
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, 17 May 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

Nil

Employees attendance

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

Media attendance

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

Public attendance

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

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

121/2021 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the ordinary meeting of the Council held on 19 April 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. It is noted that there was a typographical error in Minute 93/2021 where the reference to Annette Langham being the President and Treasurer of the Riana Community Centre Advisory Committee should have reflected President and Secretary.”

■ Cr Fuller moved and Cr Beswick seconded, “That the minutes of the ordinary meeting of the Council held on 19 April 2021 be confirmed, subject to the reference to Annette Langham being the President and Treasurer of the Riana Community Centre Advisory Committee being amended to reflect President and Secretary at Minute No. 93/2021.”

Carried unanimously

COUNCIL WORKSHOPS

122/2021 Council workshops

The Executive Services Officer reported as follows:

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

- . 26.04.2021 – Quarterly update; TasWater Corporate Plan 2022–2026
- . 03.05.2021 – 2021–2022 Capital Estimates including site visits
- . 10.05.2021 – Reconciliation Action Plan; Dog Management Policy review

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

123/2021 Mayor's communications

The Mayor to report:

"I have no communications at this time."

124/2021 Mayor's diary

The Mayor reported as follows:

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

- . Central Connect Leadership Roundtable meeting – Ulverstone
- . Election Priority Discussion, Felix Ellis MP – Ulverstone
- . ANZAC Day services and wreath laying – Forth and Ulverstone
- . ANZAC Day Dawn Service – Penguin
- . Election Priority Discussion, Darren Briggs – Ulverstone
- . Switch Tasmania Board meeting – Ulverstone
- . Community Engagement Action Group Meeting – Ulverstone
- . TasTAFE breakfast with the Board – Devonport
- . Ulverstone Men's Shed 10-year anniversary and plaque unveiling – Ulverstone."

The Deputy Mayor reported as follows:

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

- . ANZAC Day Service and wreath laying – Penguin."

The Executive Services Officer reported as follows:

■ Cr Hiscutt moved and Cr Diprose seconded, "That the Mayor's and Deputy Mayor's report be received."

Carried unanimously

125/2021 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.”

Cr Hiscutt reported as follows:

“I will be declaring an interest in respect of the matter relating to Future Light Industrial land options (31A/2021 – 25.01.2021) (Minute No. 151A/2021).”

COUNCILLOR REPORTS

126/2021 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 Overton reported on a recent meeting of the Ulverstone Band, where it was requested if the Council could investigate possible solutions to their driveway access issues. Cr Overton confirmed that the matter had been referred to the Director Infrastructure Services.

APPLICATIONS FOR LEAVE OF ABSENCE

127/2021 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

128/2021 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

129/2021 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

130/2021 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.

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

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

The allocation of topics ensued.

131/2021 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.

No questions on notice have been received.”

PUBLIC QUESTION TIME

132/2021 Public question time

The Mayor reported as follows:

“The Council received eight submissions for Public Question Time. Public Question Time will commence at 6.40pm or as soon as practicable thereafter.”

133/2021 Public questions taken on notice

The Executive Services Officer reported as follows:

“No public questions were taken on notice from the 19 April 2021 meeting.”

DEPARTMENTAL BUSINESS

GENERAL MANAGEMENT

134/2021 Movement of the Cradle Coast Authority infrastructure to Central Coast

- Cr Hiscutt moved and Cr Fuller seconded, “That the Central Coast Council explore the potential for the movement of the Cradle Coast Authority infrastructure to the Central Coast municipality and report back to the Council by the July Council meeting.”

Cr Hiscutt, in support of his motion, submitted as follows:

“With the imminent decision from Burnie City Council pulling funding from the Cradle Coast Authority (CCA) it seems unlikely that the management and business of running the CCA could or should stay within the Burnie Municipality.

Being that the Central Coast is well situated amongst the 8 remaining councils with 3 councils to our East and 4 councils to our West we are uniquely positioned to be the new home of the CCA provided we have available sites and infrastructure to suit.

This motion proposes that the Council investigate the possibility of this option and have our position confirmed ready to present to the CCA if they intend to seek a home elsewhere.”

The General Manager reported as follows:

DISCUSSION

Council staff can investigate whether there are any appropriate sites within the Central Coast area and report back to the Council meeting on 19 July 2021.

CONSULTATION

There has been no consultation undertaken by staff in relation to this Notice of Motion.

RESOURCE, FINANCIAL AND RISK IMPACTS

There are no significant financial or risk impacts on the Council, other than staff resources.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

- Improve the Council's financial capacity to sustainably meet community expectations
- Strengthen local–regional connections.

CONCLUSION

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

Voting for the motion

(8)

Cr Bonde

Cr Beswick

Cr Carpenter

Cr Diprose

Cr Fuller

Cr Hiscutt

Cr Overton

Cr Viney

Voting against the motion

(1)

Cr van Rooyen

Motion

Carried

135/2021 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 Council Audit Panel – meeting held 22 March 2021
- Central Coast Community Shed Management Committee – meeting held 12 April 2021

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

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

Carried unanimously

136/2021 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 20 April to 17 May 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

137/2021 Common seal

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 20 April to 17 May 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 Hiscutt 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

138/2021 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 20 April to 17 May 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 Diprose moved and Cr Carpenter 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

139/2021 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. 140/2021, 141/2021 and 142/2021 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 Hiscutt moved and Cr Beswick seconded, “That the Mayor’s report be received.”

Carried unanimously

140/2021 Residential – dwelling including demolition of existing dwelling – variation to building envelope, privacy for all dwellings, setback of a sensitive use and proximity to a waterway – 1 Tucker Street, Ulverstone – Application No. DA2021036

The Strategic Projects and Planning Consultant reported as follows:

“The Planning Officer has prepared the following report:

‘ <i>DEVELOPMENT APPLICATION No.:</i>	DA2021036
<i>PROPOSAL:</i>	Residential (dwelling) variation to building envelope, privacy for all dwellings, setback of a sensitive use and proximity to a waterway
<i>APPLICANT:</i>	Danny Perko
<i>LOCATION:</i>	1 Tucker Street, Ulverstone

<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)
<i>ADVERTISED:</i>	17 April 2021
<i>REPRESENTATIONS EXPIRY DATE:</i>	3 May 2021
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	26 May 2021
<i>DECISION DUE:</i>	17 May 2021

PURPOSE

The purpose of this report is to consider an application for the demolition of an existing dwelling and the construction of a new three-storey dwelling on land at 1 Tucker Street, Ulverstone.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – photographs;
- . Annexure 5 – Statement of Compliance;
- . Annexure 6 – TasWater Submission to Planning Authority Notice; and
- . Annexure 7 – TasRail standard notes.

BACKGROUND

Development description –

An application has been made for the demolition of the existing two-storey dwelling and the construction of a new three-storey (584.57m²) dwelling at 1 Tucker Street, Ulverstone. The main floor (second level) of the new dwelling would be cantilevered over the basement floor and setback 1.6m from the eastern side boundary. The proposed dwelling would be outside the building envelope along the eastern side boundary. The final height of the dwelling would be 8.7m above existing ground level.

The proposed dwelling would be constructed from both brick and light weight cladding materials, with a “Colorbond” iron roof.

The dwelling layout would accommodate three levels:

- . Basement floor (ground level) would include a double garage, hobby room, bathroom, laundry and lift.

- . Main floor (second level) would include an open plan kitchen, dining and lounge/family room with alfresco area, butler's pantry, two bedrooms, one with walk in robe and ensuite, and main bathroom. The primary access to the dwelling would be via the second-storey entry.
- . Top floor (third level) would include two bedrooms, the main with a deck, walk in robe and ensuite, and a small sitting area with deck.

Site description and surrounding area –

The 825m² site is located on the northern side of Tucker Street, adjoining Buttons Creek to the west and TasRail's Western Railway line to the north.

The land slopes away from the street, towards the northern end of the site.

Surrounding land to the east and south are zoned General Residential and accommodate single and double-storey dwellings and associated outbuildings.

TasWater infrastructure intersects a portion of the northern area of the site. All development would be clear of the sewer infrastructure.

History –

No previous history relevant to this application.

DISCUSSION

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

General Residential

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

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

<p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	
<p>10.4.2–(A2) A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1.0m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p>	<p>(a) Compliant. The garage would be setback 7.6m from the primary frontage (Tucker Street).</p> <p>(b) Not applicable. Refer to (a) above.</p> <p>(c) Not applicable. Refer to (a) above.</p>

<p>(c) 1.0m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10.0m from the frontage.</p>	
<p>10.4.2–(A3) A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at the side boundaries and a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level; and <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p>	<p>(a)(i) Compliant. The proposal satisfies the frontage setbacks as discussed above.</p> <p>(a)(ii) Non-compliant. The proposed dwelling would be outside the building envelope to the eastern side boundary. Refer to the “Issues” section of this report.</p> <p>(b)(i) Compliant. The proposed dwelling would be located more than 1.6m from both the eastern side boundary and 2.5m from the western side boundary.</p> <p>(b)(ii) Compliant. The dwelling would be located more than 1.5m from both side boundaries.</p>

<p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser).</p>	
<p>10.4.3 Site coverage and private open space for all dwellings</p>	
<p>10.4.3–(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60.0m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	<p>(a) Compliant. The land area is 825m². Dwelling ground floor area = 252.38m². Total site coverage would be 30.59%.</p> <p>(b) Not applicable. The proposed development is not for multiple dwellings.</p>
<p>10.4.3–(A2) A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p>	<p>(a)(i) Compliant. The private open space has an area greater than 24m².</p> <p>(a)(ii) Not applicable. Development satisfied by (a)(i).</p>

<p>(i) 24.0m²; or</p> <p>(ii) 12.0m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4.0m; or</p> <p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	<p>(b)(i) Compliant. The dwelling has private open space with a minimum 14m horizontal dimension.</p> <p>(c) Compliant. The private open space is located to the north of the proposed dwelling.</p> <p>(d) Compliant. The area of private open space would be reasonably flat.</p>
<p>10.4.4 Sunlight to private open space of multiple dwellings</p>	
<p>10.4.4-(A3) A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

<p>accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <ul style="list-style-type: none"> (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): <ul style="list-style-type: none"> (i) at a distance of 3.0m from the northern edge of the private open space; and (ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June. (c) That part, of a multiple dwelling, consisting of: <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling. 	
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10.4.5 Width of openings for garages and carports for all dwellings	
10.4.5–(A1) A garage or carport within 12.0m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6.0m or half the width of the frontage (whichever is the lesser).	<p>Compliant.</p> <p>The proposed garage forming part of the dwelling would be setback 7.6m from this primary frontage.</p>
10.4.6 Privacy for all dwellings	
<p>10.4.6–(A1) A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1.0m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3.0m from the side boundary; and</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4.0m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6.0m:</p>	<p>(a) Non-compliant.</p> <p>The main living floor (Level 2) of the proposed dwelling would have a deck within 1.6m of the side eastern boundary. The proposed deck would have a 1.7m privacy screen along the eastern side boundary that faces the adjoining property at 3 Tucker Street.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b) Compliant. The proposed deck would be setback more than 13m from the rear boundary.</p> <p>(c) Not applicable. There is no additional dwelling on the site.</p>

<ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site. 	
<p>10.4.6-(A2) A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1.0m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> (i) is to have a setback of at least 3.0m from a side boundary; and (ii) is to have a setback of at least 4.0m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6.0m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6.0m from the private open space of another dwelling on the same site. <p>(b) The window or glazed door:</p>	<ul style="list-style-type: none"> (a)(i) Compliant. Development relies upon (b)(i) and (ii). (a)(ii) Compliant. Development relies upon (b)(i) and (ii). (a)(iii) Compliant. Development relies upon (b)(i) and (ii). (a)(iv) Compliant. Development relies upon (b)(i) and (ii). (b)(i) Compliant. The proposed dwelling would have a large window on the western side (lounge room) that would be off-set from the dwelling located on the adjoining western side allotment. (b)(ii) Compliant. The proposed dwelling would have windows of habitable rooms, kitchen and bedroom No. 2 located on the eastern elevation, with all sill heights 1.7m above floor level. (b)(iii) Compliant. Development relies upon (b)(ii).

<ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m 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 at least 1.7m above floor level, with a uniform transparency of not more than 25%. 	
<p>10.4.6–(A3) A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <ul style="list-style-type: none"> (a) 2.5m; or (b) 1.0m if: <ul style="list-style-type: none"> (i) it is separated by a screen of at least 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure 	<p>Not applicable.</p> <p>No shared driveway or parking spaces.</p>

glazing extending to a height of at least 1.7m above the floor level.	
10.4.7 Frontage fences for all dwellings	
No Acceptable Solution	<p>Not applicable.</p> <p>No front fence proposed.</p>
10.4.8 Waste storage for multiple dwellings	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a communal storage area with an impervious surface that:</p> <p>(i) has a setback of at least 4.5m from a frontage; and</p> <p>(ii) is at least 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

10.4.9 Suitability of a site or lot for use or development	
<p>10.4.9–(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) have an area of not less than 330m² excluding any access strip; and</p> <p>(b) if intended for a building, contain a building area of not less than 10.0m x 15.0m:</p> <p>(i) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(ii) clear of any applicable setback from a zone boundary;</p> <p>(iii) clear of any registered easement;</p> <p>(iv) clear of any registered right of way benefiting</p> <p>(v) clear of any restriction imposed by a Utility;</p> <p>(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</p>	<p>(a) Compliant. The site has an area of 825m².</p> <p>(b)(i) Non-compliant. The proposed dwelling would be outside the building envelope.</p> <p>Refer to “Issues” section of this report.</p> <p>(b)(ii) Compliant. The dwelling would be setback 13m from the Utilities zone.</p> <p>(b)(iii) Not applicable. No registered easements.</p> <p>(b)(iv) Not applicable. No registered right of way.</p> <p>(b)(v) Compliant. The proposed dwelling would be clear of TasWater sewer infrastructure.</p> <p>(b)(vi) Not applicable. No access strip.</p> <p>(b)(vii) Compliant. Land is accessible from Tucker Street.</p> <p>(b)(viii) Not applicable. Not a new residential lot.</p>

range 30 degrees east of north and 20 degrees west of north.	
<p>10.4.9–(A2) A site or each lot on a subdivision plan must have a separate access from a road –</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road –</p> <p>(i) over land not required as the means of access to any other land; and</p> <p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than –</p> <p>(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>(a) Compliant. Main access and frontage is to Tucker Street.</p> <p>(b) Not applicable. Not an internal lot.</p> <p>(c)(i) Not applicable. Satisfied by (a).</p> <p>(c)(ii) Not applicable. Satisfied by (a).</p> <p>(d)(i) Compliant. Site has a 20m frontage to Tucker Street.</p> <p>(d)(ii) Not applicable. Not multiple dwelling or non-residential development.</p> <p>(e) Compliant. The Road Authority have advised the existing crossover it to be retained. Access is considered adequate.</p>

<p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	
<p>10.4.9–(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated water system.</p>
<p>10.4.9–(A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and wastewater to a sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>.</p>	<p>Compliant.</p> <p>The site is connected to the reticulated sewerage system.</p>
<p>10.4.9–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>.</p>	<p>Compliant.</p> <p>The development proposes to discharge stormwater to Buttons Creek. Council’s Stormwater Authority have requested a final stormwater drainage plan at building stage.</p> <p>Condition to form part of the Planning Permit:</p>

	Prior to the lodgement of a building application, a stormwater plan showing the location of the stormwater discharge point into Buttons Creek, including erosion control measures to be in place, is required.
10.4.10 Dwelling density for single dwelling development	
<p>10.4.10-(A1)</p> <p>(a) The site area per dwelling for a single dwelling must –</p> <p>(i) be not less than 325m².</p>	(a)(i) Compliant. Site area is 825m ² .
10.4.11 Development other than a single or multiple dwelling	
10.4.11.1 Location and configuration of development	
<p>10.4.11.1-(A1) The wall of a building must be set back from a frontage –</p> <p>(a) not less than 4.5m from a primary frontage; and</p> <p>(b) not less than 3.0m from any secondary frontage; or</p> <p>(c) not less than and not more than the setbacks for any existing building on adjoining sites;</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<ul style="list-style-type: none"> (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) All buildings must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> (a) the applicable frontage setback; (b) a distance of not less than 4.0m from the rear boundary or if an internal lot, a distance of 4.5m from the boundary abutting the rear boundary of the adjoining frontage site; (c) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level if walls are setback – <ul style="list-style-type: none"> (i) not less than 1.5m from each side boundary; or (ii) less than 1.5m from a side boundary if – 	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<ul style="list-style-type: none"> a. built against an existing wall of an adjoining building; or b. the wall or walls – <ul style="list-style-type: none"> i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land; ii. there is no door or window in the wall of the building; and iii. overshadowing does not result in 50% of the private open space of an adjoining dwelling receiving less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June. <p>(d) in accordance with any building envelope shown on a sealed plan of subdivision.</p>	
<p>10.4.11.1 –(A3) Site coverage must:</p> <ul style="list-style-type: none"> (a) not be more than 50%; or (b) not be more than any building area shown on a sealed plan. 	<p>Not applicable.</p> <p>Proposed development is residential.</p>

10.4.11.1–(A4) A garage, carport or external parking area and any area for the display, handling, or storage of goods, materials or waste, must be located behind the primary frontage of a building.	Not applicable. Proposed development is residential.
10.4.11.1–(A5) Other than for a dwelling, the total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of: (a) 6.0m; or (b) half the width of the frontage.	Not applicable. Proposed development is residential.
10.4.11.2 Visual and acoustic privacy for residential development	
10.4.11.2–(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building must: (a) if the finished floor level is more than 1.0m above natural ground level: (i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site; (ii) be not less than 3.0m from a side boundary; (iii) be not less than 4.0m from a rear boundary; and	Not applicable. Proposed development is residential.

<p>(iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or</p> <p>(b) if less than the setbacks in clause A1(a):</p> <p>(i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling;</p> <p>(ii) have a window sill height of not less than 1.8m above floor level;</p> <p>(iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or</p> <p>(iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.</p>	
<p>10.4.11.2-(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>

from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.	
10.4.11.3 Frontage fences	
<p>10.4.11.3–(A1) The height of a fence, including any supporting retaining wall, on or within a frontage setback must be:</p> <p>(a) not more than 1.2m if the fence is solid; or</p> <p>(b) not more than 1.8m provided that part of the fence above 1.2m has openings that provide a uniform transparency of not less than 30%.</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>
10.4.12 Setback of development for sensitive use	
<p>10.4.12–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown in the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the required setback distance from the zone boundary.</p>	<p>(a) Compliant. The proposed dwelling would be setback more than 13m from the Utilities zone.</p> <p>(b) Compliant. The proposed dwelling would be setback more than 13m from the Utilities zone.</p>

<p>10.4.12–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) Bass Highway;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(a) Compliant. Development would be greater than 1.2km from the Bass Highway.</p> <p>(b) Non-compliant. Development would be setback approximately 23m from a railway line. Refer to the “Issues” section of this report.</p> <p>(c) Not applicable. No land designated for future road or rail.</p> <p>(d) Not applicable. The nearest proclaimed wharf area is in Burnie approximately 20km to the west.</p>
<p>10.4.13 Subdivision</p>	
<p>10.4.13–(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) intended for residential use;</p> <p>(b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a Statutory authority.</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>
<p>10.4.13–(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision	
10.4.14–(A1) Electricity reticulation and site connections must be installed underground.	Not applicable. No subdivision proposed.
CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Not a subdivision, hazardous or vulnerable use.
E2 Airport Impact Management Code	Not applicable. No Code in the Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of vegetation.
E4 Change in Ground Level Code	Not applicable. No change in ground level.
E4.2 Application of Code	
E4.4 Exemption	
E4.4 Development exempt from this Code	
E4.4.1 Development is exempt if – (a) development is for –	Not exempt. An area of cut (approximately 1.1 m deep) would be required from the Tucker Street frontage, along a portion of the eastern side of

<ul style="list-style-type: none"> (i) resource development being agricultural use dependent on the soil as a growth medium or controlled environment agriculture which does not alter, disturb or damage the existing soil profile; or (ii) extractive industry; (iii) for the Port and Shipping use class in the Port and Marine zone. <p>(b) a change in ground level –</p> <ul style="list-style-type: none"> (i) if more than 1.5m from a boundary to the site – <ul style="list-style-type: none"> a. has a depth of less than 1.0m; b. is not within a water course; c. is more than 1.0m from any easement, road, or right-of-way; d. is more than 1.0m from an underground utility service; e. involves an area of less than 200m²; 	<p>the lot, to accommodate and allow access to the basement (ground level) of the proposed dwelling. Refer to Southern Elevation.</p>
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<ul style="list-style-type: none"> f. has a finished slope batter of less than 25% or is supported by a retaining wall of less than 1.0m height; and g. is not on land to which Code E6 of this planning scheme applies (ii) if less than 1.5m from a boundary to the site – <ul style="list-style-type: none"> a. has a depth of not more than 0.5m; and b. has a finished slope batter of less than 25% and tapering to zero depth at the boundary or c. is supported by a retaining wall of less than 0.5m height. 	
E4.6 Development Standards	
E4.6.1 Change in existing ground level or natural ground level	
<p>E4.6.1–(A1) Cut or fill must:</p> <ul style="list-style-type: none"> (a) not be on land within the Environmental Living zone or the Environmental Management zone; 	<ul style="list-style-type: none"> (a) Compliant. Land is zoned General Residential. (b)(i) Compliant. Land required for the construction of the dwelling and driveway.

<p>(b) be required to:</p> <ul style="list-style-type: none"> (i) provide a construction site for buildings and structures; (ii) facilitate vehicular access; (iii) mitigate exposure to a natural or environmental hazard; (iv) facilitate provision of a utility; (v) assist the consolidation or intensification of development; or (vi) assist stormwater management; <p>(c) not result in a modification of surface stormwater water flow to increase:</p> <ul style="list-style-type: none"> (i) surface water drainage onto adjacent land; (ii) pooling of water on the site or on adjacent land; or (iii) the nature or capacity of discharge from land upstream in a natural or artificial drainage 	<p>(b)(ii) Not applicable. Satisfied by (b)(i).</p> <p>(b)(iii) Not applicable. Satisfied by (b)(i).</p> <p>(b)(iv) Not applicable. Satisfied by (b)(i).</p> <p>(b)(v) Not applicable. Satisfied by (b)(i).</p> <p>(b)(vi) Not applicable. Satisfied by (b)(i).</p> <p>(c) Compliant. The development would unlikely modify the surface stormwater flow refer to Flood Impact Report prepared by Pitt & Sherry. To be conditioned accordingly.</p> <p>(d) Compliant. The development would unlikely increase the requirements for construction of any potential building on adjacent land. To be conditioned accordingly.</p> <p>(e) Compliant. The development would not impact on ground water. Refer to Flood Impact Report prepared by Pitt & Sherry.</p> <p>(f) Compliant by condition. To be conditioned accordingly.</p> <p>(g) Compliant. No retaining walls proposed.</p>
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<p>channel;</p> <p>(d) not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land;</p> <p>(e) manage disposal of intersected ground water;</p> <p>(f) safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009;</p> <p>(g) not require a retaining or support structure that would result in a 'line of influence' of more than 450mm into any adjacent land unless the owner of adjacent land has provided written consent to enter into an agreement under Part 5 <i>Land Use Planning and Approvals Act 1993</i> registered on the title of adjacent land to provide for the level of constraint; and</p> <p>(h) not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m unless the relevant regulatory entity has advised:</p>	<p>(h) Compliant. Development would not interfere with a utility. The application was referred to TasWater. TasWater have provided a Submission to Planning Authority Notice.</p>
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<p>(i) it is satisfied the cut or fill will not result in harm to the utility; and</p> <p>(ii) any condition or requirement it determines are appropriate to protect the utility.</p>	
E5 Local Heritage Code	Not applicable. No Local Heritage Code in the Scheme.
E6 Hazard Management Code	Applicable. The site is shown on the coastal inundation hazard maps as having a Medium risk of coastal inundation.
E6.2 Application of the Code	Applies. Land is subject to Medium Coastal Inundation and Coastal Erosion hazard.
E6.4 Use or Development Exempt from this Code	Not exempt.
E6.5 Use Standards	
E6.5.1 Use on potentially contaminated land	
<p>E6.5.1–(A1) Use must not occur on land potentially contaminated by a previous use for an activity listed in Table E6.1 unless:</p> <p>(a) soil disturbance and development is carried out in</p>	Not applicable. Not potentially contaminated land.

<p>accordance with requirements in a hazard risk assessment for contamination;</p> <p>(b) a hazard risk assessment for potential contamination establishes the site can be remediated to provide a tolerable level of risk for the use; or</p> <p>(c) a hazard risk assessment establishes the site has been remediated to provide a tolerable level of risk.</p>	
<p>E6.5.2 Use likely to be exposed to a natural hazard</p>	
<p>E6.5.2-(A1) If a use is on land within an area of risk from exposure to a natural hazard as shown on a map forming part of this planning scheme:</p> <p>(a) use must not be for a critical use, a hazardous use, or a vulnerable use;</p> <p>(b) use must not be residential use if the level of risk is medium or higher; and</p> <p>(c) a hazard risk assessment must demonstrate a tolerable level of risk can be achieved and maintained for the nature and duration of the use.</p>	<p>(a) Compliant. Not a critical, hazardous or a vulnerable use.</p> <p>(b) Non-compliant. Use is Residential and risk is Medium.</p> <p>(c) The Hazard Risk Assessment completed by Pitt & Sherry accompanies the application. The risk is deemed to be tolerable, provided the development follows the actions and recommendations of the report including minimum floor levels, no removal of trees from the creek bank and a geotechnical investigation should be undertaken to ensure the proposed dwelling is found upon a reasonable base to mitigate against building failure as a result of erosion.</p> <p>The permit will be conditioned accordingly to ensure compliance with any recommendations outlined within the</p>

	<p>report prepared by Pitt & Sherry – Flood Impact and Coastal Inundation Assessment dated 6 April 2021.</p> <p>Refer to “Issues” section of this report.</p>
E6.6 Development Standards	
E6.6.1 Development on potentially contaminated land	
<p>E6.6.1–(A1) Development must not occur on land potentially contaminated by a previous use for an activity listed in the Table E6.1 to this clause unless:</p> <p>(a) soil disturbance and development is carried out in accordance with the requirements of a hazard risk assessment for contamination;</p> <p>(b) a hazard risk assessment establishes the site can be remediated to provide a tolerable level of risk from the development; or</p> <p>(c) a hazard risk assessment establishes the site has been remediated to provide a tolerable level of risk from the development; and</p> <p>(d) if a hazard risk assessment establishes need to involve land on another title to manage risk consistent with the</p>	<p>Not applicable.</p> <p>Not potentially contaminated land.</p>

<p>objective, the consent in writing of the owner of that land must be provided to enter into a Part 5 agreement to be registered on the title of the land and providing for the affected land to be managed in accordance with recommendations for contamination management.</p>	
<p>E6.6.2 Development on land exposed to a natural hazard</p>	
<p>E6.6.2–(A1) If the site is within an area of risk shown on a natural hazard map forming part of this planning scheme:</p> <p>(a) a hazard risk assessment must determine:</p> <p>(i) there is an insufficient increase in risk to warrant any specific hazard reduction or protection measure; or</p> <p>(ii) a tolerable level of risk can be achieved for the type, form, scale and duration of the development; and</p> <p>(b) if a hazard risk assessment established need to involve land on another title for hazard management consistent with the objective, the consent in writing of the owner of that land must be provided to enter into a Part 5 agreement to be registered on the tile of the land and</p>	<p>(a) The Hazard Risk Assessment completed by Pitt & Sherry accompanies the application. The risk is deemed to be tolerable, provided the development follows the actions and recommendations of the report including minimum floor levels, no removal of trees from the creek bank and a geotechnical investigation should be undertaken to ensure the proposed dwelling is found upon a reasonable base to mitigate against building failure as a result of erosion.</p> <p>The report concluded that if the floor level recommendations were adopted the proposed development is considered to have a low level or risk to the natural hazard of inundation and a tolerable level of risk can be achieved and maintained for the nature and duration of the use.</p> <p>The permit will be conditioned accordingly to ensure compliance with any recommendations outlined within the</p>

providing for the affected land to be managed in accordance with recommendations for hazard management.	<p>report prepared by Pitt & Sherry – Flood Impact and Coastal Inundation Assessment dated 6 April 2021.</p> <p>(b) Not applicable. The development would not require the use of land on another title for hazard management purposes.</p>
E7 Sign Code	Not applicable. No signage proposed.
E8 Telecommunication Code	Not applicable. No telecommunications proposed.
E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Code applies to all development.
E9.4 Use or development exempt from this Code	<p>Not exempt.</p> <p>No Local Area Parking Scheme applies to the site.</p>
E9.5 Use Standards	
E9.5.1 Provision for parking	
<p>E9.5.1–(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;</p>	<p>(a) Compliant. Table E9A requires two car parking spaces for a residential dwelling. The proposed dwelling includes a double garage.</p>

	The requirement for two car parking spaces has been satisfied.
E9.5.2 Provision for loading and unloading of vehicles	
<p>E9.5.2-(A1) There must be provision within a site for:</p> <p>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.</p>	Not applicable for the development of a single dwelling.
E9.6 Development Standards	
E9.6.2 Design of vehicle parking and loading areas	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Compliant by a Condition to be placed on the Permit.
<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <p>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking</p>	Not applicable for the development of a single dwelling.

<p>Facilities – Off-Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</p> <p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</p> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	
<p>E9.6.2–(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.</p>	<p>Not applicable.</p> <p>Land is zoned General Residential.</p>

E10 Water and Waterways Code	Applicable. The development would be within 30m of a waterway. Buttons Creek is located on the western boundary of the development site.
E10.2 Application of this Code	
E10.4 Use or development exempt from this Code	
<p>E10.4.1</p> <p>Use or development is exempt from this Code if –</p> <ul style="list-style-type: none"> (a) for risk management, emergency, or rescue purposes; (b) works undertaken in accordance with a reserve management plan; (c) control of declared weeds; or (d) crop protection structures on existing cleared agricultural land that do not collect stormwater for concentrated disposal. 	Not exempt.

E10.6 Development Standards	
E10.6.1 Development in proximity to a water body, watercourse, or wetland	
<p>E10.6.1–(P1) Development must:</p> <p>(a) minimise risk to the function and values of a water body, watercourse, or wetland ^{R37}, including for:</p> <ul style="list-style-type: none"> (i) hydraulic performance; (ii) economic value; (iii) water based activity; (iv) disturbance and change in natural ground level; (v) control of sediment and contaminants; (vi) public access and use; (vii) aesthetic or scenic quality; (viii) water quality management arrangements for stormwater and sewage disposal; (ix) modification of a natural drainage channel; 	<p>The application is accompanied by a report by Pitt & Sherry, addressing the relevant Performance Criteria of the Planning Scheme's <i>E10 Water and Waterways Code</i>.</p> <p>The report concludes:</p> <ul style="list-style-type: none"> (i) The proposed development is outside the main creek channel, in conjunction with the inundation report the hydraulic performance of the creek under normal flow conditions is not adversely impacted. (ii) The proposed development would not impact on the function of the creek and there is no known fishery or other resources located within the creek. (iii) The proposed development would not impact on water-based activities as the development is not located within the main channel area. (iv) Change in natural ground level may occur in the proposed building envelope. No changes would occur on the banks of the creek and would not affect the normal creek flow.

<p>(x) biodiversity and ecological function;</p> <p>(xi) level of likely risk from exposure to natural hazards of flooding and inundation; and</p> <p>(xii) community risk and public safety; and</p> <p>(b) be consistent with any advice or decision of a relevant entity administering or enforcing compliance with an applicable protection and conservation regulation for:</p> <p>(i) impact of the development on the objectives and outcomes for protection of the water body, watercourse or wetland; and</p> <p>(ii) any condition or requirement for protection of the water body, watercourse or wetland.</p>	<p>(v) During construction appropriate sediment controls should be in place to capture and prevent any construction materials or bare soils entering the watercourse.</p> <p>(vi) The site is located on private land and would not impact on public accessible areas.</p> <p>(vii) The proposed development would be in keeping with the aesthetics of the existing buildings adjacent to Buttons Creek.</p> <p>(viii) The proposed development would not impact the sewer drainage through the northern portion of the site as the building works would be clear of the pipeline. The development would connect to the existing stormwater drainage system.</p> <p>(ix) The proposed development would not impact on the drainage channel of Buttons Creek.</p> <p>(x) There would be no disturbance of the riparian vegetation and no works within the creek. No vegetation is to be removed as part of the development works.</p> <p>(xi) The report addressed inundation. The development proposes to nominate a best practice minimum floor level</p>
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	<p>for new development. The minimum floor level of 4.1m AHD is appropriate for the site.</p> <p>(xii) The development would not result in any significant change. Peak water level changes are less than 10mm, this represents no significant changes to community risk or public safety.</p> <p>(b)(i) Pitt & Sherry have concluded that the proposed development complies with the requirements of the Code and are consistent with the State Policy on Water Quality Management.</p> <p>(b)(ii) No additional conditions have been identified for the protection of the waterbody.</p> <p>The Planning Permit will be conditioned accordingly to ensure compliance with any recommendations outlined within the report prepared by Pitt & Sherry – Flood Impact and Coastal Inundation Assessment dated 6 April 2021. Floor level to be conditioned.</p>
E10.6.2 Development in a shoreline area	
E10.6.2–(P1) Development must:	Not applicable.
(a) be required to locate in, over, on or under the shoreline, sea or tidal waters for operational efficiency;	The development is not within 30m of a shoreline.

<p>(b) avoid unreasonably or unnecessary impact on existing or potential access by the public to shoreline land or waters;</p> <p>(c) minimise impact on scenic quality of the sea-shore area;</p> <p>(d) minimise impact on amenity or aesthetic appearance of the sea-shore area as a result of:</p> <ul style="list-style-type: none"> (i) nature and operational characteristics of the development; (ii) location; (iii) bulk, size, and overall built form of any building or work; (iv) overshadowing; or (v) obstruction of views from a public place; and <p>(e) minimise immediate or cumulative adverse effect for:</p> <ul style="list-style-type: none"> (i) tidal, wave, current, or sediment movement processes; (ii) coastal landforms, seabed, and other geomorphic features, including sand dunes and mobile 	
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<p>landforms;</p> <p>(iii) vulnerability to erosion and recession;</p> <p>(iv) natural cycles of deposition and erosion;</p> <p>(v) conservation of biodiversity and marine habitat, including during critical lifecycle stages of individual and migratory species;</p> <p>(vi) drainage from a water course, wetland, ground water, flood, stormwater, or tidal water;</p> <p>(vii) coastal water quality;</p> <p>(viii) likely interference or constraint on use of public areas;</p> <p>(ix) any scientific, architectural, aesthetic, historic or special cultural value;</p> <p>(x) exposure to or increased risk from a natural hazard, including sea level rise, storm surge, or inundation as a result of climate change;</p> <p>(xi) coastal protection and rehabilitation works required to address erosion, instability, regression, or inundation;</p>	
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<ul style="list-style-type: none">(xii) collection, treatment, and disposal of waste, including bilge waters and excavated or dredged sediment;(xiii) economic activity dependent for operational efficiency on a sea-shore location;(xiv) public safety and emergency services;(xv) marine navigation and communication systems;(xvi) safety of recreational boating; and(xvii) be consistent with the current edition of Tasmanian Coastal Works Manual DPIWE 2011.	
Specific Area Plans	No Specific Area Plans apply to this location.

Issues –

1 *10.4.2 Setbacks and building envelope for all dwellings – Building envelope –*

The Planning Scheme's Acceptable Solution 10.4.2–(A3)(a)(ii) requires that 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 0.9m horizontally beyond the building envelope, must be contained within a building envelope determined by a line projecting at an angle of 45° from the horizontal at a height of 3m above existing ground level at the side and rear boundaries, to a building height not more than 8.5m above existing ground level.

The proposal seeks a variation to this standard. The proposed dwelling would be outside the standard building envelope on the eastern side boundary with a setback of 1.669m and a building height of 8.7m. An exercise of discretion is required to determine if a Permit may be issued.

Performance Criteria 10.4.2–(P3) requires that for variations to boundary setbacks and building envelope standards, there be no unreasonable loss of amenity through the loss of sunlight to the habitable rooms of an adjoining dwelling, overshadowing of private open space area or visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from an adjoining lot; and that there is adequate separation between buildings that is compatible with that prevailing in the surrounding area.

The proposed dwelling adjoins 3 Tucker Street to the east and is separated from 130 Alexandra Road to the west, by the waterway of Buttons Creek. The impact of development is examined below:

Impacts on 3 Tucker Street – adjoining dwelling to the east

The site at 3 Tucker Street comprises of a split-level dwelling with the northern portion having two levels, similar to the existing dwelling that is to be demolished at 1 Tucker Street. The main floor (Level 2) of the proposed new dwelling would be setback approximately 1.6m from the sites eastern side boundary that adjoins 3 Tucker Street.

Overshadowing –

The proposed dwelling would be setback approximately 4m from the adjoining eastern dwelling, with the main floor (Level 2) of the proposed dwelling setback 1.669m from the side boundary of 3 Tucker Street.

The proposed dwelling consists of three floors with the third level outside the building envelope. The applicant has provided a shadow pattern diagram. The shadow pattern diagram shows that, due to the north/south orientation of the land, the subject site, 1 Tucker Street, would bear the primary impact of overshadowing. The dwelling at 3 Tucker Street would receive some late afternoon shadow, from 3pm, to the rear of the dwelling. Refer to Shadow Plan Drawing No. 1421-9 in Appendix 1.

The private open space of 3 Tucker Street would remain unaffected due to the orientation of the lots, the placement of the proposed dwelling on the land and the location of the private open space to the north.

Any shadow from the proposed dwelling would not result in a sustained loss of sunlight to habitable rooms of the adjoining dwelling at 3 Tucker Street, or to private open space areas, between the hours of 9.00am and 3.00pm on 21 June.

Visual impact due to the bulk and scale of the building –

The proposed dwelling would be setback 1.6m (as shown on Elevation Plan, Drawing No. 1421-5 in Appendix 1).

A majority of the dwellings on the northern side of Tucker Street appear to be spilt-level dwellings due to the slope of the land. When viewed from Tucker Street, existing development represents as single-storey development. However, when viewed from the northern side of the allotments the buildings are double-storey. The existing dwelling at 1 Tucker Street currently sits below the dwelling at 3 Tucker Street, as shown in the photos below.



Street view 3 Tucker Street

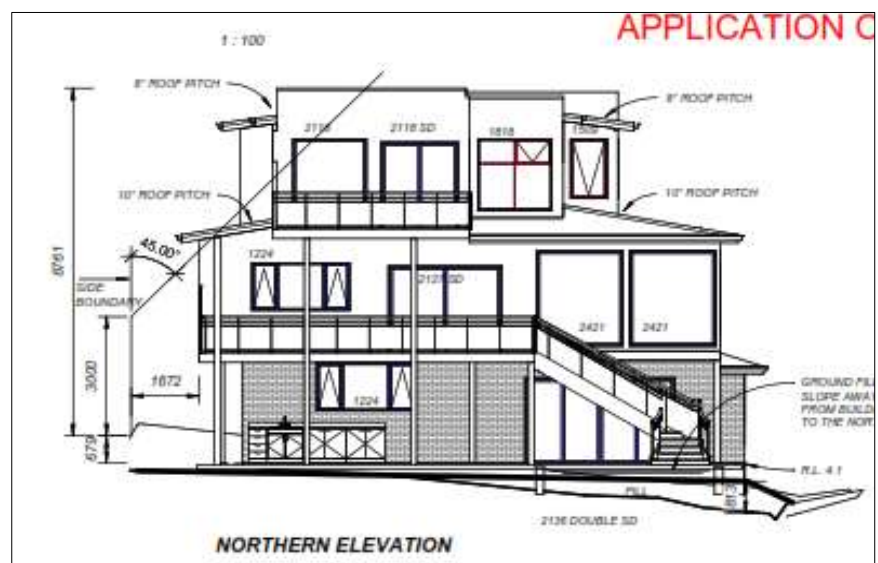
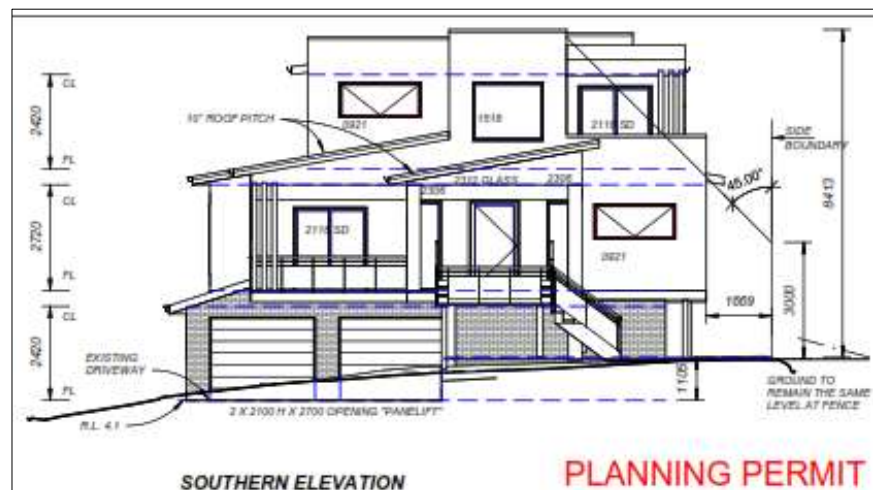


Street view 1 Tucker Street



View from northern side (railway line)

The building designer has minimised the apparent bulk and scale of the three-storey dwelling by the tiered, setback placement of floor levels, and the location of the proposed dwelling behind the building footprint of the dwelling at 3 Tucker Street. This is to allow views to be maintained from the main living areas of 3 Tucker Street. The visual appearance of the proposed dwelling would be “broken up” by the positioning of each floor. In this regard, the lower-level garage floor would be setback from the eastern side boundary approximately 2.6m with the main floor (second level) cantilevered over the ground floor within 1.6m of the boundary, with the upper floor (third level) setback approximately 2.6m from the eastern side boundary. Refer to elevations below.



The tiered design assists to minimise the visual bulk and appearance when viewed from 3 Tucker Street, with the location of the main wall of the proposed dwelling setback behind the main living areas of 3 Tucker Street, maintaining direct views from the sunroom and the lounge windows of 3 Tucker Street.

Pattern of Separation –

The pattern of separation between residential buildings in the vicinity is based on both single and double-storey development.

As discussed above the design of the building incorporates variations to the wall elevation across the building footprint, the placement of the proposed dwelling, in a similar location to the existing dwelling at 1 Tucker Street, assists to maintain the pattern of separation between buildings on adjoining lots, whilst also maintaining direct views from the main living areas of 3 Tucker Street.



2 *10.4.12 Setback of development for sensitive use – Proximity to the railway line –*

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

The proposed dwelling would be 23m from the railway line that is located to the north of Tucker Street. The application seeks a variation to this standard and an exercise of discretion is required for the proposal to proceed.

Performance Criteria 10.4.12–(P2) requires that development of a sensitive use must have a minimal impact for safety and the efficient operation of the transport infrastructure and incorporate appropriate

measures to mitigate likely impact of light, noise, odour particulate, radiation or vibration emissions.

The proposed dwelling would be setback approximately 23m from the railway line. Due to the existing residential precinct that has established along Tucker Street, the proposed dwelling is unlikely to cause any constraints or interference to the continued operation or upgrades to the railway line. Notes have been recommended as part of this Permit regarding TasRail safety management. Another Note of this Permit is that double glazing of windows be considered at the building stage, to mitigate and minimise the noise impacts on the residential amenity due to the operations of the railway line.

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

3. *E6 – Hazard Management Code – Site is shown on coastal inundation and erosion hazard maps.*

The development was subject to the Planning Scheme's E6 Hazard Management Code due to the site being included in an area subject to coastal inundation and erosion. The application included a report prepared by Pitt & Sherry addressing both the flood impact and hazards relating to coastal inundation and erosion.

The report provided recommendations which included a minimum floor level, waterproofing of parts of the building below the designated flood planning level and the requirement of no removal of vegetation from the riparian area of Buttons Creek.

The report concluded that if the floor level recommendations were adopted the proposed development is considered to have a low level or risk to the natural hazard of inundation and a tolerable level of risk can be achieved and maintained for the nature and duration of the use.

Conditions have been placed on the permit referencing the recommendations outlined within the report.

4. *E10 – Water and Waterways Code – Setback of development within 30m of a waterway – Buttons Creek –*

The development was subject to the Planning Scheme's E10 Water and Waterways Code due to its proximity to Buttons Creek. The application included a report prepared by Pitt & Sherry addressing both the flood

impact hazard, coastal inundation and the E10 Water and Waterways Code.

- (a) The report concluded:
 - (i) The proposed development is outside the main creek channel, in conjunction with the inundation report the hydraulic performance of the creek under normal flow conditions is not adversely impacted.
 - (ii) The proposed development would not impact on the function of the creek and there is no known fishery or other resources located within the creek.
 - (iii) The proposed development would not impact on water-based activities as the development is not located within the main channel area.
 - (iv) Change in natural ground level may occur in the proposed building envelope, no changes would occur on the banks of the creek and would not affect the normal creek flow.
 - (v) During construction appropriate sediment controls should be in place to capture and prevent any construction materials or bare soils entering the watercourse.
 - (vi) The site is located on private land and would not impact on public accessible areas.
 - (vii) The proposed development would be in keeping with the aesthetics of the existing buildings adjacent to Buttons Creek.
 - (viii) The proposed development would not impact the sewer drainage through the northern portion of the site as the building works would be clear of the pipeline. The development would connect to the existing stormwater drainage system.
 - (ix) The proposed development would not impact the drainage channel of Buttons Creek.

- (x) There would be no disturbance of the riparian vegetation or works within the creek. No vegetation is to be removed as part of the development works.
- (xi) The report addressed inundation. The development proposes to nominate a best practice minimum floor level for new development. The minimum floor level of 4.1m AHD is appropriate for the site.
- (xii) The development would not result in any significant change. Peak water level changes are less than 10mm; this represents no significant changes to community risk or public safety.
- (b)(i) Pitt & Sherry have concluded that the proposed development complies with the requirements of the Code and consistent with the State Policy on Water Quality Management.
- (b)(ii) No additional conditions have been identified for the protection of the waterbody.

Based on the report provided by Pitt & Sherry, the proposed development has satisfied the requirements of the Water and Waterways Code accordingly.

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Referral not required.
Infrastructure Services	Statement of Compliance not required.
Building	Building Note 8 to be applied to Permit.
TasWater	Planning Authority Notice dated 21 April 2021.

Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Standard TasRail notes to be applied to Permit.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Tas Networks	Referral not required.

CONSULTATION

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


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

Representation –

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

The representation is summarised and responded to as follows:

MATTER RAISED	RESPONSE
1 Concerned the bulk and scale as the proposed dwelling would be overpowering when viewed from the dwelling and garden at 3 Tucker Street.	As discussed above, the tiered design of the proposed dwelling would assist to minimise the scale of the development. The proposed dwelling would be setback behind the garden located at number 3.
2 The site plans show the basement level setback 1.669m from the eastern boundary, however the	The assessment has been undertaken on the basis that the main floor (second level) wall as

<p>elevation plans show the main floor level setback 1.669m.</p>	<p>shown on the elevation plan is setback 1.669m.</p> <p>The development will be conditioned accordingly to ensure the main wall of the dwelling is setback 1.669m.</p>
<p>3 The development does not meet the desired future character of one or two-storey, doesn't provide consistency in apparent scale.</p>	<p>As discussed above, the proposed dwelling would be consistent with other dwellings in Tucker Street. The area consists of both single and double-storey dwellings.</p> <p>The proposed dwelling has been designed to minimise site cut, allowing for access from Tucker Street to the basement level and allowing the main floor level to have a height of 1.6m above ground level at the eastern side boundary, varying to above 2m on the western side of the lot, due to the slope of the land.</p> <p>Based on the height, the development would not be dissimilar to other dwellings in the direct vicinity. Refer to the street view below.</p>
	

RESOURCE, FINANCIAL AND RISK IMPACTS

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

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

CONCLUSION

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

The proposed development is Permitted in the General Residential zone. The application was discretionary based on the building envelope and the proximity of the dwelling to the railway line and Buttons Creek. The proposed development as discussed in the “Issues” section of this report is considered to have satisfied the applicable Planning Scheme’s Performance Criteria.

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

Recommendation –

It is recommended that the application for Residential (dwelling) – variation to building envelope, privacy for all dwellings, setback of a sensitive use and proximity to a waterway at 1 Tucker Street, Ulverstone – Application No. DA2021036 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by Weeda Drafting, Drawing No. 1421–1 to 9 dated 23 March 2021.
- 2 Prior to the lodgement of a building application a stormwater plan showing the location of the stormwater discharge point into Buttons Creek including erosion control measures is required, to the satisfaction of Director Infrastructure Services
- 3 The development must be in accordance with the recommendations contained within the Flood Impact and Coastal Inundation Report by Pitt & Sherry, Revision 02, dated 5 April 2021:

- (a) The development must not include the removal of any riparian vegetation along Buttons Creek.
 - (b) The minimum floor level of 4.1m AHD must be adopted for the dwelling and shown on proposed building plans.
 - (c) A geotechnical investigation should be undertaken to ensure the proposed dwelling is founded upon a reasonable base to mitigate against any future building failure as a result of erosion.
- 4 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2021/00559-CC dated 21 April 2021.
- 5 The development must safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009.
- 6 The development must not result in a modification of surface stormwater water flow to increase –
 - (a) surface water drainage onto adjacent land; and
 - (b) pooling of water on the site or on adjacent land.
- 7 The development must not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land.
- 8 The development must not require a retaining wall or support structure that would result in an area of influence within the boundary of adjacent land.
- 9 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.

Please note:

- 1 A Planning Permit remains valid for two years. If the use and/or development has not substantially commenced within this period, an

extension may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.

- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 The proposed development fits within the criteria of Category 4 – Building Permit Work and Category 3 – Notifiable Plumbing Work when assessed against the Director's Determinations issued under the *Building Act 2016*. Accordingly, an application for a Building Permit is to be made to the Council's Building Permit Authority, and an application for a Certificate of Likely Compliance – Plumbing Work is to be made to the Council's Plumbing Permit Authority.
- 4 The development must be in accordance with the TasRail standard notes attached.
- 5 Double glazing of windows should be considered at the building stage to mitigate and minimise the noise impacts on the residential amenity due to the operations of the railway line.
- 6 Solid fencing within 4.5m of a front boundary, to a height of 1.2m, or fencing that is 30% transparent above 1.2m, to a maximum height of 1.8m, is "Exempt" and does not require planning approval. A fence other than this, within 4.5m of a front boundary, is “Discretionary” development and requires the lodgement of a development application.
- 7 Side boundary fencing is to angle down to the public road reserve boundary in accordance with AS/NZS 2890 Figure 3.3 "Minimum Sight Lines for Pedestrian Safety".’

The Planning Officer’s report is supported.”

The Strategic Projects and Planning Consultant reported as follows:

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

■ Cr Carpenter moved and Cr Viney seconded, “That the application for Residential (dwelling) – variation to building envelope, privacy for all dwellings, setback of a sensitive use and proximity to a waterway at 1 Tucker Street, Ulverstone – Application No. DA2021036 be approved subject to the following conditions and notes.

- 1 The development must be substantially in accordance with the plans by Weeda Drafting, Drawing No. 1421-1 to 9 dated 23 March 2021.
- 2 Prior to the lodgement of a building application a stormwater plan showing the location of the stormwater discharge point into Buttons Creek including erosion control measure is required.
- 3 The development must be in accordance with the recommendations contained within the Flood Impact and Coastal Inundation Report by Pitt & Sherry, Revision 02, dated 5 April 2021.
 - (a) The development must not include the removal of any riparian vegetation along Buttons Creek.
 - (b) The minimum floor level of 4.1 m AHD must be adopted and shown on building plans.
 - (c) A geotechnical investigation should be undertaken to ensure the proposed dwelling is founded upon a reasonable base to mitigate against any future building failure as a result of erosion.
- 4 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2021/00559-CC dated 21 April 2021.
- 5 The development must safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009.
- 6 The development must not result in a modification of surface stormwater water flow to increase –
 - (a) surface water drainage onto adjacent land; and
 - (b) pooling of water on the site or on adjacent land.
- 7 The development must not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land.

- 8 The development must not require a retaining wall or support structure that would result in an area of influence within the boundary of adjacent land.
- 9 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.

Please note:

- 1 A Planning Permit remains valid for two years. If the use and/or development has not substantially commenced within this period, an extension may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 The proposed development fits within the criteria of Category 4 – Building Permit Work and Category 3 – Notifiable Plumbing Work when assessed against the Director's Determinations issued under the *Building Act 2016*. Accordingly, an application for a Building Permit is to be made to the Council's Building Permit Authority, and an application for a Certificate of Likely Compliance – Plumbing Work is to be made to the Council's Plumbing Permit Authority.
- 4 The development must be in accordance with the TasRail standard notes attached.
- 5 Double glazing of windows should be considered at the building stage to mitigate and minimise the noise impacts on the residential amenity due to the operations of the railway line.
- 6 Solid fencing within 4.5m of a front boundary, to a height of 1.2m, or fencing that is 30% transparent above 1.2m, to a maximum height of 1.8m, is “Exempt” and does not require planning approval. A fence other than this, within 4.5m of a front boundary, is “Discretionary” development and requires the lodgement of a development application.
- 7 Side boundary fencing is to angle down to the public road reserve boundary in accordance with AS/NZS 2890 Figure 3.3 ‘Minimum Sight Lines for Pedestrian Safety’.

Carried unanimously

141/2021 Natural and cultural values – remedial foreshore works comprising rock walls, ramps and stairs, Utilities – minor upgrades and shared pathway, Signs, Passive recreation and reconciliation of rail line crossings – reliance on E10 Water and Waterways Code (access infrastructure) at Main Road, Watcombe Beach and Perry-Ling Gardens, Penguin (Penguin foreshore) – Application No. DA2021090

The Strategic Projects and Planning Consultant reported as follows:

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

<i>‘DEVELOPMENT APPLICATION No.:</i>	DA2021090
<i>PROPOSAL:</i>	Natural and cultural values – remedial foreshore works comprising rock walls, ramps and stairs, Utilities – minor upgrades and shared pathway, Signs, Passive recreation and reconciliation of rail line crossings
<i>APPLICANT:</i>	Central Coast Council
<i>LOCATION:</i>	Main Road, Watcombe Beach and Perry-Ling Gardens, Penguin (Penguin foreshore)
<i>ZONE:</i>	Open Space Zone and Utilities zone
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013 (the Scheme), Interim Planning Directive No. 4 – Exemptions, Application Requirements, Special Provisions and Zone Provisions (Ministerial Directive No. 4) – that came into effect 22 February 2021, Tasmanian State Coastal Policy – Section 1.4. and Historic Cultural Heritage Act 1995</i>
<i>ADVERTISED:</i>	14 April 2021
<i>REPRESENTATIONS EXPIRY DATE:</i>	28 April 2021
<i>REPRESENTATIONS RECEIVED:</i>	Fifteen
<i>42-DAY EXPIRY DATE:</i>	21 May 2021
<i>DECISION DUE:</i>	17 May 2021
<i>PURPOSE</i>	

The purpose of this report is to consider an application by Central Coast Council for Stage B of beach fortification works to a section of the Penguin

foreshore and minor infrastructure works within the heritage listed Perry-Ling Gardens area.

Accompanying the report are the following documents:

- . Annexure 1 – application documentation;
- . Annexure 2 – representations;
- . Annexure 3 – photographs;
- . Annexure 4 – Notice from Heritage Tasmania;
- . Annexure 5 – Response from TasRail; and
- . Annexure 6 – TasWater Submission to Planning Authority Notice.

BACKGROUND

Development description –

Application is made for approximately a 500m length of works along the Penguin foreshore, extending from Lions Park, along Watcombe Beach foreshore and some minor works within the Perry-Ling Gardens area. The proposal is Stage B of Penguin foreshore protection works. Stage A of the project has already been approved, (Planning Permit DA2020116, issued 25 May 2020). These earlier approved works are nearing completion.

Stage B works encompass three Use Classes:

- . Natural and cultural values – foreshore works comprising rock walls, ramps and stairs.
- . Utilities (minor infrastructure) – upgrade and a new portion of the shared coastal pathway and the rationalisation of rail line crossings in a part of the Utilities zone that accommodates the Perry-Ling Gardens.
- . Passive recreation – general provision of recreational facilities within the Open Space zone.

Some of the work associated with the project would be “exempt” under Ministerial Directive No. 4, effective as of 22 February 2021, other than works in the vicinity of the shoreline. Ministerial Directive No. 4 requires that development not be on actively mobile landforms, as defined under the Tasmanian State Coastal Policy, unless for engineered remediation or protection works to protect land, property and human life. This means the works for the foreshore protection walls and associated beach access and pathway infrastructure are to be assessed under the Planning Scheme’s “discretionary” E10 Water and Waterways Code.

The application is accompanied by supporting reports, plans and elevations which provide detail on the proposal and the execution of foreshore works.

Minor infrastructure works within the Perry–Ling Gardens area required public notification under a separate Act, the *Historic Cultural Heritage Act 1995*. The Tasmanian Heritage Council have issued a “Notice of (No) Interest” in the application. Refer to Annexure No. 4. Works are considered to be in accordance with the requirements of the *Historic Cultural Heritage Act 1995*.

Site description and surrounding area –

The site runs along the foreshore of the Penguin township, from Lions Park to the Perry–Ling Gardens area. The area includes public spaces, walkways, parking and other infrastructure, the roadside Perry–Ling Gardens and, within a separate adjoining parcel of land, the Western Rail Line that is operated and managed by TasRail. Works are to the north of the Western Rail Line.

History –

The development site has been subjected, over time, to wave action and erosion from severe weather events. The proposal would improve and protect the Penguin foreshore and the public open space area adjoining the foreshore. The project has been identified as a high priority project for risk management purposes. The project also provides opportunity for upgrade and installation of a portion of the NW shared pathway.

The proposal has been through a community consultation process and has involved negotiations with TasRail as to the future use and location of pedestrian rail crossings in the area.

The Council has an ongoing annual program of rail access upgrades and has been working cooperatively with TasRail on this project and the Coastal Pathway project to ensure compliance with the Rail Safety National Law. Council has agreed to cooperate on restricting existing unlicensed accesses and improve standard licenced crossings across the municipal area, particularly in high use public areas.

As part of the development of the Perry–Ling Gardens Master Plan, the Council undertook community consultation via a community survey in 2020 which received 197 responses. Some key results included; 63% of respondent’s wanted improved defined pathways, Lions Park (81 responses) was the most used access point to Watcombe Beach, followed by the current proposed western rail crossing (44 responses). The question about fencing in the rail corridor to direct people to the appropriate crossing points presented no

preferred option with 43.3% respondents strongly opposed/oppose the idea, while a close 43.9% strongly favoured/favour the idea.

The proposed fence to be constructed will run continuous between the two licensed crossings to ensure the new accesses are used and discourage rail corridor access. The fence will also assist to provide Little Penguin/fauna and flora protection, and rail corridor identification. The Council has negotiated with TasRail to reduce the fence height from the usual standard 1800mm to 1200mm. In the longer term shrub growth within Perry-Ling Gardens will disguise the fence and reduce its visual impact. This is the agreement which had been reached between the Council and TasRail to manage the identified risk, which pre-dates the submission of this planning application.

The Council received several community requests to install a handrail at the Watcombe Beach access during the construction of Stage A of the Penguin Foreshore Remediation and Upgrade project. TasRail denied this request but responded with a review of the entire Perry Ling Gardens beach accesses situation. Council staff and TasRail worked cooperatively together through a risk assessment process to identify safe and legally compliant rail crossings.

The Council and TasRail representatives met at Watcombe Beach in October 2020 to discuss the rail crossings and Stage B of the Penguin Foreshore Remediation and Upgrade project. This was followed by a formal request to TasRail for a review of the two-existing licensed Pedestrian Crossings along Watcombe Beach and the proposed location at the eastern end. The proposed eastern exit point of the pathway will support the extension and continuation of the North West coastal shared pathway heading east towards Ulverstone. TasRail inspected the locations of the proposed crossings at the end of October 2020.

The Council hosted a Community Information Session in November 2020 to provide a progress update on Stage A, to explain why there was a Stage B and the synergy between this additional work and the Perry-Ling Garden Community Survey and Master Plan. The session was very popular with 50 community members attending. One of the biggest issues raised was the extent and location of Little Penguin habitat. As a result, it was determined to reduce the length of the pathway from 1225m to the current length of 750m.

Heritage Tasmania was contacted in December 2020 to inform of the current development of Stage B and upcoming submission of the Planning Permit.

The Australian Level Crossing Assessment Model (ALCAM) across all the reviewed coastal pathway sites was undertaken during February 2021 in the presence of TasRail and Council staff.

TasRail confirmed to the Council that the final design and exact location of the two proposed new railway crossings and approaches is yet to be confirmed by TasRail but will be informed by assessment of risk as is required by the Rail Safety National Law, in consultation with Council. Refer to Annexure No. 5.

Cann Street currently sits approximately 90m east of the proposed Watcombe Beach rail crossing and 40m west of the other existing crossing. Both accesses service about 40 properties each by catchment area, with a maximum walking distance of approximately 320m. By combining both the accesses to the proposed location, the maximum walking distance for the catchment is approximately 380m.

DISCUSSION

The Penguin foreshore has a history of natural erosion and sea accretion cycles. The proximity of the township to the waterfront and the regularity of these natural cycles have resulted in the need to manage the interface between sea and land through coastal infrastructure, such as sea walls.

The following Planning Scheme standards apply to the proposed works:

- . Natural and cultural values – foreshore works comprising rock walls, ramps and stairs. Walls would be “discretionary” due to proximity of works to a shoreline. Associated emergency stairs and ramps, where on an actively mobile landform, would also be “discretionary”.
- . Utilities – Minor (minor infrastructure) – upgrades, including a new portion of the shared coastal pathway and the reconciliation of rail line crossings in that part of the Utilities zone that accommodates the Perry-Ling Gardens.

Some works are “exempt” under Ministerial Directive No. 4 – 5.2.10, other than any works on a mobile landform (as stated above) that are assessed against E6 Hazard Management Code and E10 water & Waterways Code; or within the Perry-Ling Gardens area, which are assessed under the *Historic Cultural Heritage Act 1995*. The Heritage Council have issued a “Notice of (No) Interest” in the application. Works are considered to be in accordance with the requirements of the *Historic Cultural Heritage Act 1995*.

The construction of the NW shared pathway, where on an actively mobile landform, would also be “discretionary”.

- . Passive Recreation – general provision of facilities within the Open Space zone. Works are “exempt” under Ministerial Directive No. 4 – 5.2.10, other than the works on a mobile landform (as stated above) or within the Perry–Ling Gardens area.

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

19.0 Open Space Zone

CLAUSE	COMMENT
19.3 Use Standards	
19.3.1 Discretionary Permit Use	
<p>19.3.1 Discretionary permit use</p> <p>A1 There are no acceptable solutions.</p>	<p>Not applicable.</p> <p>Natural and cultural values management and Passive recreation are “No Permit Required” and, in most cases, “Exempt” if required by the Crown, a Council or a State Government.</p> <p>Utilities (minor) are exempt works under <i>Interim Planning Directive No. 4 – Exemptions, Application Requirements, Special Provisions and Zone Provisions</i> (Ministerial Directive No. 4), unless on actively mobile landforms, as defined in the <i>Tasmanian State Coastal Policy</i> – Section 1.4. The Planning Scheme’s E10 Water and Waterways Code applies to the relevant portion of the development (on actively mobile landforms).</p>

19.4 Development Standards	
19.4.1 Suitability of a site or lot for use or development	
<p>19.4.1</p> <p>A1 Each site or each lot on a plan of subdivision must –</p> <p>(a) have an area of not less than 1000m² excluding any access strip; and</p> <p>(b) If intended for a building, have a building area –</p> <p>(i) not less than 300m²;</p> <p>(ii) clear of any applicable setback from a frontage, side, or rear boundary;</p> <p>(iii) clear of any applicable setback from a zone boundary;</p> <p>(iv) clear of any registered easement;</p> <p>(v) clear of any registered right-of-way benefiting other land;</p>	<p>The site exceeds 1,000m² in size.</p> <p>Note the definition of a “building” under the <i>Land Use Planning and Approvals Act 1993</i> (the Act) includes structures such as ramps, stairs, fences, walls, outbuildings, service installations and pontoons. The subject development will include emergency ramps extending onto actively mobile landforms.</p> <p>(a) Compliant. Foreshore area is greater than 1,000m².</p> <p>(b)(i) Compliant. Combined area of stairs and ramps would be greater than 300m².</p> <p>(b)(ii) Compliant. No applicable boundary setbacks required.</p> <p>(b)(iii) Compliant. No applicable setback to a zone boundary.</p> <p>(b)(iv) Not applicable. No registered easements.</p> <p>(b)(v) Not applicable. No right of way.</p> <p>(b)(vi) Not applicable. No restriction imposed by a utility.</p>

<ul style="list-style-type: none"> (vi) clear of any restriction imposed by a utility; (vii) not including an access strip; (viii) clear of any area required for the on-site disposal of sewage or stormwater; and (ix) accessible from a frontage or access strip. 	<ul style="list-style-type: none"> (b)(vii) Not applicable. No access strip. (b)(viii) Not applicable. On-site waste and stormwater systems not required. (b)(ix) Compliant. Site is accessible from a frontage to Main Road.
<p>19.4.1</p> <p>A2 A site or each lot on a subdivision plan must have separate access from a road–</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has right of access with a width of not less than 10.0m; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land with a width of not less than 6.0m; or (c) by a right of way connecting to a road – <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; 	<ul style="list-style-type: none"> (a) Compliant. Access provided from Main Road. (b) Not applicable. Not an internal lot. (c)(i) Not applicable. Satisfied by (a). (c)(ii) Not applicable. Satisfied by (a). (c)(iii) Not applicable. Not a right of way. (d) Compliant. Accessible from Main Road.

<ul style="list-style-type: none"> (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 (iii) with a width of not less than 6.0m; and (d) 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>19.4.1</p> <p>A3 A site or each lot on a plan of subdivision must be capable of connecting to a water supply –</p> <ul style="list-style-type: none"> (a) provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or (b) from a rechargeable drinking water system with a storage capacity of not less than 10,000 litres if – <ul style="list-style-type: none"> (i) there is not a reticulated water supply; and 	<p>Compliant.</p> <p>The site is connected to a reticulated water system.</p>

<p>(ii) development is for a use with an equivalent population of not more than 10 people per day.</p>	
<p>19.4.1</p> <p>A4 A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and liquid trade waste:</p> <p>(a) to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2009</i>; or</p> <p>(b) by onsite disposal if:</p> <p>(i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development:</p> <p>a. provides for an equivalent population of not more than 10 people per day; or</p> <p>b. creates a total sewage and waste water flow of not more than 1,000l per day; and</p> <p>(iii) the site has capacity for onsite disposal of</p>	<p>Compliant.</p> <p>The site is connected to a reticulated sewage system.</p>

<p>domestic waste water in accordance with AS/NZS1547:2000 Onsite domestic wastewater management, clear of any defined building area or access strip.</p>	
<p>19.4.1</p> <p>A5 A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater –</p> <p>(a) to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <p>(i) for discharge to a natural drainage line, water body, or watercourse; or</p> <p>(ii) for disposal within the site if:</p> <p>a. the site has an area of not less than 5,000m²;</p> <p>b. the disposal area is not within any defined building area;</p> <p>c. the disposal area is not within any area</p>	<p>Compliant by condition.</p> <p>The site is connected to a reticulated stormwater system.</p>

<p>required for the disposal of sewage;</p> <p>d. the disposal area is not within any access strip; and</p> <p>e. not more than 50% of the site is impervious surface.</p>	
19.4.2 Location and configuration of development	
<p>19.4.2</p> <p>A1 Site coverage must –</p> <p>(a) be not more than 20%; and</p> <p>(b) not include any part of a site required for the disposal and drainage of sewage or stormwater; or</p> <p>(c) be not more than any building area shown on a sealed plan.</p>	<p>(a) Compliant. Site coverage, including buildings, would not exceed 20%.</p> <p>(b) Compliant by Condition to a permit.</p> <p>(c) Not applicable. No building area shown on a sealed plan.</p>
<p>19.4.2</p> <p>A2 A building or utility structure must be setback –</p> <p>(a) not less than 4.5m from a primary frontage; and</p> <p>(b) not less than 3.0m from any secondary frontage;</p>	<p>Not applicable.</p> <p>All works are structures on Crown land with no applicable frontage.</p>

<p>(c) not less than and not more than the setbacks for any existing building on each of the immediate adjoining sites;</p> <p>(d) not less than for any building retained on the site;</p> <p>(e) in accordance with any building area shown on a sealed plan; or</p> <p>(f) if the site abuts a road shown in the Table to this clause, not less than the setback specified for that road.</p>	
<p>19.4.2</p> <p>A3. Building height or the height of a utility structure must not be more than 10.0m.</p>	<p>Compliant.</p> <p>Buildings would be stairs and ramps less than 8.5m high.</p>
<p>19.4.2</p> <p>A4 A building or utility structure must be –</p> <p>(a) not less than 15m below the level of any adjoining ridgeline;</p> <p>(b) not less than 30m from any shoreline to a marine or aquatic water body, water course or wetland;</p> <p>(c) below the canopy level of any adjacent forest or woodland</p>	<p>(a) Compliant. Site is approximately 50m below the level of adjoining ridgelines.</p> <p>(b) Non-compliant. Structures would be within 30m of a shoreline.</p> <p>Refer to “Issues” section of this report.</p> <p>(c) Compliant. Site is below the level of any adjacent forest woodland. Approximately 600m from the development site.</p>

<p>vegetation and</p> <p>(d) clad and roofed with materials with a light reflectance value of less than 40%.</p>	<p>(d) Not applicable. Works/structures would not be clad or roofed.</p>
<p>19.4.2</p> <p>A5 The harvesting of timber, the clearing of vegetation and any change in natural ground level must not occur on any part of a site outside the required maximum building area or the access strip.</p>	<p>Not applicable.</p> <p>No harvesting of timber proposed.</p>
<p>19.4.2</p> <p>A6 An external parking and loading area, and any area for the display, handling or storage of goods, materials or waste, must be located behind the primary frontage elevation of a building.</p>	<p>Not applicable.</p> <p>There is no primary frontage.</p>
<p>19.4.3 Setback from zone boundaries</p>	
<p>19.4.3</p> <p>A1 Development of land with a boundary to another zone must –</p> <p>(a) be setback from the boundary of land in an adjoining zone by not less than the distance for that zone shown in the Table to this Clause:</p>	<p>(a) Compliant. No applicable works, other than works “exempt” under Ministerial Directive No. 4, would abut an applicable zone boundary.</p> <p>(b) Not applicable. Satisfied by (a).</p>

<p>(b) not include within the setback area required from a boundary to land in a zone shown in the Table to this Clause:</p> <ul style="list-style-type: none"> (i) a building or work; (ii) vehicular or pedestrian access from a road if the boundary is not a frontage; (iii) vehicle loading or parking area; (iv) an area for the display, handling, operation, manufacturing, processing, servicing, repair, or storage of any animal, equipment, goods, plant, materials, vehicle, or waste; (v) an area for the gathering of people, including for entertainment, community event, performance, sport, or for a spectator facility; (vi) a sign orientated to view from land in another zone; or (vii) external lighting for operational or security purposes; and <p>(c) a building with an elevation to a zone boundary must be</p>	<p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Not applicable. Satisfied by (a).</p>
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<p>contained within a building envelope determined by:</p> <ul style="list-style-type: none"> (i) the setback distance from the zone boundary as shown in the Table to this Clause; and (ii) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary; and (d) the elevation of a building to a zone boundary must not contain an external opening other than an emergency exit, including a door, window to a habitable room, loading bay, or vehicle entry. 	
<p>19.4.4 Subdivision</p>	
<p>19.4.4</p> <p>A1 Each new lot on a plan of subdivision must be –</p> <ul style="list-style-type: none"> (a) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority. 	<p>Not applicable.</p> <p>No subdivision proposed.</p>

19.0 Utilities Zone

Minor (minor infrastructure) – upgrades are proposed, including a new portion of the shared coastal pathway and the rationalisation of rail crossings in that part of the Utilities zone that accommodates the Perry-Ling Gardens.

Works are “exempt” under Ministerial Directive No. 4 – 5.2.10, other than any works on a mobile landform (as stated above) or within the Perry-Ling Gardens area, which are assessed under the *Historic Cultural Heritage Act 1995*. The Heritage Council have issued a “Notice of NO Interest” in the application.

CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Not a subdivision, hazardous or vulnerable use.
E2 Airport Impact Management Code	Not applicable. This Code is not in the Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. Some clearing of vegetation will occur, but this is on previously cleared land.
E4 Change in Ground Level Code	
E4.2 Application of Code	The Code applies. Cut and fill is proposed.
E4.4 Exemptions	The proposed cut and fill is not exempt.

E4.6.1 Change in existing ground level or natural ground level	
<p>A1</p> <p>Cut or fill must –</p> <p>(a) Not be on land within the Environmental Living Zone or the Environmental Management zone;</p> <p>(b) Be required to –</p> <p>(i) Provide a construction site for buildings and structures;</p> <p>(ii) Facilitate vehicular access;</p> <p>(iii) Mitigate exposure to a natural or environmental hazard;</p> <p>(iv) Facilitate provision of a utility;</p> <p>(v) Assist the consolidation or intensification of development; or</p> <p>(vi) Assist stormwater management.</p> <p>(c) Not result in a modification of surface stormwater water flow to increase –</p>	<p>(a) Compliant. Land in cut and fill area is zoned Open Space.</p> <p>(b)(i) Compliant. Cut and fill is required for structures and to mitigate exposure to a natural hazard.</p> <p>(b)(ii) Compliant. Cut and fill is required for structures and to mitigate exposure to a natural hazard.</p> <p>(b)(iii) Compliant. Cut and fill is required for structures and to mitigate exposure to a natural hazard.</p> <p>(b)(iv) Compliant. Cut and fill is required for structures and to mitigate exposure to a natural hazard.</p> <p>(b)(v) Compliant. Cut and fill is required for structures and to mitigate exposure to a natural hazard.</p> <p>(b)(vi) Compliant. Cut and fill is required for structures and to mitigate exposure to a natural hazard.</p> <p>(c)(i) Compliant. Surface stormwater systems would be modified to accommodate any additional waterflow increase in accordance with engineering design.</p>

<p>(i) Surface water drainage onto adjacent land;</p> <p>(ii) Pooling of water on the site or on adjacent land; or</p> <p>(iii) The nature or capacity of discharge from land upstream in a natural or artificial drainage channel;</p> <p>(d) Not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land;</p> <p>(e) Manage disposal of intersected ground water;</p> <p>(f) Safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009;</p> <p>(g) Not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land; and</p> <p>(h) Not encroach upon or expose, disturb or reduce cover over an underground utility to less than 1m unless the</p>	<p>(c)(ii) Compliant. Surface stormwater systems would be modified to accommodate any additional waterflow increase in accordance with engineering design.</p> <p>(c)(iii) Compliant. Surface stormwater systems would be modified to accommodate any additional waterflow increase in accordance with engineering design.</p> <p>(d) Compliant. Consultant engineer states that works would not destabilise any existing building or increase the requirements for construction of any potential building on adjacent land.</p> <p>(e) Compliant by Condition.</p> <p>(f) Compliant by Condition.</p> <p>(g) Compliant. Consultant engineer states that there would be no impact on adjoining land, which is the foreshore, as a result of the development.</p> <p>(h) Compliant. Proposed development would not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1.0m.</p>
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<p>relevant regulatory entity has advised –</p> <p>(i) It is satisfied the cut or fill will not result in harm to the utility; and</p> <p>(ii) Any condition or requirement it determines are appropriate to protect the utility.</p>	
E5 Local Heritage Code	<p>Not applicable.</p> <p>Minor infrastructure works will “cross-over” the Perry-Ling Gardens. The area is listed on the Tasmanian Heritage Register. Tasmanian Heritage Council have advised they have no interest in assessment of the proposal.</p>
E6 Hazard Management Code	
E6.2 Application of Code	<p>The Code applies.</p> <p>The site is identified as at risk of coastal inundation and erosion.</p>
E6.4 Exemption	The proposal is not exempt.
<p>E6.5.1</p> <p>A1 Use must not occur on land potentially contaminated by a previous use for an activity listed in Table E6.1 unless –</p>	<p>Not applicable.</p> <p>Site is not identified as potentially contaminated land.</p>

<p>(a) soil disturbance and development is carried out in accordance with requirements in a hazard risk assessment for contamination;</p> <p>(b) a hazard risk assessment for potential contamination establishes the site can be remediated to provide a tolerable level of risk for the use; or</p> <p>(c) a hazard risk assessment establishes the site has been remediated to provide a tolerable level of risk</p>	
<p>E6.5.2</p> <p>A1 If use is on land within an area of risk from exposure to a natural hazard as shown on a map forming part of this planning scheme –</p> <p>(a) use must not be for a critical use, a hazardous use, or a vulnerable use;</p> <p>(b) use must not be residential use if the level of risk is medium or higher; and</p> <p>(c) a hazard risk assessment must demonstrate a tolerable level of risk can be achieved and maintained for the nature and duration of the use</p>	<p>(a) Not applicable. Not a critical, hazardous or a vulnerable use.</p> <p>(b) Not applicable. Use is Utilities (minor).</p> <p>(c) Compliant. The application is accompanied by a report undertaken by AW Maritime, a specialised port and coastal engineering consultancy. The report determines that a tolerable level of risk can be achieved and maintained for the nature and duration of the use.</p>

<p>E6.6.1</p> <p>A1 Development must not occur on land potentially contaminated by a previous use for an activity listed in the Table E6.1 to this clause unless –</p> <ul style="list-style-type: none">(a) soil disturbance and development is carried out in accordance with the requirements of a hazard risk assessment for contamination;(b) a hazard risk assessment establishes the site can be remediated to provide a tolerable level of risk from the development; or(c) a hazard risk assessment establishes the site has been remediated to provide a tolerable level of risk from the development; and(d) if a hazard risk assessment establishes need to involve land on another title to manage risk consistent with the objective, the consent in writing of the owner of that land must be provided to enter into a Part 5 agreement to be registered on the title of the land and providing for the affected land to be managed in accordance with recommendations for contamination management	<p>Not applicable.</p> <p>Site is not identified as potentially contaminated land.</p>
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<p>E6.6.2</p> <p>A1 If the site is within an area of risk shown on a natural hazard map forming part of this planning scheme –</p> <p>(a) a hazard risk assessment must determine –</p> <p style="padding-left: 40px;">(i) there is an insufficient increase in risk to warrant any specific hazard reduction or protection measure; or</p> <p style="padding-left: 40px;">(ii) a tolerable level of risk can be achieved for the type, form, scale and duration of the development; and</p> <p>(b) if a hazard risk assessment established need to involve land on another title for hazard management consistent with the objective, the consent in writing of the owner of that land must be provided to enter into a Part 5 agreement to be registered on the title of the land and providing for the effected land to be managed in accordance with recommendations for hazard management</p>	<p>(a)(i) Not applicable. Satisfied by (a)(ii).</p> <p>(a)(ii) The application is accompanied by a report undertaken by AW Maritime, a specialised port and coastal engineering consultancy. The specialist report indicates that the level of risk for the proposed development is tolerable for the type, form, scale and duration of the development.</p> <p>(b) Compliant. No hazard management works required on other land.</p>
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E7 Sign Code	
E7.2 Application of the Code	Applies. Signage is proposed.
E7.4 Use or development exempt from this Code	
E7.6 Development Standards	
<p>E7.6-(A1) Signs must:</p> <p>(a) identify an activity, product, or service provided on the site;</p> <p>(b) if on a site in a General Residential, Low Density Residential, Rural Living, or Environmental Living zone, must:</p> <p style="padding-left: 40px;">(i) comprise not more than two display panels;</p> <p style="padding-left: 40px;">(ii) be fixed flat to the surface of a building below the eave line; and</p> <p style="padding-left: 40px;">(iii) have a total combined area of not more than 5.0m² ;</p> <p>(c) if on a site in any other zone, must:</p>	<p>(a) Compliant. Signs would identify activity and interpretation of the site.</p> <p>(b) Not applicable. Not with a relevant zone.</p> <p>(c)(i) Compliant. Signs would comprise a series of sub-panels which would not exceed a total of five signs.</p> <p>(c)(ii) Compliant. Panels would not exceed 50m².</p> <p>(c)(iii) Compliant by Condition to a permit.</p> <p>(c)(iv) Not applicable. No building envelope applies.</p> <p>(c)(v) Not applicable. Signs would not be on a building and/or would not exceed 25% of any building wall.</p> <p>(c)(vi) Compliant. Signs would not impede an access strip, loading area or car park.</p>

<ul style="list-style-type: none"> (i) comprise not more than five display panels; (ii) have a total combined area of not more than 50.0m²; (iii) be separated from any other freestanding or projecting sign by not less than 10.0m; (iv) be fully contained within the applicable building envelope and: <ul style="list-style-type: none"> a. not extend above the parapet or the ridge of a roof; or b. if a free-standing sign, have a height above natural ground level of not more than 5.0m; (v) not involve a corporate livery, colour scheme, insignia, or logo applied to more than 25% of the external wall surface of each elevation of a building; (vi) not be located in an access strip, loading area, or car park; (vii) not be animated, scrolling or otherwise 	<ul style="list-style-type: none"> (c)(vii) Compliant. Signs would not be animated, scrolling or otherwise continuously or intermittently changing. (c)(viii) Compliant. Signs would not resemble any air or marine navigation device, or a railway or road traffic control or directional device or sign. (c)(ix) Compliant. Sign would not visually obscure use of any railway or road. (c)(x) Compliant. Signs would not cause illumination that overflows the boundaries of the site. (d) Not applicable. Local Heritage Code does not apply.
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<p>continuously or intermittently changing, flashing or rotating as part of the operation of the sign unless providing advisory or safety information;</p> <p>(viii) not resemble any air or marine navigation device, or a railway or road traffic control or directional device or sign;</p> <p>(ix) not visually obscure any sign or device required for the convenience and safety of air or marine navigation or for use of a railway or a road; and</p> <p>(x) not cause illumination that over spills the boundaries of the site; and</p> <p>(d) not be on land for which a Local Heritage Code forming part of this planning scheme applies.</p>	
E8 Telecommunication Code	Not applicable. No telecommunications are proposed.
E9 Traffic Generating Use and Parking Code	
E9.2 Application of the Code	The Code applies to all use and development.
E9.4 Exemptions	The proposal is not exempt.

<p>E9.5.1</p> <p>A1 Provision for parking must be –</p> <p>(a) The minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code.</p>	<p>Complies.</p> <p>The Scheme specifies that Natural and cultural values management and Utilities uses must provide enough spaces to service the workforce and use of the land.</p> <p>There is no specific requirement for Passive recreation.</p> <p>The site provides existing options for parking, constructed within the applicable standards.</p>
<p>E9.5.2</p> <p>A1 There must be provision within a site for –</p> <p>(a) On-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) Passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of 1 space for every 50 parking spaces.</p>	<p>Not applicable. No requirement for loading and unloading for Natural and cultural values management, Utilities (minor) and Passive recreation uses.</p>
<p>E9.6.1</p> <p>A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p>	<p>Not applicable. No additional vehicle parking or loading areas proposed.</p>

<p>A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <ul style="list-style-type: none"> (a) Be in accordance with AS/NZ 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 2890.6 (1993) Parking Facilities – Bicycle Parking Facilities; (d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off Street Parking for People with Disabilities; (e) Each parking space must be separately accessed from the internal circulation aisle within the site; (f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and (g) Be formed and constructed with compacted sub-base and an all-weather surface. 	
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<p>E9.6.1</p> <p>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 APRB.</p>	<p>Not applicable. No requirement for Natural and cultural values management, Utilities (minor) and Passive recreation uses.</p>
<p>E10 Water and Waterways Code</p>	
<p>E10.2 Application of the Code</p>	<p>The Code applies. Development is within 30m of a shoreline high tide mark.</p>
<p>E10.4 Exemptions</p>	<p>The proposal is not exempt.</p>
<p>E10.6.1 Development in proximity to a water body, watercourse or wetland</p> <p>A1 No acceptable solution.</p>	<p>Applicable.</p> <p>The development would be within 30m of Bass Strait.</p>
<p>E10.6.2 Development in a shoreline area</p> <p>A1 No acceptable solution.</p>	<p>Development relies on Performance Criteria.</p> <p>Refer to the “Issues” section of the report for assessment under E10.6.2–(P1).</p>

Issues –

1 Location and configuration of development –

Clause 19.4.2–(A4) includes provision that structures within 30m of a shoreline or watercourse be considered under the Planning Scheme’s Performance Criteria, providing the Planning Authority with greater discretion and detail for assessment of the visual impact of such a development within these locations. This would only relate to structures that are not deemed to be “Exempt” under Ministerial Directive No. 4.

Performance Criteria 19.4.2–(P4) states:

- (a) The location, height and visual appearance of a building or structure must have regard to –
 - (i) minimising the visual impact on the skyline;
 - (ii) minimising height above the adjacent vegetation canopy;
 - (iii) minimising visual impact on the shoreline or a marine or aquatic water body, water course, or wetland where possible; and
 - (iv) minimising excessive reflection of light from an external surface; or
- (b) the location of a visually apparent building or structure must –
 - (i) be essential and unavoidable in order to provide an overriding community benefit; or
 - (ii) incapable of change due to an exceptional circumstance.

The proposed works are to implement foreshore protection measures and to provide community access to the foreshore. The area may be considered to be “visually apparent”, forming a dominant landscape feature along this section of the Bass Strait shoreline, and contributing to the character of the Penguin township.

Ongoing maintenance and remediation works to the Penguin foreshore, comprising protection and access structures, are considered

to be essential in order to protect land, property and human life, and would provide an overriding community benefit, preventing the further erosion and possible retreat of the foreshore.

The proposal is considered to be compliant with 19.4.2–(P4).

2 *Water and Waterways Code – Development in a shoreline area –*

Works would be within 30m of Bass Strait. As such, development is reliant upon the Codes' relevant Performance Criteria as addressed below:

E10.6.2–(P1) Development must –

- (a) be required to locate in, over, on or under the shoreline, sea or tidal waters for operational efficiency;
- (b) avoid unreasonably or unnecessarily impact on existing or potential access by the public to shoreline land or waters;
- (c) minimise impact on scenic quality of the sea–shore area;
- (d) minimise impact on amenity or aesthetic appearance of the sea–shore area as a result of –
 - (i) nature and operational characteristics of the development;
 - (ii) location;
 - (iii) bulk, size and overall built form of any building or work;
 - (iv) overshadowing; or
 - (v) obstruction of views from a public place; and
- (e) minimise immediate or cumulative adverse effect for –
 - (i) tidal, wave, current, or sediment movement processes;
 - (ii) coastal landforms, seabed and other geomorphic features, including sand dunes and mobile landforms;
 - (iii) vulnerability to erosion and recession;

- (iv) natural cycles of deposition and erosion;
- (v) conservation of biodiversity and marine habitat, including during critical lifecycle stages of individual and migratory species;
- (vi) drainage from a water course, wetland, ground water, flood, stormwater or tidal water;
- (vii) coastal water quality;
- (viii) likely interference or constraint on use of public areas;
- (ix) any scientific, architectural, aesthetic, historic or special cultural values;
- (x) exposure to or increased risk from a natural hazard, including sea level rise, storm surge, or inundation as a result of climate change;
- (xi) coastal protection and rehabilitation works required to address erosion, instability, regression, or inundation;
- (xii) collection, treatment, and disposal of waste, including bilge water and excavate or dredged sediment;
- (xiii) economic activity dependent for operational efficiency on a sea-shore location;
- (xiv) public safety and emergency services;
- (xv) marine navigation and communication systems;
- (xvi) safety of recreational boating;
- (xvii) be consistent with the current edition of Tasmanian Coastal Works Manual DPIWE 2011.

Where the coastline has already been altered, it is necessary to ensure ongoing maintenance of the foreshore in order to comply with the Code. If the site was to be left as it currently is, a number of factors listed in E10.6.2-(P1) would be impacted, resulting in increased erosion, impact on the scenic quality of the sea-shore area and amenity, decrease in water quality due to increased sediment load,

constraint of public spaces and limited access to the coastline, economic activity and public safety.

The development as proposed –

- (a) is required to locate on the land as proposed;
- (b) would ensure ongoing access by the public to shoreline land and waters;
- (c) would positively enhance the scenic quality of the area;
- (d) would not create overshadowing or an obstruction of views. It is designed to minimise the impact on the amenity of the area, whilst performing the necessary engineering function(s); and
- (e) has been designed with a sensitivity to the natural processes and would reduce the immediate and cumulative, adverse effects for the matters listed.

The application includes supporting reports and studies necessary to provide evidence to these points.

The proposal is considered to be compliant with E10.6.2–(P1).

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	Road Authority – no issues. Stormwater Authority – developer to liaise with Council’s Director of Infrastructure Services in respect to stormwater outlets/outfalls.
NRM	Nil.

TasWater	Submission to Planning Authority Notice issued 20 April 2021.
Department of State Growth	Letter of consent dated 30 March 2021 provided with the application.
Environment Protection Authority	Not applicable.
TasRail	TasRail has provided a written response. Refer to Annexure 5.
Heritage Tasmania	The Tasmanian Heritage Council granted a "Notice of (No) Interest" dated 16 April 2021. Refer to Annexure 4.
Crown Land Services	Signed application form and a letter of consent were provided with the application.
Other	Nil.

CONSULTATION

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

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

Representations –

Fifteen representations were received within the prescribed time, a copy of which are provided at Annexure 2.

The representations are summarised and responded to in the following table.

REPRESENTATION NO. 1	
MATTER RAISED	RESPONSE
<p>1 In relation to the removal of steps, tracks and rail crossings:</p> <ul style="list-style-type: none"> Five rail crossings, extending the length of the beach, will be reduced to two. Residents have enjoyed safe crossings to Watcombe Beach via informal and formal crossings for many years. These tracks have characteristics of prescriptive easements, or rights of way, which confer real and practicable benefits to the community. Access at the end of Cann Street is to be removed. The planned access at the west end of the beach will add approximately 140m round trip from the top of the steps (existing) to the beach. Asks that Council consider leaving an access track and crossing to the mid-section of the beach, to replace three that are to be removed. 	<p>Minor infrastructure works, such as formal and informal rail crossings, are “Exempt” works under <i>Interim Planning Directive No. 4 – Exemptions, Application Requirements, Special Provisions and Zone Provisions</i> (Ministerial Directive No. 4), unless on actively mobile landform, as defined in the <i>Tasmanian State Coastal Policy – Section 1.4</i>. The development application is relevant to sea walls, beach access stairs and ramps that are assessed against E10 Water and waterways Code.</p> <p>Minor works within the Perry-Ling Gardens area are assessed under the <i>Historic Cultural Heritage Act 1995</i>. The Heritage Council have issued a “Notice of (No) Interest” in the application. Works are therefore considered to be in accordance with the requirements of the <i>Historic Cultural Heritage Act 1995</i>.</p> <p>TasRail has offered a response to the application and public comments – Refer to Annexure 5.</p>

<p>2 In relation to the construction of a 1.2m high fence the length of Watcombe Beach:</p> <ul style="list-style-type: none"> · The proposed 1.2m high fence along the railway track will force all rail crossings to occur at the ends of the beach, where visibility is restricted by the shape of the bay. Planned crossing will be less convenient and less safe than existing crossings in the centre of the beach, where visibility is unobscured. · The location of the fence will make maintenance of the gardens (Perry-Ling Gardens) more difficult and dangerous for Council workers and the community, since the upper portion of the gardens will be bound by Main Road, which has no footpath, and access from the base of the gardens will be limited by the fence. · The nature of the fence is not specified in the DA. It is hard to envisage how such as 	<p>Minor works within the Perry-Ling Gardens area (including fencing) are assessed under the <i>Historic Cultural Heritage Act 1995</i>. The Heritage Council have issued a "Notice of (No) Interest" in the application. Works are therefore considered to be in accordance with the requirements of the <i>Historic Cultural Heritage Act 1995</i>.</p>
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	fence will enhance the natural beauty of the foreshore. It is hoped Council would reconsider the need for a fence.	
REPRESENTATION NO. 2		
1	Opposes the construction of a fence along the train line and the removal of Cann Street path (crossing) that has been in place for 25 years of occupation of Main Road. It would make more sense to fence the creek & dam in Hiscutt Park or the road.	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.
REPRESENTATION NO. 3		
1	I have lived opposite the beach for many decades. The accesses that have been established should remain. No need to tamper with what has been working. Putting a crossing at Seaside Crescent is a short-sighted idea and will be something that will need to be removed down the track, due to safety concerns on the blind corner.	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.
2	The fence would be unsightly and a waste of money. It would spoil the natural beauty that exists.	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.

REPRESENTATION NO. 4		
1	<p>Lodgment of a complaint in relation to access to Watcombe Beach. Current pathways have worked well without the need for an unfriendly, unsightly fence.</p> <p>The train line is not fenced for the rest of the coast, so why here?</p>	<p>Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.</p>
2	<p>The application suggests the Council would prefer three crossings. The one near Cann Street is used by many people. This crossing needs to be retained for the use of the people that rely on it. There is no pathway for the neighborhood if you want to access the beach with a kayak, unless you drive to Lions Park.</p> <p>The new exit at Seaside Crescent will be expensive, unnecessary and unsafe as it is a dreadful corner with no parking – unless you remove the heritage gardens.</p>	<p>Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.</p>
REPRESENTATION NO. 5		
1	<p>Removing beach access and fencing the whole area is insulting to the community and the beautiful natural environment.</p>	<p>Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.</p>

<p>The planning and execution has been brutal and insensitive. Shame on you for destroying the ambiance and natural splendor.</p>	
REPRESENTATION NO. 6	
1	<p>Objects to Stage B of the development. The train line for Burnie through to Ulverstone is not fenced. There is no need for an unsightly fence in front of the beachside properties between Kentish Street and Seaside Crescent.</p>
	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.
2	<p>Objects to the removal of railway crossings at Cann Street which allow for a clear view of any approaching rail traffic, unlike the crossing at Kentish Street and Seaside Crescent sites, as they are at bends in the line.</p>
	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.
REPRESENTATION NO. 7	
1	<p>There is insufficient access to Watcombe Beach between Seaside Crescent and the proposed path/crossing. Retention of the Cann Street access would be recommended as opposed to deletion. The Seaside Crescent site is poor from a safety perspective. Visibility of traffic coming from either direction is limited and the speed zone in the area is 60km/h. A</p>
	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.

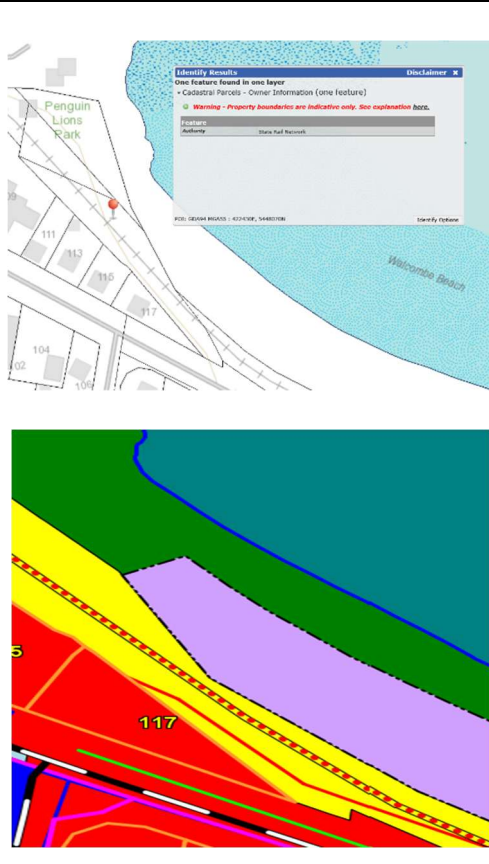
	reduction to 50km/h may mitigate risk, but would not eliminate the risk to pedestrians.	
2	The plan makes no mention of street lighting. The crossing at point No. 2 should have the benefit of street lighting.	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.
REPRESENTATIONS NO. 8 & 9		
1	Opposed to the formalisation of a limited number of rail crossings. Seaside Crescent has limited visibility of oncoming traffic from the east.	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.
2	The proposed fence sounds like an eyesore and would only serve to taint the photographic landscape of Perry-Ling Gardens; a major drawcard for tourists.	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.
3	The proposed shiny handrail material is not appropriate for the area. Does the pathway need a handrail if it is less than a metre from the ground (in height)?	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.
REPRESENTATION NO. 10		
1	The area where the bike path is to join the road is proposed to be Seaside Crescent. This is a very unsafe section of the road. Bends in the road offer poor line of sight and no parking areas. There is no point continuing the pathway along the "beach" past	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.

	132 Main Road, as it is just a rocky coastline and no views to the sea. Vegetation must remain for nesting penguins and birds.	
2	Disappointed the ramp opposite 124 Main Road is to be removed, as it has been used safely, without incident, for many years. The erection of an ugly fence along that section of railway is totally unnecessary.	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.
3	The fence will detract from the attractive view of Watcombe Beach. It is discriminatory; the rail line between Burnie and Devonport is not fenced.	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.
REPRESENTATION NO. 11		
1	<p>The current pathways work well. There has never been an accident. We do not need an unsightly fence. The train line is not fenced along the rest of the coast, so why here?</p> <p>The application suggests the Council prefers three crossings. The one near Cann Street is used by many people and needs to be retained. The proposed exit at Seaside Crescent will be expensive, unnecessary and unsafe.</p>	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.

REPRESENTATION NO. 12		
1	<p>The proposed access and rail crossing at the eastern end of the beach, opposite Seaside Crescent, is not suitable and would be unsafe. Cars travel at 60km/h and there is no car parking area.</p> <p>The proposed chain mesh fence would be an unsightly addition to the natural values of the beach and gardens.</p> <p>The stainless-steel stairs would be visually unsuitable and not compliment the natural surrounds.</p>	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.
REPRESENTATION NO. 13		
1	Object to the proposed fence along the rail corridor to Watcombe Beach. The proposed fence will be visible at street level and have a negative visual impact on the foreshore area.	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.
2	The proposed crossing to the east side of Watcombe Beach is on a blind corner and is likely to create issues. Request the location be reconsidered and further traffic studies be undertaken.	Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.

REPRESENTATION NO. 14		
1	<p>Remediation works can be achieved with less hard concrete surfaces and by maintaining the softer, more natural aesthetic of the whole area.</p> <p>There is no need to a concrete pathway. The boulder rock edge would address the erosion. The grassed area could be backfilled to the height of the boulder edge and could be used as a dual pathway.</p>	<p>The design of the boulder retaining walls has been undertaken by a qualified engineer. The shared pathway, in some sections on top of the boulder wall, are a part of a linear North West Coastal Pathway Project that will need to be 'fit for purpose' for many years into the future. A grassed pathway is not considered suitable for the proposed use.</p>
2	<p>The second beach access at Seaside Crescent has limited vision for traffic. The roadway in this area has a continuous white line because of this lack of clear vision.</p>	<p>Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.</p>
3	<p>The engineering solution for coastal erosion is undermined by the new, proposed pedestrian and emergency access ramp at the western end of the beach. Encroaching further into the sea with the access ramp would exacerbate the erosion issues. Is the ramp to be used only for construction? Could a less invasive pedestrian access to the beach be determined?</p>	<p>Infrastructure Services advise – The western access ramp has been designed to be safer, compliant with current development Standards and suitable for emergency vehicle access.</p>

4	Care should be taken with the trees at the western end of the beach to minimise the damage done to them. This should form part of a contract with a successful contractor.	Trees are to be maintained where possible, depending on arborist assessment.
5	Seats – presently seats are tucked in close to the high bank, along the southern side of the grassed area (protected from prevailing westerly winds). In the plans, they are exposed. Could some consideration be given to the placement of seats?	Not a matter for the Planning Authority. Infrastructure Services – comments are noted – the exact location of seats to be determined in detailed design.
6	Could the existing picnic table set be replaced?	Infrastructure Services – comments are noted – the exact location of picnic tables to be determined in detailed design.
7	As an adjoining landowner, should I have received a letter of notification?	The foreshore works are separated from private land by the TasRail corridor and rail line that runs the length of the NW coast in this area. Land at 117 Main Road adjoins a parcel of TasRail land. Works are not proposed over that portion of the land and the occupant of 114 Main Road, separated by the TasRail corridor, is not considered to be an adjoining property owner to the foreshore remediation works or works with a heritage listed area. See cadastral and zone delineation Maps below.

	
REPRESENTATION NO. 15	
<p>1 Opposes the proposed fence. The fence would detract from the natural beauty of the area.</p>	<p>Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.</p>
<p>2 The proposed crossing at Seaside Crescent would not be safe or practical.</p>	<p>Refer to planning comments to Representation No. 1 above, in relation to rail crossings and fencing.</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 Shape of the Place

- Improve the value and use of open space
- Conserve the physical environment in a way that ensures we have a healthy and attractive community
- Encourage a creative approach to new development

A Connected Central Coast

- Provide for a diverse range of movement patterns

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

Contribute to the preservation of the natural environment.

CONCLUSION

The development proposal relies on the application of discretion in relation to works on actively mobile landforms.

It is considered that the proposal satisfies the relevant Performance Criteria, and the proposal is recommended for conditional approval.

Recommendation –

It is recommended that the application for Natural and cultural values – remedial foreshore works comprising rock walls, ramps and stairs, Utilities – minor upgrades and shared pathway, Signs, Passive recreation and reconciliation of rail line crossings at Main Road, Watcombe Beach and Perry-Ling Gardens, Penguin – Application No. DA2021090 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the Supporting Information for Development Approval as prepared by Tasmanian Consulting Service, Reference No. 914-w-20211-1 V1 DA Supporting Info. Revision 3 dated 25 February 2021 and plans prepared by Tasmanian Consulting Service, Drawing No. 9140, Sheet Nos. 100 to 108, 110 to 118, 130 to 146, 150 and 151 dated 2 February 2021.

- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2021/00511-CC dated 20 April 2021.
- 3 Works must comply with the Tasmanian Coastal Works Manual DPIPWE 2011.
- 4 The development must manage the disposal of intersected ground water. The developer must liaise with Council's Director Infrastructure Services in respect to stormwater outlets/outfalls.
- 5 Safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009.

Notes:

- 1 A Planning Permit remains valid for two years. If the use or development has not been substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If a Permit lapses, a new application must be made.
- 2 "Substantial commencement" is the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Prior to the commencement of works the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 4 The development must take into account the attached TasRail Standard Notes.
- 5 Council is to enter into arrangements with the TasRail Property Department with regards to the works to remove identified existing rail crossings and the works to design and install the proposed new rail crossings and approaches on either side of the rail tracks. These

arrangements to include finalisation of plans, location and distribution of costs. Each new crossing is to be subject to a formal licence agreement.

- 6 A TasRail Permit for Works and Track Protection will be required for works within the rail danger zone or with potential/capacity to foul the danger zone. Please contact property@tasrail.com.au for an application form and to discuss the assessment process.'

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

The Strategic Projects and Planning Consultant reported as follows:

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

■ Cr Carpenter moved and Cr Beswick seconded, "That the application for Natural and cultural values – remedial foreshore works comprising rock walls, ramps and stairs, Utilities – minor upgrades and shared pathway, Signs, Passive recreation and reconciliation of rail line crossings at Main Road, Watcombe Beach and Perry – Ling Gardens, Penguin – Application No. DA2021090 be approved subject to the following conditions and notes:

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- 4 The development must manage the disposal of intersected ground water. The developer must liaise with Council's Director Infrastructure Services in respect to stormwater outlets/outfalls.
- 5 Safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009.

Notes:

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- 3 Prior to the commencement of works the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 4 The development must take into account the attached TasRail Standard Notes.
- 5 Council is to enter into arrangements with the TasRail Property Department with regards to the works to remove identified existing rail crossings and the works to design and install the proposed two new rail crossings and approaches on either side of the rail tracks. These arrangements to include finalisation of plans, location and distribution of costs. Each new crossing is to be subject to a formal licence agreement.
- 6 A TasRail Permit for Works and Track Protection will be required for works within the rail danger zone or with potential/capacity to foul the danger zone. Please contact property@tasrail.com.au for an application form and to discuss the assessment process.

Carried unanimously

- 142/2021 Resource development – vineyard and glasshouse; Residential – required dwelling; and retrospective approval for Natural and cultural values management – discretionary use and development in Rural Resource zone, proximity to a railway, use of materials with light reflectance value less than 40% and reliance on E4 Change in Ground Level Code and E10 Water and Waterways Code at Clayton Road East, Turners Beach – CT115441/3 – Application No. DA2021099**

The Strategic Projects and Planning Consultant reported as follows:

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

<i>‘DEVELOPMENT APPLICATION No.:</i>	DA2021099
<i>PROPOSAL:</i>	Resource development – vineyard and glasshouse; Residential – required dwelling; and retrospective approval for Natural and cultural values management – discretionary use and development in Rural Resource zone, proximity to a railway, use of materials with light reflectance value less than 40% and reliance on E4 Change in Ground Level Code and E10 Water and Waterways Code
<i>APPLICANT:</i>	GHD Pty Ltd
<i>LOCATION:</i>	CT115441/3 Clayton Road East, Turners Beach
<i>ZONE:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	24 April 2021
<i>REPRESENTATIONS EXPIRY DATE:</i>	10 May 2021
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	2 June 2021
<i>DECISION DUE:</i>	17 May 2021
<i>PURPOSE</i>	

The purpose of this report is to consider an application for retrospective approval for unlawful works undertaken in the Claytons Rivulet waterway. Application is also made for a single dwelling and a glasshouse that would support resource development of the land.

Accompanying the report are the following documents:

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

BACKGROUND

Development description –

Application is made for retrospective approval of unlawful works undertaken in the lower reaches of Claytons Rivulet and on associated riparian land. Works to date have comprised modifications of the waterway resulting in:

- . excavations and modifications of the embankment of Claytons Rivulet;
- . removal of weed species and native vegetation along the embankment of the watercourse;
- . the laying of domestic grasses along the embankment; and
- . the laying of rocks in and alongside the waterway.

Further works, under this application, are proposed along the northern section of the waterway.

Application is also made for a single level, five bedroom, 896m² required dwelling that would support the conversion of the land to accommodate 3.6ha of viticulture production.

Application is also made for a 900m² glasshouse to support the resource development activity.

Site description and surrounding area –

The 14.14ha rural property is zoned Rural Resource and is located at CT115441 /3 Clayton Road East, Turners Beach.

The land is accessed via the “exiting left” slip-lane that lies between the settlement of Turners Beach and the Bass Highway.

The land is bound by Camp Clayton to the west (zoned Rural Resource), TasRail Western Rail line to the north (zoned Utilities), the Bass Highway slip-lane to the south (zoned Utilities) and the entry road into Turners Beach residential settlement to the east; also zoned Utilities.

The land is vacant. A development application was issued in December 2020 (DA2020426) for a rural shed on the land. Application has been made for a Building Permit for the shed.

The land is Class 4 capability.

The land is subject to medium and low coastal inundation.

History –

Unauthorised works have been undertaken within the Claytons Rivulet waterway and associated riparian land. Refer to Annexure 3 – Photographs.

Following a site inspection of the land by planning staff in February 2021, a letter was sent to the landowner advising that works within 30m of a waterway required submission of a development application that would be assessed against E10 Water & Waterways Code of the Planning Scheme. The landowner was given time to engage the necessary environmental consultants. An application was lodged on 7 April 2021.

DISCUSSION

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

26.0 Rural Resource Zone

26.3 Use Standards	
26.3.1 Requirement for discretionary non-residential use to locate on rural resource land	
<p>26.3.1–(P1) Other than for residential use, discretionary permit use must:</p> <ul style="list-style-type: none"> (a) be consistent with local area objectives; (b) be consistent with any applicable desired future character statement; (c) be required to locate on rural resource land for operational efficiency: <ul style="list-style-type: none"> (i) to access a specific naturally occurring resource on the site or on adjacent land in the zone; (ii) to access infrastructure only available on the site or on adjacent land in the zone; (iii) to access a product of primary industry from a use on the site or on adjacent land in the zone; (iv) to service or support a primary industry or other permitted use on the site or on adjacent land in the 	<p>Not applicable.</p> <p>Vineyard and greenhouse are Resource development Use Class.</p> <p>Residential – required dwelling is a Discretionary residential Use Class.</p> <p>Retrospective approval for Natural and cultural values management is No Permit Required.</p> <p>Note: development is discretionary if within 30m of a waterway.</p>

<p>zone;</p> <p>(v) if required –</p> <p>a. to acquire access to a mandatory site area not otherwise available in a zone intended for that purpose;</p> <p>b. for security;</p> <p>c. for public health or safety if all measures to minimise impact could create an unacceptable level of risk to human health, life or property if located on land in a zone intended for that purpose;</p> <p>(vi) to provide opportunity for diversification, innovation, and value-adding to secure existing or potential primary industry use of the site or of adjacent land;</p> <p>(vii) to provide an essential utility or community service infrastructure for the municipal or regional community or that is of significance for Tasmania; or</p> <p>(vii) if a cost-benefit analysis in economic, environmental, and social terms indicates</p>	
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<p>significant benefits to the region; and</p> <p>(d) minimise likelihood for</p> <p>(i) permanent loss of land for existing and potential primary industry use;</p> <p>(ii) constraint or interference to existing and potential primary industry use on the site and on adjacent land; and</p> <p>(iii) (ii)loss of land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i> or land that may benefit from the application of broad-scale irrigation development.</p>	
<p>26.3.2 Required Residential Use</p>	
<p>26.3.2–(A1) Residential use required as part of a use must:</p> <p>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</p> <p>(b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;</p> <p>(c) not intensify an existing lawful residential use;</p> <p>(d) replace a lawful existing residential use;</p>	<p>(a) Non-compliant. Not an alteration or addition to an existing lawful and structurally sound residential building.</p> <p>(b) Non-compliant. Not an ancillary dwelling to an existing lawful and structurally sound single dwelling.</p> <p>(c) Non-compliant. Not intensify of an existing lawful residential use.</p> <p>(d) Non-compliant. Not replacement of a lawful existing residential use.</p>

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

<ul style="list-style-type: none"> (e) not create a new residential use through conversion of an existing building; (f) be an outbuilding with a floor area of not more than 100m² appurtenant to an existing lawful and structurally sound residential building; or (g) be home based business in association with occupation of an existing lawful and structurally sound residential building; and (h) there is no change in the title description of the site on which the residential use is located. 	
26.4 Development Standards	
26.4.1 Suitability of a site or lot on a plan of subdivision for use or development	
<p>26.4.1–(A1) A site or each lot on a plan of subdivision must:</p> <ul style="list-style-type: none"> (a) unless for agricultural use, have an area of not less than 1.0 hectare not including any access strip; and (b) if intended for a building, contain a building area <ul style="list-style-type: none"> (i) of not more than 2,000m² or 20% of the area of the site, whichever is the greater unless a crop 	<ul style="list-style-type: none"> (a) Compliant. Land area is 14.14ha. (b)(i) Compliant. Proposed total building area would be 1,796m². (b)(ii) Compliant. Development would be greater than 34.4m from the frontage, greater than 10m from side boundaries and 33.23m from the rear boundary.

<p>protection structure for an agricultural use;</p> <p>(ii) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(iii) clear of any applicable setback from a zone boundary;</p> <p>(i) clear of any registered easement;</p> <p>(ii) clear of any registered right of way benefiting other land;</p> <p>(iii) clear of any restriction imposed by a utility;</p> <p>(iv) not including an access strip;</p> <p>(v) accessible from a frontage or access strip.</p>	<p>(b)(iii) Not applicable. No applicable zone boundary to this Clause.</p> <p>(b)(iv) Compliant. Clear of registered easement.</p> <p>(b)(v) Not applicable. No right of way.</p> <p>(b)(vi) Not applicable. No restriction imposed by a utility.</p> <p>(b)(vii) Not applicable. No access strip.</p> <p>(b)(viii) Compliant. Land has a frontage to Clayton Road East.</p>
<p>26.4.1–(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</p>	<p>(a) Compliant. Land has a frontage to Clayton Road East.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Compliant. Existing frontage and access minimum 6m wide.</p>

<p>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>(e) Compliant. The land has existing legal access to Clayton Road East in accordance with the <i>Local Government (Highways) Act 1982</i>.</p>
<p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than 6.0m; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	
<p>26.4.1–(A3) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of connecting to a water supply:</p>	<p>(a) Not applicable. Not able to connect to reticulated system. Satisfied by (b)(ii).</p> <p>(b)(i) Compliant. Rechargeable drinking water system is proposed.</p>

<p>(a) provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) from a rechargeable drinking water system ^{R31} with a storage capacity of not less than 10,000 litres if:</p> <p>(i) there is not a reticulated water supply; and</p> <p>(ii) development is for:</p> <p>a. a single dwelling; or</p> <p>b. a use with an equivalent population of not more than 10 people per day.</p>	<p>(b)(ii)a. Compliant. Development is for single dwelling.</p> <p>(b)(ii)b. Compliant. Site would not accommodate more than 10 people per day.</p>
<p>26.4.1–(A4) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and liquid trade waste:</p> <p>(a) to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) by on-site disposal if:</p>	<p>(a) Not applicable. The site is not able to connect to a reticulated sewerage system. Satisfied by (b).</p> <p>(b)(i) Not applicable. Satisfied by (b)(iii).</p> <p>(b)(ii) Not applicable. Satisfied by (b)(iii).</p> <p>(b)(iii) Compliant. Land has capacity for on-site disposal of domestic wastewater in accordance with AS/NZS 1547:2000 On-Site domestic wastewater.</p>

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

<p>or watercourse; or</p> <p>(ii) for disposal within the site if:</p> <ul style="list-style-type: none"> a. the site has an area of not less than 5,000m²; b. the disposal area is not within any defined building area; c. the disposal area is not within any area required for the disposal of sewage; d. the disposal area is not within any access strip; and e. not more than 50% of the site is impervious surface. 	
<p>26.4.2 Location and configuration of development</p>	
<p>26.4.2–(A1) A building or a utility structure, other than a crop protection structure for an agriculture use, must be setback:</p> <p>(g) not less than 20.0m from the frontage; or</p>	<ul style="list-style-type: none"> (a) Compliant. Development would be setback greater than 20m from Clayton Road East. (b) Compliant. Development would be greater than 260m from the Bass Highway.

<p>(h) if the development is for sensitive use on land that adjoins a road specified in the Table to this Clause, not less than the setback specified from that road;</p> <p>(i) not less than 10.0m from each side boundary; and</p> <p>(j) not less than 10.0m from the rear boundary; or</p> <p>(k) in accordance with any applicable building area shown on a sealed plan.</p>	<p>(c) Compliant. Development would be setback greater than 10m to the nearest side boundary.</p> <p>(d) Compliant. Development would be setback greater than 10m from the rear boundary.</p> <p>(e) Not applicable. No building area on a Sealed Plan.</p>
<p>26.4.2–(A2) Building height must be not more than 8.5m.</p>	<p>Compliant.</p> <p>Dwelling height would be 6.25m.</p> <p>Glasshouse height would be 6.75m.</p>
<p>26.4.2 A3.1</p> <p>A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must –</p> <p>(a) not project above an elevation 15m below the closest ridgeline;</p> <p>(b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland;</p>	<p>A3.1</p> <p>(a) Compliant. Development would not project above an elevation of 15m below closest ridgeline.</p> <p>(b) Non-compliant. Dwelling would be setback 18.6m from Claytons Rivulet. Glasshouse is compliant, it would be setback 30m from Claytons Rivulet.</p> <p>Refer to the “Issues” section of the report.</p>

<p>(c) be below the canopy level of any adjacent forest or woodland vegetation; and</p> <p>(d) clad and roofed with materials with a light reflectance value of less than 40%.</p> <p>A3.2</p> <p>Wind power turbines and wind power pumps must not exceed 20m in height.</p>	<p>(c) Compliant. Development would be below the canopy level of local vegetation.</p> <p>(d) Non- Compliant. Dwelling cladding materials would be flagstone with flagstone plinth. Roofing would be matt "Monument" iron that would have a light reflectance value of less than 40%.</p> <p>The glasshouse would be constructed in glass materials.</p> <p>Refer to the "Issues" section of the report.</p> <p>A3.2</p> <p>Not applicable. No wind turbine or wind power pumps.</p>
<p>26.4.3 Location of development for sensitive uses</p>	
<p>26.4.3-(A1) New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must –</p> <p>(a) be located not less than:</p> <p>(i) 200m from any agricultural land;</p>	<p>(a)(i) Compliant. Development would be greater than 200m from agricultural land.</p> <p>(a)(ii) Compliant. Development would be greater than 200m from aquaculture, or controlled environment agriculture.</p> <p>(a)(iii) Compliant. Development would be greater than 500m from the operational area boundary established by a mining lease</p>

<p>(ii) 200m from aquaculture, or controlled environment agriculture;</p> <p>(iii) 500m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does not occur; or</p> <p>(iv) 1000m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does occur; or</p> <p>(v) 500m from intensive animal husbandry;</p> <p>(vi) 100m from land under a reserve management plan;</p> <p>(vii) 100m from land designated for production forestry;</p> <p>(viii) 50.0m from a boundary of the land to the Bass Highway, or to a railway line; and</p> <p>(ix) clear of any restriction imposed by a utility; and</p>	<p>issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does not occur; and</p> <p>(a)(iv) greater than 1,000m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does occur.</p> <p>(a)(v) Compliant. Development would be greater than 500m from intensive animal husbandry.</p> <p>(a)(vi) Compliant. Development would be greater than 100m from land under a reserve management plan.</p> <p>(a)(vii) Compliant. Development would be greater than 100m from land designated for production forestry.</p> <p>(a)(viii) Non-compliant. Development would be 240m from the Bass Highway and 33.2m to a railway line.</p> <p>Refer to the "Issues" section of this report.</p> <p>(a)(ix) Not applicable. No restriction imposed by a utility.</p> <p>(b) Compliant. Land is not within a proclaimed irrigation district.</p>
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(b) not be on land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i> , or land that may benefit from the application of broad-scale irrigation development.	
26.4.4 Subdivision	
26.4.4-(A1) Each new lot on a plan of subdivision must be – (a) a lot required for public use either State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority.	Not applicable. No subdivision proposed.
26.4.5 Buildings for Controlled Environment Agriculture	
26.4.5-(A1) A building for controlled environment agriculture use must be a crop protection structure and the agricultural use inside the building must satisfy one of the following: (a) rely on the soil as a growth medium into which plants are directly sown;	Not applicable. No controlled environment agriculture proposed.

(b) not alter, disturb or damage the existing soil profile if conducted in a manner which does not rely on the soil as a growth medium.	
CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Not a subdivision, hazardous or vulnerable use.
E2 Airport Impact Management Code	Not applicable. This Code is not in the Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. Previously cleared land.
E4 Change in Ground Level Code	
E4.2 Application of Code	The Code applies.
E4.4 Exemptions	Not exempt. Embankment changes in ground level exceed 200m ² .
E4.6.1 Change in existing ground level or natural ground level	
A1 Cut or fill must – (a) Not be on land within the Environmental Living Zone or the Environmental Management zone;	(a) Compliant. Land in cut and fill area is zoned Rural Resource (b)(i) Not applicable. Satisfied by (b)(iii) &(vi). (b)(ii) Not applicable. Satisfied by (b)(iii) &(vi).

<p>(b) Be required to –</p> <ul style="list-style-type: none"> (i) Provide a construction site for buildings and structures; (ii) Facilitate vehicular access; (iii) Mitigate exposure to a natural or environmental hazard; (iv) Facilitate provision of a utility; (v) Assist the consolidation or intensification of development; or (vi) Assist stormwater management. <p>(c) Not result in a modification of surface stormwater water flow to increase –</p> <ul style="list-style-type: none"> (i) Surface water drainage onto adjacent land; (ii) Pooling of water on the site or on adjacent land; or (iii) The nature or capacity of discharge from land upstream in a natural or artificial drainage channel; <p>(d) Not destabilise any existing building or increase the</p>	<p>(b)(iii) Compliant. Embankment stabilisation works are required to mitigate exposure to a natural flood hazard. A report by GHD Pty Ltd recommends that the channel of the rivulet be provided with rock spalls as the base of the banks, with geofabric or suitably graded smaller rock, and the banks of the rivulet be vegetated with a minimum of reeds and sedges.</p> <p>(b)(iv) Not applicable. Satisfied by (b)(iii) &(vi).</p> <p>(b)(v) Not applicable. Satisfied by (b)(iii) &(vi).</p> <p>(b)(vi) Compliant. Embankment stabilisation works are required to assist with stormwater management.</p> <p>(c)(i) Compliant. Surface stormwater systems would be modified to accommodate any additional waterflow increase. A report by GHD Pty Ltd recommends that the channel of the rivulet be provided with rock spalls as the base of the banks, with geofabric or suitably graded smaller rock, and the banks of the rivulet be vegetated with a minimum of reeds and sedges.</p> <p>(c)(ii) Compliant. Development would not result in the pooling of water on adjacent lands. It is intended that collected stormwater be directed to on-site water supply tanks with overflow to Claytons Rivulet and an on-site dam.</p>
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<p>requirements for construction of any potential building on adjacent land;</p> <p>(e) Manage disposal of intersected ground water;</p> <p>(f) Safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009;</p> <p>(g) Not require a retaining or support structure that would result in an area of influence within the boundary of adjacent land; and</p> <p>(h) Not encroach upon or expose, disturb or reduce cover over an underground utility to less than 1m unless the relevant regulatory entity has advised –</p> <p>(iii) It is satisfied the cut or fill will not result in harm to the utility; and</p> <p>(iv) Any condition or requirement it determines are appropriate to protect the utility.</p>	<p>(c)(iii) Compliant. Embankment stabilisation works are required to mitigate exposure to a natural flood hazard. A report by GHD Pty Ltd recommends that the channel of the rivulet be provided with rock spalls as the base of the banks, with geofabric or suitably graded smaller rock, and the banks of the rivulet be vegetated with a minimum of reeds and sedges.</p> <p>(d) Compliant. Works would not increase the requirements for construction of any potential building on adjacent land.</p> <p>(e) Compliant. Works would manage the disposal of intersected stormwater. Condition to be applied.</p> <p>(f) Compliant by Condition.</p> <p>(g) Compliant. Development would not require the construction of support structures that would result in an area of influence within the boundary of adjacent land.</p> <p>(h) Compliant. Proposed development would not encroach upon or expose, disturb, or reduce cover over an underground utility to less than 1m.</p>
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E5 Local Heritage Code	Not applicable. This Code is not in the Scheme.
E6 Hazard Management Code	
E6.2 Application of Code	The Code applies. The site is identified as at risk of coastal inundation and erosion.
E6.4 Exemption	The proposal is not exempt.
E6.5.1 A1 Use must not occur on land potentially contaminated by a previous use for an activity listed in Table E6.1 unless – (a) soil disturbance and development is carried out in accordance with requirements in a hazard risk assessment for contamination; (b) a hazard risk assessment for potential contamination establishes the site can be remediated to provide a tolerable level of risk for the use; or (c) a hazard risk assessment establishes the site has been remediated to provide a tolerable level of risk	Not applicable. Site is not identified as potentially contaminated land.
E6.5.2 A1 If use is on land within an area of risk from exposure to a	(a) Not applicable. Not a critical, hazardous or a vulnerable use.

<p>natural hazard as shown on a map forming part of this planning scheme –</p> <ul style="list-style-type: none"> (a) use must not be for a critical use, a hazardous use, or a vulnerable use; (b) use must not be residential use if the level of risk is medium or higher; and (c) a hazard risk assessment must demonstrate a tolerable level of risk can be achieved and maintained for the nature and duration of the use 	<ul style="list-style-type: none"> (b) Non- compliant. Use is Residential. (c) Compliant. The application is accompanied by CES Tasmania Pty Ltd. The report examines the risks associated with the construction of a dwelling on flood prone land. The report concludes that a tolerable level of risk can be achieved provided any dwelling on the land has a floor level above 3.4m Australian Height Datum (AHD).
<p>E6.6.1</p> <p>A1 Development must not occur on land potentially contaminated by a previous use for an activity listed in the Table E6.1 to this clause unless –</p> <ul style="list-style-type: none"> (a) soil disturbance and development is carried out in accordance with the requirements of a hazard risk assessment for contamination; (b) a hazard risk assessment establishes the site can be remediated to provide a tolerable level of risk from the development; or (c) a hazard risk assessment establishes the site has been 	<p>Not applicable.</p> <p>Site is not identified as potentially contaminated land.</p>

<p>remediated to provide a tolerable level of risk from the development; and</p> <p>(d) if a hazard risk assessment establishes need to involve land on another title to manage risk consistent with the objective, the consent in writing of the owner of that land must be provided to enter into a Part 5 agreement to be registered on the title of the land and providing for the affected land to be managed in accordance with recommendations for contamination management</p>	
<p>E6.6.2</p> <p>A1 If the site is within an area of risk shown on a natural hazard map forming part of this planning scheme –</p> <p>(a) a hazard risk assessment must determine –</p> <p style="padding-left: 40px;">(i) there is an insufficient increase in risk to warrant any specific hazard reduction or protection measure; or</p> <p style="padding-left: 40px;">(ii) a tolerable level of risk can be achieved for the type, form, scale and duration of the development; and</p> <p>(b) if a hazard risk assessment established need to involve land on another title for hazard management consistent with the</p>	<p>(a)(i) Not applicable. Satisfied by (a)(ii).</p> <p>(a)(ii) The application is accompanied by a report by CES Tasmania Pty Ltd. The report examines the risks associated with the construction of a dwelling on flood prone land. The report concludes that a tolerable level of risk can be achieved provided a dwelling on the land has a floor level above 3.4m Australian Height Datum (AHD).</p> <p>(b) Compliant. No hazard management works required on other land.</p>

objective, the consent in writing of the owner of that land must be provided to enter into a Part 5 agreement to be registered on the title of the land and providing for the effected land to be managed in accordance with recommendations for hazard management	
E7 Sign Code	Not applicable. No signs are proposed.
E8 Telecommunication Code	Not applicable. No telecommunications are proposed.
E9 Traffic Generating Use and Parking Code	
E9.2 Application of the Code	The Code applies to all use and development.
E9.4 Exemptions	The proposal is not exempt.
<p>E9.5.1</p> <p>A1 Provision for parking must be –</p> <p>(a) The minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code.</p>	<p>Compliant.</p> <p>The Scheme specifies that Natural and cultural values management and Resource development uses must provide enough spaces to service the workforce and use of the land. The site provides options for workforce parking.</p> <p>The Planning Scheme specifies that Residential use make provision for two car parking spaces on the land. The application satisfies this requirement.</p>

<p>E9.5.2</p> <p>A1 There must be provision within a site for –</p> <p>(a) On-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) Passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of 1 space for every 50 parking spaces.</p>	<p>Not applicable.</p> <p>Planning Scheme specifies no requirement for loading and unloading for Natural and cultural values management, Resource development or Residential use.</p>
<p>E9.6.1</p> <p>A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p> <p>A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <p>(a) Be in accordance with AS/NZ 2890.1 (2004) – Parking Facilities – Off Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off Street Commercial Vehicles;</p>	<p>A1.1 Compliant by condition to a permit.</p> <p>A1.2(a)Not applicable. Required for 20 car parking spaces or more.</p> <p>A1.2(b)Not applicable. Required for 20 car parking spaces or more.</p> <p>A1.2(c)Not applicable. Required for 20 car parking spaces or more.</p> <p>A1.2(d)Not applicable. Required for 20 car parking spaces or more.</p> <p>A1.2(e)Not applicable. Required for 20 car parking spaces or more.</p> <p>A1.2(f) Not applicable. Required for 20 car parking spaces or more.</p> <p>A1.2(g)Compliant by condition to a permit.</p>

<p>(c) Be in accordance with AS/NZS 2890.6 (1993) Parking Facilities – Bicycle Parking Facilities;</p> <p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off Street Parking for People with Disabilities;</p> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	
Specific Area Plans	Not applicable. Turners Beach Specific Area Plan does apply to this area.

Issues –

1 Location and configuration of development –

Clause 26.4.2–(A3.1)(b) of the Planning Scheme includes provision that structures within 30m of a shoreline or watercourse be considered under the Planning Scheme’s Performance Criteria, providing the Planning Authority with greater discretion and detail for assessment of the visual impact of such a development within these locations. Works have been undertaken with the watercourse and the proposed dwelling would be setback 18.60m from Claytons Rivulet.

The Planning Scheme’s Performance Criteria 26.4.2– (P3.1) states:

- (a) The location, height and visual appearance of a building or structure except for wind power turbines or wind power pumps must have regard to –
 - (i) minimising the visual impact on the skyline;
 - (ii) minimising height above the adjacent vegetation canopy;
 - (iii) minimising visual impact on the shoreline or a marine or aquatic water body, water course, or wetland where possible; and
 - (iv) minimising excessive reflection of light from an external surface; or

The proposed buildings and structures of the development are assessed as follows:

- (a)(i) Compliant. The land is well below the nearest ridgeline that is located 1.2km to the south.
- (a)(ii) Compliant. Proposed development would have a height less than adjacent vegetation.
- (a)(iii) Compliant. Whilst the proposed dwelling would be 18.6m from Claytons Rivulet, the visual impact of the development would be minimised by the use of non-reflective coloured materials, and materials that are associated with a rural landscape, such as stone, flagstone and timber.

- (a)(iv) Compliant. The single-storey development would comprise the use of non-reflective coloured materials, and materials that are associated with a rural landscape, such as stone, flagstone and timber.

The proposal is considered to be compliant with 26.4.2–(P3.1).

2 Use of materials with a light reflectance value greater than 40% –

Clause 26.4.2–(A3.1)(d) of the Planning Scheme includes provision that a building or structure be clad and roofed with material with a light reflectance values of less than 40%. The proposed glasshouse would be clad in glass that has a high level of reflectivity.

Comment – as discussed above, the proposed dwelling would be clad in non-reflective coloured materials, and materials that are associated with a rural landscape, such as stone, flagstone and timber.

The glasshouse would be of a timber frame with glass cladding. This is a material that would be typical for a plant propagation building, unless the developer chooses to instead cover the frame of the building in plastic. The timber and glass building would be set low in the landscape, toward the rear of the property. There would be minimum reflectance nuisance to adjoining property, and traffic on the Bass Highway would not be impacted by flash glare from the building, due to the northern location of the glasshouse and the east/west orientation of the highway.

The proposal is considered to be compliant with 26.4.2–(P3.1).

3 Proximity of a sensitive use to a rail line –

Clause 26.4.3–(A1)(a)(viii) of the Planning Scheme requires that a sensitive use (dwelling) be setback 50m from a railway line. The proposed dwelling would be setback 33.2m from TasRail’s Western Rail Line.

No response to advice of the public notification was received from TasRail.

The proposal for the construction of a dwelling is consistent with the pattern of development that characterises residential developments that adjoin the TasRail Western Rail line in Central Coast. It is reasonable to conclude the proposal would have no impact on the

safety and efficiency of the TasRail railway network. It is also reasonable that a note be applied to a Permit issued that the development take into account TasRail's Standard Notes.

4 *E10 Water and Waterways Code and E4 Change in Ground Level Code –*

Unauthorised works have been undertaken within Claytons Rivulet and on associated riparian land.

Works to date have included the removal of native vegetation, weeds and rubbish from the watercourse, the excavation, reconstruction and regrading of the embankments of the waterway, and the laying of domestic grasses along the riparian banks of Claytons Rivulet. Refer to photographs at Annexure 3.

The applicant has proposed further works to the northern section of the rivulet.

Retrospective and future development is reliant upon the Codes' relevant Performance Criteria as set out below:

E10.6.2– (P1) states that development must –

- (a) minimise risk to the function and values of a water body, watercourse, or wetland, including for:
 - (i) hydraulic performance;
 - (ii) economic value;
 - (iii) water based activity;
 - (iv) disturbance and change in natural ground level;
 - (v) control of sediment and contaminants;
 - (vi) public access and use;
 - (vii) aesthetic or scenic quality;
 - (viii) water quality management arrangements for stormwater and sewage disposal;
 - (ix) modification of a natural drainage channel;

- (x) biodiversity and ecological function;
- (xi) level of likely risk from exposure to natural hazards of flooding and inundation; and
- (xii) community risk and public safety; and
- (b) be consistent with any advice or decision of a relevant entity administering or enforcing compliance with an applicable protection and conservation regulation for:
 - (i) impact of the development on the objectives and outcomes for protection of the water body, watercourse or wetland; and
 - (ii) any condition or requirement for protection of the water body, watercourse or wetland.

Comment – the watercourse of Claytons Rivulet in this location has long been a modified waterway, subject to flooding and the impacts of animal grazing. It is reasonable to say the watercourse has not been valued, maintained or enhanced by previous owners.

Recent works on the land has seen further modification of the natural drainage channel and the removal of both weed and natural vegetation that lined the riparian land and embankments. Works have been undertaken to lay domestic grass along the banks of the waterway, further removing opportunity for natural resource management and the enhancement of ecological and biodiversity functions of the waterway.

It is considered that the risks to the function, ecological values, biodiversity and aesthetics of the watercourse are compromised without revegetation of the embankments and riparian lands. As stated in the accompanying GHD Pty Ltd report, revegetation would also minimise sedimentation of the rivulet, increase habitat for water-based species, increase the biodiversity of the waterway and assist to minimise flood risk.

The documentation, as submitted, does not adequately address the Performance Criteria of the Code. The application, in a general description of future works, proposes to revegetate the riparian land of Claytons Rivulet. However, a Planting Plan has not been submitted for assessment and there is no detailed schedule to ensure the

undertaking of such works. This matter can be addressed by applying a suitable condition to a Permit. The accompanying report by GHD Pty Ltd that the application relies upon, also makes recommendation that revegetation of the embankments be undertaken. The report, however, offers no detailed plan as to how this work should be undertaken.

Subject to conditions to be applied to a permit for the revegetation of the rivulet's embankment and riparian land, the proposal may be considered to be compliant with E10.6.2-(P1).

5 E6 Hazard Management Code –

The land is subject to flooding.

The application is accompanied by a report by CES Tasmania Pty Ltd. The report examines the risks associated with the construction of a habitable building (dwelling) on flood prone land. The report concludes that a tolerable level of risk can be achieved provided a dwelling on the land has a floor level above 3.4m Australian Height Datum (AHD).

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Wastewater – as per the report provided by ES&D dated 25 February 2021 and other supporting documentation, the property would be able to support a secondary treatment system. A primary treatment system would not be suitable due to limiting factors such as the water bodies and soil category.
Infrastructure Services	No engineering issues. Existing access is proposed to be used for the development.

	<p>Stormwater from the dwelling will be diverted to the existing dam on the property. DPIPWE Division 4 dam permit has been provided with the application.</p>
Natural Resource Management	<p>DA2021099 has undervalued the flora and fauna values in the area, mentioning Eastern-Barred Bandicoot and a rare snail.</p> <p>The application contains an argument that the vineyard will provide improved habitat for the Eastern-Barred Bandicoot. The amount of clearing that has occurred on the property to date has significantly impacted on habitat for this species. Bandicoots require dense ground cover for shelter. Vine groves, although the grass underneath may be foraged by bandicoots, does not provide bandicoot habitat. A revegetation plan must support areas of dense vegetation.</p> <p>The Natural Values Report (NVA) attached no records of threatened flora.</p> <p>Tasmanian devils, a threatened Species, are recorded within 500m. The other Threatened Species records are birds. If a revegetation plan could include a variety of vegetation, including large eucalypts (native to Tasmania) this will help create future habitat potential.</p> <p>The submitted revegetation plan is very unspecific. It should consist of</p>

	the species set out in the NRM Cradle Coast Planting Guide using species selected according to vegetation community suitability.
TasWater	Not applicable.
Department of State Growth	Not applicable.
Environment Protection Authority	Not applicable.
TasRail	No comment received.
Heritage Tasmania	Not applicable.
Crown Land Services	Not applicable.
Other	Not applicable.

CONSULTATION

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

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

Representations –

One representation was received within the prescribed time, a copy of which is provided at Annexure 2.

The representation is summarised and responded to in the following table.

MATTER RAISED	RESPONSE
Comments relate to the capacity of the riparian buffer to slow runoff, reduce water contamination and	Concerns are noted. A condition is to be placed on the permit requiring that a Natural Assets Rehabilitation Plan by a suitably

<p>provide greater diversity for riparian life.</p> <ul style="list-style-type: none"> · Why only a 10m buffer? This is not adequate. Should be 30m. · Dwelling, stabilisation works and vines would be within 30m of the watercourse. · Consideration of the methods of production of the vineyard is pertinent – use of pesticides, fertilizers, fungicides and routine maintenance can impact on the waterway. · Nitrate and phosphorus can easily leach from the soil. · Works with mowers could contribute to soil erosion and damage soil structure. 	<p>qualified person be submitted for the rehabilitation of Claytons Rivulet embankments, and not less than 10m of riparian land either side of the watercourse, to the satisfaction of Council's Director Infrastructure Services. The plan is to be informed by the NRM Cradle Coast Planting Guide and works are to be inspected, every six months, until the works required under the plan have been completed.</p>
<p>The report by GHD has undervalued the Rivulet and its values. This would be due to a 'desk-top' study, rather than on-ground assessment. A more thorough on-ground assessment/survey should have been undertaken.</p> <p>Anecdotal evidence is that giant freshwater lobster and other non-endangered species are present. Platypus have been a constant presence. The Eastern Barred Bandicoot is regularly observed. Bird life is abundant.</p>	<p>Concerns are noted.</p> <p>A condition is to be placed on the permit requiring that a Natural Assets Rehabilitation Plan by a suitably qualified person be submitted for the rehabilitation of Claytons Rivulet embankments, and not less than 10m of riparian land either side of the watercourse, to the satisfaction of Council's Director Infrastructure Services. The plan is to be informed by the NRM Cradle Coast Planting Guide and works are to be inspected, every six months, until the works required under the plan have been completed.</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 development proposal relies on the application of discretion in relation to works within, and in proximity to, a waterway.

It is considered that, subject to submission of a satisfactory Natural Values Rehabilitation Plan, the proposal satisfies the relevant Performance Criteria. The proposal is recommended for conditional approval.

Recommendation –

It is recommended that the application for Resource development – vineyard and glasshouse; Residential – required dwelling; and retrospective approval for Natural and cultural values management – discretionary use and development in Rural Resource zone, proximity to a railway, use of materials with light reflectance value less than 40% and reliance on E4 Change in Ground Level Code and E10 Water and Waterways Code at CT115441/3 Clayton Road East, Turners Beach – Application No. DA2021099 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with plans by Weeda Drafting & Building Consultants Pty Ltd, Project No. 3521, Sheet Nos. 1 to 4 dated 25 March 2021.
- 2 The dwelling must have a minimum floor level of RL 3.4m Australian Height Datum (AHD).
- 3 Prior to issue of a Building Permit, a Natural Assets Rehabilitation Plan by a suitably qualified person must be submitted for the rehabilitation of Claytons Rivulet embankments and not less than 10m of riparian

land either side of the watercourse, to the satisfaction of Council's Director Infrastructure Services. The plan is to be informed by the NRM Cradle Coast Planting Guide.

- 4 Every six months from the date of this Permit, Central Coast Council representatives will undertake an inspection of the site until all requirements and works set out in an approved Natural Assets Rehabilitation Plan are satisfied.
- 5 The development must manage the disposal of intersected ground water. The developer must liaise with Council's Director Infrastructure Services in respect to stormwater outlets/outfalls.
- 6 The development must safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009.

Notes:

- 1 A Planning Permit remains valid for two years. If the use or development has not been substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If a Permit lapses, a new application must be made.
- 2 "Substantial commencement" is the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Prior to the commencement of works the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 4 The development must take into account the attached TasRail Standard Notes.'

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

The Strategic Projects and Planning Consultant reported as follows:

“A copy of the Annexures referred to in the report by Manager Land Use Planning have been circulated to all Councillors.”

■ Cr Fuller moved and Cr Beswick seconded, “That the application for Resource development – vineyard and glasshouse; Residential – required dwelling; and retrospective approval for Natural and cultural values management – discretionary use and development in Rural Resource zone, proximity to a railway, use of materials with light reflectance value less than 40% and reliance on E4 Change in Ground Level Code and E10 Water and Waterways Code at CT115441/3 Clayton Road East, Turners Beach – Application No. DA2021099 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with plans by Weeda Drafting & Building Consultants Pty Ltd, Project No. 3521, Sheet Nos. 1,2 and 4 dated 25 March 2021.
- 2 The dwelling must have a minimum floor level of RL 3.4m Australian Height Datum (AHD).
- 3 Within 90 days of the issue of this Permit, a Natural Assets Rehabilitation Plan to further support the Claytons Rivulet Remediation and Revegetation Plan prepared by GH&D and submitted as part of this application (DA2021099), is to be prepared by a suitably qualified person and submitted to Council for approval by the General Manager. The plan is to be informed by the NRM Cradle Coast Planting Guide.
- 4 All works as approved under the Natural Assets Rehabilitation Plan are to be implemented within a timeframe as agreed between the developer and the Council’s General Manager. The rehabilitation works will be subject of periodic inspection by Council officers to ensure compliance.
- 5 The development must manage the disposal of intersected ground water. The developer must liaise with Council’s Director Infrastructure Services in respect to stormwater outlets/outfalls.
- 6 The development must safeguard the quality of receiving waters through measures to minimise erosion and release of sediments and other contaminants during each of the site preparation, construction and rehabilitation phase in accordance with Soil and Water Management on Building and Construction Sites 2009.

Notes:

- 1 A Planning Permit remains valid for two years. If the use or development has not been substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If a Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Prior to the commencement of works the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 4 The development must take into account the attached TasRail Standard Notes.

Carried unanimously

143/2021 Public question time

The Mayor introduced public question time at 6.46pm.

Via email – Mr Chris Heberle – Leith

Question 1 –

“What is the Council’s position on environmental impacts to the Forth River foreshore alongside Leith Road that would result from development of the current proposed Bass Highway overpass project?”

Response –

The General Manager responded that the Council would consider the potential environmental impacts of the proposed overpass or any alternate designs and will address any concerns with the Department of State Growth as part of the broader community consultation process.

Question 2 –

“What is the Council’s position on minimising impact of the current proposed Bass Highway overpass project on residents and other users of Leith Road?”

Response –

The General Manager responded that the Council has supported safety improvements in relation to both Bass Highway intersections at Leith since at least 2009.

The Council urged the State Government and Department of State Growth to consider a safer method of entry and exit to these two areas, undertake a redesign and include it in their works program for construction. The Council are looking forward to working with the Department of State Growth and all users of the area to come with the best solution for the majority of people.

Via email – Lesley Lyons – Leith

Question 1 –

“The Advocate newspaper published on 20 September 2017, reports that Braddon MHA Roger Jaensch attended a community meeting at the Forth Hall last Saturday and the advocate quotes Mr Jaensch as saying *“The council is now compiling feedback and will present us with a written report telling us what the community thinks of the ideas that we’ve put forward and their suggested alternatives or additions to that.”* What date was the Council report provided, what are the suggested alternatives or additions and percentage support for each and is this report readily available to residents/ratepayers.”

Response –

The General Manager advised that the comments attributed to Braddon MHA Roger Jaensch, were incorrect. The community meeting was conducted by the Department of State Growth, not the Council. Compilation of feedback is the responsibility of the Department of State Growth. This question should be directed to them.

Via email – Tony Downey – Leith

Question 1 –

“The letter dated 21 September 2016 written to The Hon MT (Rene) Hidding MP Minister for Infrastructure, signed by Councillor Jan Bonde Mayor, states *“As advised previously the community is concerned about both intersections leading on to the Bass Highway and urges the State Government to seriously consider using ‘Black Spot’ funding to rationalise the two intersections with a single overpass and related*

infrastructure.”; did the Central Coast Council conduct any survey of the residents of Leith to ascertain whether there was consensus or any overwhelming support for an overpass at Leith before writing this letter and if so, when?”

Response –

The General Manager advised a survey was not undertaken of Leith residents. The Council was seeking a solution for all road users including those from Forth, Leith and the Bass Highway itself.

Question 2 –

“The letter dated 21 September 2016 written to The Hon MT (Rene) Hidding MP Minister for Infrastructure, signed by Councillor Jan Bonde MAYOR, states *“As advised previously the community is concerned about both intersections leading on to the Bass Highway and urges the State Government to seriously consider using ‘Black Spot’ funding to rationalise the two intersections with a single overpass and related infrastructure.”*; if the Central Coast Council conducted any survey of the residents of Leith to ascertain whether there was consensus or any overwhelming support for an overpass at Leith before writing this letter, what percentage of support for an overpass was recorded and is it available in the council records?”

Response –

The General Manager advised that no survey was undertaken specifically with Leith residents. The safety issues were about the safety issues related to the Bass Highway and the two intersections. The Council was seeking a solution for all road users both from Forth, Leith and the Bass Highway itself.

When sending the letter to the State Government to consider ‘Black Spot’ funding the decision along with a design would be a decision for the State Government.

Via email – Richard Killick – Leith

Question 1 –

“The letter dated 21 September 2016 written to The Hon MT (Rene) Hidding MP Minister for Infrastructure, signed by Councillor Jan Bonde Mayor, states *“As advised previously the community is concerned about both intersections leading on to the Bass Highway and urges the State Government to seriously consider using ‘Black Spot’ funding to rationalise the two intersections with a single overpass and related infrastructure.”*; if the Central Coast Council did not conduct any survey of the residents of Leith to ascertain whether there was consensus or any overwhelming support for an overpass at Leith before writing this letter, why not?”

Response –

The General Manager advised that no survey was undertaken specifically with Leith residents. The safety issues related to the Bass Highway and the two intersections. The Council was seeking a solution for all road users including those from Forth, Leith and the Bass Highway itself.

When sending the letter to the State Government to consider 'Black Spot' funding the decision along with a design would be a decision for the State Government.

Question 2 –

"The letter dated 21 September 2016 written to The Hon MT (Rene) Hidding MP Minister for Infrastructure, signed by Councillor Jan Bonde Mayor, states *"As advised previously the community is concerned about both intersections leading on to the Bass Highway and urges the State Government to seriously consider using 'Black Spot' funding to rationalise the two intersections with a single overpass and related infrastructure."* if the Central Coast Council did not conduct any survey of the residents of Leith to ascertain whether there was consensus or overwhelming support for an overpass at Leith before writing this letter, what caused the Council to conclude the residents of Leith required an overpass at Leith or supported an overpass at Leith?"

Response –

The General Manager advised that no survey was undertaken specifically with Leith residents. The safety issues related to the Bass Highway and the two intersections. The Council was seeking a solution for all road users including those from Forth, Leith and the Bass Highway itself.

When sending the letter to the State Government to consider 'Black Spot' funding the decision along with a design would be a decision for the State Government. They would consider other options, of which four design suggestions were proposed at the community meeting held by the Department of State Growth.

This is what they are coming back to consult with the community on and take on further feedback before any further decisions are made.

Via email – Denise Butler – Leith

Question 1 –

"The letter dated 21 September 2016 written to The Hon MT (Rene) Hidding MP Minister for Infrastructure, signed by Councillor Jan Bonde Mayor, states *"As advised previously the community is concerned about both intersections leading on to the*

Bass Highway and urges the State Government to seriously consider using 'Black Spot' funding to rationalise the two intersections with a single overpass and related infrastructure.”, does the Council have records of community if Community members requesting an overpass at Leith prior to 21 September 2016, what are the dates of these records and are they available for inspection?”

Response –

The General Manager advised that at the time, the Council were aware of community concerns regarding safety at the two intersections with the Highway. There are also the records held by the Department of State Growth in relation to traffic incidents/deaths as well, which are supported by community concerns in an Advocate article which was reported after the letter went to the Hon. MT (Rene) Hidding MP.

Question 2 –

“The letter dated 21 September 2016 written to The Hon MT (Rene) Hidding MP Minister for Infrastructure, signed by Councillor Jan Bonde Mayor, states *“As advised previously the community is concerned about both intersections leading on to the Bass Highway and urges the State Government to seriously consider using 'Black Spot' funding to rationalise the two intersections with a single overpass and related infrastructure.”*, given that any changes on the Bass Highway at Leith impact residents of Leith, does the council consider it had a duty to the residents of Leith to survey or consult with them prior to writing this letter and if not, why not?”

Response –

The General Manager advised that no survey was undertaken specifically with Leith residents. The safety issues related to the Bass Highway and the two intersections. The Council was seeking a solution for all road users including those from Forth, Leith and the Bass Highway itself.

When sending the letter to the State Government to consider 'Black Spot' funding, the decision along with a design would be a decision for the State Government. They would consider other options, of which four design suggestions were proposed at the community meeting held by the Department of State Growth.

This is what they are coming back to consult with the community on and take on further feedback before any further decisions are made.

Via email – Leo and Faye Beuermann –Leith

Question 1 –

“The letter dated 21 September 2016 written to The Hon MT (Rene) Hidding MP Minister for Infrastructure, signed by Councillor Jan Bonde Mayor, states *“As advised previously the community is concerned about both intersections leading on to the Bass Highway and urges the State Government to seriously consider using ‘Black Spot’ funding to rationalise the two intersections with a single overpass and related infrastructure.”* If the Central Coast Council did not conduct any survey of the residents of Leith to ascertain whether there was consensus or any overwhelming support for an overpass at Leith before writing this letter to the Minister, why not?”

Response –

The General Manager advised that no survey was undertaken specifically with Leith residents. The safety issues related to the Bass Highway and the two intersections. The Council was seeking a solution for all road users including those from Forth, Leith and the Bass Highway itself.

When sending the letter to the State Government to consider ‘Black Spot’ funding the decision along with a design would be a decision for the State Government.

Question 2 –

“In addition to the above question, If the Central Coast Council did undertake a survey with the Leith Community, can you please advise in return writing of the method used for the survey, date / dates of survey, and results of the survey with documented evidence of these results so as Leith Residents have a clear understanding of how the council arrived at the consensus that the majority of Leith residents were calling for / in favour of an overpass to solve the perceived safety issues.”

Response –

The General Manager advised that a survey was not undertaken of Leith residents. The Council was seeking a solution for all road users including those from Forth, Leith and the Bass Highway itself.

Via email – Ray McCulloch – Penguin

Question 1 –

“Is it only cost that is preventing a 3rd crossing at the safest and very popular part of Watcombe Beach near Max Perry crossing or Cann Street? If so, I would like to know

the costs of an extra crossing. An extra crossing would show consideration and goodwill to the hundreds of people that use it. the Seaside Crescent crossing essentially only caters for cyclists as it does not cross at a beach. Therefore, the plans now only provide 1 crossing that actually delivers you to the beach.”

Response –

The General Manager responded that the Council currently has two licensed pedestrian railway crossings in the area, a third crossing has not been approved by TasRail. It should be noted that TasRail has total discretion in relation to the positions and how many crossings the Council can have in particular areas.

With the two approved locations there will be a disability compliant access at the western end through Surf Club Road/Lions Park, a crossing from Main Road between Kentish Street and Cann Street with final location still to be confirmed, and a disability compliant access at the eastern end near Seaside Crescent, which will link to the current footpath and future shared pathway to the east of Penguin. This will provide a total of three safe locations to access the beach. It also provides a walking circuit which includes the full length of Watcombe Beach.

Via email – Janeen Lillas – Penguin

Question 1 –

“When looking at a map of Watcombe Beach, the Cann Street access provides the most direct walking access for those living on South Road/Pengana Heights area. This access is heavily used. You’re proposing closing this access in favour of one at Seaside Crescent. The Seaside Crescent access is not near the usable beach. These users would still have to walk to near the current Cann Street access to be on the beach. The proposed Coastal Trail is a path nowhere. It may eventually connect from Penguin to Ulverstone but this is very unlikely to occur within anyone’s current lifetime.

Do the right thing, maintain the most used access to walk on beach at Cann Street. Promote healthy lifestyles and promote walking to the beach. I dare you to look at Google Maps right now. Look at the most logical access points. You need not be an Engineer to do this. I implore you to maintain the access for all residents of Penguin.

Why can’t you maintain the access at Cann Street? There is no restriction beyond Penguin on either side of the town to free crossing of the railway so an extra crossing should be a right for those who have grown to rely on it over many decades.”

Response –

The General Manager responded that the Council currently has two licensed pedestrian railway crossings in the area, a third informal crossing has not been approved by TasRail. Tas Rail has total discretion in relation to the position and how many crossings the Council can have.

With the two approved locations there will be a disability compliant access at the western end through Surf Club Road/Lions Park, a crossing from Main Road between Kentish Street and Cann Street with final location still to be confirmed, and a disability compliant access at the eastern end near Seaside Crescent, which will link to the current footpath and future shared pathway to the east of Penguin. This will provide a total of three safe locations to access the beach. It also provides a walking circuit which includes the full length of Watcombe Beach.

Questions and replies concluded at 7.05pm.

INFRASTRUCTURE SERVICES

144/2021 Infrastructure Services determinations

The Director Infrastructure Services reported as follows:

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

Carried unanimously

145/2021 Asset Management Policy (217/2017 – 17.07.2017)

The Director Infrastructure Services reported as follows:

“The Manager Asset Services has prepared the following report:

‘PURPOSE

The purpose of this report is to consider the adoption by the Council of the revised Asset Management Policy.

BACKGROUND

At the Council meeting held 17 July 2017 the Council adopted an Asset Management Policy in line with accepted Asset Management practices.

This Policy required a revision in 2020–2021 financial year to be undertaken to reflect any changes in asset management practices, legislation etc. A copy of the Policy is appended to this report.

DISCUSSION

The purpose of the Policy is to outline why asset management is relevant, to document principles and set a corporate framework for undertaking asset management in a structured and coordinated way.

It describes definitions used in asset management as well as principles by which asset management should be undertaken.

The Policy describes how asset management complements and builds on the Council's Strategic Plan and the benefits achieved, as well as setting out roles and responsibilities of the Council, the Asset Management Team and employees.

The Policy has been reviewed in accordance with *Local Government Act 1993* sections 70C and 70F and the *Local Government (Content of Plans and Strategies) Order 2014*.

Four notable changes have occurred as a result of this review.

- 1 The value of non-current assets increased from \$481 million to \$489 million as reported in the *Financial* Report of the Annual Report 2019–2020.
- 2 There was misalignment to the Local Government (Content of Plans and Strategies) Order 2014 with the requirement *The Council will promote sustainability and community resilience in the preparation of Asset Management Plans*. This was added to page 4, under the heading of 'Policy'.
- 3 The Levels of Service were updated under the 'Principles' heading on page 5, changing the asset classes from roads, bridges, sewerage, water supply, parks and recreation, waste management, buildings and facilities, stormwater, and footpaths to roads, bridges, carparks, drainage, parks and recreation, waste management, buildings and facilities, and footpaths.
- 4 The Asset Management Team was updated to reflect the recent staff title changes of the Manager Asset Services and Manager Corporate Finance.

CONSULTATION

Consultation has been undertaken in conjunction with Council staff and the Senior Leadership Team (which included the Asset Management Team) on 16 February 2021.

RESOURCE, FINANCIAL AND RISK IMPACTS

There is no direct impact on resources to implement the Policy.

CORPORATE COMPLIANCE

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

The Shape of the Place

- Improve the value and use of open space
- Conserve the physical environment in a way that ensures we have a healthy and attractive community
- Encourage a creative approach to new development

A Connected Central Coast

- Provide for a diverse range of movement patterns

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure
- Contribute to the preservation of the natural environment.

CONCLUSION

It is recommended that the revised Asset Management Policy dated April 2021 be adopted.'

The Manager Asset Services report is supported."

The Executive Services Officer reported as follows:

"A copy of the Asset Management Policy dated April 2021 has been circulated to all Councillors."

■ Cr Carpenter moved and Cr Fuller seconded, "That the Asset Management Policy dated April 2021 (a copy being appended to and forming part of the minutes) be adopted."

Carried unanimously

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

146/2021 Statutory determinations

The Director Corporate Services reported as follows:

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

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

147/2021 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 Board Meeting – meeting held 24 February 2021 · Dulverton Board Meeting – meeting held 28 April 2021	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Local Government Association of Tasmania – Election of President and General Management Committee Member – North West and West Coast District	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential

Future Light Industrial land options (31A/2021 – 25.01.2021)	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 Beswick seconded, “That the Council close the meeting to the public to consider the following matters, they being matters relating to:

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council <ul style="list-style-type: none"> Dulverton Board Meeting – meeting held 24 February 2021 Dulverton Board Meeting – meeting held 28 April 2021 	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Local Government Association of Tasmania – Election of President and General Management Committee Member – North West and West Coast District	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”
Future Light Industrial land options (31A/2021 – 25.01.2021)	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 meeting moved into closed session at 7.10pm.

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
148A/2021 Confirmation of Closed Session Minutes	The Closed session minutes of the previous ordinary meeting of the Council held on 19 April 2021 had already been circulated. The minutes are required to be confirmed for their accuracy.

<p>149A/2021 Minutes and notes of other organisations and committees of the Council</p> <p>. Dulverton Board Meeting – meeting held 24 February 2021</p> <p>. Dulverton Board Meeting – meeting held 28 April 2021.</p>	<p>The minutes and notes have been provided to the Council on the condition they are kept confidential.</p>
<p>150A/2021 Local Government Association of Tasmania – Election of President and General Management Committee Member – North West and West Coast District</p>	<p>The ballot papers for the positions of President of the Local Government of Tasmania (LGAT) and the General Management Committee Member – North West and West Coast District (less than 20,000) were voted on and completed.</p>
<p>151A/2021 Future Light Industrial land options (31A/2021 – 25.01.2021)</p>	<p>A report was provided to present the summary of responses received from property owners relating to the potential rezoning of their land for the purpose of increasing the availability of Light Industrial Land in Central Coast.</p>

CLOSURE

There being no further business, the Mayor declared the meeting closed at 7.36pm.

CONFIRMED THIS 21st DAY OF JUNE, 2021.

Chairperson

(lb:lc)

Appendices

- Minute No. 136/2021 – Schedule of Correspondence addressed to the Mayor and Councillors
- Minute No. 137/2021 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 138/2021 – Schedule of Contracts and Agreements
- Minute No. 144/2021 – Infrastructure Services determinations
- Minute No. 145/2021 – Asset Management Policy – dated April 2021
- Minute No. 146/2021 – Schedule of statutory determinations

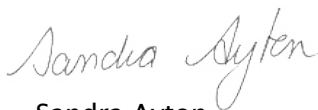
QUALIFIED PERSON'S ADVICE

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.



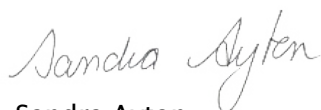
Sandra Ayton
GENERAL MANAGER

Associated Reports And Documents

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

Period: 20 April to 17 May 2021

- . Letter seeking support to be elected as a member of the Local Government Association of Tasmania General Management Committee in upcoming election campaign.
- . An email providing information in relation to the launch of the new phase of 'Our Watchs Doing Nothing Does Harm' campaign.
- . Letter regarding the proposed Leith overpass.
- . An email providing a copy of the Forico Sustainability Snapshot 2020.
- . An email requesting a copy of correspondence to the Department of State Growth regarding concern for intersections off Bass Highway in Leith.
- . An email regarding Council correspondence to former Minister for Infrastructure Rene Hidding in 2016 regarding an overpass at Leith.
- . Letter seeking support for the position of President in the upcoming Local Government Association of Tasmania election.
- . An email providing a copy of an Advocate article from April 2019 regarding the Leith intersection.
- . A letter advising of inability to continue with ongoing maintenance due to financial constraint and requests that the Council considers the concerns when allocating community funds.
- . An email requesting a meeting with the Council to discuss the Councils election priorities.
- . Letter seeking support for the position of President in the upcoming Local Government Association of Tasmania election.




Sandra Ayton
GENERAL MANAGER

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

Period: 20 April to 17 May 2021

Documents for affixing of the common seal under delegation

- . Grand Deed
The Crown in Right of Tasmania (Department of Premier and Cabinet)
and the Central Coast Council
Recreational Fishing and Camping Facilities Program
Purpose A: Addition of public showers to toilet blocks near public camping
facilities at Sulphur Creek, Penguin and Turners Beach – Grant amount:
\$60,000 (exc GST)
Purpose B: Installation of a new fish cleaning station at the West Ulverstone
boat ramp Beach – Grant amount: \$10,000 (exc GST)
- . Grant Deed
The Crown in Right of Tasmania (Department of Communities Tasmania)
and the Central Coast Council
2020–21 Improving the Playing Field (Large) Grants Program
Upgrade the change rooms and amenities at Ulverstone showground precinct
Grant amount: \$249,000 (plus GST if applicable)
- . Final Plan of Survey
Stage One subdivision (11 lots)
Tower Place (off Hearps Road), West Ulverstone
Application No. DA2018234



Sandra Ayton
GENERAL MANAGER

SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

Period: 20 April to 17 May 2021

Contracts

- . Contract 6/2020–2021
AJ&M Construction Pty Ltd
Construction of Ulverstone Skate Park redevelopment in accordance with tender submission dated 7 April 2021 with secondary options
Contract Amount: \$542,435.00 (inc. GST)
- . Contract 7/2020–2021
Roadways Pty Ltd
Resurfacing of Forth Recreation Ground car park in accordance with the General Conditions of Tendering, Specification and Schedule dated 4 March 2021 and submitted as tender 23 March 2021
Contract Amount: \$46,328.00 (inc. GST)

Agreements

- . Commission Agreement
Troy Ruffels and Central Coast Council
Public Arts Projects at the Hive (Ulverstone Cultural Precinct)
- . Commission Agreement
Ann-Marie Hay and Central Coast Council
Public Arts Projects at the Hive (Ulverstone Cultural Precinct)
- . Commission Agreement
Louise Daniels and Central Coast Council
Public Arts Projects at the Hive (Ulverstone Cultural Precinct)
- . Lease Agreement
The Honourable Roger Charles Jaensch MP (being and in his capacity as the Minister administering in the *Crown Land Acts 1976 (Act)*) and Central Coast Council
All that area of Crown land situated at Dial Street, Ulverstone in Tasmania identified by Property Identification Number 6959167 being approximately 460m² shown outlined in red on the Plan
Commencement date and lease term: 1 December 2021 for a period of 10 years
Lease rental cost: \$500.00 per annum

- . Lease Agreement
Jessica Brooks, Laura Swain and Central Cost Council
Land next to Haywoods Reserve as identified within Site Plan
Commencement date: 11 December 2021 for a 12 month
period Base rent: \$110.00 (GST inc.) per annum
- . Residential Agreement
Unit 6, Cooina, 35–37 Main Street, Ulverstone
Commencement date: May 2021

Statutory Declarations and Land Transfers

- . Land Title Transfers, Requisition Answers to Requisitions on Title
and Statutory Declarations
Lot 11 Dial Road, Penguin

Other

- . Crown Land Development Application Request
Turners Beach Foreshore CT126306/3
Minor infrastructure works relating to community makeover (7–Day
Makeover) which included:
 - (a) a roofed shelter with bbq, seating, and outdoor tap, immediately
south of development (on Council land) |
 - (b) a roofed shelter with seating west of development (on Council land)
 - (c) ancillary hard landscaping (boulders, timber bollards, rubbish bins,
etc) (on Council land)
 - (d) a timber ramp/walkway and small platform to provide beach access
and viewing (on Crown land)
 - (e) a timber table and seating located between the bbq shelter and beach
access ramp (on Crown
- Works timeframe: 22–26 March 2021


Sandra Ayton
GENERAL MANAGER

SCHEDULE OF INFRASTRUCTURE SERVICES DETERMINATIONS

Period: 1 April 2021 to 30 April 2021

Approval of Roadworks and Services

Developer: DT & CM Attrill
Location: 62 & 64-68 Turners Beach Road, Turners Beach
No. of Lots: 6 Residential Lots
Engineer: Chris Walker (PDA Surveyors)

Developer: Peter Madden and Scott Jordan
Location: 340 Preservation Drive, Sulphur Creek
No. of Lots: 17 Residential Lots (originally 16 Lots for DA2018226)
Engineer: Chris Martin (CSE Tasmania Pty Ltd)



Paul Breden
DIRECTOR INFRASTRUCTURE SERVICES



Central Coast Council

Asset Management Policy

MARCH 2021

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PURPOSE

The Asset Management Policy supports Council's vision and strategic objectives, set guidelines for implementing consistent asset management processes throughout the Central Coast Council to manage assets so they provide the appropriate level of service to meet the community's needs and expectations in a financially sustainable manner.

To achieve this the Council recognises that assets must be planned, provided, maintained and renewed so that they continue to meet the service delivery needs of the community, within the context of providing best value to the community.

OBJECTIVE

To provide and promote a constructive environment for undertaking asset management in such a way as to:

- . Ensure that the Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
- . Safeguard the Council's assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets.
- . Create an environment where all Council employees take an integral part in overall management of the Council's assets by creating and sustaining asset management awareness throughout the organisation by training and development.
- . Ensure compliance with legislative requirements for asset management.
- . Ensure resources and operational capabilities are identified and responsibility for asset management is allocated.
- . Demonstrate transparent and responsible asset management processes that align with demonstrated best practice.
- . Continuous improvement and to seek innovative ways of meeting service delivery requirements.
- . Ensure risk management is considered.

Another purpose of the policy is to define the principles upon which the Council will consider asset issues within its decision-making process and to clarify the roles and responsibilities within the organisation for asset management.

SCOPE

This policy applies to all Council activities.

POLICY

- . The Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management best practice across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with the Council's priorities for service delivery.
- . The Council owns and uses approximately \$489 million (2019/2020) of non-current assets to support its core business of delivery of service to the community.
- . Asset management practices impact directly on the core business of the organisation and appropriate asset management is required to achieve our strategic service delivery objectives.
- . The Council will ensure that the Long-term Financial Plan reflects the Asset Management Plans.
- . The Council will promote sustainability and community resilience in the preparation of Asset Management Plans.
- . The Council will plan for climate change adaptation and mitigation in the preparation of Asset Management Plans.

DEFINITIONS

Asset – a fixed asset that is controlled by the Council for the purpose of satisfying a service potential or enabling the Council to meet its corporate objectives.

Asset Management – combined, financial, economic, engineering and social planning management as applied to fixed assets.

Risk – probability and consequence of an event that could impact on the Council's ability to meet its corporate objectives.

Maintenance – all actions necessary for retaining an asset as near as practical to its original condition.

Rehabilitation – works to rebuild or replace parts or components of an asset to restore it to a required functional condition and extend its life.

Renewal – works to upgrade, refurbish or replace existing assets of equivalent capacity or performance capability.

Whole of Life – total cost of an asset throughout its life including planning, design, construction acquisition, operation, maintenance, renewal/ rehabilitation and disposal.

PRINCIPLES

Asset Management – objective is to meet the required level of service, in the most effective and efficient manner now and into the future.

Level of Service – meeting community expectations in relation to the quality and quantity of services delivered by the Council. In the context of asset management, this applies to the following asset classes: roads, bridges, carparks, drainage, parks and recreation, waste management, buildings and facilities, footpaths.

Whole of Life – when considering new assets whole of life funding needs to be allocated for the complete lifecycle of the asset.

Renew before New – emphasis integrating services while maintaining/upgrading/replacing existing assets rather than adding new asset to the Council's inventory, unless otherwise justified.

Financial Management – provide financial information in a responsible manner and in accordance with Australian accounting Standards and the Auditor General's requirements.

Risk Management – the allocation of resources for and the setting of priorities for asset management practices will include a risk assessment.

CORPORATE FRAMEWORK

The Council's Asset Management Policy complements and builds upon the Council's Strategic Plan with its continued implementation and more formalised approach to asset management, principles and methodology, the Council will achieve significant benefits including:

- . A whole-of organisation approach to Asset management;
- . Clear direction and responsibility for Asset Management;
- . A guide to better and more informed decision-making by Council, staff and community;
- . Integration of resources and knowledge and ability to plan for the present and future generations;
- . A framework to implement continuous improvement in Asset Management;
- . Meeting of community needs and expectations;
- . Management of the Council's risk;
- . Achievement of better resource efficiency through the use of integrated systems; and
- . Compliance with State and Federal legislation.

In developing this policy the Council recognises the importance of Infrastructure assets to its community as:

- . They are vital to the performance and growth of the local, state and national economy;
- . The quality of assets effects every member of the community and is critical to the community's living standards;
- . Decisions today impact on future generations;
- . Infrastructure assets represent a large community investment; and
- . The Council has limited financial resources therefore it is imperative that these limited funds are spent wisely.

RESPONSIBILITY

The Council:

- . This policy is enacted through the Council, as custodians of the community assets, to demonstrate the organisation's commitment to the Council's vision and strategic objectives through an integrated and resourced asset management framework, set of processes and practices.

The Asset Management Team:

- . The function of the team is to overview the implementation of this policy and to provide the strategic direction for Asset Management. The Core function of the team is to ensure the needs and obligations of the Council are being fulfilled on behalf of the community.

The Asset Management Team consists of the following:

- . General Manager
- . Director Community Services
- . Director Infrastructure Services
- . Director Corporate Services
- . Manager Asset Services
- . Manager Corporate Finance

STANDARD (INCLUDING RELEVANT LEGISLATION)

This Asset Management Policy has been developed in accordance with the International Infrastructure Management Manual 2015 and associated documents, and the National Asset Management Strategy (NAMS).

Local Government (Content of Plans and Strategies) Order 2014

REVIEW

This policy will be reviewed every three years, unless organisational and legislative changes require more frequent modification.

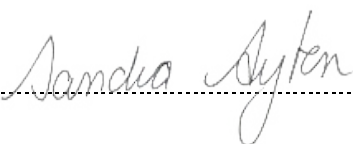
RELATED DOCUMENTS

- . Central Coast Council Strategic Plan 2014–2024
- . Corporate Folder
- . Risk Management Policy

Sandra Ayton
GENERAL MANAGER

Date of approval: 17/ May / 2021

Approved by: Minute Ref No. 145/2021

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Central Coast Council
List of Development Applications Determined
Period from: 1 April 2021 to 30 April 2021

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2020297 – 1	50 Risby Street and 3 McDonald Street ULVERSTONE,TAS,7315	Minor amendment of a Permit.	Residential – construction of a dwelling creating two multiple dwellings	30/03/2021	23/04/2021	15	\$250,000.00
DA2020425	2 Esther Place TURNERS BEACH,TAS,7315	Discretionary	Residential – dwelling and shed	17/12/2020	7/04/2021	29	\$600,000.00
DA2021042	579A Preston Road NORTH MOTTON,TAS,7315	Discretionary	Residential – dwelling	16/02/2021	9/04/2021	21	\$275,000.00
DA2021049	973 Castra Road SPRENT,TAS,7315	Discretionary	Residential – building envelope for required dwelling	25/02/2021	9/04/2021	29	\$300,000.00
DA2021055	6a Seaside Crescent PENGUIN,TAS,7316	Discretionary	Residential – dwelling	1/03/2021	9/04/2021	28	\$300,000.00
DA2021059	11 Lillian Court TURNERS BEACH,TAS,7315	Discretionary	Residential – dwelling and shed	3/03/2021	9/04/2021	30	\$300,000.00
DA2021068	352 Braddons Lookout Road FORTH,TAS,7310	Discretionary	Residential – farm shed	5/03/2021	23/04/2021	32	\$60,000.00
DA2021069	44 Boyes Street TURNERS BEACH,TAS,7315	Discretionary	Residential – dwelling and garage	5/03/2021	15/04/2021	29	\$400,000.00
DA2021076	65–67 Eastland Drive ULVERSTONE,TAS,7315	Discretionary	Residential – shed	12/03/2021	15/04/2021	29	\$16,000.00

Central Coast Council
List of Development Applications Determined
Period from: 1 April 2021 to 30 April 2021

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost of Works
DA2021077	262 Ironcliffe Road PENGUIN,TAS,7316	Discretionary	Residential – shed	12/03/2021	27/04/2021	34	\$30,000.00
DA2021078	72 Allens Road WEST ULVERSTONE,TAS,7315	Discretionary	Residential – shed	16/03/2021	27/04/2021	28	\$70,000.00
DA2021080	547 Nine Mile Road WEST PINE,TAS,7316	Discretionary	Resource development – demolition of existing stable and construction of new farm shed	17/03/2021	27/04/2021	35	\$60,000.00
DA2021082	83 Olivers Road & 181 Penguin Road WEST ULVERSTONE,TAS,7315	Permitted	Boundary adjustment	18/03/2021	1/04/2021	9	\$2,000.00
DA2021083	28 Clerke Street LEITH,TAS,7315	Discretionary	Residential – shed	22/03/2021	23/04/2021	29	\$35,000.00
DA2021084	Braddons Lookout Road CT110469/1 FORTH,TAS,7310	Discretionary	Utilities – addition of one antenna on an existing Telstra facility and supporting equipment	23/03/2021	28/04/2021	30	\$55,000.00
DA2021101	70 Haywoods Road GUNNS PLAINS,TAS,7315	Permitted	Resource development – new dairy shed	19/04/2021	28/04/2021	7	\$180,000.00

SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION

Period: 1 April 2021 to 30 April 2021

Building Permits – 5

·	New dwellings	3	\$925,000
·	Outbuildings	0	\$0
·	Additions/Alterations	2	\$325,000
·	Other	0	\$0
·	Units	0	\$0

Demolition Permit – 0

Permit of Substantial Compliance – Building – 1

Notifiable Work – Building – 22

·	New dwellings	5	\$1,925,000
·	Outbuildings	10	\$397,154
·	Additions/Alterations	4	\$570,000
·	Other	3	\$201,200

Building Low Risk Work – 1

Certificate of Likely Compliance – Plumbing – 13

No Permit Required – Plumbing – 3

Food Business registrations (renewals) – N/A

SCHEDULE OF COMMUNITY SERVICES DETERMINATIONS MADE UNDER DELEGATION

Period: 1 April 2021 to 30 April 2021

Abatement notices issued

ADDRESS	PROPERTY ID
3 Whitelaw Street, Ulverstone	101860.002
103 Medici Drive, Gawler	505190.028

Kennel Licence issued

ADDRESS	OWNER
Nil	

Permits issued under Animal By-Law 1 – 2018

ADDRESS	PERMIT ISSUED FOR
Nil	

SCHEDULE OF OTHER STATUTORY RESPONSIBILITIES OF COMMUNITY SERVICES

Period: 1 April to 30 April 2021

Infringement notices issued for Dog Offenses

	1-30 Apr 2021
Claimed	16
Burnie Dogs Home	0
Destroyed	0
Heldover	0
Devonport Dogs Home	0
RSPCA Spreyton	0

Infringements for dogs and impoundments etc.

1 - 30 April 2021	5
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Infringements under Animal By-Law

1 - 30 April 2021	0
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Traffic Infringement Notices for Parking Offences

1 - 30 April 2021	31	
Bannons Car Park	2	6%
King Edward Street	6	19%
Coles/Furners Carpark	10	32%
North Reibey Street Carpark	6	19%
Reibey Street	7	23%
Victoria Street	0	0%
Alexandra Road	0	0%



Ian Stoneman
DIRECTOR CORPORATE SERVICES