b) Not applicable. No multiple dwellings proposed.</p> <p>(c) Compliant. Existing development on proposed Lot 2 would have ample impervious surface area.</p>
<p>10.4.3-(A2)</p> <p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p>	<p>(a)(i) Compliant. Existing dwelling on proposed Lot 2 satisfies private open space standards.</p> <p>(a)(ii) Not applicable. No multiple dwelling proposed.</p>

<p>(i) 24m²; or</p> <p>(ii) 12m², 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);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, 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);</p> <p>(c) is directly accessible from, and adjacent to a habitable room (other than a bedroom);</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 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 ibnteh same site; and; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p>	<p>(b)(i) Compliant. Existing dwelling on proposed Lot 2 satisfies private open space standards.</p> <p>(b)(ii) Not applicable. No multiple dwelling proposed.</p> <p>(c) Compliant. Existing dwelling on proposed Lot 2 satisfies private open space standards.</p> <p>(d) Compliant. Existing dwelling on proposed Lot 2 satisfies private open space standards.</p> <p>(e) Compliant. Existing dwelling on proposed Lot 2 satisfies private open space standards.</p> <p>(f) Compliant. Existing dwelling on proposed Lot 2 satisfies private open space standards.</p> <p>(g) Compliant. Existing dwelling on proposed Lot 2 satisfies private open space standards</p>
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(g) is not used for vehicle access or parking.	
10.4.4 Sunlight to private open space of multiple dwellings	
<p>10.4.4-(A1)</p> <p>A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>	<p>Compliant.</p> <p>Existing dwelling is compliant with standard.</p>
<p>10.4.4-(A2)</p> <p>A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</p> <ul style="list-style-type: none"> (i) at a distance of 3.0m from the window; and (ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal. 	<p>Not applicable.</p> <p>No multiple dwellings proposed.</p>

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

<p>(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</p> <p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <p>(i) an outbuilding with a building height no more than 2.4m; or</p> <p>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling.</p>	
<p>10.4.5 Width of openings for garages and carports for all dwellings</p>	
<p>10.4.5-(A1)</p> <p>A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).</p>	<p>Not applicable.</p> <p>No garage or carport proposed.</p>

10.4.6 Privacy for all dwellings	
<p>10.4.6-(A1)</p> <p>A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a</p> <p>permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of not 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 not less than 3m from the side boundary;(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:<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	<p>Not applicable.</p> <p>No dwelling development proposed.</p>

<p>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p>	
<p>10.4.6-(A2)</p> <p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above the natural ground level, 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 not less than 3m from a side boundary; (ii) is to have a setback of not less than 4m from a rear boundary; (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site. <p>(b) the window or glazed door:</p>	<p>Not applicable.</p> <p>No dwelling development proposed.</p>

<ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%. 	
<p>10.4.6-(A3)</p> <p>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 not less than:</p> <ul style="list-style-type: none"> (a) 2.5m; or (b) 1 m if: <ul style="list-style-type: none"> (i) it is separated by a screen of not less than 1.7m in height; or 	<p>Not applicable.</p> <p>No shared driveway proposed.</p>

<p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	
<p>10.4.7 Frontage fences for all dwellings</p>	
<p>8.4.7-(A1) No Acceptable Solution. <i>An exemption applies for fences in this zone – if not Exempt – then development is discretionary.</i></p>	<p>Not applicable. No frontage fence proposed.</p>
<p>10.4.8 Waste storage for multiple dwellings</p>	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m² per dwelling and is within one of the following locations: (a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that:</p>	<p>Not applicable. No multiple dwellings proposed.</p>

<ul style="list-style-type: none"> (i) has a setback of not less than 4.5m from a frontage; (ii) is not less than 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area. 	
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> <ul style="list-style-type: none"> (a) have an area of not less than 330m² excluding any access strip; and (b) if intended for a building, contain a building area of not less than 10.0m x 15.0m: <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 	<ul style="list-style-type: none"> (a) Compliant. Lot 1 would have an area of 1800m² and Lot 2 would have an area of 2.175ha. (b)(i) Compliant. Building envelopes are able to be accommodated on each lot clear of any applicable setbacks. (b)(ii) Non-compliant. Lot 1 would adjoin a Rural Resource zone boundary. A building envelope setback 50m from the zone boundary is not able to be achieved on Lot 1. Refer to “Issues” section of this report. (b)(iii) Compliant. Building envelopes would be clear of proposed easements.

<p>other land;</p> <p>(v) clear of any restriction imposed by a utility;</p> <p>(vi) not including an access strip;</p> <p>(vii) accessible from a frontage, or access strip; and</p> <p>(viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north.</p>	<p>(b)(iv) Not applicable. No right of way proposed.</p> <p>(b)(v) Not applicable. No restriction imposed by a utility.</p> <p>(b)(vi) Not applicable. No access strip proposed.</p> <p>(b)(vii) Compliant. Both lots would have a dedicated frontage to Warreen Drive.</p> <p>(b)(viii) Compliant. Long axis within the range 30 degrees east of north and 20 degrees west of north.</p>
<p>10.4.9–(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road:</p> <p>(i) over land not required as the means of access to any other land; and</p>	<p>(a) Compliant. Both lots would have a dedicated frontage to Warreen Drive.</p> <p>(b) Not applicable. No internal lot proposed.</p> <p>(c)(i)&(ii) Not applicable. No right of way proposed.</p> <p>(d)(i) Compliant. Lot 1 frontage would be 10m wide and Lot 2 frontage would be 30m wide.</p> <p>(d)(ii) Not applicable. No multiple dwelling or non-residential use proposed.</p> <p>(e) Compliant. Statement of Compliance to be issued by Road Authority.</p>

<p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than:</p> <p>(i) 3.6m for a single dwelling development; or</p> <p>(ii) 6.0m for multiple dwelling development or development for a non-residential use; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	
<p>10.4.9–(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Development was referred to TasWater for assessment.</p> <p>Submission to Planning Authority Notice issued by TasWater dated 4 March 2021.</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> .	Development was referred to TasWater for assessment. Submission to Planning Authority Notice issued by TasWater dated 4 March 2021.
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> .	Statement of Compliance issued by Stormwater Authority.
10.4.10 Dwelling density for single dwelling development	
10.4.10–(A1) (a) The site area per dwelling for a single dwelling must: (i) be not less than 325m ² .	Not applicable. Application is for subdivision.
10.4.11 Development other than single or multiple dwelling.	
10.4.11.1 Location and configuration of development	
10.4.11–(A1) The wall of a building (other than for a dwelling) must be setback from a frontage:	Not applicable. Application is for subdivision.

<ul style="list-style-type: none"> (a) not less than 4.5m from a primary frontage; and (b) not less than 3.0m from any secondary frontage; or (c) not less than and not more than the setbacks for any existing building on adjoining sites; (d) not less than for any building retained on the site; (e) in accordance with any building area shown on a sealed plan; or (f) not less than 50.0m if the site abuts the Bass Highway. 	
<p>10.4.11.1-(A2)</p> <p>All buildings (other than for a dwelling) must be contained within a building envelope determined by:</p> <ul style="list-style-type: none"> (a) the applicable frontage setback; (b) a distance of not less than 4.0m from the rear boundary or if an internal lot, a distance of 4.5m from the boundary abutting the rear boundary of the adjoining frontage site; (c) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level 	<p>Not applicable.</p> <p>Application is for subdivision.</p>

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:

- (i) not less than 1.5m from each side boundary, or
- (ii) less than 1.5m from a side boundary if:
 - a. built against an existing wall of an adjoining building; or
 - b. the wall or walls:
 - i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;
 - ii. there is no door or window in the wall of the building; and
 - iii. overshadowing does not result in 50% of the private open space of an adjoining dwelling receiving less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June.

<p>(d) in accordance with any building envelope shown on a sealed plan of subdivision.</p>	
<p>10.4.11.1-(A3)</p> <p>Site coverage (other than for a dwelling) 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 of subdivision.</p>	<p>Not applicable.</p> <p>Application is for subdivision.</p>
<p>10.4.11.1-(A4)</p> <p>A garage, carport or external parking area and any area for the display, handling, or storage of goods, materials or waste (other than for a dwelling), must be located behind the primary frontage of a building.</p>	<p>Not applicable.</p> <p>Application is for subdivision.</p>
<p>10.4.11.1-(A5)</p> <p>Other than for a dwelling, the total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of:</p> <p>(a) 6.0m; or</p>	<p>Not applicable.</p> <p>Application is for subdivision.</p>

(b) half the width of the frontage.	
10.4.11.2 Visual and acoustic privacy for residential development	
<p>10.4.11.2-(A1)</p> <p>A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building (other than for a dwelling) must:</p> <p>(a) if the finished floor level is more than 1.0m above natural ground level:</p> <ul style="list-style-type: none"> (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 (iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of a lot of an adjacent frontage site; or <p>(b) if less than the setbacks in clause A1(a):</p>	<p>Not applicable.</p> <p>Application is for subdivision.</p>

<ul style="list-style-type: none"> (i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling; (ii) have a window sill height of not less than 1.8m above floor level; (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 (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>10.4.11.2-(A2)</p> <p>An access strip or shared driveway, including any pedestrian pathway and parking area (other than for a dwelling), must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Not applicable.</p> <p>No access strip or shared driveway.</p>

10.4.11.3 Frontage fences	
<p>10.4.11.3-(A1)</p> <p>The height of a fence, including any supporting retaining wall, on or within a frontage setback (other than for a dwelling) must be:</p> <p>(a) not more than 1.2m if the fence is solid; or</p> <p>(b) not more than 1.8m provided that part of the fence above 1.2m has openings that provide a uniform transparency of not less than 30%.</p>	<p>Not applicable.</p> <p>No front fence proposed.</p>
10.4.12 Setback of development for sensitive use	
<p>10.4.12-(A1)</p> <p>A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown in the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall</p>	<p>Not applicable.</p> <p>Application is for subdivision. No development of a building.</p>

height of 3.0m at the required setback distance from the zone boundary.	
<p>10.4.12–(A2)</p> <p>Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) a major road identified in the Table to this clause;</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. Subdivision would be 1.25km from Bass Highway.</p> <p>(b) Compliant. Subdivision would be 320m from a railway line.</p> <p>(c) Not-applicable. No land is designated as future road.</p> <p>(d) Compliant. The nearest proclaimed wharf is located at Burnie, approximately 20km to the West.</p>
10.4.13 Subdivision	
<p>10.4.13–(A1)</p> <p>Each new lot on a plan of subdivision must be:</p> <p>(a) intended for residential use; or</p> <p>(b) a lot required for public use by the State Government, a Council, a statutory authority or a corporation all the</p>	<p>(a) Compliant. Subdivision is for residential purpose.</p> <p>(b) Not applicable. Satisfied by (a).</p>

shares of which are held by or on behalf of the State, a Council or by a statutory authority; or	
10.4.13–(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot.	Compliant. No internal lots 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.	Complaint. Electricity reticulation and site connections would be installed overhead, as per existing street infrastructure.
CODES	
E1 Bushfire-Prone Areas Code	Applicable – Subdivision is in a Bush Fire Prone area.
E1.2 Application of Code	Code applies. Site is identified as a bushfire-prone area. The application is supported by a Bushfire Hazard Management Report, Version 3 and Certificate No. 001/7673 by Bruce Harpley, Accreditation No. BFP-140 dated 11 November 2020 and associated Bushfire Hazard Management Plan dated 19 October 2020.

E1.4 Exemption	Not exempt. Code applies to subdivision in a bushfire prone area.
E1.5.1 Vulnerable Uses	Not applicable. Subdivision not classified as a vulnerable use.
E1.5.2 Hazardous Uses	Not applicable. Subdivision not classified as a hazardous use.
E1.5.1.2 Standards for hazardous uses	
E1.6.1 Subdivision	
E1.6.1.1 Subdivision: Provision of hazard management areas	
<p>E1.6.1.1-(A1)</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p>	<p>Compliant.</p> <p>(a) Not applicable. Application relies on E1.6.1.1-(A1)(b).</p> <p>(b)(i) The application is supported by a Bushfire Hazard Management Report, Version 3 and Certificate No. 001 / 7673 by Bruce Harpley, Accreditation No. BFP-140 dated 11 November 2020 and associated Bushfire Hazard Management Plan dated 19 October 2020. The accredited person reports that the Bushfire Hazard Management Report and Plan (Section 4 of the Report) are in accordance with the Chief Officer's</p>

<p>(ii) shows the building area for each lot;</p> <p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p>requirements and as such can deliver a compliant outcome for use and development on the land.</p> <p>(b)(ii) The application is supported by a Bushfire Hazard Management Report, Version 3 and Certificate No. 001 /7673 by Bruce Harpley, Accreditation No. BFP-140 dated 11 November 2020 and associated Bushfire Hazard Management Plan dated 19 October 2020. The accredited person reports that the Bushfire Hazard Management Report and Plan (Section 4 of the Report) are in accordance with the Chief Officer's requirements and as such can deliver a compliant outcome for use and development on the land.</p> <p>(b)(iii) The application is supported by a Bushfire Hazard Management Report, Version 3 and Certificate No. 001 /7673 by Bruce Harpley, Accreditation No. BFP-140 dated 11 November 2020 and associated Bushfire Hazard Management Plan dated 19 October 2020. The accredited person reports that the Bushfire Hazard Management Report and Plan (Section 4 of the Report) are in accordance with the Chief Officer's requirements and as such can deliver a compliant outcome for use and development on the land.</p>
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	<p>(b)(iv) The application is supported by a Bushfire Hazard Management Report, Version 3 and Certificate No. 001 /7673 by Bruce Harpley, Accreditation No. BFP-140 dated 11 November 2020 and associated Bushfire Hazard Management Plan dated 19 October 2020. The accredited person reports that the Bushfire Hazard Management Report and Plan (Section 4 of the Report) are in accordance with the Chief Officer's requirements and as such can deliver a compliant outcome for use and development on the land.</p> <p>(c) Non- compliant. The Bushfire Hazard Management Report states that the applicant has an "in-principle" agreement with the landowner of 28 Warreen Drive that they enter into a Part 5 Agreement for bushfire management of a 15m wide, 50m long strip of land adjoining Lot 1. No written consent, as such, accompanies the application.</p> <p>Refer to "Issues" section of this report.</p>
E1.6.1.2 Subdivision: Public access	
E1.6.1.2-(A1)	(a) Not applicable. The development has addressed (b).
(a) TFS or an accredited person certifies that there is an	

<p>insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p>(i)&(ii) The application is supported by a Bushfire Hazard Management Report, Version 3 and Certificate No. 001 /7673 by Bruce Harpley, Accreditation No. BFP-140 dated 11 November 2020 and associated Bushfire Hazard Management Plan dated 19 October 2020. The accredited person reports that the Bushfire Hazard Management Report and Plan (Section 4 of the Report) are in accordance with the Chief Officer's requirements and as such can deliver a compliant outcome for use and development on the land.</p>
<p>Table E2 Standards for property access.</p>	<p>The ATFS accredited person has issued Certificate No. 001 /7673 dated 11 November 2020 and reports that the subdivision has the capability to comply with the requirements of Table E2 for property access.</p>
<p>Table E3 Standards for fire trails.</p>	<p>Not applicable. Fire trails not required.</p>

E1.6.1.3 Subdivision: Provision of water supply for fire fighting purposes	
<p>A1</p> <p>In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</p> <p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>	<p>(a) Not applicable. The development has addressed (b).</p> <p>(b) The ATFS accredited person has issued Certificate No. 001/7673 dated 11 November 2020 and reports that a reticulated water supply complies with the relevant Table.</p> <p>(c) Satisfied by (b).</p>
<p>A2</p> <p>In areas that are not serviced by reticulated water by the water corporation:</p>	<p>Not applicable.</p>

<p>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</p> <p>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>	
E2 Airport Impact Management Code	Not applicable. Code not used in this planning scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversions of vegetation proposed.
E4 Change in Ground Level Code	Not Applicable. No change in ground level is proposed.
E5 Local Heritage Code	Not applicable. No local heritage schedule in this scheme.

E6 Hazard Management Code	Not applicable. Not within a landslip area.
E7 Sign Code	Not applicable. No signage proposed.
E8 Telecommunication Code	Not applicable. No telecommunications facilities proposed
E9 Traffic Generating Use and Parking Code	
E9.2 Application of Code	Applicable. Applies to all use and development.
E9.4 Exemption	Not exempt.
E9.5 Use Standards	
E9.5.1 Provision for parking	
<p>E9.5.1 –(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table E9A;</p> <p>(b) motor bike parking at a rate of one space for every 20 vehicle parking spaces;</p> <p>(c) parking spaces for people with disabilities at the rate of</p>	<p>(a) Compliant. Table E9A requires a 2 car parking spaces for a residential dwelling. Each lot has ample space for car parking requirements for residential use and development.</p> <p>(b)–(d) Not applicable to residential development.</p>

one space for every 20 parking spaces or part thereof; and	
(d) bicycle parking at the rate of one space for every 20 vehicle parking spaces or part thereof.	
E9.5.2 Provision for loading and unloading of vehicles	
E9.5.2-(A1) There must be provision within a site for:	(a) Not applicable to residential development.
(a) On-site loading area in accordance with the requirement in Table E9A; and	(b) Not applicable to residential development.
(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.	
E9.6 Development Standards	
E9.6.1 Road access	
E9.6.2 Design of vehicle parking and loading areas	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Statement of Compliance to be issued by Road Authority.

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

Issues –

1 Proximity of sensitive use to Rural Resource zone boundary

The land at 17 Warreen Drive, Penguin is shown to be zoned General Residential under the *Central Coast s. 48 Planning Scheme 1993*, the *Central Coast Planning Scheme 2005* and the *Central Coast Interim Planning Scheme 2013*. This means the land has been, for some time, in close proximity to rural land and has long been intended for residential use and development.

The Scheme's Acceptable Solution for Clause 10.4.12–(A1)(a) states that a building containing a sensitive use must be contained within a building envelope determined by the setback distance from a zone boundary, as shown in the Table to this Clause. The setback distance from a Rural Resource zone boundary is 50m.

The subdivision proposal details a building envelope that would be 13m from a Rural Resource zone boundary.

The Schemes Performance Criteria for Clause 10.4.12–(P1) states that the location of a building containing a sensitive use must:

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

Able to satisfy Criteria: The residential subdivision that forms Warreen Dive, Penguin is located at the western edge of the Penguin township. Refer to Aerial View in Annexure 4. It is considered unlikely that the construction of a future dwelling on Lot 1 would result in any conflict, constraint or interference in the activities and uses of the Rural Resource zone. However, to reduce opportunity for conflict, it is proposed a Part 5 Agreement be imposed on Lot 1 and Lot 2, advising current and future owners of the ongoing primary industry activity that would occur on the adjoining land.

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

Able to satisfy Criteria: As outlined in comments above, it is considered unlikely that the proximity of the Rural Resource zone would result in negative impacts on the residential use

of land in Warreen Drive, due to the history of residential development in this area. However, to reduce opportunity for conflict, it is proposed a Part 5 Agreement be imposed on Lot 1 and Lot 2, advising current and future owners of the ongoing primary industry activity that would occur on the adjoining land.

2 *Bushfire Hazard Management Plan*

The Planning Scheme requires that for subdivision in an area identified as bushfire prone, a Bushfire Hazard Management Plan must accompany the application. The land at Warreen Drive, Penguin is identified as bushfire prone.

The development is accompanied by a Bushfire Hazard Management Report dated 11 February 2021 and Certificate No. 001/7673 dated 11 February 2021, and associated Bushfire Hazard Management Plan by Bruce Harpley, Accreditation No. BFP-140. The Bushfire Hazard Management Report states that the applicant has “in-principle” agreement with the landowner of 28 Warreen Drive that they enter into a Part 5 Agreement for bushfire hazard management.

A requirement of the Bushfire Hazard Management Plan, due to the proximity of the proposed Lot 1 building envelope to adjoining grassland, is that a fire hazard management area, 50m long and 15m wide, must be established on adjoining land at 28 Warreen Drive, Penguin. The permit will require that the adjoining landowner at 28 Warreen Drive, enters into a Part 5 Agreement under s.71 of the *Land Use Planning & Approvals Act 1993* in relation to hazard management of the adjoining land at proposed Lot 1, 17 Warreen Drive, Penguin.

3 *Local Government (Building and Miscellaneous Provisions) Act 1993*

The *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP) provides that the Council may refuse to approve a plan of subdivision if it is of the opinion that the road and likely pedestrian network is unsuitable, the lots cannot be satisfactorily serviced by water, sewer or stormwater or that the lots by reason of their shape, size or contours are unsuitable for the accommodation of a building envelope.

The proposed subdivision has demonstrated that it is able to satisfy the land characteristic matters required under LGBMP.

4 *Public Open Space Contributions Policy 2019*

Central Coast Council, in January 2019, ratified the Public Open Space Contributions Policy 2019.

The Policy was developed with consideration to the contemporary legislative requirements to do with the approval of subdivisions under LGBMP and for the approval of permits for development, including subdivision, under the Planning Scheme.

There is a clear statutory basis for a Council to require open space to be created in the course of approving a subdivision where a Council has formed a view that open space would be desirable. Similarly, a Council can, where it has formed the view that the mandatory provision of open space is not warranted, instead require the developer to make a cash contribution to the Council in lieu of the provision of open space land.

The Council's requirement is empowered under Section 117 of LGBMP and provides that instead of requiring the provision of public open space, a Council can require the payment of a cash sum. It is specially provided that this amount is to be held by the Council "for the acquisition or improvement of land for public open space for the benefit of the inhabitants of the Municipal area". The cash in lieu contribution does not need to be locality specific. This is because an increased density of lots for dwellings would create a greater demand for new and improved public areas, including both District and Regional areas, and thus these areas can be part funded by a cash-in-lieu contribution.

No requirement for the dedication of open space land has been identified by the Council in the assessment of the division of land in Warreen Drive. It is proposed that a cash-in-lieu contribution be applied for the additional Lot 1.

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	Refer to the Statement of Compliance from the Council in its capacity as the Road Authority and Stormwater Authority at Annexure 6.
TasWater	Submission to Planning Authority Notice – TWDA – 2020/02177-CC – dated 4 March 2021
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Other	Referral not required.

CONSULTATION

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

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

Representations –

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

The representations are summarised and responded to as follows:

MATTER RAISED	RESPONSE
REPRESENTATION NO. 1	
<p>1 As a resident of West Ridge Road for over twenty years, the representor opposes the development. Would be concerned if a dwelling was constructed adjacent to their existing dwelling and the impacts such would have on rural views and property values.</p>	<p>The land at 17 Warreen Drive has been intended for residential development prior to 1993, with the land zoned General Residential since that time.</p> <p>Whilst some southern view may be lost due to future residential development, this is not a matter for the Planning Authority, if future development on proposed Lot 1 was to satisfy General Residential zone, Planning Scheme standards.</p>
REPRESENTATION NO. 2	
<p>TasFire has the following concerns with the Bushfire Management Plan (BHMP) and bushfire Certificate that have been provided with the application:–</p> <p>1 The BFMP includes a hazard management area on land at 28 Warreen Drive. The property has not been referred to in the Bushfire Certificate.</p>	<p>Correct, the BFMP Certificate does not refer to the adjoining land at 28 Warreen Drive, Penguin. However, the BFMP does include the hazard management area on the Bushfire Hazard Management Plan, by PDA Surveyors, Reference No. 46082–1C, modified by Bruce Harpley BFP–140, under Bushfire Hazard Management Plan, Drawing No. 7396–1 dated 19 October 2020.</p> <p>Further, the accompanying Bushfire Hazard Management Report (separate to the BHMP) details the “in –principal” support of the adjoining landowner and the need for a designated hazard management area on the land at 28 Warreen Drive, Penguin.</p> <p>To satisfy Planning Scheme requirements, a Condition is to be placed on the Permit, requiring the</p>

		<p>hazard management area be applied to the adjoining land under a Part 5 Agreement.</p> <p>The BHMP Certificate will need to be amended by the TFS Accredited Person, under a Minor Amendment process, if the development application for subdivision is approved.</p>
2	There is no evidence the owner of adjoining land consents to a Part 5 Agreement.	<p>The Bushfire Hazard Management Report states the applicant has the support of the adjoining property owner to apply the hazard management area. Written consent is an Acceptable Solution of the Code, not a mandatory requirement. The fact that there is not written consent means that the matter is a discretionary matter before the Planning Authority.</p> <p>To satisfy Planning Scheme requirements, a Condition is to be placed on the Permit, requiring the hazard management area be applied to the adjoining land under a Part 5 Agreement. This is standard procedure where a hazard management area is required. If the adjoining landowner does not enter into the Part 5 Agreement, then the subdivision would not be able to proceed.</p>
3	The bushfire certificate refers to three lots, not two.	<p>Correct, the BFMP Certificate refers to three lots, not two. This would appear to be a 'carry over' from the first application submitted. Refer to the History section of this report.</p> <p>The BHMP Certificate will need to be amended by the TFS Accredited Person, under a Minor Amendment</p>

		process, if the development application for subdivision is approved.
4	The bushfire Certificate does not identify the version number of the BHMP.	Correct, the BFMP Certificate does not state "Version 3" of the BHMP. This would appear to be a "carry over" from the first application submitted. Refer to the History section of this report. The BHMP Certificate will need to be amended by the TFS Accredited Person, under a Minor Amendment process, if the development application for subdivision is approved.
5	As the application does not include 28 Warreen Drive, any condition applied to a permit to impose a Part 5 Agreement would be an invalid condition.	<p>Documentation supporting the application makes it clear that a hazard management area on adjoining land would be required for the subdivision to proceed. Written consent is an Acceptable Solution of the Bushfire Prone Areas Code, not a mandatory requirement. The fact that there is not written consent means that the matter is a discretionary matter before the Planning Authority.</p> <p>To satisfy Planning Scheme requirements, a Condition is to be placed on the Permit, requiring the hazard management area be applied to the adjoining land under a Part 5 Agreement. This is standard procedure where a hazard management area is required. If the adjoining landowner does not enter into the Part 5 Agreement, then the subdivision would not be able to proceed.</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 received does not contain sufficient merit to justify the addition of any restrictive conditions or refusal of the development.

The proposal is considered to satisfy the Scheme's relevant Performance Criteria. However, to manage any long-term impacts from bushfire hazard and primary industry activity of adjoining land, it will be necessary for Part 5 Agreements to be applied to each lot, addressing bushfire land management, and highlighting the potential use of adjoining land.

It is recommended that the application for Residential – subdivision – two lots – variation to setback of Lot 1 building envelope from Rural Resource zone boundary at 17 Warreen Drive, Penguin – Application No. DA2020338 be approved subject to the following conditions and notes:

- 1 Development must be substantially in accordance with the Plan of Subdivision by PDA Surveyors, Reference No. 46082-2 dated 5 February 2021, unless modified by a condition of this Permit.
- 2 The development must be in accordance with the Bushfire Hazard Management Report dated 11 February 2021 and Certificate No. 001/7673 dated 11 February 2021, by Bruce Harpley, Accreditation No. BFP-140.
- 3 Prior to the sealing of the Final Plan of Survey, the owner(s) of adjoining land at 28 Warreen Drive, Penguin, identified as CT132284/1, must enter into a Part 5 Agreement with the Central Coast Council under Section 71 of the *Land Use Planning and Approvals Act 1993*.

The Part 5 Agreement is to set out the following matters to the satisfaction of the General Manager:

- (a) a commitment by the landowner to the management of that portion of land on CT132284/1, 50m long and 15m wide, as shown on a Plan of Subdivision by PDA Sueveyors, Reference No. 46082-1C, modified by Bruce Harpley BFP-140, under Bushfire Hazard Mangement Plan, Drawing No. 7396-1 dated 19 October 2020, for bushfire hazard management purposes;
 - (b) acknowledgement and consent to allow the current and future owners of Lot 1 to establish a legal means of access to 28 Warreen Drive, Penguin for bushfire management purposes; and
 - (c) consent to the construction of a physical and lawful means of access to that portion of land on CT132284/1 for bushfire management purposes. This may be by establishment of a private access gate or by a right-of way from Warreen Drive to the bushfire hazard management portion of land.
- 4 Execution of the Part 5 Agreement, including the drafting and registration of the Agreement against CT132284/1 with the Recorder of Titles, must be at the developer's expense.
 - 5 Works required under the Part 5 Agreement, including physical and lawful means of access from Lot 1 to that portion of land on CT132284/1 for bushfire management purposes, must be completed prior to the sealing of the Final Plan of Survey.
 - 6 The development must be in accordance with the conditions of TasWater's "Submission to Planning Authority Notice" TWDA - 2020/02177-CC dated 4 March 2021.
 - 7 The development must be in accordance with the conditions of the 'Statement of Compliance for Vehicular Access and Drainage Access' dated 26 February 2021 issued by the Council acting in its capacity as the Road Authority and the Stormwater Authority.
 - 8 Prior to the sealing of a Final Plan of Survey, TasNetworks is to advise that an electricity supply is available to the boundary of Lot 1 and no additional installations are required by the developer.

- 9 Prior to the sealing of the Final Plan of Survey, a Part 5 Agreement with the Central Coast Council under Section 71 of the *Land Use Planning and Approvals Act 1993* is to be applied to Lot 1 and Lot 2. The Part 5 Agreement is to set out the following matters to the satisfaction of the General Manager:
 - (a) The Part 5 Agreement must acknowledge the 24 hours a day, 365 days a year resource development activities and operations that may occur on adjoining land to the south at 28 Warreen Drive, Penguin (CT132284/1) and to the west at 89 West Ridge Road, Penguin (CT41418/1) and make reference to matters contained in the *Primary Industry Activities Protection Act 1995*.
- 10 Execution of the Part 5 Agreement, including the drafting and registration of the Agreements against Lot 1 and Lot 2, with the Recorder of Titles, must be at the developer's expense.
- 11 A cash-in-lieu of public open space contribution of \$1,165.60 representing 5% of the unimproved value of Lot 1 must be paid prior to the sealing of the Final Plan of Survey.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 "Substantial commencement" is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.'

The Manager Land Use Planning's report is supported."

The Executive Services Officer reported as follows:

"A copy of the Annexures referred to in the Manager Land Use Planning's report have been circulated to all Councillors."

■ Cr Fuller moved and Cr Beswick seconded, "That the application for Residential – subdivision – two lots – variation to setback of Lot 1 building envelope from Rural Resource zone boundary at 17 Warreen Drive, Penguin – Application No. DA2020338 be approved subject to the following conditions and notes:

- 1 Development must be substantially in accordance with the Plan of Subdivision by PDA Surveyors, Reference No. 46082-2 dated 5 February 2021, unless modified by a condition of this Permit.
- 2 The development must be in accordance with the Bushfire Hazard Management Report dated 11 February 2021 and Certificate No. 001/7673 dated 11 February 2021, by Bruce Harpley, Accreditation No. BFP-140.
- 3 Prior to the sealing of the Final Plan of Survey, the owner(s) of adjoining land at 28 Warreen Drive, Penguin, identified as CT132284/1, must enter into a Part 5 Agreement with the Central Coast Council under Section 71 of the *Land Use Planning and Approvals Act 1993*. The Part 5 Agreement is to set out the following matters to the satisfaction of the General Manager:
 - (a) a commitment by the landowner to the management of that portion of land on CT132284/1, 50m long and 15m wide, as shown on a Plan of Subdivision by PDA Sueveyors, Reference No. 46082-1C, modified by Bruce Harpley BFP-140, under Bushfire Hazard Mangement Plan, Drawing No. 7396-1 dated 19 October 2020, for bushfire hazard management purposes;
 - (b) acknowledgement and consent to allow the current and future owners of Lot 1 to establish a legal means of access to 28 Warreen Drive, Penguin for bushfire management purposes; and
 - (c) consent to the construction of a physical and lawful means of access to that portion of land on CT132284/1 for bushfire management purposes. This may be by establishment of a private access gate or by a right-of way from Warreen Drive to the bushfire hazard management portion of land.
- 4 Execution of the Part 5 Agreement, including the drafting and registration of the Agreement against CT132284/1 with the Recorder of Titles, must be at the developer's expense.
- 5 Works required under the Part 5 Agreement, including physical and lawful means of access from Lot 1 to that portion of land on CT132284/1 for bushfire management purposes, must be completed prior to the sealing of the Final Plan of Survey.
- 6 The development must be in accordance with the conditions of TasWater's "Submission to Planning Authority Notice" TWDA - 2020/02177-CC dated 4 March 2021.

- 7 The development must be in accordance with the conditions of the 'Statement of Compliance for Vehicular Access and Drainage Access' dated 26 February 2021 issued by the Council acting in its capacity as the Road Authority and the Stormwater Authority.
- 8 Prior to the sealing of a Final Plan of Survey, TasNetworks is to advise that an electricity supply is available to the boundary of Lot 1 and no additional installations are required by the developer.
- 9 Prior to the sealing of the Final Plan of Survey, a Part 5 Agreement with the Central Coast Council under Section 71 of the *Land Use Planning and Approvals Act 1993* is to be applied to Lot 1 and Lot 2. The Part 5 Agreement is to set out the following matters to the satisfaction of the General Manager:
 - (a) The Part 5 Agreement must acknowledge the 24 hours a day, 365 days a year resource development activities and operations that may occur on adjoining land to the south at 28 Warreen Drive, Penguin (CT132284/1) and to the west at 89 West Ridge Road, Penguin (CT41418/1) and make reference to matters contained in the *Primary Industry Activities Protection Act 1995*.
- 10 Execution of the Part 5 Agreement, including the drafting and registration of the Agreements against Lot 1 and Lot 2, with the Recorder of Titles, must be at the developer's expense.
- 11 A cash-in-lieu of public open space contribution of \$1,165.60 representing 5% of the unimproved value of Lot 1 must be paid prior to the sealing of the Final Plan of Survey.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 "Substantial commencement" is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works."

Carried unanimously

INFRASTRUCTURE SERVICES

83/2021 Infrastructure Services

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

C O R P O R A T E S E R V I C E S

84/2021 Statutory determinations

The Director Corporate Services reported as follows:

“A Schedule of Statutory Determinations made during the month of February 2021 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

85/2021 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 Authority– Audit and Risk Committee – meeting held 24 February 2021 · Dulverton Waste Management Authority Board – meeting held 24 February 2021	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

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

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council . Dulverton Waste Management Authority- Audit and Risk Committee – meeting held 24 February 2021 . Dulverton Waste Management Authority Board – meeting held 24 February 2021	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

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.”

Carried unanimously and by absolute majority

The Council moved into closed session at 6.16pm.

CLOSED SESSION SUMMARY

The Executive Services Officer reported as follows:

“In accordance with Regulation 34(1)(b) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council is to provide an overview of matters considered during Closed Session for the public.”

Matter	Description of matter discussed
86A/2021 Confirmation of Closed Session Minutes	The Closed session minutes of the previous ordinary meeting of the Council held on 15 February 2021 had already been circulated. The minutes are required to be confirmed for their accuracy.
87A/2021 Minutes and notes of other organisations and committees of the Council <ul style="list-style-type: none">. Dulverton Waste Management Authority – Audit and Risk Committee – meeting held 24 February 2021. Dulverton Waste Management Authority Board – meeting held 24 February 2021.	The minutes and notes have been provided to the Council on the condition they are kept confidential.

CLOSURE

There being no further business, the Mayor declared the meeting closed at 6.18pm.

CONFIRMED THIS 19TH DAY OF APRIL, 2021.

Chairperson

(lb:lc)

Appendices

- Minute No. 78/2021 – Schedule of Correspondence addressed to the Mayor and Councillors
- Minute No. 79/2021 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 80/2021 – Schedule of Contracts & Agreements
- Minute No. 84/2021 – Schedule of Statutory Determinations

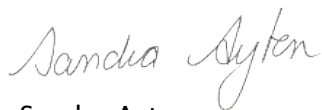
QUALIFIED PERSON'S ADVICE

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

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

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

- (i) that the reports within 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



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

Period: 16 February to 15 March 2021

- . A letter raising concerns regarding the Penguin boat ramp being unusable at low tide and during easterly weather – Queries options for emergency launches
- . An email advising of the upcoming Primary Prevention professional development opportunities and a request to distribute to Councillors
- . An email regarding the Nietta Hydro Scheme and the Upper Castra Rivulet
- . An email providing the proposal for Anzac Day services in 2021
- . A letter seeking clarification on who is responsible for the removal of a shipping container that is still in the Forth River from the 2016 floods
- . Email of representation objecting to the proposed commercial zoning for Westella Drive under the Local Provisions Schedule 2019.


Sandra Ayton
GENERAL MANAGER



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

Period: 16 February to 15 March 2021

Documents for affixing of the common seal under delegation

- . Final Plan of Survey, Part 5 Agreement and Schedule of Easements
49 & 57 White Hills Road, Penguin
Application No. DA2020140
Certificate of Title Volume 2051943 Folio 1

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: 16 February to 15 March 2021

Contracts

- . Contract /HIVE2021-01
Push Start VR
For the design, supply install and commission of an immersive dome audio visual system for room 2.11 Planetarium on Level 2 at the Hive, Ulverstone.
Contract Amount: \$230,000.00 (inc. GST)
- . Contract for Sale of Real Estate in Tasmania
Part of 159 Top Gawler Road, Gawler
Property Identifier Number: Part 1510248
Title Reference: Part 241627/1
Purchase price \$1500.00


Agreements

- . Grant Deed Agreement
Department of Communities and Central Coast
Approved purpose: contribution towards the construction of the Ulverstone Cultural Precinct – 109 Reibey Street, Ulverstone
Grant value: Instalment 1 – \$1,250,000 (ex. GST)
- . Grant Deed Agreement
The Crown in Right of Tasmania (represented by the Department of State Growth) and Central Coast Council
Safer Rural Roads Program 2020-2021
Approved purpose: Widen seal where necessary and form shoulders –
Remove hazardous trees – Install warning signage including CAMS –
Curve warning signage with advisory speed – Line markings and guideposts –
Formalise intersections on Nine Mile Road in West Pine
Grant value: \$75,000.00 (ex. GST)
- . Grant Agreement
Department of Infrastructure Transport Regional Development and Communities and Central Coast Council
Local Roads and Community Infrastructure Program – Phase 2 (inc. project nomination form)
Grant value: \$1,091,071 (ex. GST)

- . Residential Agreement
Unit 12 Cooina 35–37 Main Street Ulverstone
Commencement date: TBC
- . Residential Agreement
Unit 10, and Garage 3, Annlyn 25–29 Lovett Street, Ulverstone
Commencement date: 26 March 2021
- . Grant Deed Agreement
The Crown in Right of Tasmania (represented by the Department of State Growth) and Central Coast Council
Bridges Renewal Program Round 5 – Gawler River Bridge renewal
Grant value: \$1,400,000 (ex. GST)
Date: 15 January 2021 to 30 June 2022
- . Grant Deed Agreement
The Crown in Right of Tasmania (represented by the Department of State Growth) and Central Coast Council
Vulnerable Road User Program 2020–2021
To install a central refuge island on South Road Penguin
Grant value: \$70,000.00 (ex. GST)
- . Lease Agreement
Central Coast Council and Knight Frank
Part 4 Formby Road, Devonport
Property Identifier Number: 2912599
Title reference: 153113 Folio 4
Site Plan -- Part Building Lease –approx. 442 sqm
Lease term: 15 March – 15 December 2021

Statutory Declarations and Land Transfers

- . Land Title Transfers, Requisition Answers to Requisitions on Title and Statutory Declarations
Lot 3, 4, 7, 9, 13 and 19 Dial Road, Penguin


Sandra Ayton
GENERAL MANAGER

Central Coast Council
List of Development Applications Determined
Period from: 1 February 2021 to 28 February 2021

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2018042	619 Kindred Road KINDRED,TAS,7310	Discretionary	Resource development – Controlled Environment Agriculture – Glass house (greenhouse)	7/08/2018	23/02/2021	931	\$760,200.00
DA2018226 – 1	340 Preservation Drive SULPHUR CREEK,TAS,7316	Discretionary	Residential (subdivision – 16 lots)	22/01/2021	8/02/2021	5	\$0.00
DA2019125 – 1	84 Main Road PENGUIN,TAS,7316	Minor amendment of a Permit.	Hotel industry (staged development – part demolition and extension of dining area and sports bar, new beer garden and smoking area, new rear entry and gaming area and internal reconfigurations)	23/02/2021	26/02/2021	1	\$1,000.00
DA2020241	54 Braddons Lookout Road LEITH,TAS,7315	Discretionary	Residential – subdivision to create two lots	24/08/2020	15/02/2021	38	\$20,000.00
DA2020363	105 Stubbs Road TURNERS BEACH,TAS,7315	Discretionary	Residential – dwelling	12/11/2020	19/02/2021	99	\$503,100.00
DA2020368	48 Jermyn Street ULVERSTONE,TAS,7315	Discretionary	Residential – demolition of all buildings and construction of three multiple dwellings	16/11/2020	22/02/2021	33	\$0.00
DA2020393	79 Trevor Street ULVERSTONE,TAS,7315	Discretionary	Residential – dwelling	25/11/2020	1/02/2021	24	\$470,000.00
DA2020394	12B Golf Club Road WEST ULVERSTONE,TAS,7315	Discretionary	Visitor accommodation – Discretionary Use – RV Parking for fully self-contained recreational vehicles	24/11/2020	22/02/2021	31	\$0.00

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DA2020402	18 Ling Street PENGUIN,TAS,7316	Permitted	Educational and occasional care – demolition of existing administration and amenities and development of classrooms, administration rooms and car park area.	1/12/2020	5/02/2021	17	\$500,000.00
DA2020408	10 Locket Street ULVERSTONE,TAS,7315	Discretionary	Residential – shed	3/12/2020	16/02/2021	28	\$40,000.00
DA2020409	53 South Road PENGUIN,TAS,7316	Discretionary	Residential – dwelling	4/12/2020	22/02/2021	34	\$190,000.00
DA2020429	119 Castra Road ULVERSTONE,TAS,7315	Discretionary	Residential – subdivision to create three lots	23/12/2020	1/02/2021	24	\$15,000.00
DA2020430	8 Shorehaven Drive TURNERS BEACH,TAS,7315	Discretionary	Residential – dwelling	24/12/2020	15/02/2021	42	\$450,000.00
DA2021006	154 Isandula Road GAWLER,TAS,7315	Discretionary	Residential – dwelling addition	6/01/2021	22/02/2021	21	\$170,000.00
DA2021007	57 Water Street ULVERSTONE,TAS,7315	Discretionary	Passive recreation – new Skatepark and basketball area including the removal of existing facilities	7/01/2021	8/02/2021	21	\$570,000.00
DA2021009	2 Flora Street WEST ULVERSTONE,TAS,7315	Discretionary	Community meeting and entertainment – change of use from Animal Nursery shed to accommodate community Men's Shed	7/01/2021	8/02/2021	21	\$19,500.00

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DA2021010	18 Brookvale Road ULVERSTONE, TAS, 7315	Discretionary	Residential – shed extension	8/01/2021	8/02/2021	25	\$5,000.00
DA2021012	9 Braddon Street WEST ULVERSTONE, TAS, 7315	Discretionary	Residential – dwelling	12/01/2021	15/02/2021	34	\$600,000.00
DA2021013	6 Cheryl Court WEST ULVERSTONE, TAS, 7315	Discretionary	Residential – dwelling and retaining walls	13/01/2021	17/02/2021	29	\$425,000.00
DA2021014	71 South Road WEST ULVERSTONE, TAS, 7315	Discretionary	Residential – demolition of attached single garage	14/01/2021	23/02/2021	33	\$3,000.00
DA2021015	135 Upper Maud Street WEST ULVERSTONE, TAS, 7315	Discretionary	Residential – shed	14/01/2021	16/02/2021	29	\$20,000.00
DA2021024	1338 Pine Road RIANA, TAS, 7316	Permitted	Residential – garage	25/01/2021	5/02/2021	4	\$4,000.00
DA2021029	352 Braddons Lookout Road FORTH, TAS, 7310	Permitted	Residential – sunroom and covered deck	5/02/2021	16/02/2021	6	\$95,000.00

SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION

Period: 1 February 2021 to 28 February 2021

Building Permits – 18

·	New dwellings	11	\$4,234,000
·	Outbuildings	0	\$0
·	Additions/Alterations	3	\$278,000
·	Other	4	\$1,905,000
·	Units	0	\$0

Demolition Permit – 0

Permit of Substantial Compliance – Building – 0

Notifiable Work – Building – 15

·	New dwellings	4	\$1,268,000
·	Outbuildings	4	\$88,000
·	Additions/Alterations	4	\$423,000
·	Other	3	\$25,000

Building Low Risk Work – 1

Certificate of Likely Compliance – Plumbing – 24

No Permit Required – Plumbing – 0

Food Business registrations (renewals) – N/A

SCHEDULE OF COMMUNITY SERVICES DETERMINATIONS MADE UNDER DELEGATION

Period: 1 February 2021 to 28 February 2021

Abatement notices issued

ADDRESS	PROPERTY ID
12 King Edward Street, Penguin	403310.01
10 Vista Court, West Ulverstone	101760.016
109 Main Road, Penguin	403420.076

Kennel Licence issued

ADDRESS	OWNER
252 Lobster Creek Road,	Cheryl Sturzaker
100 Queen Street, West Ulverstone	Anne Behrans

Permits issued under Animal By-Law 1 – 2018

ADDRESS	PERMIT ISSUED FOR
Nil	

SCHEDULE OF OTHER STATUTORY RESPONSIBILITIES OF COMMUNITY SERVICES

Period: 1 February to 28 February 2021

Infringement notices issued for Dog Offenses

	1-28 Feb 2021
Claimed	6
Burnie Dogs Home	0
Destroyed	0
Heldover	0
Devonport Dogs Home	0
RSPCA Spreyton	0

Infringements for dogs and impoundments etc.

1 - 28 February 2021	2
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Infringements under Animal By-Law

1 - 28 February 2021	0
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Traffic Infringement Notices for Parking Offences

1 - 28 Feb 2021	78	
Bannons Car Park	11	14%
King Edward Street	23	29%
North Reibey Street Carpark	15	19%
Reibey Street	18	23%
Victoria Street	1	1%
Alexandra Road	10	13%



Ian Stoneman
DIRECTOR ORGANISATIONAL SERVICES