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**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 19 July 2021 commencing at 6.00pm.**

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**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**

Acting General Manager (Mr Paul West)  
Director Infrastructure Services (Mr Paul Breaden)  
Director Community Services (Mr Daryl Connelly)  
Director Organisational Services (Mr Ian Stoneman)  
Manager Land Use Planning (Mrs Mary-Ann Edwards)  
Executive Services Officer (Mrs Lou Brooke)

**Media attendance**

Due to COVID-19 restrictions, the public 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 opened in prayer.

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## CONFIRMATION OF MINUTES OF THE COUNCIL

### 185/2021 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the ordinary meeting of the Council held on 21 June 2021 have already been circulated. The minutes are required to be confirmed for their accuracy.

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

■ Cr Viney moved and Cr Hiscutt seconded, “That the minutes of the ordinary meeting of the Council held on 21 June 2021 be confirmed.”

Carried unanimously

## COUNCIL WORKSHOPS

### 186/2021 Council workshops

The Executive Services Officer reported as follows:

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

- . 28.06.2021 – Mobile Food Business Roadside Vending Policy review; Establishing a mature tree nursery
- . 05.07.2021 – Quarterly Update – Annual Plan 2020–2021
- . 12.07.2021 – Review of the (Draft) Reconciliation Action Plan actions; Movement of the Cradle Coast Authority infrastructure to Central Coast

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

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

Carried unanimously

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## MAYOR'S COMMUNICATIONS

### 187/2021 Mayor's communications

The Mayor reported as follows:

"I have no communications at this time."

### 188/2021 Mayor's diary

The Mayor reported as follows:

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

- . Switch Tasmania Board Meeting – Ulverstone
- . TasWater Board Selection Committee Meeting – via video conference
- . TasWater Owners Representatives Group Meeting – Launceston
- . Citizenship Ceremony – Ulverstone
- . Apex Club of Ulverstone Changeover Dinner – Ulverstone
- . No. 34 launch of new clinical care services – Ulverstone
- . Central Coast Community Safety Partnership Committee Meeting – Ulverstone
- . Guest speaker, Ulverstone Rotary Meeting – Ulverstone
- . Meeting with the Hon Roger Jaensch MP – Ulverstone
- . Ulverstone RSL Sub Branch Annual Dinner – Ulverstone
- . Department of Primary Industries, Parks, Water and Environment's Container Refund Scheme Local Government – webinar
- . Child and Family Learning Centre (CFLC) Local Enabling Group (LEG) meeting – West Ulverstone
- . Meeting with the Slipstream Circus General Manager – Clare Spillman – Ulverstone
- . Cradle Coast Authority Board farewell for CEO – Devonport
- . Central Connect Community Engagement Action Group meeting – Ulverstone
- . Rotary Club of Ulverstone's 'Sparkle in the Dark' – charity event – Ulverstone."

The Deputy Mayor reported as follows:

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

- . Central Connect Launch – Ulverstone
- . Local Government Association of Tasmania (LGAT) Annual General Meeting – via video conference
- . Ulverstone Municipal Band Annual General Meeting – Ulverstone
- . Ulverstone Soccer Club's 60<sup>th</sup> Anniversary – Ulverstone."

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Cr Hiscutt reported as follows:

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

. North Western Fisheries Association Annual General Meeting – Ulverstone.”

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

Carried unanimously

## **189/2021      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 Carpenter reported as follows:

“I will be declaring an interest in respect of the matter relating to minute 207/2021 – Residential – multiple dwelling development – one additional dwelling – Suitability of a site or lot for use or development; Building height under Turners Beach Specific Area Plan at 4 Turners Avenue, Turners Beach – Application No. DA2020423.”

Cr Overton reported as follows:

“I will be declaring an interest in respect of the matter relating to minute 207/2021 – Residential – multiple dwelling development – one additional dwelling – Suitability of a site

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or lot for use or development; Building height under Turners Beach Specific Area Plan at 4 Turners Avenue, Turners Beach – Application No. DA2020423.”

## **COUNCILLOR REPORTS**

### **190/2021      Councillor reports**

The Executive Services Officer reported as follows:

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

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

Cr Fuller (in an unofficial capacity) reported on her attendance at the Live at the Wharf Annual General Meeting on 3 July, noting that it was well attended. Gordon Patchin was reappointed as President, with the remaining committee roles also appointed, some of which will be in a shared capacity. Live at the Wharf look forward to providing Friday night entertainment at the Wharf for another year.

Cr Carpenter reported on a recent meeting of the Caves to Canyon Tourism Association advising that the virtual reality project which the Council was a partner in, has been installed across five visitor centres across northern Tasmania. Further work is being undertaken on a new concept further enhancing the natural beauty of Central Coast. Additionally, Cr Carpenter advised of an upcoming meeting at Pioneer Park on 23 July, for community members that may be interested in forming a volunteer group, which will enable the park to reopen.

Cr Diprose reported on a recent meeting of the East Ulverstone Swimming Pool Management Committee, advising that a request was submitted for out of hours users to access showers, however with current COVID-19 restrictions, the committee agreed that the showers would remain unavailable, due to the current regulations. A further stakeholder meeting regarding carparking and the subdivision development is to be held, with a view to seeking positive outcomes for all involved parties.

## **APPLICATIONS FOR LEAVE OF ABSENCE**

### **191/2021      Leave of absence**

The Executive Services Officer reported as follows:

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“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**

#### **192/2021      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**

#### **193/2021      Petitions**

The Executive Services Officer reported as follows:

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

### **COUNCILLORS' QUESTIONS**

#### **194/2021      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 subregulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.
- (6) A council by absolute majority at an ordinary council meeting, ..., may decide to deal with a matter that is not on the agenda if –
  - (a) the general manager has reported the reason it was not possible to include the matter on the agenda; and
  - (b) the general manager has reported that the matter is urgent; and

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

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

The allocation of topics ensued.

#### **195/2021 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**

#### **196/2021 Public question time**

The Mayor reported as follows:

"The Council received 2 submissions for Public Question Time. Public Question Time will commence at 6.40pm or as soon as practicable thereafter."



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**197/2021      Public questions taken on notice**

The Executive Services Officer reported as follows:

“No public questions were taken on notice from the 21 June 2021 meeting.”

**DEPARTMENTAL BUSINESS**

**GENERAL MANAGEMENT**

**198/2021 Central Coast Household Waste Collection**

■ Cr van Rooyen moved and Cr Fuller seconded, “That the Central Coast household waste bin collection revert back to a weekly pickup or that the current bins be replaced with a 240 litre bin.”

Cr van Rooyen, in support of his motion, submits as follows:

“All Councillors and staff will be aware of the public reaction to our current arrangements for the collection of the household waste bin on a two-weekly basis.

It is obvious from the comments on Facebook on the Council and Advocate site that the current arrangements do not meet the needs of hundreds of our residents and ratepayers who are asking for either a larger bin or returning to a weekly service.

We cannot ignore their wishes, this is not a small minority that have spoken.”

The Director Infrastructure Services reported as follows:

*DISCUSSION*

The recent comments and concerns expressed regarding Veolia’s advice it will not in future collect overfilled waste bins have resulted in renewed agitation by some in the community for the Council to modify its position in relation to provision of household waste collection services.

The Council introduced FOGO (Food Organics & Garden Organics) and moved to a fortnightly household waste collection service in October 2019. The changes implemented have resulted in a significant reduction in the quantity of waste being delivered to landfill. From an environmental and financial viewpoint these changes have been a success.

It is noted that residents can already request the provision of the larger 140 litre bin for which there is no charge. Residents can also make application for the provision of an additional 140 litre bin, which during 2021–2022 financial year will incur a charge of \$81. Application forms are available on the Council website or from the Administration Centre.

There are a number of complexities surrounding the changes as proposed within the Notice of Motion which should be canvassed before any decision to alter the garbage collection arrangements are considered including financial and budgetary impacts.

The State Government have recently confirmed that the State-wide Waste Levy will be introduced from 1 July 2022, increasing the cost of sending waste to landfill. The Council's strategy when introducing FOGO, and altering the collection frequency for general waste, was to prepare the community for the significant changes and financial impacts these proposed changes would have.

A Waste Strategy is being developed by the Council and issues relating to services and service levels are proposed to be considered as part of this work.

### *CONSULTATION*

There has been no consultation in regard to this motion.

The Council published a Facebook post on 6 July 2021 to advise of Veolia's intent to notify residents that bins would not be collected for various reasons. These reasons included over full bins, mainly due to the safety issues involved with collection of these bins. The numerous responses to the post regarding an increase in service level have suggested that a section of the community is not satisfied with the current kerbside waste collection service level. The reasons for the over full bins and extent of the issue is yet to be determined.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

The impact of change to the collection service requires a thorough investigation that cannot be completed in time for the July Council meeting. The impacts may include increased cost of services, decrease in volume of waste diverted from landfill, changes to current waste collection contracts, procurement and supply of larger or additional bins, or changes to the process for allocation of larger or additional bins.

### *CORPORATE COMPLIANCE*

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

#### The Shape of the Place

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

#### The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure

- . Contribute to the preservation of the natural environment

Council Sustainability and Governance

- . Improve service provision

#### CONCLUSION

Changing the garbage collection frequency back to weekly or providing a 240 litre bins to all households is not supported at this time. Any such decision should only be made following the provision of a detailed staff report which canvases the implications such a significant shift in current policy would entail including matters such as timing, contractual arrangements, and financial/budgetary implications.

An alternative option may be:

*‘That the Council requests that the issues raised regarding the frequency of garbage collections and the size of the bins provided to households be considered as part of the development of the Waste Strategy, an action included in the 2021–2022 Annual Plan.’*

The Council is in the process of developing a Waste Strategy and the matters raised can be considered as part of this work.”

The Executive Services Officer reported as follows:

“The motion on notice from Cr van Rooyen is submitted for consideration.”

Voting for the motion

(1)

Cr van Rooyen

Voting against the motion

(8)

Cr Bonde

Cr Beswick

Cr Carpenter

Cr Diprose

Cr Fuller

Cr Hiscutt

Cr Overton

Cr Viney

Motion Lost

■ Cr Hiscutt moved and Cr Beswick seconded, “In recognition that Council’s current arrangements may not be meeting the needs of all householders and adding to a range of safety issues for the collection contractors the Council request the issues regarding:

- . the frequency of household waste collections,
- . the size of bins provided to household; and
- . the range of appropriate charges and fees

be listed for discussion at a Council Workshop, including the work completed by the Waste Strategy Group, with a view to the Strategy being finalised and adopted by October 2021.”

Carried unanimously

#### **199/2021 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 7 June 2021
- . Central Coast Community Shed Management Committee – meeting held 7 June 2021
- . East Ulverstone Swimming Pool Management Committee – meeting held 22 June 2021
- . Central Coast Youth Leadership Council – meeting held 30 June 2021

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

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

Carried unanimously

#### **200/2021 Public Question Time**

The Mayor introduced public question time at 6.42pm.

Via email – Tony Downey – Leith

*Question 1 –*

*“On 21 June 2021, Leo and Faye Beuermann asked a question being, “In response to a public question asked by Richard Killick on 17 May 2021, the response by the*

*General Manager stated, 'four design suggestions were proposed at the community meeting held by the Department of State Growth'."*

What are these four design suggestions and who, or which entity proposed these four designs?" and the response was, *"The General Manager responded that the design options were presented by the Department of State Growth".* as the Council was provided on 27 June 2021 with documentation showing the Department of State Growth only presented three design options, suggestions at the community meeting held by the Department of State Growth in 2018 and a copy of The Advocate newspaper published on 15 June 2018 reporting three design options.

What are four design suggestions which were proposed at the community meeting held by the Department of State Growth as the Council advised Richard Killick and who, or which entity proposed these four design suggestions?"

*Response –*

The Acting General Manager responded that there were three overpass concepts presented by the Department of State Growth at the consultation meeting in June 2018 which included:

- Allport Street east to Allport Street West;
- Allport Street east to Casey Street, and
- Leith Road to Bridge Street.

For clarity purposes, there were four design suggestions provided by community members in attendance, which included:

- reduced speed limit;
- roundabout;
- banning right turn movements; and
- other alternate junction arrangements.

Via email – Leo and Faye Beuermann – Leith

*Question 1 –*

"The Council has access to and has been provided with a copy of the Department of State Growth Crash Statistics for the accidents at the Leith junctions at the Bass Highway for the period 1 January 2001 to 21 September 2016. The Council letter dated 21 September 2016 and enclosure to Rene Hidding MP, Minister for Infrastructure, states *"There are some 45 recorded accidents at these junctions since 2001, with nine of them serious, including two fatalities."*

Is it correct there are only 23 recorded accidents involving the intersection of Leith Road/ Braddons Lookout Road with the Bass Highway, or the intersection of Short Street, with the Bass Highway, with six of them serious and No Fatalities during the period 1 January 2001 to 21 September 2016 as the two fatalities the Council refers to did not result from any vehicle using any junction at Leith with the Bass Highway, or does the Council determine other accident information is applicable from the Department of State Growth Crash Statistics for the accidents at the Leith junctions at the Bass Highway for the period 1 January 2001 to 21 September 2016?"

*Response –*

The Acting General Manager responded that the Department of State Growth, as the owner of the data, is best placed to confirm the actual numbers. The Council letter to the then Minister in 2016 referred to 45 recorded accidents *‘at the junctions’*, however, it is now clear this number was based on data relating to crashes *‘within the vicinity of the junctions’*.

For clarity, a review of the crash statistics identifies 23 crashes listed as occurring *‘at the intersections of Bass Highway / Short Street and Bass Highway / Leith Road’*.

*Question 2 –*

“The Council has access to and has been provided with a copy of the Department of State Growth Crash Statistics for the accidents at the Leith junctions at the Bass Highway for the period 1 January 2001 to 21 September 2016. If the Department of State Growth Crash Statistics for the accidents at the Leith junctions at the Bass Highway for the period 1 January 2001 to 21 September 2016 fail to record:

*“...some 45 recorded accidents at these junctions since 2001, with nine of them serious, including two fatalities.”* involving vehicles using the intersection of Leith Road/ Braddons Lookout Road with the Bass Highway, or the intersection of Short Street, with the Bass Highway during the period 1 January 2001 to 21 September 2016.

Will the Council now promptly write to the current Minister for Infrastructure to correct its letter dated 21 September 2016 and enclosure to Rene Hidding MP, Minister for Infrastructure and if not, why not?"

*Response –*

The Acting General Manager responded that The Department of State Growth is shortly recommencing consultation with the community on the safety of Bass Highway

in the vicinity of the Leith Road and Short Street intersections. The Council is confident the Department and the Minister will be acutely aware of the statistics relating to the crash data however, the Council will write to the Minister clarifying the crash data used in the letter to the then Minister in 2016 related to the *'vicinity of the junctions'* not *'at the junctions'*.

Questions and replies concluded at 6.47pm.

## **201/2021      Quarterly Performance Report – 2020–2021 Annual Plan progress**

The General Manager reported as follows:

### *"PURPOSE*

The purpose of this report is to present the final Quarterly Performance Report for the Council's 2020–2021 Annual Plan.

### *BACKGROUND*

The Council's 2020–2021 Annual Plan and Budget Estimates were adopted by the Council at its meeting on Monday, 22 June 2020 in accordance with the requirements of the *Local Government Act 1993*.

### *DISCUSSION*

The Quarterly Performance Report to Council provides an update on the progress of strategic actions included in the Council's 2020–2021 Annual Plan. Strategies and Actions are listed in Departmental order and provide information on the Department responsible for the action. Each action's status includes progress comments and the estimated percentage completed against the action's targets for the financial year.

Some of the Annual Plan's achievements over the last quarter of the financial year included:

- . The adoption of Central Coast Cycling Strategy 2021–2025, which seeks to support and improve Central Coast as a place where cycling is a viable choice for outdoor recreation;
- . Construction of the HIVE progressing well, with a view of completion being realised in September 2021. The Manager Arts and Culture has been appointed and will commence in July 2021;



- . A report providing community feedback on possible future industrial site was considered in May 2021, with further investigations being in association with the Central Coast Settlement Strategy, once finalised;
- . A review of the Mobile Food Vendors Policy was completed. The revised Policy supports the Council and communities' request for increased food offerings within the community;
- . The Greening Central Coast Working Group hosted three workshops to develop the Strategy's vision, objectives and prioritised actions. Spatial analysis is being undertaken and will inform the draft Strategy to be considered by the Council in the next financial year;
- . Adoption of the Asset Management Policy in May 2021;
- . The establishment of a mature tree nursery feasibility investigation was undertaken, which determined that the current arrangement with commercial nurseries aligns with the Councils operational requirements at this time;
- . The Central Coast Waste Strategy Consultant Brief was prepared and a consultant has been selected to assist with the remaining aspects of this project;
- . Complete Streets undertook a review of the entrance to Penguin and its town centre, which included extensive community consultation. A detailed report will be presented to the Council in August 2021
- . The Council's 'Birds of Leven Canyon' brochure was developed identifying the top five birds seen within the canyon area, a field checklist was also developed and integrated with the eBird website.

A copy of the Quarterly Performance Report to Council – 30 June 2021 is appended.

#### *CONSULTATION*

Consultation is not required on this report.

#### *RESOURCE, FINANCIAL AND RISK IMPACTS*

Other than staff time there is no impact on Council resources.

#### *CORPORATE COMPLIANCE*

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

#### Council Sustainability and Governance

- . Improve corporate governance

- . Improve service provision
- . Effective communication and engagement
- . Strengthen local–regional connections.

*CONCLUSION*

It is recommended that the Council receive the Quarterly Performance Report on progress with the 2020–2021 Annual Plan as at 30 June 2021.”

The Executive Services Officer reported as follows:

“A copy of the Quarterly Performance Report to Council – 30 June 2021 having been circulated to all Councillors.”

- Cr Hiscutt moved and Cr Viney seconded, “That the Council receive the Quarterly Performance Report on progress with the 2020–2021 Annual Plan as at 30 June 2021.”

Carried unanimously

**202/2021 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 22 June to 19 July 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 having been circulated to all Councillors.”

- Cr Beswick moved and Cr Carpenter seconded, “That the Schedule of Correspondence addressed to the Mayor and Councillors (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**203/2021 Common seal**

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 22 June to 19 July 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 having been circulated to all Councillors.”

■ Cr Carpenter moved and Cr Diprose 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

**204/2021 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 22 June to 19 July 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 having been circulated to all Councillors.”

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

Carried unanimously

COMMUNITY SERVICES

**205/2021 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 Items 206/2021, 207/2021 and 208/2021, 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 Viney seconded, “That the Mayor’s report be received.”

Carried unanimously

**206/2021 Residential – subdivision – seven lots and road – Subdivision at Hogarth Road (CT143356/1), Sulphur Creek – Application No. DA2020276**

The Director Community Services reported as follows:

“The Manager Land Use Planning prepared the following report:

‘ <i>DEVELOPMENT APPLICATION NO.:</i>	DA2020276
<i>PROPOSAL:</i>	Residential – subdivision – seven lots and road
<i>PERFORMANCE CRITERIA:</i>	Subdivision
<i>APPLICANT:</i>	PDA Surveyors
<i>LOCATION:</i>	Hogarth Road (CT143356/1), Sulphur Creek
<i>ZONE:</i>	General Residential

<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013 (the Planning Scheme)</i>
<i>ADVERTISED:</i>	19 June 2021
<i>REPRESENTATIONS EXPIRY DATE:</i>	5 July 2021
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	27 July 2021
<i>DECISION DUE:</i>	19 July 2021

*PURPOSE*

The purpose of this report is to consider an application for the subdivision of residential land located in Hogarth Road, Sulphur Creek.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation including Statement of Compliance from the Council, in its capacity as the Road Authority and Stormwater Authority;
- . Annexure 3 – representations;
- . Annexure 4 – photographs; and
- . Annexure 5 – TasWater Submission to Planning Authority Notice.

*BACKGROUND*

*Development description –*

Application is made for the division of a 6,937m<sup>2</sup> parcel of vacant, residential land at Hogarth Road (CT143356/1), Sulphur Creek.

The subdivision would comprise seven allotments, to be accessed via a new cul-de-sac off Hogarth Road. Three of the proposed lots would have frontages greater than 6m wide to the proposed cul-de-sac. Four would be internal lots, accessed via access strips with frontages ranging from 4.3m wide to 4.8m wide.

Allotments would range in land area from 600m<sup>2</sup> to 1,137m<sup>2</sup>. Lot 4, comprising 1,137m<sup>2</sup>, would have a 200m<sup>2</sup> area of land that would not be able to be serviced by a gravity sewer. Four of the building areas shown on the draft Plan of Subdivision would be located within the 50m Bass Highway development setback.

The proposal would empty stormwater into an existing open stormwater drain that runs from under the highway, along a channel just west of the subject

land, through other private property, a portion of which is piped, before emptying into Preservation Drive where waters are conveyed via an underground system to Bass Strait.

Future residential development of each of the lots will require on-site stormwater detention infrastructure, to control the flow of stormwater to the existing drainage channel at pre-development levels.

*Site description and surrounding area –*

The 6,937m<sup>2</sup> parcel of land is located in the south-western area of the Sulphur Creek residential estate. The land adjoins a Utility zone to the south that accommodates a 30m wide strip of vegetated Crown land and the Bass Highway. Other adjoining land is zoned General Residential.

The land is accessed via Hogarth Road.

The land is relatively flat.

*Documentation accompanying the development application –*

The application is accompanied by a draft Plan of Subdivision and a Statement of Compliance by the Council, in its capacity as the Road Authority and Stormwater Authority.

*History –*

There is no history relevant to this application.

*DISCUSSION*

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

**10.0 General Residential Zone**

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

10.3.2–(A3) Other than for emergency services, residential and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.	Not applicable.  Use is Residential.
<b>10.4.1 Residential density for multiple dwellings</b>	
10.4.1–(A1) Multiple dwellings must have a site area per dwelling of not less than:  (a) 325m <sup>2</sup> ; or  (b) if within a density area specified in Table 10.4.1 and shown on the planning scheme maps, that specified for the density area.	Not applicable.  Not multiple dwellings.
<b>10.4.2 Setbacks and building envelope for all dwellings</b>	
10.4.2–(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:  (a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or	Not applicable.  No dwellings proposed.



<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 located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or</p> <p>(e) 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>Not applicable.</p> <p>No garage or carport proposed.</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)</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:</p> <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</li> </ul> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p>	<p>Not applicable.</p> <p>No dwellings proposed.</p>

<ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</li> <li>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</li> </ul>	
<b>10.4.3 Site coverage and private open space for all dwellings</b>	
<p>10.4.3–(A1) Dwellings must have:</p> <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</li> <li>(b) for multiple dwellings, a total area of private open space of not less than 60.0m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</li> </ul>	<p>Not applicable.</p> <p>No dwellings proposed.</p>
<p>10.4.3–(A2) A dwelling must have an area of private open space that:</p> <ul style="list-style-type: none"> <li>(a) is in one location and is at least: <ul style="list-style-type: none"> <li>(i) 24.0m<sup>2</sup>; or</li> </ul> </li> </ul>	<p>Not applicable.</p> <p>No dwelling proposed.</p>

<p>(ii) 12.0m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4.0m; or</p> <p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is 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; and</p>	
<b>10.4.4 Sunlight and overshadowing of multiple dwellings</b>	
<p>10.4.4–(A1) A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

<p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <ul style="list-style-type: none"> <li>(i) at a distance of 3.0m from the northern edge of the private open space; and</li> <li>(ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal.</li> </ul> <p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> <li>(i) an outbuilding with a building height no more than 2.4m; or</li> <li>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m from the multiple dwelling.</li> </ul>	
<b>10.4.5 Width of openings for garages and carports for all dwellings</b>	
<p>10.4.5-(A1) A garage or carport within 12.0m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary</p>	<p>Not applicable.</p> <p>No garage or carport proposed.</p>

frontage of not more than 6.0m or half the width of the frontage (whichever is the lesser).	
<b>10.4.6 Privacy for all dwellings</b>	
<p>10.4.6–(A1) A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1.0m above existing ground level must have a permanently fixed screen to a height of not less than 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 not less than 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 not less than 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 not less than 6.0m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p>	<p>Not applicable.</p> <p>No dwellings proposed.</p>

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

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



<p>sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	
<p><b>10.4.7 Frontage fences for all dwellings</b></p>	
<p>No Acceptable Solution.</p> <p>An exemption applies for fences in this zone.</p> <p>10.4.7 P1</p> <p>A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <ul style="list-style-type: none"> <li>(a) provide for security and privacy while allowing for passive surveillance of the road; and</li> <li>(b) be compatible with the height and transparency of fences in the street, having regard to: <ul style="list-style-type: none"> <li>(i) the topography of the site; and</li> <li>(ii) traffic volumes on the adjoining road.</li> </ul> </li> </ul>	<p>Not applicable.</p> <p>No frontage fence proposed.</p>

<b>10.4.8 Waste storage for multiple dwellings</b>	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <ul style="list-style-type: none"> <li>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</li> <li>(b) in a communal storage area with an impervious surface that: <ul style="list-style-type: none"> <li>(i) has a setback of at least 4.5m from a frontage; and</li> <li>(ii) is at least 5.5m from any dwelling; and</li> <li>(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.</li> </ul> </li> </ul>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>
<b>10.4.9 Suitability of a site or lot for use or development</b>	
<p>10.4.9-(A1) A site or each lot on a plan of subdivision must:</p> <ul style="list-style-type: none"> <li>(a) have an area of not less than 330m<sup>2</sup> excluding any access strip; and</li> <li>(b) if intended for a building, contain a building area of not less</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Internal allotments 2, 4, 5 and 7 would have land areas ranging from 807m<sup>2</sup> to 1,137m<sup>2</sup>. The remaining three lots would have land areas ranging from 600m<sup>2</sup> to 734m<sup>2</sup>.</li> </ul>

<p>than 10.0m x 15.0m:</p> <ul style="list-style-type: none"> <li>(i) clear of any applicable setback from a frontage, side or rear boundary;</li> <li>(ii) clear of any applicable setback from a zone boundary;</li> <li>(iii) clear of any registered easement;</li> <li>(iv) clear of any registered right of way benefiting other land;</li> <li>(v) clear of any restriction imposed by a utility;</li> <li>(vi) not including an access strip;</li> <li>(vii) accessible from a frontage, or access strip; and</li> <li>(viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north.</li> </ul>	<ul style="list-style-type: none"> <li>(b) All lots would be able to accommodate a 10m x 15m building area that would be: <ul style="list-style-type: none"> <li>(b)(i) Compliant. Building area would be clear of all proposed boundaries.</li> <li>(b)(ii) Non-compliant. Lots 1 and 2 would adjoin a Utility zone boundary. A building envelope may be able to be applied to the land with the required 10m setback from the zone boundary, however this is not demonstrated on the plan.  Refer to the "Issues" section of this report.</li> <li>(b)(iii) Compliant. Easements would be required. Building areas would be able to be clear of all proposed easements.</li> <li>(b)(iv) Not applicable. No registered right of way.</li> <li>(b)(v) Compliant. Reticulated sewer and water infrastructure is available to the land. Building areas would be clear of all proposed utilities. <i>Note: Lot 4 would have a small 200m<sup>2</sup> land area that would not be able to be serviced by the gravity sewer however, this would not limit development on the lot.</i></li> </ul> </li> </ul>
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	<p>(b)(vi) Compliant. Access strips are proposed for allotments 2, 4, 5 and 7. Building areas would be clear of all proposed access strips.</p> <p>(b)(vii) Compliant. Lots would be accessible from proposed new cul-de-sac (Lot 8).</p> <p>(b)(viii) Non-compliant. Proposal includes a mix of axis ranges/orientations.</p> <p>Refer to the "Issues" section of this report.</p>
<p>10.4.9-(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road:</p> <p>(i) over land not required as the means of access to any other land; and</p>	<p>(a) Compliant. Lots would be accessible from proposed new cul-de-sac road (Lot 8) off Hogarth Road.</p> <p>(b) Compliant. Internal allotments would be accessible from proposed new cul-de-sac road.</p> <p>(c) Not applicable. No right of way proposed.</p> <p>(d) Compliant. Lot frontages would range from 4.3m to 19.3m wide.</p> <p>(e) Compliant. A Statement of Compliance dated 5 November 2020 has been issued by the Road</p>

<p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than:</p> <p>(i) 3.6m for a single dwelling development; or</p> <p>(ii) 6.0m for multiple dwelling development or development for a non-residential use; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	<p>Authority and is part of the documentation that accompanies the application.</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 lots are able to connect to the reticulated water system. Development would need to be in accordance with TasWater's Submission to Planning Authority Notice.</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> .	Compliant.  The lots are able to connect to the reticulated sewerage system. Development would need to be in accordance with TasWater's Submission to Planning Authority Notice.
10.4.9–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i> .	Compliant by Condition.  Development would need to be in accordance with the Statement of Compliance from Council, acting in its capacity as the Stormwater Authority.
<b>10.4.10 Dwelling density for single dwelling development</b>	
10.4.10–(A1)  (a) The site area per dwelling for a single dwelling must:  (i) be not less than 325m <sup>2</sup> .	Not applicable.  No dwelling proposed.
<b>10.4.11 Development other than single or multiple dwelling.</b>	
<b>10.4.11.1 Location and configuration of development</b>	
10.4.11–(A1) The wall of a building (other than for a dwelling) must be setback from a frontage:	Not applicable.  No development of a building proposed.

<ul style="list-style-type: none"> <li>(a) not less than 4.5m from a primary frontage; and</li> <li>(b) not less than 3.0m from any secondary frontage; or</li> <li>(c) not less than and not more than the setbacks for any existing building on adjoining sites;</li> <li>(d) not less than for any building retained on the site;</li> <li>(e) in accordance with any building area shown on a sealed plan; or</li> <li>(f) not less than 50.0m if the site abuts the Bass Highway.</li> </ul>	
<p>10.4.11.1–(A2) All buildings (other than for a dwelling) must be contained within a building envelope determined by:</p> <ul style="list-style-type: none"> <li>(a) the applicable frontage setback;</li> <li>(b) a distance of not less than 4.0m from the rear boundary or if an internal lot, a distance of 4.5m from the boundary abutting the rear boundary of the adjoining frontage site;</li> <li>(c) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear</li> </ul>	<p>Not applicable.</p> <p>No development of a building proposed.</p>

<p>boundary to a building height of not more than 8.5m above natural ground level if walls are setback:</p> <ul style="list-style-type: none"> <li>(i) not less than 1.5m from each side boundary, or</li> <li>(ii) less than 1.5m from a side boundary if: <ul style="list-style-type: none"> <li>a. built against an existing wall of an adjoining building; or</li> <li>b. the wall or walls: <ul style="list-style-type: none"> <li>i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;</li> <li>ii. there is no door or window in the wall of the building; and</li> <li>iii. overshadowing does not result in 50% of the private open space of an adjoining dwelling receiving less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</li> </ul> </li> </ul> </li> </ul>	
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(d) in accordance with any building envelope shown on a sealed plan of subdivision.	
<p>10.4.11.1-(A3) Site coverage (other than for a dwelling) must:</p> <p>(a) not be more than 50%; or</p> <p>(b) not be more than any building area shown on a sealed plan of subdivision.</p>	<p>Not applicable.</p> <p>No development of a building proposed.</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 (other than for a dwelling), must be located behind the primary frontage of a building.	<p>Not applicable.</p> <p>No development of a building proposed.</p>
<p>10.4.11.1-(A5) Other than for a dwelling, the total width of openings in the frontage elevation of a garage or carport (whether freestanding or part of any other building) must be the lesser of:</p> <p>(a) 6.0m; or</p> <p>(b) half the width of the frontage.</p>	<p>Not applicable.</p> <p>No development of a building proposed.</p>

10.4.11.2 Visual and acoustic privacy for residential development	
<p>10.4.11.2-(A1) A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building (other than for a dwelling) must:</p> <p>(a) if the finished floor level is more than 1.0m above natural ground level:</p> <ul style="list-style-type: none"> <li>(i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site;</li> <li>(ii) be not less than 3.0m from a side boundary;</li> <li>(iii) be not less than 4.0m from a rear boundary; and</li> <li>(iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of a lot of an adjacent frontage site; or</li> </ul> <p>(b) if less than the setbacks in clause A1(a):</p> <ul style="list-style-type: none"> <li>(i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling;</li> </ul>	<p>Not applicable.</p> <p>No development of a building proposed.</p>

<ul style="list-style-type: none"> <li>(ii) have a window sill height of not less than 1.8m above floor level;</li> <li>(iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or</li> <li>(iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.</li> </ul>	
<p>10.4.11.2-(A2) An access strip or shared driveway, including any pedestrian pathway and parking area (other than for a dwelling), must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Not applicable.</p> <p>No access strip to an adjoining dwelling proposed.</p>
<p><b>10.4.11.3 Frontage fences</b></p>	
<p>10.4.11.3-(A1) The height of a fence, including any supporting retaining wall, on or within a frontage setback (other than for a dwelling) must be:</p> <ul style="list-style-type: none"> <li>(a) not more than 1.2m if the fence is solid; or</li> </ul>	<p>Not applicable.</p> <p>No frontage fence proposed.</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><b>10.4.12 Setback of development for sensitive use</b></p>	
<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) Non-compliant. The development adjoins a Utility zone boundary to the south. Building envelopes for Lots 1 and 2 would be less than the required 10m setback from the zone boundary.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b) Not applicable. No development of a building with the application.</p>
<p>10.4.12-(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) a major road identified in the Table to this clause;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p>	<p>(a) Non-compliant. The development would be 40m from the Bass Highway. Refer to the “Issues” section of this report.</p> <p>(b) Compliant. The development would be 145m from the railway line.</p> <p>(c) Not applicable. No land is designated for future road or rail purposes.</p>

(d) a proclaimed wharf area.	(d) Compliant. The nearest proclaimed wharf area is located at Burnie 15km to the west.
<b>10.4.13 Subdivision</b>	
<p>10.4.13-(P1) Each new lot on a plan of subdivision must be:</p> <p>(a) intended for residential use;</p> <p>(b) a lot required for public use by the State Government, a Council, a statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority; or</p> <p>(c) for a purpose permissible in the zone.</p>	<p>(a) Compliant. Proposed use is residential.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p>
<p>10.4.13-(a2)</p> <p>A lot, other than a lot to which A1(b) applies, must not be an internal Lot.</p>	<p>Non-compliant.</p> <p>Lots 2, 4, 5 and 7 would be internal lots.</p> <p>Refer to the "Issues" section of this report.</p>

<b>10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision</b>	
10.4.14–(A1) Electricity reticulation and site connections must be installed underground.	<p>Not applicable.</p> <p>Not subdivision proposed.</p>
CODES	
<b>E1 Bushfire–Prone Areas Code</b>	Not applicable. Development is a subdivision however land is not in a Bushfire–Prone Area.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in this Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of vegetation proposed.
<b>E4 Change in Ground Level Code</b>	Not applicable. No cut or fill proposed.
<b>E5 Local Heritage Code</b>	Not applicable. No local heritage schedule in this Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. No hazard identified.
<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications facilities proposed.

<b>E9 Traffic Generating Use and Parking Code</b>	
E9.2 Application of Code	Applicable.
E9.4 Exemption	Not exempt.
E9.5 Use Standards	
E9.5.1 Provision for parking	
<p>E9.5.1–(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table E9A;</p>	<p>(a) Compliant. Table E9A requires two car parking spaces for residential development. The lots have ample area to accommodate this requirement.</p>
E9.5.2 Provision for loading and unloading of vehicles	
<p>E9.5.2–(A1) There must be provision within a site for:</p> <p>(a) On-site loading area in accordance with the requirement in Table E9A; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.</p>	<p>(a) Not applicable to residential development.</p> <p>(b) Not applicable to residential development.</p>

E9.6 Development Standards	
E9.6.1 Road access	
<p>E9.6.1–(A1) There must be an access to the site from a carriageway of a road <sup>R36</sup>:</p> <p>(a) permitted in accordance with the <i>Local Government (Highways) Act</i>;</p> <p>(b) permitted in accordance with the <i>Roads and Jetties Act 1935</i>; or</p> <p>(c) permitted by a license granted for access to a limited access road under the <i>Roads and Jetties Act 1935</i>.</p>	<p>Compliant.</p> <p>A Statement of Compliance dated 5 November 2020 has been issued by the Road Authority and is part of the documentation that accompanies the application.</p>
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 condition. Stormwater to be directed into the existing system in accordance with the Statement of Compliance dated 5 November 2020 that has been issued by the Stormwater Authority and is part of the documentation that accompanies the application.
E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and	Not applicable to the subdivision of land.



<p>Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <ul style="list-style-type: none"> <li>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</li> <li>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</li> <li>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</li> <li>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</li> <li>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</li> <li>(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;</li> <li>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</li> </ul>	
<p>E9.6.2–(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on</p>	<p>Not applicable.</p>

<p>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>Site is zoned General Residential.</p>
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*Issues –*

1 *Four internal allotments –*

The *Central Coast Interim Planning Scheme 2013* (the Planning Scheme) Subdivision – Acceptable Solution 10.4.13–(A2) states that a lot, other than 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 the State, Council or statutory authority, must not be an internal lot.

Lots 2, 4, 5 and 7 would be internal allotments, each accessed via separate, dedicated access strips with minimum 4m wide frontages to a proposed new road. The lots would have land areas ranging from 600m<sup>2</sup> to 1,137m<sup>2</sup>. An exercise of discretion is required if the development is to be approved.

The Planning Scheme's Performance Criteria 10.4.13–(P2) requires that an internal lot on a plan of subdivision must satisfy one of the following criteria:

be –

- (i) reasonably required for the efficient use of land as a result of a restriction on the layout of lots imposed by –
  - a. slope, shape, orientation and topography of land;

The 6,937m<sup>2</sup> parcel of residential land at Hogarth Road is flat and is generally of a regular, oblong shape. However, the land is accessed via a 15m wide access strip that is 40m long. The four internal allotments are the result of a subdivision layout design that seeks to make the most efficient use of land, including the construction of a cul-de-sac road that incorporates the lands access strip.

It can be reasonably demonstrated the internal lots are required due to restrictive matters associated with the shape of the land.

The development does satisfy Performance Criteria 10.4.13–(P2)(i)a.

- b. an established pattern of lot development;

The layout of lots, to include internal allotments, is not part of the established pattern of subdivision development in this area of Sulphur Creek where lots generally have direct, wide frontages to a road network.

The development does not satisfy Performance Criteria 10.4.13–(P2)(i)b.

- c. connection to a road network;

The proposed road design, with connection to Hogarth Road, and subsequent allotment layout, dictates that the four internal allotments are required to maximise the number of lots to be derived from the division of the land.

The development satisfies Performance Criteria 10.4.13–(P2)(i)c. as the internal lots would be reasonably required for the efficient use of the land.

- d. connection to available or planned utilities;

The proposed road layout and subsequent allotment layout, and the associated provision of services, has dictated that nine internal allotments would be required to maximise the number of lots to be derived from the division of the land.

The development satisfies Performance Criteria 10.4.13–(P2)(i)d.

- e. a requirement to protect ecological, scientific, historic, cultural or aesthetic values, including vegetation or a water course; or

The internal lots are not required for the protection of ecological, scientific, historic, cultural or aesthetic values.

The development does not satisfy Performance Criteria 10.4.13–(P2)(i)e.

- f. exposure to and unacceptable level of risk from a natural hazard; and

The land is flat and low lying. However, the proposed internal lots are not required because of a hazard that applies to the land.

The development does not satisfy Performance Criteria 10.4.13–(P2)(i)f.

- (ii) without impact on the amenity of adjacent land.

The proposed internal allotments would not result in impacts on the amenity of adjoining land. The proposed lots would have land areas ranging from 600m<sup>2</sup> to 1,137m<sup>2</sup>. Each of these sized lots would be large enough to immediately satisfy zone lot size and dwelling density criteria and allow for the future development of dwellings that would not impact on the amenity of adjoining land. Future development would be able to satisfy boundary setbacks, dwelling density, privacy and vehicle parking and manoeuvrability standards.

The development satisfies Performance Criteria 10.4.13–(P2)(ii).

## 2 *Proximity of sensitive use development to the Bass Highway –*

The proposed sensitive use development would adjoin the boundary of a Utility zone that accommodates the Bass Highway.

The proposal was referred to State Growth for comment. The Department responded to the referral, stating they “*have no objections but wish to advise that due to the proximity of the lots to the Bass Highway, any issues in relation to noise, vibration and so forth from traffic will be the responsibility of the proponent*”.

To assist ameliorate future noise and vibration nuisance, the developer will be required, by a condition to a permit, to erect a 2m high sound barrier fence on the southern boundary of Lot 1 and Lot 2.

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

Section 84 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LG(BMP)A) provides that a Council not approve a subdivision where lots do not have the qualities of a minimum lot, any lots smaller than required in a planning scheme, or works involving drainage to a drain or culvert belonging to a State road, without State authority.

In this case, no sub-minimum lots would be created and no drainage to a State road would be required.

Section 85 of the LG(BMP)A provides the Council with power to refuse a subdivision where roads would not be satisfactory, drainage would not be satisfactory, land is not suitable for effluent disposal, site or lot layout would make servicing unduly expensive, the lot layout should be altered to include or omit various matters including blind roads, access to the rear of lots, littoral and riparian reserves, preservation of trees and shrubs, and whether adjoining land should be included in the subdivision.

The proposed subdivision would be able to connect to reticulated water and sewer services. Allotments would have access to a road network and would adequately satisfy the General Residential zone Planning Scheme criteria for allotment size and shape.

It is considered the requirements of the LG(BMP)A would be satisfied.

4 *Public Open Space contribution –*

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

The Council's Policy requires a contribution for any residential subdivision where new lots are created. This is to be either by way of a land contribution, where there is a deficiency of public open space, or by a cash-in-lieu payment.

In this instance, no land is required for the provision of public open space.

In accordance with the Policy, a 5% cash-in-lieu contribution is to be paid, based on the unimproved value of each of the new lots. This will require that a condition be applied to the permit.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	Statement of Compliance has been issued by the Council, acting in its capacity as the Road Authority and Stormwater Authority. The Statement of Compliance forms part of the documentation lodged with the development application, as is a subdivision in excess of five lots (seven lots proposed).
TasWater	TasWater Submission to Planning Authority Notice issued. Refer to Annexure 5.
Department of State Growth	Application was referred to State Growth who advised “ <i>the Department has no objections but wish to advise that due to the proximity of the lots to the Bass Highway, any issues in relation to noise, vibration and so forth from traffic will be the responsibility of the proponent</i> ”.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.

Crown Land Services – Parks and Wildlife Division	Referral not required.
Other	Referral not required.

*CONSULTATION*

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

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

*Representations –*

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

The representations are summarised and responded to as follows:

MATTER RAISED		RESPONSE
REPRESENTATION 1		
1	<p>The proposed method of stormwater management may be inadequate and, with the current drainage in place, could result in other properties being affected by water.</p> <p>The application refers to stormwater being drained via the existing creek, over the easement that runs along the western boundary of the property. Currently, without additional development, the creek</p>	<p>Council's Infrastructure Services makes the following comments:</p> <p>Condition S3 of the Statement of Compliance requires the developer to obtain approval for a stormwater engineering design that demonstrates non-worsening of the existing flow regime and on-site detention of run-off, to pre-development levels.</p> <p>The developer's engineers have been in consultation with Council's Development Officer. On-site detention for each new lot is to be addressed with a Part 5 Agreement on each Title under Section 71 of the <i>Land</i></p>



does not provide adequate drainage for existing properties.  
With recent rainfall and groundwater, water damage has occurred to a garage located at 5 Hogarth Road. In 2016, water damage occurred at properties during significant rainfall events

*Use Planning and Approvals Act 1993.* The Part 5 Agreement would require detailed on-site stormwater detention design to be submitted with any future development application, Building Permit or plans for Notifiable Works on a lot. Such systems can be well incorporated within building and site designs and can also prevent a scenario whereby Council would need to take over ownership of small detention basins for small lot subdivisions. This is deemed to be a good outcome for the development.

Some components of detention will also be held within the stormwater pipes under the roadway, at the time of construction of the subdivision.

Outside of the DA, it is to be noted that the 'creek' forms part of an existing stormwater drainage network and some length of the 'creek' is piped (see image below). Council's stormwater network is currently being modelled. Design and any future works required within the creek will be determined separately to this application.

There is currently no timeline for this work.



REPRESENTATION 2	
1	<p>Representor has owned property at 352 Preservation Drive for two years. During that time, has experienced flooding onto the property from the creek as it is not able to handle existing run off. Concerned the introduction of seven dwellings and a road will magnify this problem, unless some major upgrades are completed to the existing creek.</p> <p>Refer to comments above in relation to Representation No 1.</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 any appeal against the Council's determination.

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

*CONCLUSION*

The representations received do not hold sufficient merit to warrant refusal of the residential subdivision. The Council's Infrastructure Services, in its capacity as the Stormwater Authority, would require the developer to submit for approval a detailed stormwater design, demonstrating a non-worsening of the existing stormwater flow regime and advising the requirements for on-site detention of run-off for future development, to be set at pre-development levels.

Further, a Part 5 Agreement, applied under Section 71 of *the Land Use Planning and Approvals Act 1993*, is to be placed on each new Title, requiring on-site stormwater detention to be included in future site development designs.

The proposal is considered to satisfy the Planning Scheme's relevant Performance Criteria. The inclusion of four internal allotments as part of the subdivision is reasonably required for the efficient use of the land and would not result in a sustained or unreasonable loss of amenity to adjoining land.

It is considered appropriate the proposed development be approved, subject to conditions.

*Recommendation –*

It is recommended that the application for Residential – subdivision– seven lots and road at Hogarth Road (CT143356/1), Sulphur Creek – Application No. DA2020276 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the Plan of Subdivision by PDA Surveyors, Job No. 45294, Drawing No. 1 dated 13 August 2020 and Drawing No. 2 dated 26 August 2020 and plans by Tas Division of Institute of Public Works for the Local Government Association of Tasmania Drawing Nos. TSD-R08-v2, TSD-R09-v2 and TSD-R11-v2 dated 28 April 2020, unless modified by a condition of this Permit.
- 2 An acoustic sound barrier, a minimum 2m high, is to be installed along the southern boundaries of Lots 1 and 2.
- 3 Prior to the sealing of a Final Plan of Survey, a cash-in-lieu of public open space contribution of 5% of the unimproved value of each lot must be paid. The unimproved value of the lots must be determined by a registered valuer.
- 4 Street trees are to be installed in the road reserve of the new road. The cost of purchase and installation of advanced street trees may be deducted from the amount of public open space contribution. The number, selection and size of street trees must be to the satisfaction of the Director Infrastructure Services and determined prior to the lodgement of the registered valuers determination.
- 5 In association with the lodgement of a Final Plan of Survey, Lot 8 (road) must be transferred to Central Coast Council at the developer's expense.

- 6 Prior to the sealing of the Final Plan of Survey, the developer must enter into a Part 5 Agreement with the Central Coast Council under section 71 of the *Land Use Planning and Approvals Act 1993*. The Part 5 Agreement is to set out and reference the following matters to the satisfaction of the General Manager:
  - (a) the Part 5 Agreement must be applied to all lots;
  - (b) lodgement of a development application or a Building Permit or plans for Notifiable Works must be accompanied by an engineering design that details on-site stormwater detention to the satisfaction of Council's Director Infrastructure Services. The design must be in accordance with the conclusions recommendations of the stormwater report required under Condition S3 of the Statement of Compliance dated 5 November 2020 issued by the Council acting in its capacity as the Road Authority and Stormwater Authority. Execution of the Part 5 Agreement, including the drafting and registration of the Agreement against each of the subject lots with the Recorder of Titles, must be at the developer's expense.
- 7 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice TWDA 2020/04173-CC dated 26 September 2020.
- 8 The development must be in accordance with the conditions of the Statement of Compliance for Road Access and Drainage Access dated 5 November 2020, issued by the Council, acting in its capacity as the Road Authority and Stormwater Authority.
- 9 All excavation materials must be disposed of to an approved landfill site.
- 10 An underground electricity supply must be installed to the boundary of each lot.
- 11 The development must not result in a modification of surface stormwater flow to increase –
  - (i) surface water drainage onto adjacent land; or
  - (ii) the pooling of water on the site or on adjacent land.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 When a Final Plan of Survey is lodged with Council for sealing, the developer is to also submit a list of three preferred road names for consideration by the Council. Road names are to be in accordance with the *Place Names Act 2020* and the Tasmanian Place Naming Guidelines.’

The Manager Land Use Planning’s report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr Fuller moved and Cr Carpenter seconded, “That the application for Residential – subdivision– seven lots and road at Hogarth Road (CT143356/1), Sulphur Creek – Application No. DA2020276 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the Plan of Subdivision by PDA Surveyors, Job No. 45294, Drawing No. 1 dated 13 August 2020 and Drawing No. 2 dated 26 August 2020 and plans by Tas Division of Institute of Public Works for the Local Government Association of Tasmania Drawing Nos. TSD–R08–v2, TSD–R09–v2 and TSD–R11–v2 dated 28 April 2020, unless modified by a condition of this Permit.
- 2 An acoustic sound barrier, a minimum 2m high, is to be installed along the southern boundaries of Lots 1 and 2.
- 3 Prior to the sealing of a Final Plan of Survey, a cash-in-lieu of public open space contribution of 5% of the unimproved value of each lot must be paid. The unimproved value of the lots must be determined by a registered valuer.

- 4 Street trees are to be installed in the road reserve of the new road. The cost of purchase and installation of advanced street trees may be deducted from the amount of public open space contribution. The number, selection and size of street trees must be to the satisfaction of the Director Infrastructure Services and determined prior to the lodgement of the registered valuers determination.
- 5 In association with the lodgement of a Final Plan of Survey, Lot 8 (road) must be transferred to Central Coast Council at the developer's expense.
- 6 Prior to the sealing of the Final Plan of Survey, the developer must enter into a Part 5 Agreement with the Central Coast Council under section 71 of the *Land Use Planning and Approvals Act 1993*. The Part 5 Agreement is to set out and reference the following matters to the satisfaction of the General Manager:
  - (a) the Part 5 Agreement must be applied to all lots;
  - (b) lodgement of a development application or a Building Permit or plans for Notifiable Works must be accompanied by an engineering design that details on-site stormwater detention to the satisfaction of Council's Director Infrastructure Services. The design must be in accordance with the conclusions recommendations of the stormwater report required under Condition S3 of the Statement of Compliance dated 5 November 2020 issued by the Council acting in its capacity as the Road Authority and Stormwater Authority. Execution of the Part 5 Agreement, including the drafting and registration of the Agreement against each of the subject lots with the Recorder of Titles, must be at the developer's expense.
- 7 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice TWDA 2020/04173-CC dated 26 September 2020.
- 8 The development must be in accordance with the conditions of the Statement of Compliance for Road Access and Drainage Access dated 5 November 2020, issued by the Council, acting in its capacity as the Road Authority and Stormwater Authority.
- 9 All excavation materials must be disposed of to an approved landfill site.
- 10 An underground electricity supply must be installed to the boundary of each lot.
- 11 The development must not result in a modification of surface stormwater flow to increase –
  - (i) surface water drainage onto adjacent land; or
  - (ii) the pooling of water on the site or on adjacent land.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 When a Final Plan of Survey is lodged with Council for sealing, the developer is to also submit a list of three preferred road names for consideration by the Council. Road names are to be in accordance with the *Place Names Act 2020* and the Tasmanian Place Naming Guidelines.”

Carried unanimously

**207/2021 Residential – multiple dwelling development – one additional dwelling – Suitability of a site or lot for use or development; Building height under Turners Beach Specific Area Plan at 4 Turners Avenue, Turners Beach – Application No. DA2020423**

*Crs Carpenter and Overton, having declared an interest, left the meeting at 6.45pm for consideration and voting on the matter of ‘4 Turners Avenue, Turners Beach – Application No. DA2020423’.*

The Director Community Services reported as follows:

“The Town Planner prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:’</i>	DA2020423
<i>PROPOSAL:</i>	Residential – multiple dwelling development – one additional dwelling – Suitability of a site or lot for use or development; Building height under Turners Beach Specific Area Plan
<i>PERFORMANCE CRITERIA:</i>	
<i>APPLICANT:</i>	Mr Salvatore Puglisi Cradle Coast Building Design
<i>LOCATION:</i>	4 Turners Avenue, Turners Beach
<i>ZONE:</i>	Low Density Residential
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)

<i>ADVERTISED:</i>	16 June 2021
<i>REPRESENTATIONS EXPIRY DATE:</i>	30 June 2021
<i>REPRESENTATIONS RECEIVED:</i>	Four
<i>42-DAY EXPIRY DATE:</i>	19 July 2021
<i>DECISION DUE:</i>	19 July 2021

*PURPOSE*

The purpose of this report is to consider an application for a Residential – multiple dwelling development – one additional dwelling at 4 Turners Avenue, Turners Beach.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representations;
- . Annexure 4 – photographs; and
- . Annexure 5 – TasWater Submission to Planning Authority Notice.

*BACKGROUND*

*Development description –*

Application has been made for the construction of a dwelling that would result in a multiple dwelling development on land known as 4 Turners Avenue, Turners Beach. There is already one existing dwelling on the site.

The proposed dwelling would be positioned in the far south-western corner of the irregular shaped lot and would be split level, due to varying existing ground levels.

The ground floor would comprise of bedrooms number two and three, would have a shared bathroom, an open plan kitchen/living/dining room and an uncover north facing courtyard.

The first floor would comprise the master bedroom, ensuite and a sitting area. The dwelling would have an attached single garage.

The dwelling would be setback 1.8m from the existing dwelling on the site and would share a driveway accessed off Turners Avenue. This shared



driveway is also burdened by a right of way that benefits 2 Turners Avenue, Turners Beach.

The site would accommodate five car parking spaces. Two for each dwelling and a visitor car parking space.

The proposal includes retaining walls and a change in ground level to accommodate the construction of the additional dwelling.

*Site description and surrounding area –*

The 1,473m<sup>2</sup> irregular ‘L’ shaped allotment is located within the residential area of Turners Beach. The site is serviced by reticulated stormwater, sewer and water.

The surrounding area is zoned Low Density Residential and accommodates primarily, single large two-storey dwellings with associated outbuildings.

The area where the proposed dwelling would be constructed is lower than the surrounding ground levels. This is due to significant landscaping that has occurred on the site in the past, with the land being tiered, supported by retaining walls.

*History –*

The application was to commence advertising in mid-April, when the Council was made aware that substantial works were occurring on the site. An inspection of the site identified that change in ground level was occurring, including a retaining wall that was not shown on the development application plans. Refer to photos in Annexure 4. Under section 54 of the *Land Use Planning and Approvals Act 1993*, the application was placed on hold pending further information in relation to the retaining wall. All works ceased on the site.

In June 2020, an application was lodged for a three-lot subdivision involving 2 and 4 Turners Avenue (DA2020172). The application was refused in August 2020 because it was determined that the proposal would result in a sub-minimal lot, with reliance on an access strip over 2 Turners Avenue, that would result in the likely constraint or interference of adjoining land and the development of an internal allotment (the location of the subject new dwelling) which would cause a likely negative impact on the amenity of adjacent land.

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

**12.0 Low Density Residential**

CLAUSE	COMMENT
<b>12.3 Use Standards</b>	
<b>12.3.1 Discretionary Permit Use</b>	
<p>12.3.1-(P1) Discretionary permit use must:</p> <p>(a) be consistent with local area objectives;</p> <p>(b) be consistent with any applicable desired future character statement; and</p> <p>(c) minimise likelihood for adverse impact on amenity for use on adjacent land in the zone.</p>	<p>Not applicable.</p> <p>Residential use is Permitted.</p>
<b>12.3.2 Impact of Use</b>	
12.3.2-(A1) Permitted non-residential use must adjoin at least one residential use on the same street frontage.	<p>Not applicable.</p> <p>Use is residential.</p>

12.3.2–(A2) Permitted non–residential use must not generate more than 40 average daily vehicle movements.	Not applicable. Use is residential.
12.3.2–(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.	Not applicable. Use is residential.
<b>12.4 Development Standards</b>	
<b>12.4.1 Suitability of a site or lot for use or development</b>	
<p>12.4.1–(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) have an area of:</p> <p style="padding-left: 40px;">(i) not less than 500m<sup>2</sup> excluding any access strip; or</p> <p style="padding-left: 40px;">(ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality; and</p> <p>(b) contain a building area of not less than 10.0m x 15.0m:</p> <p style="padding-left: 40px;">(i) clear of any applicable setback from a frontage, side or rear boundary;</p> <p style="padding-left: 40px;">(ii) clear of any applicable setback from a zone boundary;</p>	<p>(a)(i) Compliant. Site area is 1,473m<sup>2</sup>.</p> <p>(a)(ii) Not applicable. Satisfied by (a)(i).</p> <p>(b)(i) Compliant. Proposed dwelling would be setback clear of all applicable setbacks.</p> <p>(b)(ii) Not applicable. No zone boundary.</p> <p>(b)(iii) Not applicable. No registered easement.</p> <p>(b)(iv) Compliant. Dwelling would be clear of the registered right of way.</p> <p>(b)(v) Not applicable. No restriction imposed by a utility.</p>

<ul style="list-style-type: none"> <li>(iii) clear of any registered easement;</li> <li>(iv) clear of any registered right-of-way benefiting other land;</li> <li>(v) clear of any restriction imposed by a utility;</li> <li>(vi) not including an access strip;</li> <li>(vii) accessible from a frontage or access strip; and</li> <li>(viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north.</li> </ul>	<ul style="list-style-type: none"> <li>(b)(vi) Not applicable. No access strip.</li> <li>(b)(vii) Compliant. Site is accessed over Turners Avenue.</li> <li>(b)(viii) Not applicable. Not a new lot.</li> </ul>
<p>12.4.1–(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <ul style="list-style-type: none"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</li> <li>(c) by a right of way connecting to a road</li> </ul>	<ul style="list-style-type: none"> <li>(a) Non-compliant. Site has frontage to Turners Avenue which is also a right of way for access to 2 Turners Avenue.  Refer to the “Issues” section of this report.</li> <li>(b) Not applicable. Not an internal lot.</li> <li>(c) Non-compliant. Site has a burdening right of way to benefit 2 Turners Avenue.  Refer to the “Issues” section of this report.</li> </ul>

<p>(i) over land not required as the means of access to any other land; and</p> <p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right-of-way of not less than:</p> <p>(i) 3.6m for a single dwelling development; or</p> <p>(ii) 6.0m for multiple dwelling development or development for a non-residential use; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right-of-way to the site or each lot on a proposed subdivision plan.</p>	<p>(d) Compliant. Frontage to Turners Avenue is 20m.</p> <p>(e) Compliant. The Council, acting as a Road Authority, have stated that the existing access to development on Turners Avenue meets the requirements of Tasmanian Standard Drawing TSD-RF01-v3 Guide to Intersection and domestic access sight distance requirements and all vehicles are able to egress in a forward motion. The proposal is, therefore, considered satisfactory.</p>
<p>12.4.1-(A3) A site or each lot on a plan of subdivision must be capable of connecting to a water supply:</p> <p>(a) provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p>	<p>(a) Compliant. The site is connected to the reticulated water system.</p> <p>(b) Not applicable. Satisfied by (a).</p>

<p>(b) from a rechargeable drinking water system <sup>R4</sup> with a storage capacity of not less than 10,000 litres if:</p> <p>(i) there is not a reticulated water supply; and</p> <p>(ii) development is for:</p> <p>a. a single dwelling; or</p> <p>b. a use with an equivalent population of not more than 10 people per day.</p>	
<p>12.4.1 –(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 2008</i>; or</p> <p>(b) by on-site disposal if:</p> <p>(i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development:</p> <p>a. is for a single dwelling; or</p>	<p>(a) Compliant. The site is connected to the reticulated sewage system.</p> <p>(b) Not applicable. Satisfied by (a).</p>

<ul style="list-style-type: none"> <li>b. provides for an equivalent population of not more than 10 people per day; or</li> <li>c. creates a total sewage and waste water flow of not more than 1,000 litres per day; and</li> <li>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS1547:2012 On-site domestic-wastewater management, clear of any defined building area or access strip.</li> </ul>	
<p>12.4.1 –(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p> <ul style="list-style-type: none"> <li>(a) to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</li> <li>(b) if stormwater cannot be drained to a stormwater system: <ul style="list-style-type: none"> <li>(i) for discharge to a natural drainage line, water body, or watercourse; or</li> <li>(ii) for disposal within the site if: <ul style="list-style-type: none"> <li>a. the site has an area of not less than 5,000m<sup>2</sup>;</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. The site is connected to the reticulated stormwater system.</li> <li>(b) Not applicable. Satisfied by (a).</li> </ul>

<ul style="list-style-type: none"> <li>b. the disposal area is not within any defined building area;</li> <li>c. the disposal area is not within any area required for the disposal of sewage;</li> <li>d. the disposal area is not within any access strip; and</li> <li>e. not more than 50% of the site is impervious surface; and</li> </ul> <p>(iii) the development is for a single dwelling.</p>	
<b>12.4.2 Dwelling density</b>	
<p>12.4.2-(A1) The site area per dwelling must:</p> <ul style="list-style-type: none"> <li>(a) be not less than 500m<sup>2</sup> if the site has: <ul style="list-style-type: none"> <li>(i) connection to a reticulated water supply;</li> <li>(ii) connection to a reticulated sewer system; and</li> <li>(iii) connection to a stormwater system; or</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Site has an area of 1,473m<sup>2</sup>. Proposal is for two dwellings which would require an area not less than 1,000m<sup>2</sup> (500m<sup>2</sup> per dwelling).</li> <li>(a)(i) Compliant. As discussed above.</li> <li>(a)(ii) Compliant. As discussed above.</li> <li>(a)(iii) Compliant. As discussed above.</li> <li>(b) Not applicable. No Table to this Clause.</li> </ul>



(b) if the site is in a locality shown in the Table to this clause, not less than the site area for that locality.	
<b>12.4.3 Location and configuration of development</b>	
<p>12.4.3-(A1) The wall of a building must be setback 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 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) not less than 50.0m if the site abuts the Bass Highway.</p>	<p>(a) Compliant. Proposed dwelling would be setback greater than 4.5m from Turners Avenue (frontage).</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Not applicable. Satisfied by (a).</p> <p>(e) Not applicable. No building area on a sealed plan.</p> <p>(f) Not applicable. Site does not abut the Bass Highway.</p>
<p>12.4.3-(A2) All buildings must be contained within a building envelope determined by:</p> <p>(a) the applicable frontage setback;</p>	<p>(a) Compliant. Frontage setback would be greater than 4.5m.</p> <p>(b) Not applicable. No Table to this Clause.</p> <p>(c) Compliant. Proposed dwelling would be setback 4.5m from the rear boundary. Plans provided demonstrate</p>

<p>(b) if the site is in a locality shown in the Table to this Clause, not less than the setback distance specific from the feature specified;</p> <p>(c) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level if walls are setback:</p> <p>(i) not less than 1.5m from each side boundary; or</p> <p>(ii) less than 1.5m from a side boundary if wall height is not more than 3.0m; and:</p> <p>a. built against an existing wall of an adjoining building; or</p> <p>b. the wall or walls:</p> <p>i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land;</p> <p>ii. there is no door or window in the wall of the building; and</p>	<p>that the proposed dwelling would be inside the required building envelope from both side boundaries.</p> <p>(c)(i) Compliant. Proposed dwelling would be setback 4.2m from the western side boundary, 9.4m from the northern side boundary and 21m from the eastern side boundary.</p> <p>(c)(ii) Not applicable. Satisfied by (c)(i).</p> <p>(d) Not applicable. No building envelope on a sealed plan.</p>
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<p>iii. overshadowing does not result in:</p> <p>a. less than two hours of continuous sunlight to a required minimum private open space area in an adjacent dwelling between 9.00am and 3.00pm on 21 June; or</p> <p>b. a further reduction in continuous sunlight to a required minimum private open space area in an adjacent dwelling if already less than two hours between 9.00am and 3.00pm on 21 June; or</p> <p>(d) in accordance with any building envelope shown on a sealed plan.</p>	
<p>12.4.3–(A3) Site coverage must:</p> <p>(a) not be more than 50%; or</p> <p>(b) if the site is in a locality shown on Table 3, not more than the site coverage for that locality; and</p> <p>(c) not include any part of a site required for the disposal of sewage or stormwater; or</p>	<p>(a) Compliant. Site coverage would be 34%.</p> <p>(b) Not applicable. Site not in a locality shown on Table 3.</p> <p>(c) Compliant. Site coverage does not include any part of the site required for the disposal of sewage and stormwater. Site is connected to reticulated services.</p>

(d) not be more than any building area shown on a sealed plan.	(d) Not applicable. No building area shown on a sealed plan of subdivision.
12.4.3–(A4) A garage, carport or an external car 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.	Compliant. Proposed single garage would be located behind the primary frontage of the existing dwelling and in line with the proposed dwelling.
12.4.3–(A5) 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.	Compliant. Proposal is for a single garage.
<b>12.4.4 Visual and acoustic privacy for residential development</b>	
12.4.4–(A1) A door or window to a habitable room, or any part of a balcony, deck, roof garden, parking space or carport of a building must:  (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;	(a)(i) Compliant. Proposed dwelling would have no windows on the eastern elevation that faces the existing dwelling on the site.  (a)(ii) Compliant. Proposed dwelling would be setback 4.2m from the western side boundary.  (a)(iii) Compliant. Proposed dwelling would be setback 4.5m from the rear boundary.

<ul style="list-style-type: none"> <li>(ii) be not less than 3.0m from a side boundary;</li> <li>(iii) be not less than 4.0m from a rear boundary;</li> <li>(iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of a lot of an adjacent frontage site; or</li> </ul> <p>(b) if less than the setbacks in clause A1(a):</p> <ul style="list-style-type: none"> <li>(v) be off-set by not less than 1.5m from the edge of any door or window in another dwelling;</li> <li>(vi) have a window sill height of not less than 1.8m above finished floor level;</li> <li>(vii) have fixed and durable 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 finished floor level; or</li> <li>(viii) have fixed and durable external screen other than vegetation of not less than 1.8m height above the finished floor level and with a uniform transparency of not more than 25% located for the full width of the door,</li> </ul>	<ul style="list-style-type: none"> <li>(a)(iv) Compliant. Proposed dwelling would be setback 9.4m from the northern internal frontage boundary.</li> <li>(b) Not applicable. Proposal satisfies part (a).</li> </ul>
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<p>window, balcony, deck, roof garden, parking space, or carport.</p>	
<p>12.4.4–(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.</p>	<p>Compliant. Shared driveway would be setback 1.7m from the lounge room window of the existing dwelling.</p>
<p><b>12.4.5 Private open space for residential use</b></p>	
<p>12.4.5–(A1) Each dwelling must provide private open space:</p> <p>(a) if a dwelling with a floor level of not more than 2.5m above finished ground level, a ground level area:</p> <ul style="list-style-type: none"> <li>(i) located adjoining the rear or side of the dwelling;</li> <li>(ii) accessible from the dwelling;</li> <li>(iii) of not less than 25.0m<sup>2</sup>;</li> <li>(iv) with a minimum dimension of 4.0m;</li> <li>(v) on a single level; and</li> <li>(vi) with a gradient of not more than 1 in 10; and</li> </ul>	<ul style="list-style-type: none"> <li>(a)(i) Compliant. Proposal has ample area for private open space to the rear and side of the proposed and existing dwelling.</li> <li>(a)(ii) Compliant. Private open space would be accessible from the proposed and existing dwelling.</li> <li>(a)(iii) Compliant. Both the proposed and existing dwelling would have an area greater than 25m<sup>2</sup> for private open space.</li> <li>(a)(iv) Compliant. Proposed dwelling would have a minimum dimension of 18m and the existing dwelling would have a minimum dimension of 21m.</li> </ul>

<p>(b) if a dwelling with a floor level of more than 2.5m above finished ground level, as an alternative to a ground level area, a private balcony, deck, terrace or roof garden:</p> <p>(i) of not less than 25.0m<sup>2</sup>;</p> <p>(ii) with a minimum dimension of 4.0m; and</p> <p>(iii) accessible from the dwelling.</p>	<p>(a)(v) Compliant. The private open space for the proposed and existing dwelling would be on a single ground level.</p> <p>(a)(vi) Compliant. Areas for private open space for the proposed and existing dwelling would have a gradient of not more than 1 in 10.</p> <p>(b) Not applicable. Proposal satisfies part (a).</p>
<p>12.4.5–(A2) The required minimum private open space area must be capable of receiving at least three hours of sunlight between 9.00am and 3.00pm on 21 June.</p>	<p>Compliant. Private open space for the proposed and existing dwelling would be located to the north, north-east and south of the dwelling which would allow optimal amount of sunlight.</p>
<p>12.4.5–(A3) Unless there is a ground level private open space area directly accessible at grade to a shared driveway or pedestrian pathway, each dwelling in a multiple dwelling development must have access to a waste storage area:</p> <p>(a) located behind the applicable frontage setback;</p> <p>(b) of not less than 1.5m<sup>2</sup> per dwelling;</p> <p>(c) screened to view from the frontage and any dwelling by a wall of height not less than 1.2m above finished ground level; and</p>	<p>(a) Compliant. Both dwellings have an area for waste storage behind the applicable frontage setback.</p> <p>(b) Compliant. Both dwellings have an area of not less than 1.5m<sup>2</sup> for waste storage.</p> <p>(c) Compliant. Existing dwelling waste storage area would be screen from the frontage by the existing garage. Proposed dwelling waste storage area would be screened from the frontage by the existing garage at 2 Turners Avenue.</p>

(d) not less than 6.0 from a window, door, balcony, deck, roof garden or private open space area of a dwelling.	(d) Compliant. Waste storage would be setback 6m from the existing dwelling and 9m from the proposed.
<b>12.4.6 Frontage fences</b>	
<p>12.4.6–(A1) The height of a fence, including any supporting retaining wall, on a frontage 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>No fencing proposed.</p>
<b>12.4.7 Setback of development for sensitive use</b>	
<p>12.4.7–(A1) A building containing a sensitive use must be contained within a building envelope determined by:</p> <p>(a) the setback distance from the zone boundary as shown on the Table to this clause; and</p> <p>(b) projecting upward and away from the zone boundary at an angle of 45 degrees above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary.</p>	<p>(a) Not applicable. No zone boundary.</p> <p>(b) Not applicable. No zone boundary.</p>



<p>12.4.7–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) the Bass Highway;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(a) Compliant. Development would be approximately 295m from the Bass Highway.</p> <p>(b) Compliant. Development would be approximately 105m from a railway.</p> <p>(c) Not applicable. No land designated for road or rail purpose.</p> <p>(d) Not applicable. Nearest Proclaimed Wharf Area is in Devonport, some 15km to the east.</p>
<b>12.4.8 Subdivision</b>	
<p>12.4.8–(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>12.4.8–(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) intended for residential use;</p>	<p>Not applicable.</p> <p>No subdivision proposed.</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	
12.4.8-(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot	Not applicable.  No subdivision proposed.
<b>12.4.9 Reticulation of an electricity supply to new lots on a plan of subdivision</b>	
12.4.9-(A1) Electricity reticulation and site connections must be installed underground.	Not applicable.  No subdivision proposed.
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Site is not a subdivision or vulnerable or hazardous use.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Airport Impact Management Code in the Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of vegetation proposed.

<b>E4 Change in Ground Level Code</b>	Applicable. Proposal includes some change in ground level and retaining walls.
<p>E4.6.1–(A1) 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 style="padding-left: 40px;">(i) provide a construction site for buildings and structures;</p> <p style="padding-left: 40px;">(ii) facilitate vehicular access;</p> <p style="padding-left: 40px;">(iii) mitigate exposure to a natural or environmental hazard;</p> <p style="padding-left: 40px;">(iv) facilitate provision of a utility;</p> <p style="padding-left: 40px;">(v) assist the consolidation or intensification of development; or</p> <p style="padding-left: 40px;">(vi) assist stormwater management;</p> <p>(c) not result in a modification of surface stormwater water flow</p>	<p>(a) Compliant. Land is zoned General Residential.</p> <p>(b)(i) Compliant. Land is for dwelling.</p> <p>(b)(ii) Not applicable. Satisfied by (i) and (ii).</p> <p>(b)(iii) Not applicable. Satisfied by (i) and (ii).</p> <p>(b)(iv) Not applicable. Satisfied by (i) and (ii).</p> <p>(b)(v) Not applicable. Satisfied by (i) and (ii).</p> <p>(b)(vi) Not applicable. Satisfied by (i) and (ii).</p> <p>(c) Compliant. Retaining walls and cut/fill would incorporate drainage infrastructure. Condition of Permit in relation to Stormwater Management.</p> <p>(d) Compliant. Retaining walls and cut would be of engineered design.</p> <p>(e) Compliant. Condition of Permit in relation to Stormwater Management.</p>

<p>to increase:</p> <ul style="list-style-type: none"> <li>(i) surface water drainage onto adjacent land;</li> <li>(ii) pooling of water on the site or on adjacent land; or</li> <li>(iii) the nature or capacity of discharge from land upstream in a natural or artificial drainage channel;</li> </ul> <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</p>	<ul style="list-style-type: none"> <li>(f) Compliant by condition of Permit in relation to Stormwater Management.</li> <li>(g) Compliant. Plans show that no retaining wall or support structure would result in a line of influence into adjoining land.</li> <li>(h) Compliant. No cut or fill would encroach upon or expose, disturb, or reduce cover over an underground utility.</li> </ul>
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<p>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>(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>	
<b>E5 Local Heritage Code</b>	Not applicable. No local heritage listings in this Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. Site has low inundation risk overlay which is exempt.
<b>E7 Sign Code</b>	Not applicable. No signage proposed.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunication facilities proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	Applicable.
<b>E9.4 Exemption</b>	<p>Not exempt.</p> <p>Code applies to all development.</p>

<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
<p>E9.5.1-(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table E9A.</p>	<p>Compliant.</p> <p>The Planning Scheme requires two car parking spaces per dwelling and one visitor car parking space per three multiple dwellings or part thereof.</p> <p>Proposal is for two multiple dwellings which would require five car parking spaces.</p> <p>Proposal shows the provisions for five car parking spaces.</p>
<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
<p>E9.5.2-(A1) There must be provision within a site for:</p> <p>(a) On-site loading area in accordance with the requirement in Table E9A; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.</p>	<p>(a) Compliant. An on-site loading area is not required by Table E9A.</p> <p>(b) Not applicable. In Low Density Residential zone.</p>

<b>E9.6 Development Standards</b>	
<b>E9.6.1 Design of vehicle parking and loading areas</b>	
E9.6.1–(A1.1) All development must provide for the collection, drainage and disposal of stormwater; and	
<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> <ul style="list-style-type: none"> <li>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off Street Car Parking;</li> <li>(b) Be in accordance with AS/NZS2890.2 (2002) Parking Facilities – Off Street Commercial Vehicles;</li> <li>(c) Be in accordance with AS/NZS 2890.3 1993) Parking Facilities – Bicycle Parking Facilities;</li> <li>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off Street Parking for People with Disabilities;</li> <li>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</li> </ul>	<p>Not applicable.</p> <p>Site is zoned Low Density Residential.</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>Site is zoned Low Density Residential.</p>
<p><b>E10 Water and Waterways Code</b></p>	<p>Not applicable. The site is not within 30m to a watercourse.</p>
<p>SPECIFIC AREA PLANS</p>	
<p><b>F1.0 Forth Specific Area Plan</b></p>	<p>Not applicable.</p>
<p><b>F2.0 Ulverstone Wharf Specific Area Plan</b></p>	<p>Not applicable.</p>
<p><b>F3.0 Penguin Specific Area Plan</b></p>	<p>Not applicable.</p>



<b>F4.0 Turners Beach Specific Area Plan</b>	Applies. The site falls within the Turners Beach Specific Area Plan.
<b>F4.2 Application of Code</b>	Site within the SAP.
<b>F4.4 Exemption</b>	Not exempt.
<b>F4.7 Development Standards</b>	
<b>F4.7.1 Building height</b>	
F3.5.1–(A1) Building height must not be more than 5.5m.	Non-compliant. Dwelling would be 7.5m at the highest point.  Refer to the “Issues” section of this report.
<b>F4.7.2 Vegetation management</b>	
F4.7.2–(A1) There must be no clearing or conversion of vegetation within the littoral, riparian, and road reserves.	Compliant. Road reserve is already clear of vegetation.
<b>F4.7.3 Landscaping</b>	
F4.7.3–(A1) Other than for an internal lot, not less than 50% of the site area between the frontage and a building containing a dwelling must be landscaped with not less than grass.	Compliant. Existing situation on the site is adequate.

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<b>F4.7.4 Beach access</b>	
F4.7.4-(A1) New vehicular or pedestrian accesses to the beach or Forth River must not be created.	Not applicable. Site does not adjoin the beach or Forth River riparian land.
<b>F5.0 Not in this Scheme</b>	Not applicable.
<b>F6.0 Revel Lane Precinct Specific Area Plan</b>	Not applicable.

*Issues –*

*1 Clause 12.4.1 – Suitability of a site or lot for use or development –*

The Planning Scheme's Clause 12.4.1 –(A2)(a) and (c) states that a site or each lot on a subdivision plan must have separate access from a road (a) across a frontage over which no other land has a right of access and (c) by a right of way connecting to a road over land not required as the means of access to any other land.

Access to the site is via a burdening right of way that serves as a benefit for access to 2 Turners Avenue. The proposal therefore relies on the Performance Criteria for this Clause and is a discretionary element of the application.

The Planning Scheme's Clause 12.4.1 –(P2) states that:

- (a) A site must have a reasonable and secure access from a road provided –
  - (i) across a frontage; or  
Compliant by (iii).
  - (ii) by an access strip connecting to a frontage, if for an internal lot; or  
Compliant by (iii).
  - (iii) by a right of way connecting to a road over land 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  
  
Compliant. The minimum lot size in the Low Density Residential zone is 500m<sup>2</sup>. The development site has an area of 1,473m<sup>2</sup> which exceeds the minimum lot size. The existing, burdening right of way does not mean the development site would be a minimum lot size.
  - (iv) the dimensions of the frontage any access strip of the right-of-way must be adequate for the type and volume of traffic likely to be generated by –

- a. the intended use; and

Compliant. The right of way is adequate to serve both the burdening lot and the benefiting lot. Both lots are used for residential purposes.

- b. the existing or potential use of any other land which requires use of the access as the means of access for that land; and

Compliant. The benefiting lot has an existing dwelling and associated outbuilding, used for residential purpose. The proposed development would not impede the on-going residential use of the benefiting lot.

- (v) the relevant road authority in accordance with the *Local Government (Highways) Act 1982* or the *Roads and Jetties Act 1935* must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway or a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or

Compliant. The Road Authority has no issues with the existing access. Comments from the Road Authority state that "the existing access to development on Turners Avenue meets the requirements of Tasmanian Standard Drawing TSD-RF01-v3 Guide to Intersection and domestic access sight distance requirements and all vehicles are able to egress in a forward motion. The proposal is therefore considered satisfactory".

- (b) It must be unnecessary for the development to require access to the site or to a lot on a subdivision plan.  
Compliant by (a).

2 *Clause F4.7.1 – Building Height under Turners Beach Specific Area Plan*

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The Planning Scheme's Clause F4.7.1–(A1) states that a building height must be not more than 5.5m.

The proposed dwelling would be 7.5m at the highest point from existing ground level, which would be at the north-western side of the proposed dwelling. The proposal therefore relies on the Performance Criteria for this Clause and is a discretionary element of the application.

The Planning Scheme's Clause F4.7.1–(P1) states that building height must not be more than 7.5m having regard for –

- (a) Likelihood for overshadowing of a habitable room or an area of private open space in a dwelling on the site or adjacent land if the resultant period of sunlight is less than 3 hours between 9.00am and 5.00pm on 21<sup>st</sup> June.

Compliant. Plans were provided showing the extent of shadow that would be cast from the proposed dwelling onto adjoining properties on 21 June.

The plans provided demonstrate that at 9.00am a slight portion of shadow would be cast onto 1 Native Cherry Place. The shadow plans then indicate that no shadow would be cast onto any adjoining property habitable room(s) from 12 noon onwards. Some shadow would be cast onto 5 Turners Avenue, 1 Native Cherry Place and 3 Native Cherry Place private open space areas. However, this shadow is not considered unreasonable for any of these properties.

The shadow from the proposed dwelling would not result in a period of sunlight less than three hours on 21 June to any adjoining property habitable rooms or private open space areas.

- (b) Likelihood for direct overlooking for a window in a building with a finished floor level more than 1.0m above natural ground level to a habitable room or private open space area in a dwelling on the site or on adjacent land.

Compliant. The proposed dwelling, along the northern elevation, would have a sitting room and bedroom window that would be more than 1m above natural ground level. The proposed dwelling would be setback approximately 20m from the closest adjoining dwelling which also has ample areas of private open space and is separated by a double garage. There would be limited likelihood for direct overlooking to adjoining dwellings and associated private open space to the north.

The proposed dwelling, along the southern elevation, would have no windows to a habitable room more than 1m above natural ground level. There would be no likelihood of direct overlooking of the adjoining dwellings and associated private open space to the south.

The proposed dwelling, along the western elevation, would have no windows to a habitable room more than 1m above natural ground level. The adjoining western properties have some private open space that may be overlooked from the proposed northern elevation windows. However, this is not considered unreasonable as the design of the northern elevation windows would be set into this elevation 1.5m from the western side, which would assist to avoid direct overlooking into the western property's private open space areas. No likelihood for direct overlooking to the adjoining dwellings and associated private open space areas to the west.

The proposed dwelling along the eastern elevation would have no windows to a habitable room more than 1.0m above natural ground level. There would be no likelihood of direct overlooking of the adjoining dwellings and associated private open space to the west.

- (c) Relationship between appearance and design characteristics of the buildings and any buildings on adjacent land;

Compliant. Several dwellings within the immediate vicinity and within Turners Beach are two-storey and/or split level. They are all generally similar in height, bulk and scale as the proposed dwelling. It is considered the proposed dwelling is compatible with the relationship between appearance and design characteristics of the buildings on adjacent land and within the vicinity of the development site.

- (d) Apparent building height when viewed from a frontage road and adjacent land in another zone;

Compliant. Due to the irregular shape of the site, the proposed dwelling would not be clearly seen from Turners Avenue. The aspect of the proposed dwelling seen from Turners Avenue would be similar to other dwellings established within the vicinity. The site does not adjoin another zone.

- (e) Effect of the slope and orientation of the site and adjacent land on apparent building height;

Compliant. The site is irregular in shape with the proposed dwelling being positioned on the site to maximise separation to all adjoining properties. The height of the proposed dwelling would be compatible with surrounding dwellings which are predominately two-storey and/or split level.

Effect and durability of screening to attenuate impact of the building to view from a frontage road or from adjacent land in another zone.

Due to the irregular shape of the site, the proposed dwelling would not be clearly seen from Turners Avenue. The aspect of the proposed dwelling seen from Turners Avenue would be similar to other dwellings established within the vicinity. The site does not adjoin another zone.

*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	Existing crossover and existing stormwater connection will be utilised.
TasWater	Submission to Planning Authority Notice issued, dated 22 April 2021.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.

Crown Land Services	Referral not required.
Other	Referral not required.

*CONSULTATION*

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

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

*Representations –*

Four representations were received within the prescribed time, a copy of which is provided at Annexure 3.

The representations are summarised and responded to as follows:

MATTER RAISED		RESPONSE
REPRESENTATION 1		
1	<p>Dwelling density and issues relating to:</p> <ul style="list-style-type: none"> <li>– suitable building area;</li> <li>– disposal of stormwater;</li> <li>– access; and</li> <li>– occupants who live in the garage.</li> </ul>	<p>The proposed dwelling has been positioned on the site to satisfy all setback and privacy requirements.</p> <p>The Road Authority has made the following comments regarding stormwater and access:</p> <p>Disposal of stormwater:</p> <p><i>The property has an existing stormwater connection. Stormwater run-off from the proposed residence will be collected and discharged into the existing connection, for</i></p>



	<p>conveyance into Council's stormwater network.</p> <p><i>'Hydraulics Layout - Stormwater' Drawing No. da15 provided by the applicant show that ag-drains, pits and absorption trenches will be installed for sub-surface drainage resulting from the retaining walls. As-constructed plans for all retaining walls, including any retrospective development of walls and all associated drainage, will need to be signed off by a suitably qualified engineer as part of the building approvals.</i></p> <p>Condition No. 1 of this Permit reflects this requirement.</p> <p>Access from Road:</p> <p><i>The existing access to the development on Turners Avenue meets the requirements of Tasmanian Standard Drawing TSD-RF01-v3 Guide to Intersection and domestic access sight distance requirements and all vehicles are able to egress in forward motion. The proposal is, therefore, considered satisfactory.</i></p> <p><i>Furthermore, the right of way has been addressed in the "Issues" section above.</i></p> <p><i>In relation to the statement that occupants live in the existing garage at 4 Turners Avenue, there has been no approvals for the garage at 4 Turners Avenue to be</i></p>
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	<i>used as a habitable dwelling. This is a compliance matter and will be investigated separately to this application.</i>
<p>2 Clause 12.4.3 – Location and configuration of development and issues relating to:</p> <ul style="list-style-type: none"> <li>– separation between development;</li> <li>– Desired Future Character Statements of the Turners Beach Specific Area Plan and setback distances; and</li> <li>– sufficient area for open space, utilities and vehicle parking.</li> </ul>	<p><i>This was <u>not</u> a Performance Criteria relied upon for assessment of this application.</i></p> <p>As per discussion under Clause 12.4.3 in the Table above, the proposed development satisfied all setback provisions, site coverage, visual and acoustic privacy, and private open space requirements.</p> <p>The proposal satisfies the Planning Scheme’s Acceptable Solution for Clause 12.4.3 which is “Location and configuration of development”. Therefore, as the proposal has satisfied the Acceptable Solution of this Clause, there is no need to assess the proposal against the requirements set out in the relative Performance Criteria.</p> <p>It is considered that the proposed development satisfies the Desired Future Character Statements outlined in the Turners Beach Specific Area Plan. The proposal retains the existing established housing style within the area which is a mix of single, two-storey and split level dwellings. The proposed development would have a compatible appearance in relation to bulk and scale and would in fact be setback from boundaries greater than other development within the vicinity.</p>

	<p>Furthermore, the development satisfies all on-site car parking provisions for multiple dwellings, and a condition of this Permit will ensure this remains.</p> <p>Condition No. 4 of the Permit reflects this.</p>
<p>3 Building height under Turners Beach Specific Area Plan and issues relating to:</p> <ul style="list-style-type: none"> <li>- visual impact with height;</li> <li>- shadow impacts;</li> <li>- privacy; and</li> <li>- view lines.</li> </ul>	<p><i>This was a Performance Criteria relied upon for assessment of this application.</i></p> <p>As discussed in the “Issues” section under item No. 2 of this report, the proposal has satisfied the relevant Performance Criteria in relation to the building height under the Turners Beach Specific Area Plan.</p> <p>It is not considered that the height of the building would create an unreasonable impact in terms of shadow, privacy, and view lines. The dwelling has been designed to consider all surrounding established development through the design, for example, window location and setbacks from boundaries.</p> <p>Please refer to Condition No. 10 of this Permit that relates to the final height of the building from existing ground level.</p>
<p>4 How will power be supplied to the site? Overhead?</p>	<p>The matter relating to how a multiple dwelling development would be serviced with a power supply is not considered under</p>

	the Planning Scheme. The matter relating to how a lot would have electricity supply is considered in a subdivision application. This is not a subdivision application.
5 Retaining wall that has already been constructed. Will this stay? What about building standards?	<p>As outlined in the “History” section of this report, the construction of a retaining wall had commenced on-site without approvals and was also not shown on any existing plans.</p> <p>All retaining walls proposed for this development (including the one mentioned) are shown on the plans and form part of this assessment and subsequent Permit. All changes in ground level and proposed (and developed) retaining walls have been discussed in the Change in Ground Level Code assessment in the Table above.</p> <p>Plans provided also show no area of influence would result from any retaining walls.</p> <p>Please refer to Condition Nos. 6, 7, 8 and 9 of this Permit in relation to the management of all retaining walls.</p>
6 Overall amenity of the area.	The area is an established residential estate with a mix of single, two-storey and split level dwellings (primarily two-storey dwellings). The area also includes multiple dwellings. As discussed throughout this report, the proposed dwelling would be compatible with the existing large

	<p>bulk and scale development that is predominant throughout Turners Beach.</p> <p>The proposed dwelling has been positioned on the site to satisfy all the Planning Scheme's Acceptable Solutions in the Low Density Residential zone and Turners Beach Specific Area Plan, apart from the existing access to the site, which forms as a right of way to benefit 2 Turners Avenue, and the height of the building being higher than 5.5m.</p> <p>It is considered that the proposed development is compatible with the existing amenity of Turners Beach.</p>
REPRESENTATION 2	
1	<p>Mentions CCO—S1.7.1 Turners Beach Specific Area Plan.</p> <p>This is actually referring to a provision within the Forth Specific Area Plan and not relevant to this site or application.</p>
2	<p>Dwelling density and issues relating to:</p> <ul style="list-style-type: none"> <li>– suitable building area;</li> <li>– disposal of stormwater;</li> <li>– access; and</li> <li>– occupants who live in the garage.</li> </ul> <p>Please refer to comments made in Representation No. 1, matter No. 1.</p>
3	<p>Change in Ground Level Code in relation to water drainage from stormwater onto adjoining properties.</p> <p>All changes in ground level, including associated retaining walls, are shown on the plans and form part of this planning assessment and subsequent</p>

	<p>Permit. All changes in ground level and associated retaining walls have been discussed in the Change in Ground Level Code assessment in the Table above.</p> <p>Please refer to Condition Nos. 6, 7, 8 and 9 of this Permit in relation to the management of all retaining walls.</p>
<p>4 Clause 12.4.3 – Location and configuration of development and issues relating to:</p> <ul style="list-style-type: none"> <li>– separation between development;</li> <li>– Desired Future Character Statements of the Turners Beach Specific Area Plan and setback distances;</li> <li>– visual and acoustic privacy for residential as per Clause 12.4.4 of the Planning Scheme; and</li> <li>– sufficient area for open space, utilities and vehicle parking.</li> </ul>	<p>Please refer to comments made in Representation No. 1, matter No. 2.</p>
<p>5 Building height under Turners Beach Specific Area Plan and issues relating to:</p> <ul style="list-style-type: none"> <li>– visual impact with height;</li> <li>– shadow impacts;</li> <li>– privacy; and</li> <li>– view lines.</li> </ul>	<p>Please refer to comments made in Representation No. 1, matter No. 3.</p>
<p>6 Overall amenity of the area.</p>	<p>Please refer to comments made in Representation No. 1, matter No. 6.</p>

REPRESENTATION 3		
1	<p>Dwelling Density and issues relating to:</p> <ul style="list-style-type: none"> <li>– suitable building area;</li> <li>– disposal of stormwater;</li> <li>– access; and</li> <li>– occupants who live in the garage.</li> </ul>	Please refer to comments made in Representation No. 1, matter No. 1.
2	<p>Clause 12.4.3 – Location and configuration of development and issues relating to:</p> <ul style="list-style-type: none"> <li>– privacy;</li> <li>– visual and acoustic privacy for residential as per Clause 12.4.4 of the Planning Scheme; and</li> <li>– sufficient area for open space, utilities and vehicle parking.</li> </ul>	Please refer to comments made in Representation No. 1, matter No. 2.
3	<p>Building height in relation to overshadowing, visual impact, right to privacy, light and solar access to adjoining properties.</p>	Please refer to comments made in Representation No. 1, matter No. 3.
3	<p>How will power be supplied to the site? Overhead?</p>	Please refer to comments made in Representation No. 1, matter No. 4.
4	<p>Retaining wall that has been constructed and issues relating to drainage and whether building the required standards.</p>	Please refer to comments made in Representation No. 1, matter No. 5.

REPRESENTATION 4	
1 Dwelling density and issues relating to: – access.	Please refer to comments made in representation No. 1, matter No. 1.
2 Clause 12.4.3 – Location and configuration of development and issues relating to: – sufficient area for open space, utilities and vehicle parking.	Please refer to comments made in representation No. 1, matter No. 2.
3 Building height under the Turners Beach Specific Area Plan and issues relating to: – shadow; – privacy; – light and solar access; and – dwelling and garage to the north not included in the shadow plan.	Please refer to comments made in Representation No. 1, matter No. 3.  It would be very unlikely for any shadow to be cast onto the garage located to the north of the development site. Due to the positioning of the northern garage in relation to the proposed development and the orientation of the sun (east to west), there would be none, if any, shadow to the property north of the development.
4 Privacy of adjoining dwellings and health concerns regarding smoke effluent from wood heater.	As discussed throughout this report and within the applicable planning provisions in the Table assessment for Low Density Residential zone, the proposed dwelling has satisfied all setback and privacy requirements.  The proposed dwelling has been positioned on the site to satisfy all setback and privacy requirements. The dwelling would be setback from all boundaries greater than what is



	<p>existing with established development within the vicinity of the development site.</p> <p>Issues in relation to fireplaces and smoke caused by fireplaces is covered under the <i>Environmental Management and Pollution Control (Smoke) Regulations 2019</i> (EMPCA).</p> <p>Once a wood heater is installed the owner must lodge a form 54 with the Building section of the Council to ensure the wood heater meets the Australian Standards.</p>
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*RESOURCE, FINANCIAL AND RISK IMPACTS*

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, and costs associated with any appeal lodged against the Council's determination. There may be an impact on Council resources in relation to ensuring compliance with Permit conditions.

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure.

*CONCLUSION*

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

The proposed development is Permitted in the Low Density Residential zone. The application was discretionary due to access to the site and a variation to the height of the building under the Turners Beach Specific Area Plan. The proposed development is considered to have satisfied the applicable Planning Scheme's Performance Criteria.

The proposed development is considered to be a reasonable development on the Low Density Residential zoned land and would be keeping within the characteristics of the surrounding area. It is considered appropriate that the proposed dwelling be approved, subject to conditions.

*Recommendation –*

It is recommended that the application for Residential – multiple dwelling development – one additional dwelling – Suitability of a site or lot for use or development; Building height under Turners Beach Specific Area Plan at 4 Turners Avenue, Turners Beach – Application No. DA2020423 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the plans by Cradle Coast Building Design, Job No. 20.004, Drawing Nos. da01 (issue C), da02 (issue B), da03 (issue C), da04 (issue C), da05 (issue C), da06 (issue A), da07 (issue A), da08 (issue B), da09 (issue C), da10 (issue B), da11 (issue C), da12 (issue C), da13 (issue C), da14 (issue C), da15 (issue C), and da16 (issue C), Issue A dated 1 April 2021, Issue B dated 7 April 2021 and Issue C dated 26 April 2021.
- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2021/00539-CC dated 22 April 2021.
- 3 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 4 A minimum of five car parking spaces must be provided on-site to enable the forward movement of vehicles entering and egressing the site and be in accordance with AS/NZS 2890.1. In this regard, the existing garage must be used for parking for occupants of the existing dwelling.
- 5 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 6 The development must not result in a modification of surface stormwater flow to increase –
  - (i) surface water drainage onto adjacent land; or

- (ii) the 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 As-constructed plans for all retaining walls including associated drainage must be signed off by a suitably qualified engineer as part of the building construction approvals.
- 10 The final height of the building must not exceed 7.5m from existing ground level.

Please note:

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

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

- 4 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.
- 5 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 Town Planner's report is supported."

The Executive Services Officer reported as follows:

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

■ Cr Beswick moved and Cr Hiscutt seconded, "That the application for Residential – multiple dwelling development – one additional dwelling – Suitability of a site or lot for use or development; Building height under Turners Beach Specific Area Plan at 4 Turners Avenue, Turners Beach – Application No. DA2020423 be approved subject to the following conditions and notes.

- 1 The development must be substantially in accordance with the plans by Cradle Coast Building Design, Job No. 20.004, Drawing Nos. da01 (issue C), da02 (issue B), da03 (issue C), da04 (issue C), da05 (issue C), da06 (issue A), da07 (issue A), da08 (issue B), da09 (issue C), da10 (issue B), da11 (issue C), da12 (issue C), da13 (issue C), da14 (issue C), da15 (issue C), and da16 (issue C), Issue A dated 1 April 2021, Issue B dated 7 April 2021 and Issue C dated 26 April 2021.
- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2021/00539-CC dated 22 April 2021.
- 3 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 4 A minimum of five car parking spaces must be provided on-site to enable the forward movement of vehicles entering and egressing the site and be in accordance with AS/NZS 2890.1. In this regard, the existing garage must be used for parking for occupants of the existing dwelling.

- 5 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 6 The development must not result in a modification of surface stormwater flow to increase –
  - (i) surface water drainage onto adjacent land; or
  - (ii) the 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 As-constructed plans for all retaining walls including associated drainage must be signed off by a suitably qualified engineer as part of the building construction approvals.
- 10 The final height of the building must not exceed 7.5m from existing ground level.

Please note:

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

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

- 4 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.
- 5 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

*Crs Carpenter and Overton returned to the meeting at this time (6.57pm).*

**208/2021 Resource development – shed and storage – contractors yard – Suitability of a site or lot on a plan of subdivision for use or development; Location and configuration of development; and reliance on Traffic Generating Use and Parking Code at Westella Drive (CT115441/1), Turners Beach – Application No. DA2021144**

The Director Community Services reported as follows:

"The Town Planner has prepared the following report:

<i>'DEVELOPMENT APPLICATION NO.:</i>	DA2021144
<i>PROPOSAL:</i>	Resource development – shed and Storage – contractors yard
<i>PERFORMANCE CRITERIA:</i>	Suitability of a site or lot on a plan of subdivision for use or development; Location and configuration of development; and reliance on Traffic Generating Use and Parking Code
<i>APPLICANT:</i>	George Walker 6ty° Pty Ltd
<i>LOCATION:</i>	Westella Drive (CT115441/1), Turners Beach
<i>ZONE:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	Central Coast Interim Planning Scheme 2013 (the Scheme)

<i>ADVERTISED:</i>	19 June 2021
<i>REPRESENTATIONS EXPIRY DATE:</i>	5 July 2021
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	27 July 2021
<i>DECISION DUE:</i>	19 July 2021

*PURPOSE*

The purpose of this report is to consider an application for Resource development – shed and Storage – contractors yard on a vacant parcel of Rural Resource zoned land at Westella Drive, Turners Beach as identified in CT115441/1. Accompanying the report are the following documents:

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

*BACKGROUND*

*Development description –*

The application seeks approval to establish buildings for Resource development and Storage Use Classes on the site with the construction of two 25m x 15m sheds.

The sheds would be used interchangeably for Resource development and Storage (contractors yard) and would include the storage of machinery, plant and equipment that is used for harvesting of produce and the storage of equipment and materials used to maintain fences and other infrastructure associated with the keeping of livestock on the site, and the storage of hay and silage, including machinery and equipment used to harvest hay and silage produced on the site.

The two 375m<sup>2</sup> sheds are proposed on the eastern side of the site with the provision of car parking along the western side of the development. Access to the site would be from a slightly off centre 10m wide driveway apron from Westella Drive. The remaining area of the site is proposed for Resource development use.

The sheds would be positioned 7m from the Bass Highway and 8.2m, tapering to 16.5m, from Westella Drive and would be clad in “Night Sky” Colorbond for

the roof and “Monument” Colorbond for the walls. The sheds would present as a solid wall facing Bass Highway, with five open bays facing Westella Drive.

No planting or visual barrier to either Bass Highway or Westella Drive has been proposed.

*Site description and surrounding area –*

The land has an area of 1.342ha and is zoned Rural Resource. The long and narrow parcel of land has two road frontages, being Bass Highway and Westella Drive.

The land adjoins Rural Resource zoned land to the south of the western portion of the site, General Residential zoned land to the south of the eastern portion and Utilities zone to the north, which accommodates the Bass Highway. The adjoining General Residential zoned land and a portion of the Rural Resource zoned land is developed for residential purposes.

There is a pressurised sewer main that intersects the centre of the site (north to south) and an open stormwater drain towards the western side.

*History –*

The site is currently vacant with recent excavation works completed to remove grass and low level vegetation.

The site is currently being considered by the Tasmanian Planning Commission (TPC) in relation to the proposed zoning under the Tasmanian State Scheme. The TPC are to determine whether the parcel of land should be zoned Commercial or rather retain its existing Rural zoning.

*DISCUSSION*

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



**26.0 Rural Resource Zone**

CLAUSE	COMMENT
<b>26.3 Use Standards</b>	
<b>26.3.1 Requirement for discretionary non-residential use to locate on rural resource land</b>	
There is no Acceptable Solution.	<p>Not applicable.</p> <p>Resource development is a No Permit Required use.</p> <p>Storage is a Permitted use.</p>
<b>26.3.2 Required Residential Use</b>	
<p>26.3.2-(A1) Residential use required as part of a use must:</p> <p>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</p> <p>(b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;</p> <p>(c) not intensify an existing lawful residential use;</p>	<p>Not applicable.</p> <p>Not a required Residential use.</p>

<ul style="list-style-type: none"> <li>(d) replace a lawful existing residential use;</li> <li>(e) not create a new residential use through conversion of an existing building; or</li> <li>(f) be home based business in association with occupation of an existing lawful and structurally sound residential building; and</li> <li>(g) there is no change in the title description of the site on which the residential use is located.</li> </ul>	
<b>26.3.3 Residential use</b>	
<p>26.3.3-(A1) Residential use that is not required as part of another use must:</p> <ul style="list-style-type: none"> <li>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</li> <li>(b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;</li> <li>(c) not intensify an existing lawful residential use;</li> <li>(d) not replace an existing residential use;</li> </ul>	<p>Not applicable.</p> <p>Not a residential use.</p>

<p>(e) not create a new residential use through conversion of an existing building;</p> <p>(f) be an outbuilding with a floor area of not more than 100m<sup>2</sup> appurtenant to an existing lawful and structurally sound residential building; or</p> <p>(g) be home based business in association with occupation of an existing lawful and structurally sound residential building; and</p> <p>(h) there is no change in the title description of the site on which the residential use is located.</p>	
<b>26.4 Development Standards</b>	
<b>26.4.1 Suitability of a site or lot on a plan of subdivision for use or development</b>	
<p>26.4.1–(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) unless for agricultural use, have an area of not less than 1.0 hectare not including any access strip; and</p> <p>(b) if intended for a building, contain a building area</p>	<p>(a) Compliant. Land area is 1,342ha.</p> <p>(b)(i) Compliant. Proposed building area would be 750m<sup>2</sup>.</p> <p>(b)(ii) Non-compliant. The sheds do not satisfy the two frontages as discussed below in Clause 26.4.2.</p>

<ul style="list-style-type: none"> <li>(i) of not more than 2,000m<sup>2</sup> or 20% of the area of the site, whichever is the greater unless a crop protection structure for an agricultural use;</li> <li>(ii) clear of any applicable setback from a frontage, side or rear boundary;</li> <li>(iii) clear of any applicable setback from a zone boundary;</li> <li>(iv) clear of any registered easement;</li> <li>(v) clear of any registered right of way benefiting other land;</li> <li>(vi) clear of any restriction imposed by a utility;</li> <li>(vii) not including an access strip;</li> <li>(viii) accessible from a frontage or access strip.</li> </ul>	<p>Refer to the “Issues” section of this report.</p> <ul style="list-style-type: none"> <li>(b)(iii) Not applicable. No zone boundary.</li> <li>(b)(iv) Not applicable. No registered easements.</li> <li>(b)(v) Not applicable. No right of way.</li> <li>(b)(vi) Not applicable. No restriction imposed by a utility.</li> <li>(b)(vii) Not applicable. No access strip.</li> <li>(b)(viii) Compliant. Development would be accessed off Westella Drive.</li> </ul>
<p>26.4.1–(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <ul style="list-style-type: none"> <li>(a) across a frontage over which no other land has a right of access; and</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. The property has two road frontages being Bass Highway and Westella Drive. Access to the site will be off Westella Drive.</li> <li>(b) Not applicable. Not an internal lot.</li> </ul>

<p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road –</p> <p style="padding-left: 40px;">(i) over land not required as the means of access to any other land; and</p> <p style="padding-left: 40px;">(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than 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>(c) Not applicable. No legal access to a right of way connecting to a road.</p> <p>(d) Compliant. Both frontages have a width greater than 6m.</p> <p>(e) Compliant. A Statement of Compliance has been issued in relation to vehicular access.</p>
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<p>26.4.1–(A3) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of connecting to a water supply:</p> <p>(a) provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) from a rechargeable drinking water system <sup>R31</sup> with a storage capacity of not less than 10,000 litres if:</p> <p>(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>(a) Compliant. Site is connected to the reticulated water supply.</p> <p>(b)(i) Not applicable. Satisfied by (a).</p> <p>(b)(ii) Not applicable. Satisfied by (a).</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) Compliant. Site is connected to a reticulated sewer system.</p> <p>(b)(i) Not applicable. Satisfied by (a).</p> <p>(b)(ii) Not applicable. Satisfied by (a).</p>

<p>(a) to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) by on-site disposal if:</p> <p>(i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development:</p> <p>a. is for a single dwelling; or</p> <p>b. provides for an equivalent population of not more than 10 people per day; or</p> <p>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS 1547:2000 On-site domestic-wastewater management clear of any defined building area or access strip.</p>	<p>(b)(iii) Not applicable. Satisfied by (a).</p>
<p>26.4.1–(A5) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and</p>	<p>(a) Compliant. Site is connected to Council's stormwater drainage network.</p> <p>(b)(i) Not applicable. Satisfied by (a).</p>

<p>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 5,000m<sup>2</sup>;</p> <p>b. the disposal area is not within any defined building area;</p> <p>c. the disposal area is not within any area required for the disposal of sewage;</p> <p>d. the disposal area is not within any access strip; and</p> <p>e. not more than 50% of the site is impervious surface.</p>	<p>(b)(ii) Not applicable. Satisfied by (a).</p>
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<b>26.4.2 Location and configuration of development</b>	
<p>26.4.2–(A1) A building or a utility structure, other than a crop protection structure for an agriculture use, must be setback:</p> <p>(a) not less than 20.0m from the frontage; or</p> <p>(b) if the development is for sensitive use on land that adjoins a road specified in the Table to this Clause, not less than the setback specified from that road;</p> <p>(c) not less than 10.0m from each side boundary; and</p> <p>(d) not less than 10.0m from the rear boundary; or</p> <p>(e) in accordance with any applicable building area shown on a sealed plan.</p>	<p>(a) Non-compliant. The sheds would be setback 7m to Bass Highway frontage and 8.2m to Westella Drive frontage. Refer to the “Issues” section of this report.</p> <p>(b) Not applicable. Proposal is not for a sensitive use.</p> <p>(c) Compliant. The sheds would be setback 70m from the eastern side boundary and approximately 260m from the western side boundary.</p> <p>(d) Not applicable. Site does not have a rear boundary due to two frontages.</p> <p>(e) Not applicable. No building area on a Sealed Plan.</p>
26.4.2–(A2) Building height must be not more than 8.5m.	Compliant. The sheds would have a maximum height of 8.3m.
26.4.2 A3.1	<p>A3.1</p> <p>(a) Compliant. Site is approximately 100m below closest ridgeline.</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> <ul style="list-style-type: none"> <li>(a) not project above an elevation 15m below the closest ridgeline;</li> <li>(b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland;</li> <li>(c) be below the canopy level of any adjacent forest or woodland vegetation; and</li> <li>(d) clad and roofed with materials with a light reflectance value of less than 40%.</li> </ul> <p>A3.2</p> <p>Wind power turbines and wind power pumps must not exceed 20m in height.</p>	<ul style="list-style-type: none"> <li>(b) Compliant. The sheds would be approximately 50m from Claytons Rivulet.</li> <li>(c) Compliant. Proposed development would be below the canopy level of south-western woodland vegetation approximately 420m away from the site.</li> <li>(d) Compliant. The sheds would have Nightsky and Monument colours which have a light reflectance value less than 40%.</li> </ul> <p>A3.2</p> <p>Not applicable. No wind turbine or wind power pumps.</p>
<p><b>26.4.3 Location of development for sensitive uses</b></p>	
<p>26.4.3–(A1) New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must –</p>	<p>Not applicable. Proposal is not for a sensitive use.</p>

<p>(a) be located not less than:</p> <ul style="list-style-type: none"><li>(i) 200m from any agricultural land;</li><li>(ii) 200m from aquaculture, or controlled environment agriculture;</li><li>(iii) 500m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does not occur; or</li><li>(iv) 1000m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does occur; or</li><li>(v) 500m from intensive animal husbandry;</li><li>(vi) 100m from land under a reserve management plan;</li><li>(vii) 100m from land designated for production forestry;</li><li>(viii) 50.0m from a boundary of the land to the Bass Highway, or to a railway line; and</li></ul>	
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<p>(ix) clear of any restriction imposed by a utility; and</p> <p>(b) not be on land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i>, or land that may benefit from the application of broad-scale irrigation development.</p>	
<b>26.4.4 Subdivision</b>	
<p>26.4.4-(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) a lot required for public use either State government, a Council, a Statutory authority or a corporation all the 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>
<b>26.4.5 Buildings for Controlled Environment Agriculture</b>	
<p>26.4.5-(A1)</p> <p>A building for controlled environment agriculture use must be a crop protection structure and the agricultural use inside the building must satisfy one of the following:</p> <p>(a) rely on the soil as a growth medium into which plants are directly sown;</p>	<p>Not applicable.</p> <p>No controlled environment agriculture proposed.</p>

(b) not alter, disturb or damage the existing soil profile if conducted in a manner which does not rely on the soil as a growth medium.	
CODES	
<b>E1 Bushfire-Prone Areas Code</b>	Not applicable. Not a subdivision or vulnerable or hazardous use.
<b>E2 Airport Impact Management Code</b>	Not applicable. No Code in this Scheme.
<b>E3 Clearing and Conversion of Vegetation Code</b>	Not applicable. No clearing or conversion of native threatened vegetation.
<b>E4 Change in Ground Level Code</b>	Not applicable. No change in ground level greater than 1m for the proposed sheds.
<b>E5 Local Heritage Code</b>	Not applicable. No places of local significance listed in this Scheme.
<b>E6 Hazard Management Code</b>	Not applicable. No landslip hazard identified.
<b>E7 Sign Code</b>	Not applicable. No signs proposed. Condition of Permit is required in relation to signage.

<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
<b>E9.2 Application of this Code</b>	Applicable. Applies to all use and development.
<b>E9.4 Use or development exempt from this Code</b>	Not exempt. No Local Area Parking Scheme.
<b>E9.5 Use Standards</b>	
<b>E9.5.1 Provision for parking</b>	
<p>E9.5.1–(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;</p>	<p>Non-compliant.</p> <p>(a) Table requires one car parking space per 300m<sup>2</sup> of floor area and one articulated truck space per 800m<sup>2</sup> of gross floor area for storage use. The proposal would require three on-site car parking spaces plus one articulated truck space. The Table does not require a minimum number of parking spaces for Resource development. The Table states that there must be enough parking spaces for the expected workshop for the proposed activity.</p> <p>Proposal shows the provision for six car parking spaces. Permit will be conditioned to reflect this.</p>

	<p>The proposal does not show the provision for one articulated truck space.</p> <p>Refer to the “Issues” section of this report.</p>
<b>E9.5.2 Provision for loading and unloading of vehicles</b>	
<p>E9.5.2–(A1) There must be provision within a site for:</p> <p>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces.</p>	<p>(a) Compliant. Proposal states provisions are provided for the loading and unloading areas.</p> <p>(b) Not applicable. Proposal is not for business, commercial, educational or retail use.</p>
<b>E9.6 Development Standards</b>	
<b>E9.6.2 Design of vehicle parking and loading areas</b>	
<p>E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p>	<p>Compliant by condition to be placed on a Permit.</p>

<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <ul style="list-style-type: none"> <li>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</li> <li>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</li> <li>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</li> <li>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</li> <li>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</li> <li>(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</li> <li>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant by condition. The site has ample area to make provision for circulation and parking areas and vehicle manoeuvring areas in accordance with AS/NZS 2890.1 (2004).</li> <li>(b) Not applicable. Applies where 20 spaces are proposed or required.</li> <li>(c) Not applicable. Applies where 20 spaces are proposed or required.</li> <li>(d) Not applicable. Applies where 20 spaces are proposed or required.</li> <li>(e) Compliant by condition. The site has sufficient area to accommodate this requirement.</li> <li>(f) Compliant by condition. The site has sufficient area to accommodate this requirement.</li> <li>(g) Compliant by condition. Internal roadway and car parking areas would be constructed with a compacted sub-base and an all-weather surface.</li> </ul>
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E9.6.2–(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.	Compliant by condition. Design and construction of access, vehicle circulation, movement and standing areas would be in accordance with the principles and requirements of the <i>Unsealed Roads Manual – Guideline for Good Practice</i> ARRB. A Permit should require compliance with the Standard.
<b>E10 Water and Waterways Code</b>	Not applicable. No waterway within 30m of the development site.
<b>Specific Area Plans</b>	Not applicable. No Specific Area Plan applies to the site.

*Issues –*

*1 Suitability of a site or lot on a plan of subdivision –*

The Planning Scheme's Clause 26.4.1–(A1)(ii) states that a site or each lot on a plan of subdivision must, if intended for a building, be clear of any applicable setback from a frontage, side or rear boundary.

The proposed sheds do not satisfy the frontage boundary setbacks to both Bass Highway and Westella Drive. The setback requirement is 20m. The proposed sheds would be setback 7m to Bass Highway and 8.2m to Westella Drive. The proposal therefore relies on the Performance Criteria for this Clause and is a discretionary element of the application.

The Planning Scheme's Clause 26.4.1–(P1) states that a site or each lot on a plan of subdivision must be of sufficient area for the intended use or development without likely constraint or interference for –

- (a) erection of a building if required by the intended use;

Compliant. The proposal is for the erection of two sheds on the site to facilitate the Resource development and storage use.

- (b) access to the site;

Compliant. The proposal includes a 10m wide access off Westella Drive. A Statement of Compliance has been issued in relation to access requirements. The Road Authority have no issues in relation to the location of the proposed access.

- (c) use or development of adjacent land;

Compliant by condition.

The proposed sheds would be 7m from Bass Highway frontage and 8.2m (closest point) from Westella Drive frontage. Both frontages on the site have relatively large strips of land from the development site to the actual road. Bass Highway frontage has an area of approximately 18m to the road, which would mean the proposed sheds would be setback approximately 25m from the actual highway. Westella Drive frontage has an area of approximately 8m to the road, which means the proposed sheds would be setback approximately 16m to Westella Drive (at the closest point). The proposed sheds would have an

approximate separation distance to the closest residential zoned property of 39m.

Even though there would be vast separation between Bass Highway and established development along the northern side of Westella Drive, it is considered that a Part 5 Agreement, regarding vegetation to be planted along the development site area to provide a visual buffer screen to both Bass Highway and residential development on Westella Drive is required. This would assist to reduce any likely constraint or interference to use and development on adjoining land.

When there are two different zones adjoining each other, there is the potential to create conflict and/or constraint. The Part 5 Agreement, to be required by condition No. 9 of the Permit regarding a vegetation buffer, would assist to reduce any conflicts and/or constraints between two opposing zones.

- (d) a utility; and

Compliant. The proposed sheds have been positioned on the site clear of the pressurised sewer main and open stormwater drain.

- (e) any easement of lawful entitlement for access to other land.

Not applicable. No easement of lawful entitlement for access to other land.

## 2 *Location and configuration of development –*

The Planning Scheme's Clause 26.4.2–(A1)(a) states that a building or a utility structure must be setback not less than 20m from the frontage.

The proposed sheds do not satisfy the frontage boundary setbacks to both Bass Highway and Westella Drive. The proposed sheds would be setback 7m to Bass Highway and 8.2m to Westella Drive. The proposal therefore relies on the Performance Criteria for this Clause and is a discretionary element of the application.

The Planning Scheme's Clause 26.4.2–(P1) states that the setback of a building or utility must be –

- (a) consistent with the streetscape;

Compliant by condition.

Streetscape as defined in the Planning Scheme meaning: *the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setback of buildings and structures from lot boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve.*

This section of Bass Highway has a mixture of streetscapes; the majority of which are open areas of rural landscape with some roadside vegetation. As mentioned above, a condition to a Permit would require a vegetation buffer to be planted between the development site and the Bass Highway which would assist to keep the site consistent with the prevailing streetscape.

This section of Westella Drive is dominated with either residential development or recently approved residential subdivision. There is minimal street planting along this section of Westella Drive aside from domestic residential gardens. Most buildings are a mix of styles comprising single or multiple dwellings, primarily setback at least 4.5m from the property's respective Westella Drive frontages.

The proposed two sheds would be 25m long each and at the highest point 8.3m high. The sheds have been designed so that open bays face Westella Drive. This would assist to reduce the apparent bulk and scale of the buildings when viewed from the residential development.

A condition of this Permit is for vegetation to be planted between the development site and Westella Drive, which will assist to keep the site consistent with the streetscape and further reduce the apparent bulk and scale of the buildings when viewed from the residential area.

- (b) required by a constraint impose by –

- (i) site and shape of the site;

Compliant. The site is of irregular shape, being long and narrow. The site is impeded by a pressurised sewer main and an open stormwater drain.

The proposed sheds have been positioned on the site to take into account these matters.

- (ii) orientation and topography of land;

Compliant as discussed in (b)(i).

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

Compliant as discussed in (b)(i).

- (iv) arrangements for vehicular or pedestrian access;

Compliant. Access is proposed centrally, along Westella Drive, to enable direct access to the proposed sheds. There would be no pedestrian access to the site.

- (v) a utility; or

Compliant as discussed in (b)(i).

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

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

- (vii) any lawful and binding requirement –

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

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

Not applicable. No lawful and binding requirement.

### 3 *Traffic Generating Use and Parking Code –*

The Planning Scheme's Clause E9.5.1 –(A1)(a) states that provision for parking must be the minimum number of on-site vehicle parking

spaces must be in accordance with the application standard for the use class as shown in the Table to this Clause.

Table requires one car parking space per 300m<sup>2</sup> of floor area and one articulated truck space per 800m<sup>2</sup> of gross floor area for Storage use. The proposal would require three on-site car parking spaces plus one articulated truck space. The Table does not require a minimum number of car parking spaces for the Resource development use of the land. The Table states that there must be enough car parking spaces for the expected workforce for the proposed activity.

The proposal shows provision for six car parking spaces. This would allow for three spaces for the Storage (contractors yard) use and an additional three spaces for the Resource development use.

The proposal does not show provision for one articulated truck space. The proposal therefore relies on the Performance Criteria for this Clause and is a discretionary element of the application.

The Planning Scheme's Clause E9.51 –(P1) states that –

- (a) it must be unnecessary or unreasonable to require arrangements for the provisions of vehicle parking; or

Compliant. The site has provided the number of car parking spaces required for both uses. The site has areas that could allow for an articulated truck in the event it is necessary. As stated in the application, it is not anticipated that the site would generate a high impact on the surrounding areas regarding vehicle movements and vehicle turnover.

- (b) adequate and appropriate provision must be made for vehicle parking to meet –

- (i) anticipated requirement for the type, scale, and intensity of the use;

Compliant. The Road Authority have no issues in relation to the car parking arrangements provided for the site, including internal accesses relative to the anticipated type, scale and intensity of the use on the site.

- (ii) likely needs and requirements of site users; and

Compliant. The Road Authority has no issues in relation to the car parking arrangements provided for the site, including internal accesses relative to the needs and requirements of site users.

- (iii) likely type, number, frequency, and duration of vehicle parking demand.

Compliant. The Road Authority has no issues in relation to the car parking arrangements provided for the site, including internal accesses relative to the likely type, frequency, and duration of vehicle parking demand on the site.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Referral not required.
Infrastructure Services	Statement of Compliance issued 28 June 2021.
TasWater	Submission to Planning Authority Notice received 23 June 2021.
Department of State Growth	Referral not required. Department of State Growth were notified as an adjoining property owner.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.

Crown Land Services	Referral not required. Crown Land Services were notified as an adjoining property owner.
Other	Referral not required.

*CONSULTATION*

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

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

*Representations –*

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

The representations are summarised and responded to as follows:

MATTER RAISED		RESPONSE
REPRESENTATION 1		
1	The potential impacts on the highway drainage. The need for a stormwater drainage consent from the Department.	Noted. Refer to Condition No. 6 of draft Permit that reflects this requirement.
2	Proximity of proposed sheds to Bass Highway and issues related to noise, vibration and so forth from traffic to be the responsibility of the proponent.	Noted. Refer to Condition No. 7 of draft Permit that reflects this requirement.



REPRESENTATION 2	
1 The location of the proposed sheds directly across Westella Drive in front of existing residence and recent approved subdivision.	<p>Please refer to the discussion within the “Issues” section of this report in relation to the setback of the proposed sheds to Westella Drive frontage.</p> <p>As per Condition No. 9 of draft Permit, a vegetation buffer is required to assist with providing a visual buffer between the two different zones and uses.</p>
2 Distance the proposed sheds would be from Westella Drive.	<p>Please refer to discussion within the “Issues” section of this report in relation to the setback of the proposed sheds to Westella Drive frontage.</p> <p>As per condition No. 9 of draft Permit, a vegetation buffer is required to assist with providing a visual buffer between the two different zones and uses.</p>
3 Why the sheds are proposed on the eastern side which adjoins General Residential, rather than the western side which adjoins Rural Resource zone.	<p>The Council cannot dictate where development of the sheds should occur on the site. It is noted that the proposed sheds have been positioned on the site to take into account its irregular shape, being long and narrow, and to be clear of a pressurised sewer main and open stormwater drain.</p>
4 The site utilises two entry/exit points on Westella Drive.	<p>Noted. There currently appears to be two access points to the site.</p> <p>The proposal is for the site to utilise the off-centre access along Westella Drive.</p>

	A Statement of Compliance has been issued in relation to the proposed access.
5 Size of land – how is it viable for proposed agricultural use.	The Rural Resource zone does not state a minimum land area required for agricultural use. The uses proposed are “Permitted” in the Rural Resource zone. There are no qualifications regarding size, activities, and volumes with regard to activity on agriculture land within the Planning Scheme, so as to allow the Planning Authority to determine if a proposal would be feasible. Typically, the Planning Authority would rely on an agricultural consultant’s report for this information.
6 The development application ‘piggybacks’ a current, unresolved rezoning application for a caravan and trailer sales/service outlet on the site.	The application before the Tasmanian Planning Commission is separate to this application and should not have any bearing on the decision for this proposal.
7 Council to apply stringent conditions regarding use and access.	Noted. The application is for two Permitted uses within the zone. The Permit conditions will reflect the documentation provided and will state “Resource development” and “Storage”. The access forms part of this application and is conditioned within the Statement of Compliance.

*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 any appeal lodged against the Council’s determination.

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

*CONCLUSION*

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

The proposed developments are Permitted in the Rural Resource zone. The application was discretionary due to the proximity of development to the Bass Highway and Westella Drive. The proposed development is considered to have adequately satisfied the applicable Planning Scheme's Performance Criteria, subject to conditions to be applied to a permit.

*Recommendation –*

It is recommended that Resource development – shed and Storage – contractors yard – Suitability of a site or lot on a plan of subdivision for use or development; Location and configuration of development; and reliance on Traffic Generating Use and Parking Code at Westella Drive (CT115441/1), Turners Beach – Application No. DA2021144 be approved subject to the following conditions and restrictions:

- 1 The development must be substantially in accordance with the plans by 6ty°, Project No. 21.149, Drawing Nos. Ap01 (dated 7 June 2021), Ap02 (dated 7 June 2021), As01 (dated 14 May 2021) and Ap03 (dated 7 June 2021).
- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2021/00994–CC dated 23 June 2021.
- 3 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 28 June 2021, issued by the Council, acting in its capacity as the Road Authority and the Stormwater Authority.

- 4 A minimum of six car parking spaces must be provided on-site and enable the forward movement of vehicles entering and egressing the site.
- 5 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 6 The Department of State Growth must give consent for stormwater from the site to be drained to the Bass Highway road reserve.
- 7 Any issues relating to noise, vibration and so forth from traffic due to the proximity of the Bass Highway is the responsibility of the owner.
- 8 Prior to the issue of a Building Permit, the owner of the land must submit and enter into a Part 5 Agreement with the Central Coast Council under section 71 of the *Land Use Planning and Approvals Act 1993*. The Part 5 Agreement is to set out the following matters to the satisfaction of the General Manager:
  - (a) a vegetation buffer must be established along the northern and southern boundaries to screen all development areas of the sheds, access areas and car parking; and
  - (b) all vegetation must be located wholly inside the property boundary of CT115441/1 and must make allowance for the final width of the vegetation so as not to impede onto adjoining land; and
  - (c) prior to the commencement of construction on site, a Planting Plan, detailing species and planting intervals, must be submitted to Council and be to the satisfaction of the General Manager.
- 9 Execution of the Part 5 Agreement, including drafting and registration of the Agreement against CT115441/1, must be at the developers expense.

Please note:

- 1 A Planning Permit remains valid for two years. If the use and/or development has not substantially commenced within this period, an extension may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.

- 2 "Substantial commencement" is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 4 Signage has not been approved with this Permit. Any proposed signage would require a Planning Permit, unless exempt under Clause E7.4 of the *Central Coast Interim Planning Scheme 2013*.'

The Town Planner's report is supported."

The Executive Services Officer reported as follows:

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

■ Cr Fuller moved and Cr van Rooyen seconded, "That the application for Resource development – shed and Storage – contractors yard – Suitability of a site or lot on a plan of subdivision for use or development; Location and configuration of development; and reliance on Traffic Generating Use and Parking Code at Westella Drive, Turners Beach (CT115441/1) – Application No. DA2021144 be approved subject to the following conditions and restrictions

- 1 The development must be substantially in accordance with the plans by 6tyº, Project No. 21.149, Drawing Nos. Ap01 (dated 7 June 2021), Ap02 (dated 7 June 2021), As01 (dated 14 May 2021) and Ap03 (dated 7 June 2021).
- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2021/00994-CC dated 23 June 2021.

- 3 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 28 June 2021, issued by the Council, acting in its capacity as the Road Authority and the Stormwater Authority.
- 4 A minimum of six car parking spaces must be provided on-site and enable the forward movement of vehicles entering and egressing the site.
- 5 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 6 The Department of State Growth must give consent for stormwater from the site to be drained to the Bass Highway road reserve.
- 7 Any issues relating to noise, vibration and so forth from traffic due to the proximity of the Bass Highway is the responsibility of the owner.
- 8 Prior to the issue of a Building Permit, the owner of the land must submit and enter into a Part 5 Agreement with the Central Coast Council under section 71 of the *Land Use Planning and Approvals Act 1993*. The Part 5 Agreement is to set out the following matters to the satisfaction of the General Manager:
  - (a) a vegetation buffer must be established along the northern and southern boundaries to screen all development areas of the sheds, access areas and car parking; and
  - (b) all vegetation must be located wholly inside the property boundary of CT115441/1 and must make allowance for the final width of the vegetation so as not to impede onto adjoining land; and
  - (c) prior to the commencement of construction on site, a Planting Plan, detailing species and planting intervals, must be submitted to Council and be to the satisfaction of the General Manager.
- 9 Execution of the Part 5 Agreement, including drafting and registration of the Agreement against CT115441/1, must be at the developers expense.

Please note:

- 1 A Planning Permit remains valid for two years. If the use and/or development has not substantially commenced within this period, an extension may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.

- 2 "Substantial commencement" is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 4 Signage has not been approved with this Permit. Any proposed signage would require a Planning Permit, unless exempt under Clause E7.4 of the *Central Coast Interim Planning Scheme 2013*."

Carried unanimously

## INFRASTRUCTURE SERVICES

**209/2021      Tenders for excavator replacement – F907**

The Director Infrastructure Services reported as follows:

“The Manager Engineering prepared the following report:

*‘PURPOSE*

The purpose of this report is to provide information and recommendations for the replacement of the Kobelco 13 tonne excavator F907.

*BACKGROUND*

Councils operational plant requirements are continually changing due to the increasing number of smaller projects and general maintenance activities. It has been determined to downsize the 13 tonne excavator to a smaller 5 to 6 tonne excavator. This provides Council with an excavator that is fit for purpose, cost effective, efficient for the tasks carried out, and minimises the need for hired equipment.

The type of work also requires a small drum roller with a width of 900mm for compaction which Council currently hire on a regular basis. Council has a current roller which is approximately 16 years old, with a weight of 2.5 tonnes and width of 1200mm. This unit is currently listed for replacement in 2023–2024. As there was an expected large saving on the excavator purchase the opportunity was taken to seek quotations on a twin drum roller. The existing roller would no longer be replaced in 2023–2024 and would be phased out of Council’s fleet at end of its useful life. The budget impacts are explained in the Resources section below.

Tenders for the excavator were called using the Local Government Association of Tasmania approved VendorPanel procurement system. VendorPanel is the LGAT's procurement service, established in 2001 to aggregate the buying power of local government authorities, shorten procurement timeframes and streamline interactions between business and local government without the time consuming and administrative burden of following the *Local Government Act 1993* requirements for seeking tenders or quotes.

The tender documents were lodged on 12 May 2021 and closed on 31 May 2021.

Tenders were received as follows:



TENDERER	MAKE	GROSS PRICE \$ (Exc. GST)	TRADE-IN PRICE \$ (Exc. GST)	NETT PRICE \$ (Exc. GST)
JF Machinery	JCB 55Z	\$95,000	\$52,000	\$43,000
ONETRAK	Hyundai R55-9	\$101,500	\$58,000	\$43,500
DLM Machinery	Kobelco SK55SRX-7	\$109,240	\$65,000	\$44,240
Komatsu	Komatsu PC55MR-5	\$99,800	\$52,000	\$47,800
William Adams	Caterpillar 305E2	\$107,500	\$55,000	\$52,500
Hitachi	Hitachi ZX55U-5A	\$96,915	\$40,000	\$56,915
CJD	Volvo ECR58F	\$113,893	\$47,273	\$66,720
<i>ESTIMATE</i>		<i>\$150,000</i>	<i>\$15,000</i>	<i>\$135,000</i>

Quotations were called for the 1.5 tonne roller, inclusive of trailer, and were received as follows:

COMPANY	MAKE	GROSS PRICE \$ (Exc. GST)
JF Machinery	Dynapac CC900	\$53,400
JF Machinery	BOMAG BW90ADM-5	\$53,450
DLM Machinery	Ammann ARX 12	\$48,116

*DISCUSSION*

The Council fleet operates three 900 series excavators, the unit being replaced is twelve years old.

A total of seven excavators from seven suppliers were offered for consideration. Along with the base pricing, there were several options offered by the different suppliers that may enhance the operation of the unit. Four units tendered were physically inspected, the Caterpillar and Hyundai were not inspected due to lacking digging reach, and the Volvo was not inspected due to unavailability.

The Council uses a weighted tender assessment method based on:

Documentation and compliance	15%
Operational assessment	30%
HSR assessment	15%
Service costs and warranty	15%
Financial offer	15%
Previous experience	10%

Local content for plant replacement is considered as part of the service cost and warranty assessment.

The tender assessment panel consisted of the Technical Officer – Fleet & Infrastructure, Construction Team Leader and the current unit operators.

After the inspections of the four units and subsequent tender scoring, the submission from DLM Machinery Kobelco SK55SRX-7 achieved the highest rating based on this method.

It was agreed that the Kobelco SK55SRX-7 unit offered the options and specifications required and was considered to be the most suitable for the intended construction and maintenance duties. While all tendered units offered comparable features, and they all had good standard safety features, the Kobelco scored higher in regard to operational assessments with its digger reach and cabin space ergonomics.

It is believed that the numerous refinements and standard specifications on the Kobelco SK55SRX-7 render it as the most suitable and best value unit for the Council (a copy of the confidential tender assessment is appended).

Of the three rollers the Dynapac CC900 was deemed the most suitable. It was the quietest, had very good safety features and the controls were easy to access and use.

*CONSULTATION*

This item has followed a tendering process and a quotation process and consultation has been undertaken with the tenderers and operators in respect to options and safety aspects.

*RESOURCE, FINANCIAL AND RISK IMPACTS*

The budget estimate for the excavator is \$150,000 including an estimated \$15,000 trade-in. (\$135,000 net changeover).

The Kobelco SK55SRX-7 net changeover of \$44,240 (excluding GST) is within budget by an amount of \$90,760.

The roller at a cost of \$53,400 is also within the amount originally budgeted for the excavator.

The preferred option can be accommodated within the plant replacement budget, with an amount of \$37,360 underspent on this item.

It should also be noted that by purchasing the roller at this time an amount of \$52,000 currently listed in the Long-term Financial Plan for 2023–2024 will not be required and that an annual hire amount averaging \$21,991 over the last two years will no longer need to be expended. The current roller will be phased out of the Council's fleet at the end of its useful life. Its replacement will be removed from the Long-term Financial Plan.

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment
- . Develop and manage sustainable built infrastructure.

Council Sustainability and Governance  
• Improve corporate governance.

*CONCLUSION*

It is recommended that the Council:

- 1 accept and approve the tender from DLM Machinery for the supply of a Kobelco SK55SRX-7 model in the amount of \$109,240 (excluding GST [\$120,164 including GST]); and
- 2 accept and approve the trade-in offer from DLM Machinery for fleet item F907, being a Kobelco SK135SR-II, in the amount of \$65,000 (excluding GST [\$71,500 including GST]); and
- 3 accept and approve the quotation from JF Machinery for the supply of a Dynapac CC900 model including trailer in the amount of \$53,400 (excluding GST [\$58,740 including GST]).'

The Manager Engineering report is supported."

The Executive Services Officer reported as follows:

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

■ Cr Carpenter moved and Cr Hiscutt seconded, "That the Council:

- 1 accept and approve the tender from DLM Machinery for the supply of a Kobelco SK55SRX-7 model in the amount of \$120,164 (including GST); and
- 2 accept and approve the trade-in offer from DLM Machinery for fleet item F907, being a Kobelco SK135SR=II, in the amount of \$71,500 (including GST); and.
- 3 accept and approve the quotation from JF Machinery for the supply of a Dynapac CC900 model including trailer in the amount of \$53,400 (excluding GST [\$58,740 including GST])."

Carried unanimously

CORPORATE SERVICES

**210/2021 Statutory determinations**

The Director Corporate Services reported as follows:

“A Schedule of Statutory Determinations made during the month of June 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 having been circulated to all Councillors.”

■ Cr Fuller 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

**211/2021 Mobile Food Vendors Policy (319/2016 – 21.11.2016)**

The Director Infrastructure Services reported as follows:

“The Manager Regulatory Services prepared the following report:

*‘PURPOSE*

The purpose of this report is to consider the adoption by the Council of the revised Mobile Food Vendors Policy (a copy of the Policy is appended to this report).

*BACKGROUND*

The previous Policy (titled Mobile Food Business Roadside Vending Policy) was adopted in 2016. Since then, there has been increasing interest in food vans and street stalls, which has meant that some guidance was needed in assessing applications and licencing food vendors. Although the Act covers any vending, there is little or no interest from vendors selling goods other than food.

The *Vehicle and Traffic Act 1999* (the Act) governs how Council manages vendors operating on public streets. Vendors are required by Section 56C to hold a permit issued by the Council.

### *DISCUSSION*

The definition of ‘public street’ is broad. It includes any street, road, lane, thoroughfare, footpath or bridge. It also includes public spaces. This gives the Council a broad authority to regulate vending including food.

The permit requirements cover a range of set-ups including stalls, stands, motor vehicles and trailers.

In most cases food vendors also need registration under the *Food Act 2003* but this is related to food safety, and is a State-wide registration issued by the Council where the business is based.

The Council is required to consider a number of matters when considering an application, primarily related to safety. Local Police are consulted, traffic and public safety are considered. Other relevant matters may be considered.

The revised Policy reduces some of the restrictions placed on vendors by the previous Policy. It removes comment about service of alcohol and reduces the required distance between vendors and fixed food businesses from 150 to 50 metres. The changes reflect the desire of the Council to increase the range of food offerings to the community.

The revised Policy would not apply to vehicles stopping at one place for less than 15 minutes. Examples are coffee vans and ice-cream vans which generally follow a route. It would also introduce an exemption for Council supported street events.

### *CONSULTATION*

The revised Policy has been discussed with Councillors at a workshop, and some changes have been made following that discussion.

### *RESOURCE, FINANCIAL AND RISK IMPACTS*

No further resources will be required.

### *CORPORATE COMPLIANCE*

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

The Shape of the Place

- Improve the value and use of open space.

A Connected Central Coast

- . Improve community wellbeing.
- . Facilitate entrepreneurship in the business community.

*CONCLUSION*

The review of the Mobile Food Vendor Policy has now been completed. It is reflective of the Council's desire to encourage innovation and a broader range of eating options for the community.

It is recommended that Council adopt the Mobile Food Vendor Policy – dated July 2021.'

The Manager Regulatory Services report is supported."

The Executive Services Officer reported as follows:

"A copy of the Mobile Food Vendor Policy – dated July 2021 has been provided to all Councillors."

■ Cr van Rooyen moved and Cr Hiscutt seconded, "That the Council Mobile Food Vendor Policy – dated July 2021 be adopted (a copy being appended to and forming part of the minutes)."

Carried unanimously



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## CLOSURE OF MEETING TO THE PUBLIC

### 212/2021 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 <ul style="list-style-type: none"><li>Dulverton Waste Management Audit and Risk Committee – meeting held 23 June 2021</li><li>Dulverton Waste Management Board – meeting held 23 June 2021</li></ul>	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.
Movement of the Cradle Coast Authority infrastructure to Central Coast (134/2021 – 17.05.2021)	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Tenders for Penguin Foreshore Remediation and Upgrade Project Stage B	15(2)(d) Contracts, and tenders, for the supply of goods and services and their

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	terms, conditions, approval and renewal.”
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■ 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"> <li>Dulverton Waste Management Audit and Risk Committee – meeting held 23 June 2021</li> <li>Dulverton Waste Management Board – meeting held 23 June 2021</li> </ul>	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.
Movement of the Cradle Coast Authority infrastructure to Central Coast (134/2021 – 17.05.2021)	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Tenders for Penguin Foreshore Remediation and Upgrade Project Stage B	15(2)(d) Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.”

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.

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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.

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## 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
213A/2021 Confirmation of Closed Session Minutes	The Closed session minutes of the previous ordinary meeting of the Council held on 21 June 2021 had been circulated. The minutes are required to be confirmed for their accuracy.
214A/2021 Minutes and notes of other organisations and committees of the Council  · Dulverton Waste Management Audit and Risk Committee – meeting held 23 June 2021  · Dulverton Waste Management Board – meeting held 23 June 2021	The minutes and notes have been provided to the Council on the condition they are kept confidential.
215A/2021 Movement of the Cradle Coast Authority infrastructure to Central Coast (134/2021 – 17.05.2021)	The Council received and noted a report which included an overview of potential locations within Central Coast, that could accommodate businesses such as the Cradle Coast Authority.
216A/2021 Tenders for Penguin Foreshore Remediation and Upgrade Project Stage B	The Council determined not to accept any tender and review the scope of the project, prior to re-advertising for tender.

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## **CLOSURE**

There being no further business, the Mayor declared the meeting closed at 7.28pm.

CONFIRMED THIS 16<sup>th</sup> DAY OF AUGUST, 2021.

## **Chairperson**

(lb:lc)

## **Appendices**

- Minute No. 202/2021 – Schedule of Correspondence addressed to the Mayor and Councillors
- Minute No. 203/2021 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 204/2021 – Schedule of Contracts & Agreements
- Minute No. 210/2021 – Schedule of Statutory Determinations
- Minute No. 211/2021 – Mobile Food Vendors Policy – Dated July 2021

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*QUALIFIED PERSON'S ADVICE*

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

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

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

- (i) that the reports within 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.



Paul West

ACTING GENERAL MANAGER


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# Associated Reports And Documents

## SCHEDULE OF CORRESPONDENCE RECEIVED ADDRESSED TO MAYOR AND COUNCILLORS

Period: 22 June to 19 July 2021

- . An email expressing concerns in relation to traffic problems in Crescent Street, Penguin and requests that the Council investigates the issue and rectifies
- . A letter reiterating the concerns raised at the Gunns Plains Community Morning Tea, which included road safety and signage, concerns about the lack of consultation with changes to the Country Transfer Stations and roadside rubbish
- . An email advising that a service request was sent to the Council six weeks ago and a response has not been provided, is still seeking a response in relation to the driveway repair request
- . An email providing information on Christian prayer and alternatives in Parliaments and Councils
- . A letter concerning safety issues resulting from speed danger, traffic volume and noise within the Forth area and an invitation to the Mayor and interested persons to hold a discussion around these concerns
- . An email outlining progress on raising the minimum age of criminal responsibility in Tasmania.



Sandra Ayton  
GENERAL MANAGER



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

Period: 22 June to 19 July 2021

*Documents for affixing of the common seal under delegation*

- . Grant Agreement  
The Crown Right of Tasmania (represented by the Department of State Growth)  
and Central Coast Council  
Cultural Heritage Organisations 2021–2022  
RM Ref: 084291/8  
SG Ref: CHOMY–OCT–2020–04  
Curation and Collections Management for the Hive  
Grant amount: \$80,000.00 (excluding GST)
- . Staged Strata Plan  
Three stage development  
151 Main Street, Ulverstone  
Application No.: DA2020097  
Folio Ref: F/R55597/3
- . Final Plan of Survey and Schedule of Easements  
Lots 38, 44, 45 and 46 Explorer Drive and  
Lot 65 Lillian Court, Turners Beach  
Application No.: SUB2007.29  
Folio Ref: 180135/1



Paul West

ACTING GENERAL MANAGER

## **SCHEDULE OF CONTRACTS AND AGREEMENTS**

(Other than those approved under the Common Seal)

Period: 22 June to 19 July 2021

### *Agreements*

- . Services Agreement  
TasNetworks Pty Ltd and Central Coast Council  
LED contract streetlights failed lights  
Agreement dated: 10 June 2021
- . Loan Agreement  
Tasmanian Public Finance Corporation and Central Coast Council  
Ulverstone Cultural Precinct | Loan 498  
Loan amount: \$3,000,000.00  
Maturity date: 22 June 2046
- . Memorandum of Understanding  
Cradle Coast Authority and Central Coast Council  
Joint Telstra procurement  
Agreement term: 1 July 2021 for an initial period of 12-months
- . Deed of Variation  
The Crown in Right of Tasmania (Department of State Growth) and  
Central Coast Council  
Vulnerable Road User Program 2020-2021  
Installation of central refuge island on South Road, Penguin  
Grant amount: \$70,000.00 (excluding GST)  
Variation - replacement of Information Table
- . Advertising Agreement  
Central Coast Council and Australian Community Media Tasmania  
advertising rates for The Advocate and The Examiner newspapers  
Commencement date: 12 July 2021 - 12 month period
- . Deed of Variation  
The Crown in Right of Tasmania (Department of State Growth) and  
Central Coast Council  
Penguin Foreshore Remediation and Upgrade Project  
Variation to terms of the Agreement - Completion date: 28 February 2022  
Variation - replacement of Information Table

- 
- . Deed of Variation  
The Crown in Right of Tasmania (Department of State Growth) and  
Central Coast Council  
Safer Rural Roads Program 2020–2021  
Works relating to Nine Mile Road, inc. the formalisation of the intersection  
Variation to completion date and reporting requirements to 31 October 2021  
Grant amount: \$75,000.00 (excluding GST)  
Variation – replacement of Information Table

*Other*

- . Schedule of Easements  
145 and 105 Ironcliffe Road, Penguin  
Folio 17444/1 and 17444/2

  
Sandra Ayton  
GENERAL MANAGER

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

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2020233 – 1	236 Westella Drive TURNERS BEACH,TAS,7315	Minor amendment of a Permit.	Residential – dwelling	25/05/2021	23/06/2021	14	\$0.00
DA2020269	57 Forth Road TURNERS BEACH,TAS,7315	Discretionary	Residential – outbuilding – shed	14/09/2020	1/06/2021	24	\$18,000.00
DA2020271 – 1	78 Braddons Lookout Road LEITH,TAS,7315	Minor amendment of a Permit.	Residential – dwelling	11/05/2021	4/06/2021	17	\$250,000.00
DA2021061	Hearps Road (CT113873/1) & 104 South Road WEST ULVERSTONE,TAS,7315	Discretionary	Residential – staged subdivision comprising 89 lots and roads	3/03/2021	29/06/2021	16	\$2,500,000.00
DA2021066	133A South Road WEST ULVERSTONE,TAS,7315	Discretionary	Residential – subdivision to create two lots	4/03/2021	16/06/2021	41	\$50,000.00
DA2021089	36 Jermyn Street ULVERSTONE,TAS,7315	Discretionary	Residential – three multiple dwellings – variation to front boundary setback, building envelope, site coverage and private open space for all dwellings	29/03/2021	22/06/2021	36	\$650,000.00
DA2021092	450 Spellmans Road UPPER CASTRA,TAS,7315	Discretionary	Rural Resource – non-required dwelling – discretionary use in a Rural Resource zone, variation to location and configuration of development and location of development for sensitive use	1/04/2021	4/06/2021	32	\$385,000.00
DA2021093	10 Dial Road PENGUIN,TAS,7316	Permitted	Residential dwelling	1/04/2021	29/06/2021	6	\$360,000.00
DA2021102	U 11/11 New Street ULVERSTONE,TAS,7315	Discretionary	Residential – awning	19/04/2021	11/06/2021	36	\$7,527.00
DA2021106	9–11 Fieldings Way ULVERSTONE,TAS,7315	Discretionary	Bulky goods sales and Storage – discretionary use	21/04/2021	11/06/2021	30	\$10,000.00
DA2021110	330 Preservation Drive and 340 Preservation Drive SULPHUR CREEK,TAS,7316	Discretionary	Residential – subdivision to create 13 lots and a balance lot	26/04/2021	22/06/2021	32	\$520,000.00

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

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2021122	11 Debbie Court ULVERSTONE, TAS, 7315	Discretionary	Residential – dwelling	5/05/2021	16/06/2021	27	\$250,000.00
DA2021123	61 Reynolds Road HEYBRIDGE, TAS, 7316	Discretionary	Residential – shed	7/05/2021	7/06/2021	24	\$45,840.00
DA2021124	13 Southwood Avenue PENGUIN, TAS, 7316	Discretionary	Residential – dwelling and retaining walls	7/05/2021	17/06/2021	31	\$329,477.00
DA2021131	15 Southwood Avenue PENGUIN, TAS, 7316	Discretionary	Residential – dwelling	13/05/2021	23/06/2021	30	\$350,000.00
DA2021133	53 George Street FORTH, TAS, 7310	Discretionary	Residential – shed extension	14/05/2021	22/06/2021	29	\$20,000.00
DA2021135	46–52 Lovett Street ULVERSTONE, TAS, 7315	Permitted	Emergency Services – Fire Station extension	17/05/2021	4/06/2021	7	\$70,000.00
DA2021143	8 Ozanne Drive GAWLER, TAS, 7315	Discretionary	Storage shed and increase to existing building envelope	26/05/2021	29/06/2021	27	\$80,000.00
DA2021147	18 Ling Street PENGUIN, TAS, 7316	Permitted	Educational and occasional care – multi-purpose hall, storeroom and 10 car parking spaces	1/06/2021	22/06/2021	0	\$500,000.00
DA2021149	690 Forth Road FORTH, TAS, 7310	Permitted	Residential – dwelling alteration	1/06/2021	17/06/2021	10	\$40,000.00
DA2021173	5 Manley Street TURNERS BEACH, TAS, 7315	Permitted	Residential – dwelling extension	22/06/2021	25/06/2021	1	\$4,500.00
SUB2009.3 – 1	126A Trevor Street ULVERSTONE, TAS, 7315	Minor amendment of a Permit.	Residential – subdivision 74 lots.	23/12/2020	17/06/2021	38	\$1,000.00
DA2021115	White Hills Road (PID 7453694) PENGUIN, TAS, 7316	Discretionary	Utilities – telecommunications facility – addition of one omni antenna	28/04/2021	4/06/2021	25	\$55,000.00
DA2021118	85 Main Road PENGUIN, TAS, 7316	Discretionary	Food services – deck and access ramp	30/04/2021	1/06/2021	22	\$19,800.00
DA2021120	61 Sice Avenue HEYBRIDGE, TAS, 7316	Discretionary	Residential – retrospective application for a deck	3/05/2021	11/06/2021	36	\$4,000.00

## **SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION**

Period: 1 June 2021 to 30 June 2021

### **Building Permits – 2**

·	New dwellings	1	\$300,000
·	Outbuildings	0	\$0
·	Additions/Alterations	1	\$30,000
·	Other	0	\$0
·	Units	0	\$0

### **Demolition Permit – 0**

### **Permit of Substantial Compliance – Building – 0**

### **Notifiable Work – Building – 24**

·	New dwellings	8	\$2,804,170
·	Outbuildings	8	\$407,500
·	Additions/Alterations	4	\$344,400
·	Other	4	\$49,900

### **Building Low Risk Work – 4**

### **Certificate of Likely Compliance – Plumbing – 12**

### **No Permit Required – Plumbing – 2**

### **Food Business registrations (renewals) – 3**

## **SCHEDULE OF COMMUNITY SERVICES DETERMINATIONS MADE UNDER DELEGATION**

Period: 1 June 2021 to 30 June 2021

### **Abatement notices issued**

**ADDRESS**

**PROPERTY ID**

Nil

### **Kennel Licence issued**

**ADDRESS**

**OWNER**

Nil

### **Permits issued under Animal By-Law 1 – 2018**

**ADDRESS**

**PERMIT ISSUED FOR**

Nil

## SCHEDULE OF OTHER STATUTORY RESPONSIBILITIES OF COMMUNITY SERVICES

Period: 1 June to 30 June 2021

### Infringement notices issued for Dog Offenses

	1-30 June 2021
Claimed	9
Burnie Dogs Home	1
Destroyed	0
Heldover	0
Devonport Dogs Home	0
RSPCA Spreyton	0

### Infringements for dogs and impoundments etc.

1 - 30 June 2021	0
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### Infringements under Animal By-Law

1 - 30 June 2021	0
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### Traffic Infringement Notices for Parking Offences

1 - 30 June 2021	88	
Bannons Car Park	5	6%
King Edward Street	11	13%
Coles/Furners Carpark	20	23%
North Reibey Street Carpark	19	22%
Reibey Street	21	24%
Victoria Street	5	6%
Alexandra Road	1	1%
Main Road, Penguin	6	7%



Paul Breaden  
DIRECTOR INFRASTRUCTURE SERVICES



# Central Coast Council

## Mobile Food Vendors Policy

JULY 2021



CENTRAL COAST COUNCIL

PO Box 220 / DX 70506  
19 King Edward Street  
Ulverstone Tasmania 7315  
Tel 03 6429 8900  
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## PURPOSE

This policy has been developed by the Central Coast Council to guide the Council's consideration of applications by Mobile Food Vendors for permits under Section 56C of the *Vehicle and Traffic Act 1999* within the Central Coast municipal area

## STANDARDS

This policy was developed with reference to the *Vehicle and Traffic Act 1999*.

Section 56C of the Act requires a person to obtain a permit from Council to sell goods from a stall, stand or vehicle on a public street.

In determining whether or not to grant a permit Council:

- . Must consult Tasmania Police;
- . Must consider traffic conditions and public safety;
- . May consider other relevant matters.

## REFERENCES AND DEFINITIONS

*Public Street* includes any:

- . Any street, road, lane, thoroughfare, footpath or bridge;
- . Any place open to or used by the public or to which the public are allowed access.

*Mobile Food Vendor* includes any:

- . Registered vehicle, caravan or trailer or any other method from which food is sold;
- . Non-registered vehicles such as, but not limited to coffee carts, hot dog carts or similar vehicles.

*Fixed Food Business* includes any:

- . Business registered under the *Food Act 2003* trading in a building.

## REVIEW

This policy will be reviewed after two years unless organisational changes require more frequent modifications.

## ELIGIBILITY

To be eligible for a Permit, operators need to meet the basic standards required for the operation of such a business including:

- . Australian Business Number;
- . Current Vehicle Registration;

- . Public Liability Insurance(not less than \$10m in respect of any single occurrence; and
- . Registration under the Food Act 2003.

## EXEMPTIONS

This policy does not apply to applications by food vendors to operate from a public road as part of a Council supported or endorsed event on a public street.

Mobile Food Vendors operating from a particular location on a public street for less than 15 minutes are not required to hold a permit but must comply with the safety aspects of this policy.

This Policy does not apply to Mobile Food Vendors that are involved in events such as Markets or other major events where the responsibility for managing permissions is that of the event organiser.

## LOCATIONS

Sites are assessed on the following criteria:

- . Proximity to surrounding businesses;
- . No obstruction to roads, footpaths, traffic signals and road signage;
- . Minimum clearance of 25 metres from a school crossing or other similar traffic control facility;
- . Disruption to surrounding residential areas; and
- . Availability of parking.

## TRADER RESPONSIBILITIES

It is the responsibility of the trader to ensure that:

- . The Mobile Food Vendor does not cause any obstruction to footpaths, roads and sightlines;
- . Residential amenity is not unreasonably compromised by the Mobile Food Vendor including patron behaviour, noise, odour, lighting and disposal of litter;
- . Provision is made for the disposal of all litter associated with the Mobile Food Vendor;
- . Trade waste must not be placed in public litter bins; and
- . The preparation, handling and serving of food and drinks to patrons must be conducted in accordance with the requirements under the *Food Act 2003*.

## TRADER RESTRICTIONS

To ensure a Mobile Food Vendor does not compromise the operation of existing food businesses or future businesses and protects the wellbeing of the Community, a Trader:

- . Must only operate at the designated site at the permitted times.
- . Must be located a minimum distance of 50m from a fixed food business that is open and selling food.

## COUNCIL RESPONSIBILITIES

Section 56C of the *Vehicle and Traffic Act 1999* stipulates that food vendors cannot operate from a public road without a permit from the General Manager of the relevant council. This permit can be issued for a maximum of twelve months.

In assessing whether to grant a permit, the Act requires the General Manager to take into account traffic safety, public convenience and any other relevant issues.

Approval to sell from any particular location does not grant an exclusive right.

## MOBILE FOOD VENDOR PERMIT PROCESS

The Council will assess each application on its merits. Approval of Mobile Food Vendors will be made on set criteria including:

- . Traffic conditions and safety;
- . Pedestrian safety;
- . Registration under the Food Act 2003 if required;
- . Proximity to fixed food businesses; and
- . Other required licences or registrations.

When applying for a Mobile Food Vendor permit, the following information is required:

- . Details of the size of the vehicle; a detailed plan at scale of 1:100 of the vehicle must be submitted showing exterior and interior dimensions;
- . Copy of all required registrations and licences;
- . Details of preferred location/s, days and hours of operation;
- . Details of any associated street furniture, lighting, banners, bunting; and
- . Permit application form.

Failure to submit all the above details may result in the trader not being considered for a permit.

Permits are issued on an annual basis.

The permit fee is set by the Council as part of the annual budget process.

  
SANDRA AYTON  
GENERAL MANAGER

Date of approval: 19/ July / 2021

Approved by:

Minute Ref No. 211/2021.....